

## TITLE VII: TRAFFIC CODE

### CHAPTER 70: GENERAL PROVISIONS

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#### ***§ 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 Fire Department or 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 consecutive intersections in which 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 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.

***FUNERAL PROCESSION.*** Two (2) or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.

(KRS 189.378(1))

***INTERSECTION.*** That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle whether or not one 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 Chief of Police.

**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 Chief of Police and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

**POLICE OFFICERS.** Officers of the Boone County Sheriff or other persons or agencies 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.** Includes all agencies for the transportation of persons or property over or upon the public highways of the Commonwealth and all vehicles passing over or upon the highways. **MOTOR VEHICLE.** Includes all vehicles, as defined above except, road rollers; road graders; farm tractors; vehicles on which power shovels are mounted; construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways; vehicles that travel exclusively upon rails; vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and vehicles propelled by muscular power.

(KRS 189.010(19))

#### **§ 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 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 OFFICERS.**

It shall be the duty of the Officers of the Boone County Sheriff 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 Boone County Sheriff, 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 Chief of Police or other 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 weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk/Finance 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 or 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 yellow 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 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 yellow 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 yellow 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, injury, 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.

#### **§ 70.99 PENALTY.**

Whoever violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a violation and shall be fined not less than twenty dollars (\$20) nor more than two hundred fifty dollars (\$250).

(Ord. 1982-15, passed 6-12-82; Am. Ord. 1983-15, passed 9-19-83; Am. Ord. 1989-10, passed 6-19-89; Am. Ord. 1993-11, passed 6-14-93; Am. Ord. 1995-7, passed 6-22-95)

### **CHAPTER 71: TRAFFIC RULES**

#### Section

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71.02 Reverse or U turns

71.03 Backing vehicles

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## **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 such distinctive manner as to indicate such 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.**

No vehicle shall be turned so as to proceed in the opposite direction within an intersection or upon any street in a business district or where authorized signs are erected to prohibit the movement or at any other location unless the movement can be made with reasonable safety to other users or the street and without interfering with the safe operation of any traffic that may be affected by such movement.

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 a 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 Boone County Sheriff or other 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

#### **§ 71.05 SPEED LIMITS.**

The speed limit on all city-owned streets within this city shall be 20 miles per hour.

(Ord. 1978-6, passed 2-14-78) Penalty, see § 71.99

#### **Statutory reference:**

*Speed limits in municipalities, see KRS 189.390(5)(a)*

#### **§ 71.06 GROSS WEIGHT OF COMMERCIAL VEHICLES.**

(A) No person shall operate on any street or public way in the city, any of the following trucks, trailers, mobile homes, or vehicles.

(1) Any truck, truck tractor, or truck and trailer unit which exceeds 36,000 pounds gross weight, including the load; or

(2) Any truck, truck tractor, or tractor-trailer unit which exceeds a gross weight equal to the sum of 600 pounds per inch of the combined width of the tires upon which such vehicle may be propelled, but in no event more than 36,000 pounds.

(B) Notwithstanding the provisions of this section, any truck hauling building materials to a road construction project on a street or public way in the city rated less than the maximum weight provided above, may haul up to 80,000 pounds gross weight, including the load, without a permit.

(KRS 189.221)

(C) The city, as authorized by KRS 189.280(3), may, by ordinance, increase the weight regulations set forth in this section, but such an increase shall be subject to the limits set forth in KRS 189.222(1).

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 INJURY TO STREET BY VEHICLES.**

It shall be unlawful to operate any vehicle so constructed or so loaded as to do injury to the surface of the street.

Penalty, see § 71.99

### **§ 71.26 FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.**

(A) It shall be unlawful for the operator of any vehicle not on official duty to follow an authorized emergency vehicle, traveling in response to a fire alarm or other emergency, closer than 500 feet, or to park any vehicle within a block in any direction of the location where these vehicles are responding to a fire alarm.

(B) It shall be unlawful for the operator of any vehicle to drive over any unprotected hose of the Fire Department when laid down on any street or private driveway, to be used at any fire, or alarm of fire, or for any other purpose, without the consent of the Fire Department official in command or on duty at such point.

Penalty, see § 71.99

### **§ 71.27 SMOKE EMISSION.**

It shall be unlawful to operate any vehicle in such manner as to cause it to emit unnecessary smoke, gas, or vapor.

Penalty, see § 71.99

## **FUNERAL PROCESSIONS**

### **§ 71.35 FUNERAL PROCESSIONS.**

(A) A vehicle in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is led by an escort vehicle displaying flashing yellow, red, or blue lights, except:

- (1) When the right-of-way is required by an emergency vehicle as defined by KRS 189.910;
- (2) When vehicles in the procession are directed otherwise by a police or safety officer; or
- (3) When the vehicle is a train or locomotive.

(B) Before assuming the right-of-way, a person who drives a vehicle in a funeral procession shall exercise due caution with regard to crossing traffic.

(C) A person who drives a vehicle that is not a part of a funeral procession shall not drive the vehicle between the vehicles of the funeral procession or otherwise interfere with the progress of the procession, except when:

- (1) The person is authorized to do so by a police or safety officer; or
- (2) The vehicle is an emergency vehicle as defined by KRS 189.910.

(D) A person who drives a vehicle that is not a part of a funeral procession shall not illuminate the vehicle headlights or engage in any other act for the purpose of securing the right-of-way granted to funeral processions.

(E) The escort vehicle, hearse or other vehicles in a procession may be equipped with flashing amber lights for the purpose of notifying the general public of the procession and gaining the right-of-way at intersections, or signaling the end of a procession.

(F) Persons authorized to use flashing lights as defined in KRS 189.920 may use them while accompanying a funeral procession to warn traffic that a procession is approaching or that it is in progress.

(G) When a funeral procession is in progress, a person driving a vehicle not in the procession shall not pass or overtake any vehicle in the procession unless:

- (1) The person is directed to do so by a police or safety officer;
- (2) The procession is on a street, road, or highway outside corporate limits of a city, town, or urban-county; or
- (3) The procession is on an interstate highway or a state parkway. (KRS 189.378)

Penalty, see § 71.99

## 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.

**CRUISING.** The repeated operation of two or more vehicles in a continuous or nearly continuous flow through a parking lot.

**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, or **CRUISING** as defined herein.

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

**PARKING LOT.** Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire as defined in KRS 189.700.

### § 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 an authorized city official.

(B) This subchapter shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing the conduct is under immediate direction and supervision of the proper school authorities;
- (3) 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 grade permit shall file an application with an authorized city official on forms provided by such officer.

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

Penalty, see § 71.99

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

An 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 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 fire fighting equipment enroute 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 enroute;
- (G) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit;
- (H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.

Penalty, see § 71.99

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

An authorized city official shall act on the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after filing thereof. If he disapproves the application, he shall mail to the applicant within three days,

Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial of the permits.

**§ 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 Council. The appeal shall be taken within 30 days after notice. The City Council shall act on the appeal within 30 days after its receipt.

**§ 71.46 ALTERNATIVE PERMIT.**

An 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 Mayor;
- (B) The City Attorney;
- (C) 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 PERMITS.**

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.

**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 section where no other penalty is specifically provided shall be guilty of a violation and shall be fined not more than two hundred fifty dollars (\$250.00).

(B) The penalty for § 71.05 shall be as provided in KRS 189.394.

(Ord. 1978-6, passed 2-14-78)

(C) Whoever violates the weight regulations set forth in § 71.06 shall be subject to the same fine as set forth in the fine schedule of KRS 189.990(2)(a).

(D) Any person who violates § 71.35 shall be guilty of a misdemeanor and shall be fined not more than two hundred fifty dollars (\$250) or imprisoned for not more than ninety (90) days, or both.

(KRS 189.378)

## **CHAPTER 72: PARKING REGULATIONS**

### Section

72.01 Limitations on stopping and parking

72.02 Parking in fire lanes prohibited

72.03 Handicapped parking

72.04 Parking limitation on trailers

72.05 Snow emergency

72.06 Towing and impoundment

### **Statutory reference:**

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

### **§ 72.01 LIMITATIONS ON STOPPING AND PARKING.**

(A) It shall be unlawful to stop or park any motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directives of a police officer or traffic control device, in the following places:

(1) On or over a sidewalk;

(2) In front of a public or private driveway or within five (5) feet thereof;

(3) Within twenty-five (25) feet of any intersection, or across any intersection;

(4) In a fire lane as determined by fire hydrant location or signage or within ten (10) feet of a fire hydrant;

(5) In any area designated by the City Council of the City of Walton, Kentucky, as a limited or no parking area, wherein the City Council has caused to be erected signs or curbs painted identifying such parking areas;

(6) In or around any cul-de-sacs.

(B) All motor vehicles must be parked in the direction of traffic flow for the lane in which parked.

(Ord. 2007-04, passed 4-9-07)

### **§ 72.02 PARKING IN FIRE LANES PROHIBITED.**

Parking in fire lanes is strictly prohibited at all times.

(Ord. 2007-04, passed 4-9-07; Am. Ord. 2013-13, passed 9-9-13)

### § 72.03 **HANDICAPPED PARKING.**

(A) As used herein, the words **HANDICAPPED PARKING SIGN** mean a sign bearing the international symbol of access adopted by Rehabilitation International in 1969.

(B) The Mayor shall cause handicapped parking signs to be erected and maintained at a location on a city street abutting the residence of an applicant therefor during the year after an initial or renewal application therefor but only while the applicant is a person who has been issued either an accessible parking registration plate pursuant to KRS 186.042, a disabled veteran license plate pursuant to KRS 186.041 or an accessible parking placard pursuant to KRS 189.456.

(C) The installation, location and maintenance of a handicapped parking sign shall not relieve or exempt any person from complying with all other statutes and ordinances regulating motor vehicle parking at the location thereof, except for ordinances restricting the times when motor vehicles may be parked, from which motor vehicles in handicapped parking places are hereby excluded.

(Ord. 2007-04, passed 4-9-07)

### § 72.04 **PARKING LIMITATION ON TRAILERS.**

(A) No person shall park or leave standing upon any city street or road any trailer, including, but not limited to, boat trailers, horse trailers, and cargo trailers.

(B) Parking is prohibited upon city parking lots unless the person parking or leaving the vehicle stand is a visitor, patron, employee, or other person with business before the city.

(C) No trailers, wagons, or other non-motorized vehicle shall be parked or left standing by any person upon a city property.

(D) No person shall leave any vehicle which is inoperative on any city property for a period greater than 24 hours.

(E) No person shall park or leave standing overnight any tractor-trailer, camper, truck-camper, motor home, recreational vehicle, or trailer of any type on any city property.

(Ord. 2007-04, passed 4-9-07)

### § 72.05 **SNOW EMERGENCY.**

(A) Pursuant to the provisions of KRS 39.409, the Mayor or his or her designee may declare a state of emergency when conditions caused by a natural or manmade occurrence warrant such actions.

(B) A snow emergency may be declared after consultation among the Boone County Sheriff, Boone County Public Works, Boone County Emergency Management and the Mayor's Office. The Boone County Public Information Officer shall advise all media outlets and other governmental jurisdictions and school district authorities in Boone County, of any snow emergencies.

(C) 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 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 employers 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 employers concerning work schedules. Essential travel only is advised.

(D) During snow emergencies, where snowfall is 2" or greater, motor vehicles shall not be parked or abandoned on streets or roadways, so as to impede the removal of snow or ice.

(E) During snow emergencies, the Boone County Public Works Department may, at its discretion or as ordered by the office of the Mayor, assist in the clearing of 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. 2007-04, passed 4-9-07; Am. Ord. 2013-13, passed 9-9-13)

## § 72.06 TOWING AND IMPOUNDMENT.

The County Sheriff's Office or other law enforcement agency is hereby authorized to have any vehicle found in violation of any section of this chapter towed to a garage, storage or impound lot. Any person thereafter claiming the vehicle shall be required to obtain a release from the appropriate law enforcement agency before the vehicle shall be released. Before issuing such release, the law enforcement agency shall be presented with satisfactory evidence that the person requesting the vehicle is entitled to possession thereof.

(Ord. 2007-04, passed 4-9-07)

## CHAPTER 73: BICYCLES AND MOTORCYCLES

### Section

73.01 Operation of bicycles

73.02 Operation of motorcycles and motorscooters

73.03 Skating and coasting

73.04 Clinging to vehicles

73.99 Penalty

### **Cross-reference:**

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

### § 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

(D) Persons making a left turn are required to extend the left arm out horizontally. Right turns shall be indicated by extending the left arm out horizontally and turned upward at the elbow. A stop or slowing of a bicycle shall be indicated by extending either arm out horizontally and turned down at the elbow.

### § 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

### § 73.03 SKATING AND COASTING.

Except on streets which may be declared from time to time as "play streets" by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.

Penalty, see § 73.99

### § 73.04 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, coaster sled, roller skates, or any toy vehicles 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 or any vehicle.

Penalty, see § 73.99

**§ 73.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00).

**CHAPTER 74: TRAFFIC SCHEDULES**

Schedule

- I. Stop intersections
- II. [Reserved]
- III. [Reserved]

**SCHEDULE I: STOP INTERSECTIONS.**

(A) Stop signs shall be located at the following intersections:

<b><i>Intersection</i></b>	<b><i>Ordinance</i></b>	<b><i>Passage Date</i></b>
Aosta Valley Drive and Molise Circle, north east side	2013-09	6-10-13
Aosta Valley Drive and Veneto Drive, south west side	2013-09	6-10-13
Bedinger Avenue and Plum Street	2002-18	12-9-02
Bedinger Avenue and Delores Court	2011-11	9-21-11
Bedinger Avenue and Franklin Avenue	2011-14	12-12-11
Church Street and Showalter Trace	2005-08	8-8-05
Edwards Avenue and Mulberry Street	2013-17	11-11-13
Hance Avenue and Catalina Drive	2001-08	9-10-01
High Street and Mary Grubbs Highway Extension	2009-08	9-14-09
High Street and Showalter Trace	2001-08	9-10-01
Mashburn Drive and Walker Court	2013-10	8-5-13
Old Beaver Road and Old Stephenson Mill Road	2002-18	12-9-02
Old Stephenson Mill Road, Willowood Drive, and Bearcat Drive	2005-08	8-8-05
Plum Street and Catalina Drive	2001-08	9-10-01
Scott Street and High Street	Res. 1982-27	9-7-82
Showalter Trace and Rebecca Court	2011-11; 2011-14	9-21-11; 12-12-11

(B) Penalty. Whoever violates the provisions of this schedule shall, upon conviction, be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) in accordance with KRS 189.990(1).

**Statutory reference:**

*Stop and yield sign erection, see KRS 189.330(3)*

**CHAPTER 75: PARKING SCHEDULES**

Schedule

- I. Parking prohibited
- II. [Reserved]

**SCHEDULE I: PARKING PROHIBITED.**

Parking shall be prohibited on the following streets:

<b>Street</b>	<b>Location</b>
Aosta Valley Drive	
Bedinger Avenue	South side
Catalina Avenue	North side
Chandler Drive	
Chestnut Drive	
Church Street	From its intersection with U.S. 25 to the city limits
Edwards Avenue	
Haley Lane	From its intersection with U.S. 25 to its intersection with Rachel Ann Drive
Hance Avenue/ Catalina Avenue	Commencing with their intersection with Old Beaver Road through the intersection with Plum Street
High Street	From its intersection with U.S. 25 to the city limits
Huey Drive	
John Street	The narrow section
Johnson Drive	
Kuchle Drive	
Main Street	West side, extending ten (10) feet north of the northernmost "cut" of the Merchants Public Parking Place and extending twenty (20) feet south of the Merchants Public Parking Place
Mullen Drive	

Old Beaver Road	From U.S. 25 to Old Stephenson Mill Road. From Old Beaver Road and Old Stephenson Mill Road intersection to Interstate 75, parking is prohibited on the fire hydrant side of the street
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<b>Street</b>	<b>Location</b>
Old Nicholson Road	
Old Stephenson Mill Road	
Plum Street	
Precision Drive	
Sanders Drive	
Scott Street	From its intersection with High Street to its intersection with Church Street
Service Road	
Towne Center Drive	
Willowood Drive	

(Ord. 2007-04, passed 4-9-07)

## TITLE IX: GENERAL REGULATIONS

### CHAPTER 90: ANIMALS

#### Section

#### ***General Provisions***

- 90.01 Definitions
- 90.02 Humane treatment of animals
- 90.03 Animals to be under control
- 90.04 Vicious animals
- 90.05 Wild, exotic animals
- 90.06 Licensing
- 90.07 Rabies vaccination

#### ***Administration and Enforcement***

- 90.15 Powers of Boone County Animal Control
- 90.16 Adoption; mandatory spay, neuter



90.17 Humane Societies

### ***Pit Bull Terriers***

90.20 Definitions

90.21 Pit Bull Terriers Prohibited

### ***Commercial Animal Establishments***

90.30 Definition

90.31 Licensing provisions

90.32 Minimum standards

90.33 Inspections

90.34 License revocation

90.99 Penalty

## **GENERAL PROVISIONS**

### ***§ 90.01 DEFINITIONS.***

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

***ABANDON.*** Any animal left more than twenty-four (24) hours without a person checking on the condition of the animal and providing food and water. Any animal left on private property without the owner's consent or deserted or dumped on public property or roadways.

***ANIMAL.*** Any live vertebrate creature.

***ANIMAL CONTROL.*** The department of Boone County which is designated by the Fiscal Court to enforce the provisions of this chapter and to operate the Boone County Animal Shelter.

***ANIMAL CONTROL OFFICER.*** Any person designated by the Director of Boone County Animal Control who is qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky and Boone County. An animal control officer shall be a law enforcement officer for the purposes of this chapter only.

***ANIMAL SHELTER.*** Any premises operated or approved for operation by the Boone County Fiscal Court for the purpose of impounding and caring for animals held under the authority of this chapter.

***COMMERCIAL ANIMAL ESTABLISHMENT.*** Any pet shop, boarding or breeding kennel, grooming facility, auction, petting zoo, zoological park, circus, performing animal exhibit, or any person engaged in the business of breeding, buying, or selling at retail or wholesale, any species of animal for profit.

***DAY.*** For the purposes of this chapter, a twenty-four (24) hour period shall constitute a day.

***DIRECTOR OF BOONE COUNTY ANIMAL CONTROL.*** The person appointed by the Boone County Judge Executive and approved by the Boone County Fiscal Court to be the Chief Animal Control Officer.

***DOMESTIC ANIMAL.*** Such animals as are habituated to live in or about the habitations of human beings, and which are kept, cared for, sheltered, fed, or harbored for use as a pet or as a source of food, raw materials or income.

***EXOTIC ANIMAL.*** Any animal not indigenous to the United States and not ordinarily tame and which is by nature an animal that lives apart from human beings.

***HUMANE SOCIETY.*** Any person or organization operating from a fixed site and taking in or accepting stray or unwanted animals.

***IMPOUNDED.*** Having been received into the custody of Boone County Animal Control or any authorized representative thereof.

**LIVESTOCK.** Cattle, sheep, swine, goats, emus, ostriches, horses or any other animals of the bovine, ovine, porcine, caprine, ratite or equine species.

**OWNER.** Any person, corporation or other entity owning, keeping, harboring or sheltering one or more animals.

**PERSON.** Shall mean and include all natural persons, corporations, partnerships, firms, associations, governmental bodies, agencies, and other entities.

**PET.** Domesticated animal kept for pleasure rather than utility.

**PUBLIC NUISANCE.** Any animal which:

(1) Molests passers-by or passing vehicles;

(2) Attacks people or other animals;

(3) Damages public or private property;

(4) Is repeatedly at large;

(5) Makes noise in an excessive or continuous or untimely fashion;

(6) Repeatedly urinates or defecates on property not belonging to the animal's owner or creates unsanitary conditions;  
or

(7) Disturbs the peace, comfort or health of persons in any other manner.

**PROPER QUARANTINE.** Confinement to a secure enclosure which shall not permit the animal to come in contact with another animal or person, except the owner or caregiver, for a period of ten (10) days.

**QUALIFIED PERSON.** Any person granted a permit by the Kentucky Department of Human Resources to vaccinate their own animal against rabies.

**REASONABLE GROOMING.** To maintain an animal's coat to prevent conditions which inhibits normal walking or eliminating body waste or which is medically harmful to the animal.

**RESTRAINT.** Enclosed in an area by a form of fencing designed to control the movement of the animal or secured by a leash or chain. An animal shall be deemed to be restrained if it remains on the premises of its owner or if it is accompanied by a responsible person and is under that person's control.

**RUNNING AT LARGE.** Any animal that is off the property of the owner, custodian, possessor or harbinger and is not restrained. Except that a hound or other hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.

**STRAY.** Any animal running at large.

**VETERINARIAN.** One licensed and qualified to treat diseases and injuries of animals.

**VETERINARY HOSPITAL.** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**VICIOUS ANIMAL.**

(A) (1) Any animal which constitutes a physical threat to human beings or domestic animals due to a known propensity to endanger life by an unprovoked assault or bite which resulted in serious bodily harm; or

(2) Any animal which when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks or any public grounds or places; or

(3) Any animal with a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals; or

(4) Any animal which bites multiple times or to the extent of causing severe injury and assaults or otherwise attacks human beings or domestic animals; or

(5) Any animal owned or harbored primarily or in part for the purpose of fighting with animals.

(B) It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack.

(C) Exceptions. An animal shall not be deemed vicious solely because:

(1) It bites, attacks or menaces

(a) Any person assaulting its owner

(b) Any person or animal who has tormented or abused it; or

(2) It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person; or

(3) It is protecting or defending its young or the young of any other animal.

**WILD ANIMAL.** Any animal not domesticated, not ordinarily tame or which is by nature an animal that lives apart from human beings.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03)

### **§ 90.02 HUMANE TREATMENT OF ANIMALS.**

(A) It shall be unlawful for any person to inhumanely treat any animal, including, but not limited to the deprivation of necessities, beating, mutilating, torturing, killing, overloading, overworking, or otherwise abuse any animal. Nothing herein shall prevent Boone County Animal Control from humanely euthanizing any animal.

(B) It shall be unlawful for any person to exhibit, display or keep any animal without providing food, water, adequate shelter from the elements, adequate space, reasonable grooming, ventilation, shade from the sun, proper sanitation, care and medical attention.

(C) It shall be unlawful for any person to stage, cause, instigate, permit, observe, or attend any dog-fight, cock-fight, bull-fight, or other combat between animals or between animals and humans.

(D) It shall be unlawful for any person to set free any hare, rabbit or other animal for the purpose of violating any provision of this chapter.

(E) It shall be unlawful for any person to keep an animal within the passenger compartment of an automobile without adequate ventilation in the summer or adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control Officer or Law Enforcement Officer shall rescue any animal confined in such a manner.

(F) No performing animal exhibition, circus or horse show, shall be permitted, in which the animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering. All equipment used on animals in such shows shall fit properly and be in good working order.

(G) No person shall expose any poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by an animal, provided that it shall not be unlawful for a person to expose on his own property, common rat poison, mixed only with vegetable substances.

(H) Any person, who as the operator of a motor vehicle, strikes a domestic animal, shall immediately report the incident to Boone County Animal Control or any Law Enforcement Officer.

(I) No person shall give away any live animal as a prize or for inducement to enter any contest, game or other competition or as an inducement to enter into any business agreement, whereby the offer was for the purpose of attracting the trade, except that it shall not be unlawful to give away small fish, not to exceed four inches (4"), as a prize.

(J) It shall be unlawful for any person to color, stain, or dye or otherwise change the natural color of any live animal or to offer colored animals for sale in Boone County, except that the mane and tail of an equine may be changed pursuant to accepted practices in showing the equine.

(K) It shall be unlawful to sell baby chicks, ducks or rabbits under the age of two (2) months in quantities less than six (6).

(L) Any animal which is chained, tied or otherwise restrained shall be provided no less than ten (10') feet of chain, rope, etc., with a swivel attached to prevent entanglement. Any animal restrained in such a manner that the animal's chain, rope or the like, allows the animal to leave its owner or keeper's property, shall be deemed running at large.

(M) It shall be unlawful for any person to crop a dog's ears or tail, except a licensed veterinarian.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**Statutory reference:**

*Cruelty and mistreatment of animals, see KRS 525.125 and 525.130*

**§ 90.03 ANIMALS TO BE UNDER CONTROL.**

(A) It shall be unlawful for any person to permit any animal owned or harbored by him, to run at large. When livestock are running at large, Animal Control or the Law Enforcement Officer shall make reasonable efforts to notify the owner as soon as possible. If reasonably possible and feasible, the owner of the livestock shall be notified prior to the actual capture and impoundment of the livestock.

(B) It shall be unlawful to allow a female dog to be exposed during estrus (in season, in heat) so as to attract male dogs. Every female dog that is in season (heat, estrus) shall be confined in a building or secure enclosure in a manner that the female dog cannot come in contact with a male dog except for planned breeding.

(C) It shall be unlawful for any person to own or possess an animal that chases, snaps at, bites or attacks persons, vehicles, or gets into garbage cans or bags or damages property in any manner.

(D) It shall be unlawful to own or possess an animal that conducts itself in such a manner as to constitute a public nuisance.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**Statutory reference:**

*Confinement and control of dogs at night, see KRS 258.265*

*Confinement of female dogs in heat, see KRS 258.255*

**§ 90.04 VICIOUS ANIMALS.**

Any animal deemed by the Boone District Court to be a vicious animal shall in addition to being registered with Boone County Animal Control, meet the following requirements:

(A) All vicious animals shall be confined in an enclosure constructed of an uncovered fence or structure of at least seven feet (7') in height with anticlimbers or a covered structure of sufficient height to allow the dog to stand erect without touching the top or cover. All enclosures shall be designed to prevent the entry of small children and shall be suitable to confine the vicious animal. Such enclosures shall be securely closed and locked and shall be designed to prevent the animal from digging out or otherwise escaping from the enclosure.

(B) The enclosure shall display a sign warning of the vicious animal and shall be visible from the public roadway or public access if applicable.

(C) It shall be unlawful to allow any vicious animal outside of the dwelling of its owner or outside of the enclosure unless it is necessary to obtain veterinary care or under the direction of Boone County Animal Control. If the vicious animal must be allowed outside the permitted areas it shall be under the direct control and supervision of its owner or keeper and shall be muzzled and restrained with a lead or leash not to exceed three feet (3') in length or placed in a secure animal carrier.

(D) The owner or keeper of a vicious animal shall immediately notify Boone County Animal Control if the animal is loose, unconfined, has attacked an animal or human being, or is deceased.

(Ord. 1995-13, passed 10-9-95)

**§ 90.05 WILD, EXOTIC ANIMALS.**

(A) It shall be unlawful to sell, own, harbor or keep as a pet, any wild or exotic animal, not indigenous to the United States, except state and federal conservation officers, licensed nuisance wildlife officers, and licensed rehabilitators.

(B) It shall be unlawful to sell, own, harbor or keep as a pet, any wild animal native to the United States except state and federal conservation officers, licensed nuisance wildlife officers, and licensed rehabilitators.

(C) It shall be unlawful to sell, own, harbor or keep any venomous reptile.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03)

**§ 90.06 LICENSING.**

(A) The owners of all dogs or those who harbor or maintain dogs in Boone County shall license and register their dog with Boone County Animal Control, in accordance with this chapter and the Kentucky Revised Statutes. Licenses shall be issued by Boone County Animal Control at the Boone County Animal Shelter during regular operating hours. Upon payment the owner shall be issued a certificate of registration and the license tag. Dog license tags must be attached to a collar and worn by the dog at all times.

(B) Any Humane Society which operates a fixed site in Boone County and takes in stray or unwanted animals shall apply for a license with Boone County Animal Control. The site shall be inspected prior to annual license renewal.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**Statutory reference:**

*Dog Licensure, see KRS 258.135*

**§ 90.07 RABIES VACCINATION.**

(A) All dogs, cats and ferrets four (4) months of age and older, shall be vaccinated for rabies and re-vaccinated for rabies at the expiration of the immunization period as certified by a veterinarian.

(B) Any dog, cat, or ferret reclaimed or adopted from the Boone County Animal Shelter must have a valid rabies vaccination. The purchase or issuance of a rabies voucher through the Animal Shelter shall constitute temporary compliance with this section until the expiration date of said voucher.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**Statutory reference:**

*Rabies control, see KRS 258.005 - 258.090*

**ADMINISTRATION AND ENFORCEMENT**

**§ 90.15 POWERS OF BOONE COUNTY ANIMAL CONTROL.**

(A) The Director and all officers of Boone County Animal Control shall have the powers of a peace officer for the purpose of enforcing animal control laws and ordinances in the county, if they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky.

(B) All officers of Boone County Animal Control shall comply with KRS 61.300.

(C) Whenever it is necessary for Boone County Animal Control to make an inspection in order to perform any duty or enforce any provision in this chapter or any other applicable state statute they are hereby empowered to enter such property at a reasonable time and inspect the premises. Boone County Animal Control shall have the power only if the consent of the owner or occupant of the property is freely given, a search warrant is obtained or such exigent circumstances exist that a warrantless, non-consensual search is required.

(D) All animals of any age, running at large as defined in this chapter, and found in Boone County, may be picked up by Boone County Animal Control and impounded in the animal shelter. All animals of any age which have bitten or scratched a human being and which can not be properly quarantined or found not properly quarantined may be picked up by Boone County Animal Control and impounded in the animal shelter for any applicable quarantine period. A law enforcement officer or animal control officer may order any animal which has bitten or scratched a human being to be quarantined at the animal shelter if the officer has reason to believe such animal is vicious or may pose a threat to the safety of the community. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a reasonable fee for board, administration and medical attention during the impoundment.

(E) Any animal required to be licensed but found unlicensed or any animal, except cats, whose owner is unknown shall be impounded for a minimum period of five (5) days unless it is earlier claimed by its owner. If the animal is not claimed by its owner within five (5) days of impoundment, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Boone County Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for board, administration and medical attention for the animal during impoundment and obtain proper licensing for the animal, if applicable, from Boone County Animal Control. Animal control shall make reasonable efforts to locate and inform the owner of any animal that the animal has been impounded.

(F) Any cat impounded in the Boone County Animal shelter shall be held for a minimum of three (3) days or unless it is earlier claimed by its owner. If the animal is not claimed by its owner within three (3) days of impoundment, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for board, administration and medical attention for the animal during impoundment.

(G) When any licensed animal or animal whose owner is known, is impounded in the Boone County Animal Shelter, Animal Control shall notify the owner by certified mail, return receipt requested, within three (3) business days of impoundment. If the certified mail is returned undeliverable, the animal shall be held a minimum of fourteen (14) days from the date of impoundment, before the animal may be adopted or euthanized at the discretion of the Director of Animal Control.

(H) The registered owner shall reclaim the animal within ten (10) days of the receipt of notice of impoundment. Any licensed animal or animal whose owner is known which is not reclaimed by its owner within ten (10) days of receipt of the notice of impoundment may then be offered for adoption or may be euthanized at the discretion of the Director of Boone County Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay to Boone County Animal Control a reasonable fee for board, administration and medical attention during the impoundment.

(I) An Animal Control Officer may choose to issue a misdemeanor notice in lieu of a uniform citation. The misdemeanor notice will stipulate the violation observed, associated fee and compliance date. The misdemeanor notice shall allow up to but not exceed seven (7) days to correct the violation. Should the violation not be corrected within the allotted time, then the notice shall serve as a uniform citation and the violating party shall report to Boone District Court at the designated court date and time. If a violation is serious in nature, the Animal Control Officer may issue a uniform citation. All associated fees shall be paid to the Boone County Animal Shelter. Fifty percent (50%) of the violation fees collected shall be used to fund the Spay/Neuter Assistance Program.

(J) Any animal observed by a law enforcement officer or animal control officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

(K) In the event that any law enforcement officer or animal control officer witnesses a vicious animal, as defined, the animal may be impounded and the owner cited for violation of § 90.03(B) or § 90.05. If the owner is cited and the animal impounded, the animal shall remain in the custody of the animal shelter pending a decision by District Court, unless ownership is voluntarily relinquished to Animal Control.

(L) It shall be unlawful for any person or owner to interfere with, hinder, harass, or abuse any officer or individual authorized to enforce the provisions of this chapter.

(M) Any and all fees shall be set annually by the Director of Animal Control, including but not limited to , animal related licenses, adoption, boarding, administration, and violation fees.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03)

**Statutory reference:**

*Impounding, destruction of dogs; exemption of hunting dogs, see KRS 258.215*

**§ 90.16 ADOPTION; MANDATORY SPAY, NEUTER.**

(A) Prior to the adoption of any animal from the Boone County Animal Shelter an application must be completed by the person wishing to adopt the animal. The application is designed to determine the prospective owner's ability to care for the animal.

(B) Boone County Animal Control and the Boone County Animal Shelter are not obligated to sell or transfer possession of any animal in their custody.

(C) All dogs and cats adopted from the Boone County Animal Shelter or a licensed humane society must be surgically altered to prevent breeding. The surgical alteration must occur within thirty (30) days after obtaining the dog or cat. If the animal is a puppy or kitten it must be surgically altered within thirty (30) days after reaching five (5) months of age. For the purpose of this section, "obtained" does not include any animal reclaimed by its owner.

(D) Any and all fees for adoption shall be set annually by the Director of Boone County Animal Control.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**§ 90.17 HUMANE SOCIETIES.**

(A) All humane societies in Boone County shall be governed by the same standards as commercial animal establishments and shall be subject to any ordinance pertaining to commercial animal establishments.

(B) Humane societies shall maintain records on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning the animal in;
- (2) Date received;

- (3) Condition of the animal and any medical treatment;
- (4) Date of adoption, redemption or euthanization;
- (5) Name and address of new owner.
- (6) Verification of neutering.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

## **PIT BULL TERRIERS**

### **§ 90.20 DEFINITIONS.**

As used herein the following words have the meaning indicated:

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

**PIT BULL TERRIER.** Means any dog which either:

(1) Is registered with the American Kennel Club as either an American Staffordshire Terrier or a Staffordshire Bull Terrier; or

(2) Is registered with the United Kennel Club as an American Pit Bull Terrier; or

(3) Conforms to either of the attached standards of the American Kennel Club for the American Staffordshire Terrier or the Staffordshire Bull Terrier which were published, with an example photograph, in the 18<sup>th</sup> Edition of The Complete Dog Book in 1992; or

(4) Has predominant physical characteristics which are those of either the American Staffordshire Terrier or the Staffordshire Bull Terrier indicated in the attached standards of the American Kennel Club which were published, with an example photograph, in the 18<sup>th</sup> edition of The Complete Dog Book in 1992.

### **§ 90.21 PIT BULL TERRIERS PROHIBITED.**

(A) It is hereby determined that Pit Bull Terriers have inherently vicious and dangerous propensities; and are potentially hazardous and unreasonably dangerous to the health, safety and welfare of the citizens, residents and inhabitants of the City of Walton.

(B) The ownership, location, maintenance, keeping, harboring or use of Pit Bull Terriers in the City of Walton is hereby declared to be a public nuisance.

(C) No person shall cause, permit, promote, aid, assist, encourage or engage in the ownership, location, maintenance, keeping, harboring or use of Pit Bull Terriers in the City of Walton, unless such person is a veterinarian licensed by the Commonwealth of Kentucky, and engaged in the business thereof, at the address indicated in the occupational license issued therefore, by the City of Walton. A violation of this section shall constitute a misdemeanor.

(Ord. 2000-03, passed 2-14-00)

## **COMMERCIAL ANIMAL ESTABLISHMENTS**

### **§ 90.30 DEFINITION.**

In addition to the definitions provided in § 90.01, the following definition shall apply to the provisions of this chapter, unless the context clearly indicates or requires a different meaning.

**OWNER or OPERATOR.** Any person, group of persons, partnership, or any entity owning or operating a commercial animal establishment.

(Ord. 2003-09, passed 8-11-03)

### **§ 90.31 LICENSING PROVISIONS.**

(A) All commercial animal establishments shall obtain and maintain a valid commercial animal establishment license in order to operate a commercial animal establishment within the county.

(B) The commercial animal establishment licenses shall be issued by the Director of Animal Control.

(C) The commercial animal establishment license shall be valid for a period of one year, effective July 1 through June 30 of each year.

(D) The commercial animal establishment license shall be renewed annually.

(Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**Statutory reference:**

*Kennel licensure, see KRS 158.165*

**§ 90.32 MINIMUM STANDARDS.**

(A) All commercial animal establishments shall provide an adequate environment for each animal which is compatible with the general health and welfare of the animal.

(B) All commercial animal establishments shall provide adequate space for each animal. Each cage or enclosure shall be large enough for the animal to stand, sit, lie and turn around without touching the walls or ceiling of the cage or enclosure, or another animal.

(C) All commercial animal establishments shall provide adequate sanitation. Each cage or enclosure shall be maintained as follows:

(1) Cages or enclosures containing dogs or cats, of any age, shall be cleaned with hot water, disinfectant and detergent daily (including holidays), or more if conditions require additional cleaning or disinfecting to keep animals out of contact with feces or urine. Litter boxes shall be cleaned daily (including holidays) and the litter changed as needed.

(2) Cages or enclosures containing birds shall contain a perch and shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.

(3) Cages or enclosures containing small animals shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.

(D) All commercial animal establishments shall provide adequate nourishment and water for each animal as follows:

(1) Each animal shall be given fresh food and water daily, including holidays.

(2) Soft food shall be available to those animals unable to chew standard dry food.

(3) Potable water shall be available to each animal at all times.

(4) Food and water containers shall be washed and disinfected daily.

(E) All commercial animal establishments shall provide proper medical treatment from a veterinarian for sick or injured animals.

(F) All commercial animal establishments shall provide an adequate room (cage) temperature for the general health and welfare of the animal.

(G) All commercial animal establishments shall provide for general cleanliness of the establishment, and shall not permit an insect or rodent infestation.

(Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**§ 90.33 INSPECTIONS.**

The Director of Animal Control or any Animal Control Officer shall be permitted and empowered to make an inspection of any commercial animal establishment within the county, and shall further be permitted to take photographs of commercial animal establishment during the inspection. The inspection shall take place upon the verbal request of the Director of Animal Control or any Animal Control Officer, during regular business hours of the commercial animal establishment.

(Ord. 2003-09, passed 8-11-03) Penalty, see § 90.99

**§ 90.34 LICENSE REVOCATION.**

The Director of Animal Control may revoke any license issued under § 90.06(B) or § 90.31. Grounds for such revocation include, but are not limited to, conviction pursuant to any violation of this chapter or conviction pursuant to any related state



or federal law. Failure to adhere to the standards set forth in this chapter or failure to permit the Department of Animal Control to inspect any establishment, business, or person regulated by this chapter during regular business hours shall be grounds for revocation of any said license. License revocation notices shall be in writing, specify the number of days for animal removal, not to exceed seven (7) days, and shall state the grounds therefor. Any person who receives such license revocation notice issued pursuant to this section may appeal such notice to the Animal Shelter Advisory Board within ten (10) days following the receipt of such notice. Any such appeal shall be in writing, shall state the grounds therefor and shall be signed by the person bringing the appeal or his or her authorized representative. Failure to file a timely appeal to a license revocation notice shall result in license revocation. A hearing for an appeal shall be held within thirty (30) days of receipt of the notice of appeal before the Animal Shelter Advisory Board, which shall be the sole arbiter of the appeal.

(Ord. 2003-09, passed 8-11-03)

**§ 90.99 PENALTY.**

Any person violating any section of this chapter shall be deemed guilty of a Class A misdemeanor as defined by Kentucky Revised Statutes in accordance with the specific penalties set below. Each day that a violation occurs shall constitute a separate violation, unless the context clearly indicates otherwise.

(A) Any person failing to comply with the mandatory spay or neuter requirements of § 90.16 (C) shall:

(1) For the first offense either show the Court proof from a licensed veterinarian that the surgical procedure has been performed or be ordered by the Court to surrender the animal to Boone County Animal Control without a refund of adoption fees, and be fined a sum not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00).

(2) For the second offense immediately surrender the animal to Boone County Animal Control without a refund of adoption fees, and be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(B) Any person failing to comply with the licensing requirements of § 90.06, 90.17, or 90.31 or the vaccination requirements of § 90.07 shall on a first offense be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00); on a second offense shall be fined not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00); on a third offense shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00); and on the fourth or subsequent offense shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(C) Any person violating any provision of § 90.02 relating to the humane treatment of animals shall be fined a sum not to exceed five hundred dollars (\$500.00), or sentence up to twelve (12) months in the county jail, or both.

(D) (1) Any person violating § 90.03(A), (C) and (D) shall on the first offense be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00); on the second or subsequent offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).

(2) If as a result of a violation of § 90.03(A), any human being is attacked or bitten to the extent of puncturing the skin, for a first offense shall be guilty of a misdemeanor and the penalty shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or up to ninety (90) days in the county jail or both fine and imprisonment. Upon conviction of a second or subsequent violation of § 90.03(A) involving an attack or bite puncturing the skin the penalty shall be a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or up to one (1) year in the county jail or both fine and imprisonment. In addition the Boone District Court may consider deeming the animal to be a vicious animal.

(E) Any livestock owner who violates § 90.03(A) shall on the first offense be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and be required to reimburse the County for all reasonable expenses incurred in capturing, impounding or boarding the livestock. On a second offense, the owner shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00); on a third offense, the owner 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). In any instance, the owner shall reimburse the County for all reasonable expenses incurred in capturing, impounding, boarding, and providing necessary medical services to the livestock.

(F) Any person violating § 90.03(B),(C), or (D) shall on the first offense be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00); on the second offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and on the third or subsequent offense shall be guilty of a misdemeanor and shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00). In addition, if the violation involves an animal attack the Boone District Court may consider deeming the animal a vicious animal.

(G) Any person failing to comply with the provisions of § 90.04 relating to vicious animals shall for the first offense be

fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and if the Boone District Court determines that the animal is a danger to the community, the Court may order the animal immediately surrendered to Boone County Animal Control to be euthanized. On the second offense the animal shall be surrendered to Boone County Animal Control for immediate euthanasia and the person shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(H) Any person violating any of the provisions of § 90.05 shall on the first offense be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00); on the second offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00); and on the third or subsequent offense shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(I) Any humane society which fails to comply with the requirements of § 90.17 shall for the first offense be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00); on the second offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and on the third or subsequent offense shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) and the fourth offense shall result in permanent license revocation.

(J) Any person who violates §§ 90.20 or 90.21 shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to a fine in an amount which shall be no more than five hundred dollars (\$500.00), or imprisonment, according to law for a period of not more than sixty (60) days, or any combination of such fines and imprisonment; and each separate day of violation, or any part thereof, shall be a separate offense.

(Ord. 1995-13, passed 10-9-95; Am. Ord. 2000-03, passed 2-14-00; Am. Ord. 2003-09, passed 8-11-03)

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

### Section

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

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

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

- 91.15 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

#### ***Prohibited Acts***

**Cross-reference:**

*Street cleaning, see § 72.05*

**EXCAVATIONS AND CONSTRUCTION**

**§ 91.01 OPENING PERMIT REQUIRED.**

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

Penalty, see § 91.99

**§ 91.02 APPLICATION AND CASH DEPOSIT.**

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

**§ 91.03 RESTORATION OF PAVEMENT.**

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

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make such fill and restoration and the deposit referred to in § 91.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it. If the amount of such services performed by the city should exceed the amount of the deposit, the City Clerk-Treasurer 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 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 91.99

**§ 91.06 SIDEWALK CONSTRUCTION.**

It shall be the duty of the Street Superintendent, City Engineer, or other authorized person to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the legislative body for approval. When

the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall authorize the Mayor to contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The Mayor, if authorized by City Council, may make separate contracts for the different kinds of work with different parties.

## **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.***

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 in which state derived tax revenues are involved until the hearing as provided in this section 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 were under construction as of July 15, 1980 unless construction was suspended after that date 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 the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice, to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see § 91.99

**PROHIBITED ACTS**

**§ 91.40 ALLOWING HORSES ON SIDEWALKS.**

It shall be unlawful for any owner or possessor of a horse, pony, or other similar sized and shaped animal to cause or allow the same to be ridden, walked, or to be on or about any sidewalks or paths similarly used by people and citizens of the city anywhere within the city limits.

(Ord. 1974-37, passed 8-13-74) Penalty, see § 91.99

**§ 91.99 PENALTY.**

Whoever violates any provision of this chapter for which another penalty is not provided shall be, upon conviction, guilty of a violation and fined not more than two hundred fifty dollars (\$250.00).

**CHAPTER 92: NUISANCES; NOISE**

Section

**General Provisions**

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

**Discarded Items**

- 92.15 Definition
- 92.16 Discarded item on person's own property prohibited
- 92.17 Discarding of item on property of another
- 92.18 Authority to remove discarded items

## **Noise**

- 92.25 Making loud noise prohibited
- 92.26 Loud noises enumerated
- 92.27 Exemptions
- 92.28 Permit required for installing emergency siren
- 92.29 Conditions declared a public nuisance

## ***Unfit and Unsafe Structures***

- 92.40 Definitions
  - 92.41 Nuisance declared
  - 92.42 Notice and hearing
  - 92.43 Nuisance created by others
- 
- 92.99 Penalty

## **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.

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

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time. (KRS 381.770)

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

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

**NUISANCE.** Public nuisance.

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

**UNFIT FOR FURTHER USE.** In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.

(Ord. 2002-07, passed 7-8-02)

### **§ 92.02 COMMON LAW AND STATUTORY NUISANCES.**

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

(Ord. 2002-07, passed 7-8-02) Penalty, see § 92.99

### **§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.**

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon. The following conditions are declared to be public nuisances:

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

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

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

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

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

(F) Trees and shrubbery obstructing streets, sidewalks, and drainage. The growing and maintenance of trees and shrubbery in the vicinity of streets or sidewalks which causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

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

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

(Ord. 2002-07, passed 7-8-02) Penalty, see § 92.99

#### **§ 92.04 ABATEMENT PROCEDURE.**

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

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

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the maximum rate permitted under KRS 360.040 thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county and school board taxes and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(KRS 381.770) (Ord. 2002-07, passed 7-8-02)

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

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware.

(Ord. 2002-07, passed 7-8-02)

## DISCARDED ITEMS

### § 92.15 DEFINITION.

For the purpose of this subchapter, unless the context requires otherwise, **DISCARDED ITEMS** includes but is not limited to motor vehicles, boats, home appliances and furniture within 1,500 feet of a property line, in a dilapidated or apparently inoperable condition and left discarded on private property for more than three (3) consecutive days. This definition shall not apply to a discarded item or parts thereof which is enclosed within a building or where the discarded item or part thereof is not visible from an adjacent or abutting property owner, street, road, or public park, or otherwise is totally concealed with appropriate covering, or discarded item which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, junk yard or salvage yard, provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provision of law other than this ordinance.

(Ord. 1994-16, passed 11-14-94)

### § 92.16 DISCARDED ITEM ON PERSON'S OWN PROPERTY PROHIBITED.

(A) The Walton City Council finds that the practice of some property owners within the City of allowing discarded items to remain on their property, constitutes a detriment to the welfare and convenience of the residents of the City. Such discarded items detract from the appearance of the City and affect the economic development of the City. Therefore, it is the public policy of this City to prohibit the keeping of discarded items on private property within the incorporated limits of the City, and such discarded items are hereby declared to be public nuisances.

(B) Any law enforcement officer who knows, sees or otherwise has knowledge that a property owner has allowed a discarded item to remain on his property in violation of this subchapter shall issue a citation to such property owner ordering him to appear before the District Court.

(Ord. 1994-16, passed 11-14-94) Penalty see § 92.99

### § 92.17 DISCARDING ITEMS ON PROPERTY OF ANOTHER PROHIBITED.

No person shall place, leave, deposit or otherwise undertake to dispose of any discarded item upon any private property or upon any public property or right-of-way in the City of Walton. Any person whose property lies within the incorporated area of the City and on whose property a discarded item is disposed may file a complaint with the Boone County Sheriff.

### § 92.18 AUTHORITY TO REMOVE DISCARDED ITEMS.

(A) Authority of the City to remove discarded items from private property and assess the cost of said removal to the private property owner, including placing a lien on the real property.

(B) If, after a finding by the District Court that any person is in violation of this chapter under § 92.99, the City through its Mayor or his designee, shall issue an order to the property owner to remove the discarded items as described in this chapter, from the property or premises, the subject of the violation. Said order shall allow the property owner ten (10) days to remove any discarded items from the subject property. Said ten (10) day period shall commence with the date of mailing of said order by certified mail to the property owner. Removal of discarded items by the property owner will be at the property owner's expense. If after ten (10) days have expired from mailing the order by certified mail to the property owner and all discarded items have not been removed, then in that event, the City shall have the authority to enter upon private property of the property owner and remove any and all discarded items therefrom. The cost to the City of removing the discarded items from the private property shall be at the property owners' expense. Upon removal of the discarded items from said private property by the City, the City shall cause a billing to be forwarded to the property owner to reimburse the City for the cost of removal of the discarded items. The property owner shall have ten (10) days to pay said billing. Said ten (10) day payment period shall commence with the date of the billing. If the bill is not paid within said ten (10) day period, then, in that event, the City may at its option place a lien on said real property with the County Clerk, for the actual cost of removal of the discarded items from said property. Said lien shall be enforceable as a real property lien under Kentucky Law, including foreclosure for collection on said lien.

(Ord. 1994-16, passed 11-14-94)

## NOISE

### § 92.25 MAKING LOUD NOISE PROHIBITED.

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued 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. 1984-29, passed 12-3-84) Penalty, see § 92.99

#### **§ 92.26 LOUD NOISES ENUMERATED.**

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 exhaustive:

(A) 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 warning signal.

(B) The using or operating of any loudspeaker or sound amplifying device mounted upon any vehicle within the city for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless the permit for such sound amplification has been obtained from the Mayor or City Clerk/Finance.

(C) 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/Finance.

(D) 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.

(E) 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.

(F) The creating of any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, which unreasonably interferes with the workings of such institution, provided conspicuous signs are displayed on such streets indicating that same is a school or church street.

(G) The use of any mechanical devices operated by containing the engine's compression and used for purposes of assisting braking on any semi-tractor or other large truck, commonly known as "jake brakes," except in emergency circumstances. The City Council shall cause notices to be posted and/or erect signs indicating such prohibition.

(Ord. 1984-29, passed 12-3-84; Am. Ord. 2001-07, passed 8-13-01) Penalty, see § 92.99

#### **§ 92.27 EXEMPTIONS.**

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.

(Ord. 1984-29, passed 12-3-84)

#### **§ 92.28 PERMIT REQUIRED FOR INSTALLING EMERGENCY SIREN.**

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 Inspector. All emergency sirening devices, excepting ones mounted on a motor vehicle, shall be installed at a minimum height of 45 feet.

(Ord. 1984-29, passed 12-3-84) Penalty, see § 92.99

#### **§ 92.29 CONDITIONS DECLARED A PUBLIC NUISANCE.**

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 this 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. 1984-29, passed 12-3-84)

# UNFIT AND UNSAFE STRUCTURES

## § 92.40 DEFINITIONS.

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

**MANUFACTURED HOME AND MOBILE HOME.** These terms shall have the meaning as defined in KRS 227.550.

**NUISANCE.** Public nuisance.

**OWNER.** The owner or owners of real property, or of a mobile home located thereon.

**STRUCTURE.** Any relatively permanent enclosure originally covered by a roof, including, without limitation, enclosures without walls, such as pole barns.

(Ord. 2013-02, passed 3-11-13)

## § 92.41 NUISANCE DECLARED.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit any structure, manufactured home or mobile home upon the property to become unfit or unsafe for human habitation, occupancy or use, or to permit conditions to exist in the structure, manufactured home or mobile home which are dangerous or injurious to the health or safety of the occupants of the structure, manufactured home or mobile home, the occupants of neighboring structures, manufactured homes or mobile homes, or other citizens of the city. Any such unlawful condition is hereby declared to be a nuisance.

(Ord. 2013-02, passed 3-11-13)

## § 92.42 NOTICE AND HEARING.

(A) Whenever a nuisance condition as described herein is discovered, the Mayor or his or her designee shall mail written notice to the owner of the property notifying the owner of the existence of the nuisance. The notice shall be mailed to the last known address of the owner of the property as it appears on the current tax assessment roll. The notice shall provide the owner of the property not less than seven days to remedy the nuisance condition. Upon failure of the owner of the property to comply, the city may send its employees or agents upon the property to remedy the nuisance condition.

(B) Prior to the demolition of any unfit or unsafe structure, manufactured home or mobile home, the owner shall be afforded the right to a hearing. The owner shall have ten days from receipt of the notice in which to request a hearing. If the owner does not respond within ten days, the owner shall be deemed to have waived the right to a hearing and the city may proceed to remedy the nuisance condition, including demolition of the offending structure, mobile home or manufactured home.

(C) If the owner timely requests a hearing, the hearing shall be conducted not more than 30 days from the date the city receives the request for a hearing from the owner. The Mayor or his or her designee shall preside at the hearing. Any owner aggrieved by a decision rendered at the hearing may, within ten days of the hearing date, file an appeal to the District Court of the county in which the property is located.

(D) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance condition. The affidavit of the Mayor or his or her designee shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the maximum rate permitted under KRS 360.040 thereafter until paid. The lien shall have the priority set forth in KRS 381.770 and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges, and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(Ord. 2013-02, passed 3-11-13)

## § 92.43 NUISANCE CREATED BY OTHERS.

For the purposes of this subchapter it shall not be essential that the nuisance be created or contributed to by the owner, occupant or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner, occupant or control person is

responsible, or by persons for whose conduct the owner, occupant or control person is not responsible, but by the exercise of reasonable care ought to have become aware.

(Ord. 2013-02, passed 3-11-13)

**§ 92.99 PENALTY.**

(A) Any person who violates the provisions of § 92.16 of this chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation continues shall constitute a separate offense for which a fine may be imposed.

(Ord. 1994-16, passed 11-14-94)

(B) Any person who violates the provisions of § 92.17 of this chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation continues shall constitute a separate offense for which a fine may be imposed.

(Ord. 1991-22, passed 8-16-91)

(C) Any person who violates the provisions of § 92.26(G) shall be guilty of a misdemeanor and may, upon conviction thereof in a court of competent jurisdiction, be sentenced to a fine in an amount which shall be no more than two hundred and fifty dollars (\$250.00)

(Ord. 2001-07, passed 8-13-01)

**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 Bond or liability insurance requirement
- 93.04 Exempted sales and uses
- 93.05 Destruction of fireworks

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**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) or "display" fireworks as defined in division (D) and as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations.

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

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

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

(KRS 227.700)

(B) As used in KRS 227.700 through 227.750, **COMMON FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this chapter. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. **CONSUMER FIREWORKS** are further defined by the Consumer Product Safety Commission in CPSC, 16 CPSC, 16 C.F.R. Pts 1500 and 1507, are classified as division 1.4 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 a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

(b) Cylindrical fountain. Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

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

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

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

the device function.

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

(2) Aerial devices.

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

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

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

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

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

(f) Aerial shell kit, reloadable tube. A package kit containing a cardboard, high-density polyethylene (HDPE, or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed 1 3/4 inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in the kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fusing extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(3) Audible ground devices.

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

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

(KRS 227.702)

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

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

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

(3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These

items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

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

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

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

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

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

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

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.

(KRS 227.704)

(D) As used in KRS 227.700 through 227.750, **DISPLAY FIREWORKS** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. 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)(1) above are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in divisions (B)(2), (B)(3), and (D) are not legal for retail sale but are legal under permits granted pursuant to this chapter for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.

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

(KRS 227.708)

(F) Age requirement. No person or business shall give, offer for sale, or sell any consumer fireworks listed in KRS 227.702 to any person under 18 years of age.

(227.715)

### **§ 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 as follows:

(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 public displays. A "competent display operator" is also an employee possessor. A permit under division (A) shall be issued only to a competent display operator holding an ATF license.

(4) At least one competent display operator shall be on site during display set-up and firing. This complement display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local Fire Chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NEPA) 1123 Code for Fireworks Display (adopted edition).

(5) Permits shall be filed with the office of the State Fire Marshal at least 15 days in advance of the date of the display. After this privilege shall have been granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this subsection 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 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 and Firearms, and Explosives if the sale is to a person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.

(C) The sale 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 KRS 227.702 as permitted pursuant to KRS 227.715.

(KRS 227.710) Penalty, see § 93.99

### **§ 93.03 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 City Commission or other appropriate city official or the State Fire Marshal may require a larger amount if in their judgement 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

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

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

(KRS 227.730)

### **§ 93.05 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 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

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

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

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

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

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

(KRS 227.750)

## **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 Mayor or other proper administrative officer. The Mayor or other proper administrative officer before granting such permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.

Penalty, see § 93.99

### **§ 93.21 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



### § 93.22 OPEN BURNING.

It shall be unlawful for any person to burn trash, lumber, leaves, straw, or other combustible material within the city limits.

(Ord. 78-19, passed 11-7-78)

## SMOKE DETECTORS

### § 93.30 DEFINITIONS.

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

**DWELLING.** Any building which contains one or more dwelling units or any rooming unit, room, or area designated or used from sleeping purposes either as a primary use or use on casual occasions. **DWELLING** shall include a rooming house, motels, tourist homes, school dormitories, and apartment buildings and trailers.

**DWELLING UNIT.** Any group of rooms, located within a building and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking, or eating.

**OWNER.** Any person who, alone, jointly, or severally with others:

(1) Shall have all or part of the legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, guardian of the estate, or duly authorized agent of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this subchapter.

**ROOMING UNIT.** Any room which is designed or used for sleeping purposes. A rooming unit may including a room in a rooming house, a hotel, a motel, a tourist home, a school dormitory, or an apartment building which may or may not have some additional facilities for eating or cooking contained therein.

(Ord. 1985-9, passed 6-3-85)

### § 93.31 SMOKE DETECTORS REQUIRED.

(A) Subject to such exceptions and conditions for compliance as stated herein, six months after the effective date of this subchapter, smoke detectors shall be required in all dwelling privately owned or rented for occupancy. It shall be the responsibility of the owner of each new or existing occupied dwelling unit to install smoke detectors in each dwelling unit as hereinafter provided. The smoke detectors shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible (or visual for the deaf or hearing impaired) alarm.

(B) This subchapter shall apply to any (B) and all dwellings or dwelling units, new or existing, which do not fall under the jurisdiction of the currently adopted Kentucky Building Code.

(Ord. 1985-9, passed 6-3-85) Penalty, see § 93.99

### § 93.32 TYPE AND PLACEMENT OF SMOKE DETECTORS.

(A) In order to comply with this subchapter, only ionization or photoelectric type detectors approved by a nationally recognized testing laboratory shall be installed. As an alternative to self-contained smoke detectors, under certain limits conditions, an approved fire detection system or a combination thereof may be installed. Each and every alternative system must be individually approved in written form by the Chief of the Fire Department, or his designee.

(B) Smoke detectors in new residential dwellings shall be wired directly (hard-wired) to the building's power supply. In existing buildings, it is preferred that smoke detectors be wired directly to the power supply; however, said detectors may be powered by self-monitored battery or operated by an electrical plug-in outlet which is fitted with a plug restrainer device, provided that the outlet is not controlled by any switch other than the main power supply.

(C) Smoke detectors shall be placed in accordance with applicable N.F.P.A. Standards (See Supplemental Standards, § 93.34). Detectors may be ceiling or wall mounted, provided that if wall mounted they shall be within 12 inches, but not closer than six inches from the ceiling.

(D) At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the dwelling unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section. In a dwelling unit which contains a well-defined sleeping room separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area.

(E) In a rooming unit, the detector shall be centrally located on the ceiling.

(F) In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit, detectors shall be placed in centrally located common areas, so that smoke detectors will adequately service all sleeping areas.

(G) At least one smoke detector shall be installed in or near each stairway leading up to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the occupied area.

(Ord. 1985-9, passed 6-3-85) Penalty, see § 93.99

### **§ 93.33 PROVIDING, INSTALLING, AND MAINTAINING SMOKE DETECTORS.**

(A) The owner of a dwelling shall be responsible for supplying and installing in an operable condition the required detectors and for providing maintenance and testing in an owner occupied residence; or for providing the manufacturer's maintenance and testing instructions to a tenant in the case of rental property.

(B) The owner of a dwelling shall be responsible for maintenance and testing of detectors, in accordance with manufacturer's instructions, which are locate din common areas or detectors in rooming units where the tenant usually has short periods of occupancy (hotels, motels, rooming or tourist homes).

(C) The tenant shall be responsible for maintaining and testing the detector, in accordance with the manufacturer's instructions, which are within his exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner when a detector becomes inoperable, whereafter the owner has ten days in which to repair or replace in operable condition the detectors. In the battery operated type of detector, battery replacement shall be the responsibility of the tenant.

(D) At every change of tenancy, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in operable condition, and if not, the owner shall be responsible for placing them in operable condition.

(E) At every change of occupancy or every dwelling unit occasioned by or incidental to a sale, lease, or sub-lease of said unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor, or sub-lessor, as the case may be) to notify the new occupant that all smoke detectors as required by this section (or other applicable laws) are installed and in proper working condition. Failure to comply with this division (E) shall be punishable as set forth herein, provided however, that this division shall not be construed to violate or render void any contract, lease, or sub-lease subject hereto.

(F) No smoke detector or alternative system shall be directly connected (permanently wired) to the electrical system of a structure without the proper electrical certification.

(Ord. 1985-9, passed 6-3-85) Penalty, see § 93.99

### **§ 93.34 SUPPLEMENTAL STANDARDS.**

This subchapter is intended to be used with, and supplemented by, the applicable provisions of the National Fire Protection Standards 72-E and 74 (current edition) which are hereby incorporated herein; however, if there shall be any conflict between this subchapter and the supplemental standards, this subchapter and any rules and regulations adopted pursuant thereto shall prevail. All amendments to or changes in N.F.P.A. Nos. 72-E and 74 shall be adopted and made part thereof without further reference.

(Ord. 1985-9, passed 6-3-85)

### **§ 93.35 ENFORCEMENT.**

(A) The Bureau of Fire Prevention of the Fire Department shall be primarily responsible for the enforcement of this subchapter.

(B) The City Building Department shall assist the Bureau by making referrals to the Bureau as part of its regular inspection and enforcement of all city housing, building, and safety codes. No building permits for remodeling or repair of a dwelling unit shall be issued for any dwelling unit not properly equipped with said detectors. No certificate of occupancy shall be issued for any new dwelling or dwelling unit not properly equipped with said detectors. Detectors must be operable for the final inspection of the City Building Inspector or Fire Prevention Bureau Inspector. Instructions/ maintenance booklets must be provided to the owner by the manufacturer as per N.F.P.A. No. 74, and said documentation displayed to the Building Inspector during the final inspection.

(Ord. 1985-9, passed 6-3-85)

**§ 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 30 days, or both. (KRS 227.990 (4))

(B) The minimum penalty for noncompliance with §§ 93.30 through 93.35 is fifty dollars (\$50.00)

(1) The penalty for noncompliance with §§ 93.30 through 93.35 is automatically waived if the dwelling or dwelling unit is brought into compliance with those sections within 30 days of the original violation. If the property owner fails to notify the Fire Prevention Bureau within 30 days, then the Fire Prevention Bureau shall cause a written notice to be sent to the owner stating that the fifty dollars (\$50.00) penalty is applicable and failure to comply within ten days from the date of the written notice shall cause an additional penalty of ten dollars (\$10.00) per day until the owner has complied with §§ 93.30 through 93.35. The notice shall further provide that the penalty for noncompliance shall be automatically waived if the dwelling or dwelling unit is brought within compliance within ten days from the date of the written notice.

(2) Failure to comply with §§ 93.30 through 93.35 within the above-referred-to ten days after written notice shall result in the minimum penalty of fifty dollars (\$50.00) plus a penalty of ten dollars (\$10.00) per day until the owner has complied with §§ 93.30 through 93.35.

(Ord. 1985-9, passed 6-3-85)

(C) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and 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

94.99 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. Person owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Penalty, see § 94.99

### **§ 94.05 LITTER ON PRIVATE PROPERTY.**

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

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

Penalty, see § 94.99

### **§ 94.99 PENALTY.**

Whoever violates any of the provisions of this chapter for which a specific penalty is not provided, shall be guilty of a violation and shall be fined not more than two hundred fifty dollars (\$250.00). Each day the violation is committed or permitted to continue shall constitute a separate offense.

## **CHAPTER 95: DISASTER AND EMERGENCY OPERATIONS PLAN**

### Section

95.01 Adopted by reference as official plan

95.02 Director of Disaster Plan

### **§ 95.01 ADOPTED BY REFERENCE AS OFFICIAL PLAN.**

The City Disaster and Emergency Operations Plan which is adopted by reference and incorporated herein, is hereby approved and adopted as the official plan for the city, pursuant to KRS 39.415.

(Ord. 1985-2, passed 1-21-85)

### **§ 95.02 DIRECTOR OF DISASTER PLAN.**

The appropriate officials of the city are authorized and directed to enter into a joint agreement with the county to provide that the Director named for the County Disaster Plan serve as the Director of the City Disaster Plan.

(Ord. 1985-2, passed 1-21-85)

## **TITLE XI: BUSINESS REGULATIONS**

### **CHAPTER 110: [RESERVED]**

## CHAPTER 111: GARAGE AND YARD SALES

### Section

- 111.01 Permit required
- 111.02 Time and location; restrictions
- 111.03 Number of permits issued to residences during year
- 111.04 Displays of property
- 111.05 Temporary signs
- 111.06 General retail sales or commercial activities prohibited
  
- 111.99 Penalty

#### **§ 111.01 PERMIT REQUIRED.**

(A) No garage or yard sale may be conducted within the city without a permit having been first issued for that sale by the City Clerk.

(B) There shall be no cost for obtaining the permit.

(Ord. 1998-11, passed 10-19-98) Penalty, see § 111.99

#### **§ 111.02 TIME AND LOCATION; RESTRICTIONS.**

(A) The permit shall set forth and restrict the time and location of the garage sale.

(B) No sales or permits will be permitted or issued for a Sunday.

(C) One permit shall be limited to two (2) consecutive days, and no garage or yard sale may be conducted other than during daylight hours.

(Ord. 1998-11, passed 10-19-98)

#### **§ 111.03 NUMBER OF PERMITS ISSUED TO RESIDENCES DURING YEAR.**

No more than two permits may be issued to one (1) residence and/or household during any calendar year.

(Ord. 1998-11, passed 10-19-98)

#### **§ 111.04 DISPLAYS OF PROPERTY.**

Displays of property offered for sale in front yards, driveways, or elsewhere are prohibited unless covered by a permit.

(Ord. 1998-11, passed 10-19-98)

#### **§ 111.05 TEMPORARY SIGNS.**

One (1) temporary sign shall be permitted to be displayed on the property of the residence where a garage sale is being conducted. The sign shall be displayed only during the times of the sale as delineated on the permit. Temporary directional signs may be erected by the permittee during the time set forth in the permit and shall be removed immediately upon the expiration of the time allowed for the sale as set forth in the permit.

(Ord. 1988-11, passed 10-19-98) Penalty, see § 111.99.

#### **§ 111.06 GENERAL RETAIL SALES OR COMMERCIAL ACTIVITIES PROHIBITED.**

The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under this chapter, prohibited. Garage sales or yard sales are permitted only insofar as they are conducted consistent with the limitations set forth herein.

(Ord. 1998-11, passed 10-19-98) Penalty, see § 111.99

**§ 111.99 PENALTY.**

(A) Any person or entity who violates this chapter shall, upon conviction thereof, be fined an amount not less than fifteen dollars (\$15.00) nor more than twenty-five dollars (\$25.00) per violation.

(B) Citations for violations may be paid prior to a Court hearing, and if prepaid within five business days of issuance, the fine may be prepaid at fifteen dollars (\$15.00) per occurrence and thereafter may be prepaid at twenty-five dollars (\$25.00) per occurrence. Prepaid fines shall be paid to the City Clerk at City Hall, 40 North Main Street, Walton, Kentucky.

(Ord. 1998-11, passed 10-19-98)

**Editor's note:**

*Ord. 1998-11 replaced Ord. 1985-14, which contained similar provisions.*

**CHAPTER 112: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS**

Section

- 112.02 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of licenses and badges
  
- 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.

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

**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 within the city.

**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.

A person who is a peddler is not an itinerant merchant.

**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.

**§ 112.02 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 legislative body.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

Penalty, see § 112.99

### **§ 112.03 APPLICATION PROCEDURE.**

(A) All applicants for licenses required by this chapter shall file a written, sworn application with the Clerk-Treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the Clerk-Treasurer. The application shall state:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period for periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods for services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) All applications for peddler or solicitor licenses shall state, in addition to statements required by division (A):

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) Two letters of recommendation from any person residing or doing business in the city certifying the applicant's good moral character and business responsibility; or, in lieu of such letters, other evidence which may be used by the Clerk-Treasurer to satisfy his duties under § 112.04;

(2) If required by the Clerk-Treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business;

(3) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

(E) Upon receipt of the application, the Clerk-Treasurer shall cause a set of applicant's fingerprints to be taken and attached to the application; he shall also cause a picture of the applicant to be taken and to be attached to the application.

Penalty, see § 112.99

#### **§ 112.04 STANDARDS FOR ISSUANCE.**

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

(B) 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:

- (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 will constitute valid reasons for disapproval of an application.

#### **§ 112.05 REVOCATION PROCEDURE.**

Any license or permit granted under this chapter may be revoked by the Clerk-Treasurer after notice and hearing, pursuant to the standards in § 112.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of 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 days prior to the date set for the hearing.

#### **§ 112.06 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; or
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (C) Any violation of this chapter; or
- (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.

#### **§ 112.07 APPEAL PROCEDURE.**

(A) Any person aggrieved by a decision under §§ 112.04 or 112.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such persons' last known address, a written statement setting forth the grounds for appeal. The legislative body 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 in § 112.05.

(B) The order of the legislative body after the hearing shall be final.

#### **§ 112.08 EXHIBITION OF LICENSES AND BADGES.**

(A) 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 used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk-Treasurer shall issue a badge to each peddler or solicitor licensed under this chapter. The badge shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the



license. The badge shall be worn conspicuously by the licensee during such time as he is engaged in the business licensed.

(C) Peddlers or solicitors shall exhibit their license at the request of any citizen.

Penalty, see § 112.99

### **§ 112.99 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). Each day's violation shall constitute a separate offense.

## **CHAPTER 113: INSURANCE COMPANIES**

### Section

113.01 Imposition of license fee

113.02 Amount of fee

113.03 Due date; interest

113.04 Written breakdown of collections

113.05 Clerk to transmit copy of ordinances to Commissioner of Insurance

### **§ 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.

(Ord. 1984-28, passed 10-25-84)

### **§ 113.02 AMOUNT OF FEE.**

(A) 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 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(B) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 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 policy holders; 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 and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2) or the premiums paid to any state employee benefit fund created pursuant to KRS Chapter 18A.

(Ord. 1984-28, passed 10-25-84)

### **§ 113.03 DUE DATE; INTEREST.**

All license fees imposed by this chapter shall be due no later than 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).

(Ord. 1984-28, passed 10-25-84)

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

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with 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; and

(F) Life.

(Ord. 1984-28, passed 10-25-84)

**§ 113.05 CLERK TO TRANSMIT COPY OF ORDINANCES TO COMMISSIONER OF INSURANCE.**

The City Clerk is hereby directed to transmit a copy of this chapter, and any amendment thereto, to the Commissioner of Insurance, Commonwealth of Kentucky.

(Ord. 1984-28, passed 10-25-84)

**CHAPTER 114: CABLE TELEVISION**

Section

114.01 Solicitation for subscribers limited to certain hours

114.02 Registration of employees required

114.03 Employees to carry identification

**§ 114.01 SOLICITATION FOR SUBSCRIBERS LIMITED TO CERTAIN HOURS.**

Solicitation for subscribers to cable television within the incorporated area of the city shall be limited to the period of 9:00 a.m. until 8:00 p.m. inclusive, Monday through Saturday.

(Ord. 1983-1, passed 1-17-83) Penalty, see § 10.99

**§ 114.02 REGISTRATION OF EMPLOYEES REQUIRED.**

All employees of Storer Communications who are soliciting subscribers to cable television within the city shall register with the police prior to commencement of their solicitation of said subscribers.

(Ord. 1983-1, passed 1-17-83) Penalty, see § 10.99

**§ 114.03 EMPLOYEES TO CARRY IDENTIFICATION.**

All employees of Storer Communications soliciting subscribers to cable television shall carry identification on their person identifying their name and so indicating their status as employees of Storer Communications.

(Ord. 1983-1, passed 1-17-83) Penalty, see § 10.99

**CHAPTER 115: [RESERVED]**

**CHAPTER 116: PAWNBROKERS**

Section

116.01 Definitions

116.02 Bonds

116.03 Register to be kept; daily reports

116.04 Receipt to be given for each article; sale of article

116.05 Maximum interest, resale price

116.06 Receipt to be given for payment of loan

116.07 Prohibited activities

116.08 Enforcement

116.99 Penalty

### **§ 116.01 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 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)

### **§ 116.02 BOND.**

Every person to whom a city license is granted to carry on the business of pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of one thousand dollars (\$1,000.00). This bond shall be conditioned that he 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)

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

(A) Every pawnbroker shall keep a register of all loans and purchase of all articles effected or made by him. 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 when in the discharge of his official duty.

(KRS 226.040)

(B) Every pawnbroker shall, by 11:00 a.m. each day, furnish to the Chief of Police a true and correct written report of all goods received by him, whether by pawn or purchase, during the 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 § 116.99

### **§ 116.04 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 § 116.03(A) to be kept in his register. He shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten 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 redeems the article within ten days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 116.99

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

Any pawnbroker as defined in § 116.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding 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 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 as required by § 116.03, 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 § 116.99

#### **§ 116.06 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 § 116.99

#### **§ 116.07 PROHIBITED ACTIVITIES.**

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever 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 § 116.99

#### **§ 116.08 ENFORCEMENT.**

The Boone County Sheriff shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100.

#### **§ 116.99 PENALTY.**

Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter shall be, upon conviction, guilty of a misdemeanor and 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))

### **CHAPTER 117: SIGNS AND OTHER ADVERTISEMENTS**

#### Section

117.01 Posting of signs or other advertisements on poles or trees prohibited

117.02 Removal by city

117.03 Political campaign sign size, regulation and removal

117.99 Penalty

#### **§ 117.01 POSTING OF SIGNS OR OTHER ADVERTISEMENTS ON POLES OR TREES PROHIBITED.**

(A) No person shall put, post, place, or cause to be put, posted, or placed any type of sign, placard, advertisement, or display on any utility pole or other type pole or on any tree which stands within the boundaries of any city right-of-way or easement.

(B) This chapter shall be applicable to all signs, placards, advertisements, and displays as above referred, except those which are lawfully put, posted, or placed on county rights-of-way or easements by the city Road Department employees, or by law enforcement agencies.

(Ord. 1986-22, passed 1-12-87) Penalty, see § 117.99 (A)

#### **§ 117.02 REMOVAL BY CITY.**

The Mayor or his designee or any law enforcement officer with jurisdiction in the city is authorized to remove any sign,

placard, advertisement, or display which is put, posted, or placed in violation of the terms of this chapter and may immediately dispose of said removed materials.

(Ord. 1986-22, passed 1-12-87)

**§ 117.03 POLITICAL CAMPAIGN SIGN SIZE, REGULATION AND REMOVAL.**

(A) Political campaign signs shall be no more than twelve square feet in size. For purposes of this subsection, "back-to-back" signs shall be considered a single sign.

(B) Political campaign signs shall not be placed on any public right-of-way and shall not be placed any closer than fifteen (15) feet from the edge of any roadway.

(C) Where the lot fronts the street, the sign must be at least five (5) feet from the sidewalk or one-half (1/2) the distance between the sidewalk and the residence, whichever is greater. If the primary building is less than fifteen (15) feet from the edge of the street, the sign must be one-half (1/2) the distance between the sidewalk and the residence.

(D) Front setback requirements as defined in subsection (C) shall apply to the rear of the lot.

(E) Signs must be placed at least ten (10) feet from the side lot line.

(F) No more than one (1) sign per candidate for each piece of property shall be permitted.

(G) No sign can be placed more than sixty (60) days prior to the election.

(H) All signs must be removed not later than seven (7) days after the election.

(Ord. 1991-2, passed 3-11-91) Penalty see § 117.99 (B)

**§ 117.99 PENALTY.**

(A) Any person who violates § 117.01 shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). Each sign which is placed by a violator contrary to the terms of this chapter shall be considered a separate offense. Citations may be paid prior to a court hearing and, if prepaid within five business days of issuance, the fine may be prepaid at ten dollars (\$10.00) per occurrence and thereafter may be prepaid at twenty-five dollars (\$25.00) per occurrence. Prepaid fines shall be paid to the City Clerk at City Hall, Church and Main Streets, Walton, Kentucky, 41094.

(Ord. 1986-22, passed 1-12-87)

(B) Any person who violates § 117.03 shall be fined a penalty of twenty dollars (\$20.00) per day per sign. Each day shall be considered a separate offense. This penalty may be assessed separately against the property owner or any person whose name appears on the sign erected.

(Ord. 1991-22, passed 3-11-91)

**CHAPTER 118: ELECTRICAL LICENSING STANDARDS**

Section

118.01 Definitions

118.02 Northern Kentucky Electric Authority, powers and duties

118.03 License required

118.04 Application process, issuance of license

118.05 Authorization of interlocal agreement

118.99 Penalty

**§ 118.01 DEFINITIONS.**

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

**ELECTRICAL CONTRACTOR.** Any individual, partnership or corporation that engages in the business of or employs others for the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power.

**ELECTRICIAN.** Any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power.

**ELECTRICAL.** The installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

**ELECTRICAL INSPECTOR.** Any person certified by the Commissioner of Housing, Buildings and Construction pursuant to K.R.S. 227.489 who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the national electrical code incorporated in the uniform state building code promulgated pursuant to K.R.S. 198B.050 or the standards of safety of the Commonwealth of Kentucky.

(Ord. 1991-3, passed 4-11-91)

#### **§ 118.02 NORTHERN KENTUCKY ELECTRIC AUTHORITY, POWERS AND DUTIES.**

The Northern Kentucky Electric Authority, the examining and appeal board consisting of seven (7) members as authorized in K.R.S. 227.450 to 227.500, shall:

- (1) Administer electrical contractor's examinations which have been selected and approved by the Department of Housing, Buildings and Construction and administer electrician examinations;
- (2) Have the power to issue, renew, suspend and revoke Electrical Contractor and Electrician licenses;
- (3) Have the power to require Electrical Contractors and Electricians to pay reasonable fees for examinations, initial licenses and renewals;
- (4) Accept an electrical contractor examination certificate issued by the Department of Housing, Buildings and Construction as evidence that an applicant has met the examination requirements;
- (5) Have the power to require all Electrical Contractors and Electricians to conform to reasonable standards prior to engaging in their occupation;
- (6) Compile and submit to the Department of Housing, Buildings and Construction all disciplinary actions taken against licensed electrical contractors on a quarterly basis;
- (7) Have all other powers authorized for a "local examining board" by K.R.S. 227.450 et seq.

(Ord. 1991-3, passed 4-11-91)

#### **§ 118.03 LICENSE REQUIRED.**

It shall be unlawful for any person to engage in the business of installing, altering or repairing, any electrical wiring, devices or equipment within the city unless such individual is the holder of an electrical contractors license or employed by a licensed electrical contractor and a holder of an electrician's license.

(Ord. 1991-3, passed 4-11-91)

#### **§ 118.04 APPLICATION PROCESS, ISSUANCE OF LICENSE.**

Application for such license must be made in writing to the Authority, stating the name, experience and qualifications of applicant. Upon applicant's compliance with the requirements of this chapter and upon passing an examination approved by the Northern Kentucky Electric Authority, a license shall be granted to the individual applying for the same.

(Ord. 1991-3, passed 4-11-91)

#### **§ 118.05 AUTHORIZATION OF INTERLOCAL AGREEMENT.**

There is hereby established an agreement of reciprocity between the city and any other city and county in which there exists legislation basically containing the provisions of this chapter and the Mayor of the City is hereby authorized to execute an Interlocal Agreement(s) with any such city or county.

(Ord. 1991-3, passed 4-11-91)

**§ 118.99 PENALTY.**

Any person, firm or corporation, violating the provisions of this chapter shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned for not more than ninety (90) days, or both, so fined and imprisoned in the discretion of the court for each offense. Each day that said person, firm or corporation violates this ordinance or any provision thereof may be deemed a separate offense.

(Ord. 1991-3, passed 4-11-91)

**Cross Reference :**

*Electrical wiring shall comply with uniform state building code, see § 150.45.*

*Statutory Reference: Authorization of local government to regulate electrical occupations KRS 227.450-227.530*

**CHAPTER 119: FINANCIAL INSTITUTIONS AND LOCAL DEPOSIT TAX**

Section

119.01 Imposition of tax

**§ 119.01 IMPOSITION OF TAX.**

There is hereby imposed on all financial institutions, as defined in KRS 136.500, located within the City of Walton, Kentucky for the 1996 tax year and all subsequent tax years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS 136.575 maintained by such financial institutions.

(Ord. 1996-12, passed 8-9-96)

**TITLE XIII: GENERAL OFFENSES**

**CHAPTER 130: OFFENSES AGAINST PERSONS**

**EDITOR'S NOTE:**

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against persons. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
ASSAULT		
First degree	508.010	B felony
Second degree	508.020	C felony
Third degree	508.025	D felony
Fourth degree	508.030	A misdemeanor
Under emotional disturbance	508.040	B misdemeanor

or D felony

CRIMINAL ABUSE

First degree	508.100	C felony
Second degree	508.110	D felony
Third degree	508.120	A misdemeanor

CRIMINAL COERCION

509.080 A misdemeanor

CUSTODIAL INTERFERENCE

509.070 D felony

KIDNAPPING

509.040 A or B felony;  
capital offense

MANSLAUGHTER

First degree	507.030	B felony
Second degree	507.040	C felony

MENACING

508.050 B misdemeanor

MURDER

507.020 Capital offense

RECKLESS HOMICIDE

507.050 D felony

TERRORISTIC THREATENING

First degree	508.080	A misdemeanor
Second degree	508.075	C felony
Third degree	508.078	D felony
	508.080	A misdemeanor

UNLAWFUL IMPRISONMENT

First degree	509.020	D felony
Second degree	509.030	A misdemeanor

WANTON ENDANGERMENT

First degree	508.060	D felony
Second degree	508.070	A misdemeanor



## CHAPTER 131: FAMILY OFFENSES

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common family offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
BIGAMY	530.010	D felony
CONCEALING BIRTH OF INFANT	530.030	A misdemeanor
INCEST	530.020	C felony
INCOMPETENT PERSON, ENDANGERING WELFARE OF	530.080	A misdemeanor
MINORS		
Abandonment of	530.040	D felony
Endangering welfare of	530.060	A misdemeanor
Unlawful transaction with		
First degree	530.064	A, B, or C felony
Second degree	530.065	D felony
Third degree	530.070	A misdemeanor
NONSUPPORT	530.050	A misdemeanor
NONSUPPORT, FLAGRANT	530.050	D felony

Penalty, see Ch. 139

## CHAPTER 132: OFFENSES AGAINST PROPERTY

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised statutes which prohibit the most common offenses against property. These citations are intended only as convenient references for enforcement officers in citing offenders under state laws. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
<b>ARSON</b>		
Defrauding insurer	513.060	D felony
First degree	513.020	A felony
Second degree	513.030	B felony
Third degree	513.040	D felony
<b>BURGLARY</b>		
First degree	511.020	B felony
Second degree	511.030	C felony
Third degree	511.040	D felony
Possession of burglar's tools	511.050	A misdemeanor
<b>CRIMINAL MISCHIEF</b>		
First degree	512.020	D felony
Second degree	512.030	A misdemeanor
Third degree	512.040	B misdemeanor
<b>CRIMINAL TRESPASS</b>		
First degree	511.060	A misdemeanor
Second degree	511.070	B misdemeanor
Third degree	511.080	Violation
<b>FORGERY AND RELATED OFFENSES</b>		
Criminal simulation	516.110	A misdemeanor
Forgery		
First degree	516.020	C felony
Second degree	516.030	D felony
Third degree	516.040	A misdemeanor
Possession of forged instrument		
First degree	516.050	C felony
Second degree	516.060	D felony
Third degree	516.070	A misdemeanor
Possession of forgery device	516.090	D felony
Using slugs		
First degree	516.120	D felony
Second degree	516.130	B misdemeanor
<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>

LITTERING, CRIMINAL	512.070	A misdemeanor
NOXIOUS SUBSTANCES		
Criminal possession of	512.060	B misdemeanor
Criminal use of	512.050	B misdemeanor
POSTING ADVERTISEMENT UNLAWFULLY	512.080	Violation
ROBBERY		
First degree	515.020	B felony
Second degree	515.030	C felony
THEFT AND RELATED OFFENSES		
Device for theft of telephone services	514.065	A misdemeanor or D felony
Obscuring identity of machine	514.120	A misdemeanor or D felony
Possession of stolen mail	514.150	D felony
Receiving stolen property	514.110	A misdemeanor or A, B, or D felony
Theft by deception	514.040	A misdemeanor or D felony
Theft by extortion	514.080	A misdemeanor or D felony
Theft by failure to make disposition	514.070	A misdemeanor or D felony
Theft by unlawful taking	514.030	A misdemeanor or A, B, or D felony
Theft of mail matter	514.140	D felony
Theft of property	514.050	A misdemeanor or D felony
Theft of services	514.060	A misdemeanor or D felony A misdemeanor

Unauthorized use of vehicle

514.100

or  
D felony

Penalty, see Ch. 139

## CHAPTER 133: OFFENSES AGAINST PUBLIC MORALS

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public morals. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
<b>PORNOGRAPHY</b>		
Advertising obscene material Distribution	531.050	B misdemeanor
Distribution of obscene matter	531.020	A or B misdemeanor
Distribution to minor	531.030	A misdemeanor or D felony
Using minors to distribute	531.040	A misdemeanor or D felony
<b>Portrayal of sexual performance by minor</b>		
Advertising material containing	531.360	A misdemeanor
Distributing matter containing	531.340	D felony
Promoting sale of matter containing	531.350	A misdemeanor; C or D felony
Using minors to distribute such matter	531.370	C or D felony
Promoting sale of obscenity	531.060	A or B misdemeanor; D felony
<b>Sexual performance by minor</b>		
Promotion of	531.320	A, B, or C felony
Use of minor	531.310	A, B, or C felony
<b>PROSTITUTION OFFENSES</b>		
Loitering for prostitution purposes	529.080	Violation or B misdemeanor

Permitting prostitution	529.070	B misdemeanor
Promoting prostitution	529.040	A misdemeanor or D felony
Prostitution	529.020	B misdemeanor

Penalty, see Ch. 139

## CHAPTER 134: GAMBLING OFFENSES

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common gambling offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
CONSPIRACY TO PROMOTE GAMBLING	528.040	D felony
HORSE RACES, MESSENGER BETTING PROHIBITED	528.110	A misdemeanor
PARI-MUTUEL WAGERING	558.120	A misdemeanor
PERMITTING GAMBLING	528.070	B misdemeanor
POSSESSION OF GAMBLING DEVICE	528.080	A misdemeanor
POSSESSION OF GAMBLING RECORDS		
First degree	528.050	D felony
Second degree	528.060	A misdemeanor
PROMOTING GAMBLING		
First degree	528.020	D felony
Second degree	528.030	A misdemeanor

Penalty, see Ch. 139

## CHAPTER 135: OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public administration and justice. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
<b>BRIBERY AND RELATED OFFENSES</b>		
Bribery of public servant	521.020	C felony
Receiving unlawful compensation	521.040	A misdemeanor
Soliciting unlawful compensation	521.030	B misdemeanor
<b>ESCAPE AND RELATED OFFENSES</b>		
Bail jumping		
First degree	520.070	D felony
Second degree	520.080	A misdemeanor
Escape		
First degree	520.020	C felony
Second degree	520.030	D felony
Third degree	520.040	B misdemeanor
Hindering prosecution or apprehension		
First degree	520.120	D felony
Second degree	520.130	A misdemeanor
Promoting contraband		
First degree	520.050	D felony
Second degree	520.060	A misdemeanor
Resisting arrest	520.090	A misdemeanor
Fleeing or evading police	520.100	A misdemeanor
<b>JUDICIAL ADMINISTRATION, INTERFERENCE WITH</b>		
Bribe receiving by juror	524.070	D felony
Bribe receiving by witness	524.030	D felony
Bribing a juror	524.060	D felony
Bribing a witness	524.020	D felony
Intimidating a participant in a legal process	524.040	D felony

Jury tampering	524.090	D felony
Retaliating against a participant in a legal process	524.055	D felony
Simulating legal process	524.110	B misdemeanor
Tampering with physical evidence	524.100	D felony
Tampering with a witness	524.050	D felony
Unlawful practice of law	524.130	B misdemeanor

#### PERJURY AND RELATED OFFENSES

False swearing	523.040	B misdemeanor
Perjury		
First degree	523.020	D felony
Second degree	523.030	A misdemeanor
Unsworn falsification to authorities	523.100	B misdemeanor

#### PUBLIC ADMINISTRATION, OBSTRUCTION OF

Compounding a crime	519.030	A misdemeanor
Falsely reporting an incident	519.040	A misdemeanor
Impersonating a public servant	519.050	A misdemeanor
Impersonating a police officer	519.055	D felony
Obstructing governmental operations	519.020	A misdemeanor
Tampering with public records	519.060	D felony

#### PUBLIC OFFICE, ABUSE OF

Misuse of confidential information	522.040	D felony
Official misconduct		
First degree	522.020	A misdemeanor
Second degree	522.030	B misdemeanor

Penalty, see Ch. 139

### CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER

#### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public order. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
ABUSE OF CORPSE	525.120	A misdemeanor or D felony
ASSAULT ON A SERVICE ANIMAL		
First degree	525.200	D felony
Second degree	525.205	B misdemeanor
CRUELTY TO ANIMALS		
First degree	525.125	D felony
Second degree	525.130	A misdemeanor
DESECRATION OF VENERATED OBJECTS		
First degree	525.105	D felony
Second degree	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS	525.150	B misdemeanor
EAVESDROPPING AND RELATED OFFENSES		
Divulging illegally obtained information	526.060	A misdemeanor
Eavesdropping	526.020	D felony
Installing eavesdropping device	526.030	D felony
Possessing eavesdropping device	526.040	A misdemeanor
Tampering with private communications	526.050	A misdemeanor
FAILURE TO DISPERSE	525.160	B misdemeanor
FIREARMS AND WEAPONS (Editor's note: Enactment of KRS 65.870 now prohibits any type of local firearms control ordinances)		



HARASSING COMMUNICATIONS	525.080	B misdemeanor
HARASSMENT	525.070	Violation
INCITING TO RIOT	525.040	A misdemeanor
LOITERING	525.090	Violation
OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE	525.140	B misdemeanor
PUBLIC INTOXICATION	525.100	B misdemeanor
RIOT		
First degree	525.020	D felony
Second degree	525.030	A misdemeanor
UNLAWFUL ASSEMBLY	525.050	B misdemeanor

Penalty, see Ch. 139

## CHAPTER 137: SEXUAL OFFENSES

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common sexual offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
INDECENT EXPOSURE	510.150	B misdemeanor
RAPE		
First degree	510.040	A or B misdemeanor
Second degree	510.050	C felony
Third degree	510.060	D felony

SEXUAL ABUSE		
First degree	510.110	D felony
Second degree	510.120	A misdemeanor
Third degree	510.130	B misdemeanor
SEXUAL MISCONDUCT	510.140	A misdemeanor
SODOMY		
First degree	510.070	A or B felony
Second degree	510.080	C felony
Third degree	510.090	D felony
Fourth degree	510.100	A misdemeanor

Penalty, see Ch. 139

## CHAPTER 138: INCHOATE OFFENSES

### EDITOR'S NOTE:

*This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common inchoate offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
CRIMINAL ATTEMPT	506.010	A or B misdemeanor; B or C felony
CRIMINAL CONSPIRACY	506.040	A or B misdemeanor; B or C felony
CRIMINAL FACILITATION	506.080	A or B misdemeanor; D felony
CRIMINAL SOLICITATION	506.030	A or B misdemeanor; B or C felony
CRIMINAL SYNDICATE	506.120	B felony

## CHAPTER 139: GENERAL PENALTY FOR TITLE XIII

### Section

- 139.01 Fines for misdemeanors and violations
- 139.02 Sentence of imprisonment for misdemeanor
- 139.03 Fines for felonies
- 139.04 Sentence of imprisonment for felony

#### **§ 139.01 FINES FOR MISDEMEANORS AND VIOLATIONS.**

(A) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized a fine may be levied in addition to the imprisonment or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether or not the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury then the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(B) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any offense other than a felony may be sentenced to pay a fine in an amount not to exceed:

- (1) For a Class A misdemeanor, five hundred dollars (\$500.00) ; or
- (2) For a Class B misdemeanor, two hundred fifty dollars (\$250.00) ; or
- (3) For a violation, two hundred fifty dollars (\$250.00).

(C) This section does not apply to a corporation.

(KRS 534.040)

#### **§ 139.02 SENTENCE OF IMPRISONMENT FOR MISDEMEANOR.**

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

- (A) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and
- (B) For a Class B misdemeanor, the term shall not exceed ninety (90) days.

(KRS 532.090)

#### **§ 139.03 FINES FOR FELONIES.**

(A) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any felony and granted a sentence of probation or conditional discharge may be sentenced to pay a fine in an amount not to exceed ten thousand dollars (\$10,000.00) or double his gain from commission of the offense, whichever is the greater.

(B) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

- (1) The defendant's ability to pay the amount of the fine;
- (2) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;
- (3) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and
- (4) The amount of the defendant's gain, if any, derived from the commission of the offense.

(C) When a defendant is convicted of two or more felonies committed through a single act and is sentenced to fines pursuant to division (A) above, the aggregate amount of such fines shall not exceed ten thousand dollars (\$10,000.00) or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(D) This section does not apply to a corporation.

(KRS 534.030)

**§ 139.04 SENTENCE OF IMPRISONMENT FOR FELONY.**

(A) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by division (B) below, and subject to modification by the trial judge pursuant to KRS 532.070.

(B) The authorized maximum terms of imprisonment for felonies are:

- (1) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;
- (2) for a Class B felony, not less than ten (10) years nor more than twenty (20) years;
- (3) For a Class C felony, not less than five (5) years nor more than ten (10) years; and
- (4) For a Class D felony, not less than one (1) year nor more than five (5) years.

(C) The actual time of release within the maximum established by division (A) above, or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

(KRS 532.060)

**CHAPTER 140: OFFENSES AGAINST CITY REGULATIONS**

Section

***General Provisions***

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**General Provisions**

**§ 140.01 USE OR POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS.**

No person being the owner, occupant, or otherwise having the care, custody, or control of any property located in the city shall knowingly allow any person under the age of twenty-one (21) years to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage.

(Ord. 1987-4, passed 2-23-87) Penalty, see § 140.99

**CURFEW FOR MINORS**

**§ 140.10 DEFINITIONS.**

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

**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.

**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. 2004-09, passed 12-13-04)

**§ 140.11 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. 2004-09, passed 12-13-04)

**§ 140.12 OFFENSES.**

During the curfew hours established hereby:

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

(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 an establishment shall knowingly permit, or allow by insufficient supervision and control, or otherwise, any minor to remain upon the premises of the establishment.

(Ord. 2004-09, passed 12-13-04)

**§ 140.13 DEFENSES.**

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

(A) The minor was:

(1) Accompanied by the parent or guardian thereof; or

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

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

(4) Involved in an emergency; or

(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; or

(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; or

(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; or

(8) Married or otherwise emancipated.

(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. 2004-09, passed 12-13-04)

**§ 140.14 ENFORCEMENT.**

(A) Before enforcing any provision of this subchapter 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 subchapter 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 subchapter has occurred; and that there are no defenses to the enforcement of this subchapter as described herein.

(C) In the enforcement of this subchapter, 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. 2004-09, passed 12-13-04)

**§ 140.15 REVIEW AND REPORT OF MAYOR.**

Twelve months after the enactment of this subchapter, the Mayor, or his designee, shall review the enforcement thereof, and report and make recommendation to the City Council 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 subchapter and any problems with enforcement identified by the local law enforcement agency; and

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

(Ord. 2004-09, passed 12-13-04)

**§ 140.99 PENALTY.**

(A) Any person found to be in violation of § 140.01 shall be guilty of a misdemeanor and shall be fined not more than \$300, or imprisoned for not more than 90 days, or both.

(B) Each violation and every other failure to comply with the provisions of §§ 140.10 *et seq.* 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 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

(2) 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 citation of the violation or other failure to comply with the provisions of §§ 140.10 *et seq.*

(Ord. 1987-4, passed 2-23-87; Am. Ord. 2004-09, passed 12-13-04)