

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. STREETS AND SIDEWALKS

92. NUISANCES

93. FIREWORKS; FIRE PREVENTION

94. LITTERING

95. EMERGENCY 911 SYSTEM

96. PUBLIC SWIMMING POOLS

97. PUBLIC ASSEMBLIES

98. FAIR HOUSING POLICY

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Animals running at large
- 90.03 Cruelty to animals in the second degree
- 90.04 Dyeing or selling dyed chicks or rabbits
- 90.05 Abandoning domestic animals prohibited
- 90.06 Destruction of abandoned and suffering animal
- 90.07 Designation of bird sanctuary
- 90.08 Control of mosquitoes; mowing of lawns
- 90.09 Exotic animals

Dogs

- 90.15 Definition
- 90.16 Dogs running at large
- 90.17 Noise disturbance
- 90.18 Impoundment
- 90.19 Reclaiming impounded dog

- 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. Shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100(4))

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

OWNER. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care, or permits it to remain on or about the premises owned or occupied by him or her .
(Ord. 12-7-92-A, passed 12-12-92)

§ 90.02 ANIMALS RUNNING AT LARGE.

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

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

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

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

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

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

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

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

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

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

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

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

(6) In defense of self or another person against an aggressive or diseased animal;

(7) In defense of a domestic animal against an aggressive or diseased animal;

2004 S-6

(8) For animal or pest control; or

(9) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

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

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

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

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

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

(KRS 257.100)

§ 90.07 DESIGNATION OF BIRD SANCTUARY.

(A) The entire area embraced within the corporate limits of the city is hereby designated as a

bird sanctuary.

2013 S-8

Eddyville - General Regulations

(B) It shall be unlawful to trap, shoot, hunt or attempt to shoot or molest in any manner any bird or wild fowl, except Starlings, English Sparrows, or Crows, or to rob bird nests or wild fowl nests. Provided, however, if any species of birds or wild fowl are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to the health or property of the citizens of the city, in the opinion of the State Department of Health, then the birds or wild fowl may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the Chief of Police.

(Ord. 1, passed 2-5-73)

§ 90.08 CONTROL OF MOSQUITOES; MOWING OF LAWNS.

It is hereby ordained that the city may mow or have mowed any lot that may, in their reasonable judgement, be a breeding place for mosquitoes or insects after notifying the owner of the lot, if possible, and then the owner of the lot shall pay to the city the reasonable cost of mowing or having the lot mowed and if the cost is not paid, then the cost of same shall be added to the next-coming tax bill of the owner.

(Ord. 12, passed 6-5-67)

§ 90.09 EXOTIC ANIMALS.

(A) Purpose. The purpose of this section is to promote the public health, safety, and general welfare of the citizens of the City of Eddyville, Kentucky.

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

EXOTIC ANIMAL. Includes, but is not limited to, African buffalo, hippopotamus, hyena, honey badger, ratel, old world badger, lion, jaguar, leopard, tiger, clouded leopard, cheetah, elephant, rhinoceros, gibbon, siamang, orangutan, chimpanzee, gorilla, baboon, drill, mandrill, macaque, gelada baboon, gavial, crocodile, alligator, sea snake, cobra, coral snake, adder, viper, water moccasin, venomous rear-fanged species, gila monster, beaded lizard, komodo dragon, boa constrictor, copperhead, rattlesnake, anaconda, any python, including but not limited to, Indian python, reticulated python, rock python, bear, wolf, wolf hybrid, cougar, mountain lion, and any other wildlife that has been identified by the Kentucky Department of Fish and Wildlife as inherently dangerous to human health and safety.

(C) Prohibition. The keeping, holding, displaying, or possessing of any exotic animal in the City of Eddyville, Kentucky is prohibited and declared to be unlawful.

(D) Exception. This section shall not apply to any zoological garden accredited by the American Association of Zoological Parks and Aquariums, appropriately licensed theatrical exhibits, carnivals or circuses, any authorized wildlife rehabilitator or licensed veterinary hospital for purposes of treating injured animals, or any federally-licensed research institution.

(Ord. 02/05/07, passed 2-12-07) Penalty, see § 90.99

2008 S-7

DOGS

§ 90.15 DEFINITION.

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

DOG. Any member of the canine family, six months of age or over, male or female.
(Ord. 12-7-92-A, passed 12-12-92)

§ 90.16 DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or keeper of any dog, either licensed or unlicensed, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property.
(Ord. 12-7-92-A, passed 12-12-92) Penalty, see § 90.99

§ 90.17 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.
(Ord. 12-7-92-A, passed 12-12-92) Penalty, see § 90.99

§ 90.18 IMPOUNDMENT.

Every police officer, peace officer, or other authorized official shall have the authority to apprehend any dog running at large in violation of this chapter and to impound such dog or have such dog impounded in the appropriate place.
(Ord. 12-7-92-A, passed 12-12-92)

§ 90.19 RECLAIMING IMPOUNDED DOG.

The owner of any dog so impounded may reclaim the dog upon the payment of all appropriate fees and after fulfilling any and all other requirements.
(Ord. 12-7-92-A, passed 12-12-92)

§ 90.99 PENALTY.

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

2008 S-7

Eddyville - General Regulations

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

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

(D) Anyone violating the provisions of § 90.07 shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$15 nor more than \$50 for each violation, and each separate act in violation of § 90.07 shall be considered a separate offense. (Ord. 1, passed 2-5-73)

(E) Violation of § 90.09 shall be punishable by a fine not less than \$500 nor more than \$5,000. All legal costs and attorney's fees incurred by the city in the enforcement of § 90.09 shall be borne by the offender.
(Am. Ord. 02/05/07, passed 2-12-07)

2008 S-7

CHAPTER 91: STREETS AND SIDEWALKS

Section

General Provisions

91.01 Operation of tracked vehicles; permit required

Excavations and Construction

91.10 Opening permit required
91.11 Application and cash deposit
91.12 Restoration of pavement
91.13 Barriers around excavations
91.14 Warning lights
91.15 Sidewalk construction

Road and Bridge Projects

91.25 Public hearing required
91.26 Notice requirements
91.27 Public may testify; effect of testimony
91.28 Hearing to be held prior to construction
91.29 Separate hearing for each project not required
91.30 Exemptions from hearing requirement

Obstructions

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

State or Federal Maintained Highways

91.55 Maintenance agreements

91.99 Penalty

GENERAL PROVISIONS**§ 91.01 OPERATION OF TRACKED VEHICLES; PERMIT REQUIRED.**

(A) No tracked vehicle, including but not limited to earth moving equipment, shall be operated upon any paved street within the city without a special permit being obtained from the city and approval in writing by the Street Superintendent for the city.

(B) This section and the penalty set out in § 91.99 shall not preclude the city from seeking compensation for damages to city streets by persons violating division (A) of this section. (Ord. 10-7-91-C, passed 10-21-91) Penalty, see § 91.99

EXCAVATIONS AND CONSTRUCTION**§ 91.10 OPENING PERMIT REQUIRED.**

It shall be unlawful for any person, other than an authorized city official, to make any opening in any street, alley, sidewalk, or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work.
Penalty, see § 91.99

§ 91.11 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the authorized city official. 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 authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.12 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the authorized city official, 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 § 91.11 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it. If the amount of such services performed by the city should exceed the amount of the deposit, the Clerk/Treasurer or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 91.13 BARRIERS AROUND EXCAVATIONS.

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

Penalty, see § 91.99

§ 91.14 WARNING LIGHTS.

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

Penalty, see § 91.99

§ 91.15 SIDEWALK CONSTRUCTION.

It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the 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 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.

Statutory reference:

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

Sidewalks; ramps for wheelchair, see KRS 66.660

ROAD AND BRIDGE PROJECTS

§ 91.25 PUBLIC HEARING REQUIRED.

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

(KRS 174.100)

§ 91.26 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city. Notice of the hearing shall be given

not less than seven days nor more than 21 days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.
(KRS 174.100 (1))

§ 91.27 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

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

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.
(KRS 174.100 (2),(3))

§ 91.28 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held.
(KRS 174.100 (4))

§ 91.29 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.
(KRS 174.100 (5))

§ 91.30 EXEMPTIONS FROM HEARING REQUIREMENT.

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

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

OBSTRUCTIONS**§ 91.40 UNLOADING ON STREET OR SIDEWALK.**

No person shall unload any heavy material in the streets of the city by throwing or letting the

material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 91.99

§ 91.41 STREET AND SIDEWALK OBSTRUCTION.

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

Penalty, see § 91.99

§ 91.42 MATERIALS ON STREET OR SIDEWALK.

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

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.43 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, 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

STATE OR FEDERAL MAINTAINED HIGHWAYS

§ 91.55 MAINTENANCE AGREEMENTS.

(A) Whenever the Commissioner of Highways of the Commonwealth of Kentucky, by authority of KRS 177.041 through 177.047 designates any streets or portions thereof, including viaducts and bridges, as connecting links of state or federal maintained highways, or necessary feeder streets thereto and thereby undertakes the future maintenance, repair, construction or reconstruction of the streets, bridges or viaducts in the manner provided by the aforesaid statutes, the Mayor of the city is hereby expressly authorized, instructed and directed to enter into any and all contracts and agreements with the Department of Highways necessary to carry out the purpose and provisions of the statutes.

Eddyville - General Regulations

(B) Should the Department of Highways construct or reconstruct any streets in the city, such work shall be done by the Department as the agent of the city, as set out in KRS 177.044(3). (Ord. passed 1-6-53)

§ 91.99 PENALTY.

Whoever violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$500.

CHAPTER 92: NUISANCES

Section

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

- 92.99 Penalty

Statutory reference:

Private nuisances, see KRS 411.500 - 411.570

§ 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 as 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.

PUBLIC NUISANCE. Any act, thing, occupation, condition or use of property which shall continue for such a length of time as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public:

(2) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch or drainage; or

(3) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of property of others.

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.

2013 S-8

15

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

§ 92.02 COMMON LAW AND STATUTORY NUISANCES.

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

Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

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

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

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

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

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

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

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

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

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

Penalty, see § 92.99

1999 S-4

§ 92.04 ABATEMENT PROCEDURE.

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

- (1) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;
- (2) One or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are not inhabited;
- (3) Rubbish; or
- (4) The excessive growth of weeds or grass.

(B) The provisions of division (A)(1) of this section shall not apply to:

- (1) Junked, wrecked, or nonoperative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010(8);
- (2) Junked, wrecked, or nonoperative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means; and
- (3) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed, or leased by a motor carrier.

(C) It shall be unlawful in any city, county, consolidated local government, or urban-county for the owner of a property to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city, county, consolidated local government, or urban-county.

(D) Any city, county, consolidated local government, or urban-county may establish by ordinance reasonable standards and procedures for the enforcement of this section. The procedures shall comply with all applicable statutes, administrative regulations, or codes. Proper notice shall be given to property owners before any action is taken pursuant to this section; and, prior to the demolition of any unfit or unsafe structure, the right to a hearing shall be afforded the property owner.

(E) Unless imminent danger exists on the subject property that necessitates immediate action, the city, county, consolidated local government, or urban-county government shall send, within 14 days of a final determination after hearing or waiver of hearing by the property owner, a copy of the determination to any lien holder of record of the subject property by first-class mail with proof of mailing. The lien holder of record may, within 45 days from receipt of that notice, correct the violations cited or elect to pay all fines, penalty charges, and costs incurred in remedying the situation as permitted by division (F) of this section.

Eddyville - General Regulations

(F) A city, county, consolidated local government, or urban-county shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the responsible officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, 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 thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in division (G) of this section. The lien may be enforced by judicial proceeding.

(G) The lien provided in division (F) of this section shall not take precedence or priority over a previously recorded lien if:

(1) The city, county, consolidated local government, or urban-county government failed to provide the lien holder a copy of the determination in accordance with division (E) of this section; or

(2) The lien holder received a copy of the determination as required by division (E) of this section, and the lien holder corrected the violations or paid the fines, penalty charges, and costs incurred in remedying the violation.

(H) In addition to the remedy prescribed in division (D) of this section 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, county, or urban-county may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed. The failure of a city, county, consolidated local government, or urban-county government to comply with division (E) of this section, and the failure of a lien to take precedence over previously filed liens as provided in division (G) of this section, shall not limit or restrict any remedies that the city, county, consolidated local government, or urban-county government has against the owner of the property.

(I) The provisions of divisions (D), (F), and (H) of this section shall not apply to an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant, or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of the rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons onto the property.
(KRS 381.770)

§ 92.05 NUISANCE CREATED BY OTHERS.

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

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is shown that a nuisance is associated with or caused by the conduct of a business or activity licensed by the city and that the existence of the nuisance presents an

immediate

2013 S-8

threat to the public health, safety, or welfare, the City Council may suspend the license of the person or persons conducting the business or activity.

(B) The City Clerk shall cause a notice of the suspension to be served personally upon the licensee, or upon any responsible agent of the licensee, at the premises where the licensed business or activity is being conducted. The notice shall clearly inform the licensee of the reason for the suspension, and the conditions that must be met for the suspension to be removed.

(C) Upon application of the licensee, and upon a showing that the nuisance has been satisfactorily abated and that any other reasonable conditions set forth in the notice have been met, the City Council may remove the suspension.

§ 92.99 PENALTY.

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

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

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

Fire Prevention

- 93.20 Blasting permit
- 93.21 Storage of flammables and other matter

- 93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) As used in KRS 227.700 to 227.750, **FIREWORKS** means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “consumer fireworks” as defined in division (B) or “display” fireworks as defined in division (D) and as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations. **FIREWORKS** does not include:

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

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

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

(B) As used in KRS 227.700 through 227.750, **CONSUMER FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and

Eddyville - General Regulations

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 CFR Pts. 1500 and 1507, are classified as Division 1.4G explosives by the U.S. Department of Transportation and include the following:

(1) *Ground and hand-held sparkling devices.*

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

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

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

(g) *Flitter sparkler.* Narrow paper tube attached to a stick or wire and filled with not

more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

2013 S-8

(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. The tube remains on the ground.

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

(3) *Audible ground devices.*

Eddyville - General Regulations

(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)

2013 S-8

Fireworks; Fire Prevention

23

(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 CFR Pts. 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.
(KRS 227.706)

(E) Legality of items.

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

(2) Items described in division (D) 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.
(KRS 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)(1) 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

2013 S-8

Eddyville - General Regulations

in place, and shall be presented on demand of the State Fire Marshal or local Fire Chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 Code for Fireworks Display (adopted edition).

(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 division shall be transferable. For the purpose of this section, **PUBLIC DISPLAY OF FIREWORKS** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(6) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 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 U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

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

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

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

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

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

(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 and as permitted pursuant to KRS 227.715.

(KRS 227.710) Penalty, see § 93.99

§ 93.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in § 93.02, the consumer fireworks described in KRS 227.702 may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in KRS 227.702(1) shall register annually with the State Fire Marshal's office in accordance with KRS 227.715, and display its registration certificate in a conspicuous location at the site.

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

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

(E) No person under 18 years of age may be employed by a fireworks distribution facility, or manufacturing facility. No person under 18 years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under KRS 227.715 unless the individual is supervised by a parent or guardian.

(KRS 227.715(7) through (9)) Penalty, see § 93.99

§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

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

(KRS 227.720) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

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

(KRS 227.730)

§ 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this 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 U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

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

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

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (C)(1) 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 authorized city official. The authorized city official, before granting such permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.
Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

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

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

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

Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating the provisions of §§ 93.02 or 93.04, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not more than \$1,000, or imprisoned for not more than 30 days, or both. (KRS 227.990 (4))

(B) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

CHAPTER 94: LITTERING

Section

- 94.01 Throwing litter from vehicle
- 94.02 Tracking foreign matter on streets
- 94.03 Hauling loose material
- 94.04 Sweeping litter into gutters
- 94.05 Litter on private property

- 94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see § 94.99

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.

Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons

owning or occupying property shall keep the sidewalk in front of their premises free of litter.
Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

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

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.
Penalty, see § 94.99

§ 94.99 PENALTY.

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

CHAPTER 95: EMERGENCY 911 SYSTEM

Section

- 95.01 Entrance into agreement for operation of Enhanced 911 Emergency Telephone System
- 95.02 Service charge; collection; fee

§ 95.01 ENTRANCE INTO AGREEMENT FOR OPERATION OF ENHANCED 911 EMERGENCY TELEPHONE SYSTEM.

(A) This chapter is enacted to approve the 2011 Interlocal Agreement by and between the Kentucky State Police and the counties of Ballard, Fulton, Graves, Hickman and Lyon, and the cities of Wickliffe, LaCenter, Fulton, Hickman, Kevil, Barlow, Eddyville, Kuttawa Columbus, Wingo, Water Valley, and Clinton, relative to the assessment and payment of 911 Emergency Telephone Service fee can be administered more efficiently, and for the establishment of a Public Safety Answering Point, hereafter referred to as (PSAP), at the Kentucky State Police Mayfield Post to answer all calls for emergency services originating from the counties and cities.

(B) The city authorizes and empowers its Mayor to enter into an interlocal agreement with the above listed counties and cities and Kentucky State Police to establish and operate a PSAP at the Mayfield Post.

(C) The city authorizes and empowers its Mayor to enter into an amended agreement, if necessary, with the telephone company(ies) to establish and operate an E911 system.
(Ord. 8-20-90-1, passed 9-4-90; Am. Ord. 2011-10-3, passed 11-7-11)

§ 95.02 SERVICE CHARGE; COLLECTION; FEE.

(A) The city pursuant to KRS 65.760(3), in order to fund the E911 service authorizes and empowers its Mayor to enter into an amended agreement, if necessary, with the telephone company(ies) to collect a charge of \$1 per month per telephone subscriber, on an individual exchange line, basis in accordance with the terms of the amended agreement herein above authorized.

(B) The telephone company(ies) is hereby authorized to collect the E911 service charge from the telephone subscribers and shall be entitled to a fee for billing and collecting the E911 service charge in an amount not to exceed 3% of the total amount collected.

(C) It is specifically provided herein that the City Council agree to participate in the regional E911/PSPAP project shall be binding only as long as counties of Ballard, Fulton, Graves, Hickman and Lyone, and the cities of Wickliffe, LaCenter, Fulton, Hickman, Kevil, Barlow, Eddyville, Kuttawa, Columbus, Wingo, Water Valley, and Clinton remain involved in the project such as to keep the monthly line fee at \$1 per month. If at nay time the line fees are increased over and above the \$1 per month, the City Council reserves the right to withdraw from participation in this project.

(Ord. 8-20-90-1, passed 9-4-90; Am. Ord. 2011-10-03, passed 11-7-11)

§ 95.03 AGREEMENT FOR ESTABLISHMENT AND OPERATION OF PUBLIC SAFETY ANSWERING POINT.

The city, by and through its Mayor, is hereby authorized and empowered to enter into an interlocal cooperation agreement with the Kentucky State Police (KSP) for the establishment and operation of a Public Safety Answering Point (PSAP) at the Kentucky State Police Post in Madisonville, Kentucky.

(Ord. 8-20-90-1, passed 9-4-90)

CHAPTER 96: PUBLIC SWIMMING POOL

Section

- 96.01 Authority of Park Board to adopt and enforce rules and regulations
- 96.02 Adoption of rules and regulations by reference
- 96.03 Posting of hours of operation

§ 96.01 AUTHORITY OF PARK BOARD TO ADOPT AND ENFORCE RULES AND REGULATIONS.

The City Park Board shall adopt and enforce such rules, regulations and restrictions regarding the use of the swimming pool as it deems necessary in order to properly operate the swimming pool and in order to protect life, person and property. These regulations shall include, but not be limited to, the establishment of hours of operation of the pool.

(Ord. 7, passed 7-6-71)

§ 96.02 ADOPTION OF RULES AND REGULATIONS BY REFERENCE.

(A) Any rules, regulations and restrictions regarding the use of the swimming pool adopted by the City Park Board at a regular meeting thereof are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

(B) Copies of the rules regulations and restrictions are available for public inspection during normal hours at the office of the City Clerk/Treasurer.

(C) No person or association of persons shall violate any provision of this chapter, or the rules, regulations and restrictions made a part hereof.

(Ord. 7, passed 7-6-71) Penalty, see § 10.99

§ 96.03 POSTING OF HOURS OF OPERATION.

The hours of operation of the pool shall be conspicuously posted at and around the pool in order to inform the general public thereof.

(Ord. 7, passed 7-6-71)

CHAPTER 97: PUBLIC ASSEMBLIES

Section

- 97.01 Definition
- 97.02 Permit required
- 97.03 Application for permit
- 97.04 Issuance or denial of permit
- 97.05 Appeals

- 97.99 Penalty

§ 97.01 DEFINITION.

For the purpose of this chapter, ***TRAFFIC-*** or ***CROWD-GENERATING EVENT*** shall mean any event which can reasonably be expected to attract 50 people or more.
(Ord. 10-7-85, passed 11-4-85)

§ 97.02 PERMIT REQUIRED.

It shall be unlawful for any person, organization, group or entity to stage or hold a traffic- or crowd-generating event, as defined in § 97.01, without first obtaining a permit therefor from the Mayor.

(Ord. 10-7-85, passed 11-4-85) Penalty, see § 97.99

§ 97.03 APPLICATION FOR PERMIT.

Any person staging, holding or promoting a traffic- or crowd-generating event shall notify the Mayor of his intention of holding such an event at least 30 days in advance. The notice shall consist of an application for a permit for a traffic- or crowd-generating event and shall contain the following information:

- (A) The name, address and telephone number of the person requesting the permit;
- (B) The name and address of the organization or group of persons requesting the permit;
- (C) The name, address and telephone number of the person who will act as Chairperson or will be responsible for the conduct of the event;
- (D) The purpose of the event, the estimated number of participants or those otherwise attending, and the estimated number of vehicles to participate in the event or to be parked at or near the event;

Eddyville - General Regulations

(E) The date or dates the event is to be conducted and the hour or hours the event will commence and terminate;

(F) The number, type and location of toilet facilities to be provided for use during the event;

(G) The number, type and location of any concession or vendors doing business during the event;

(H) The location and size of the area designated for parking vehicles during the event if such parking will be in areas other than those designated for public parking;

(I) Whether any music will be provided, either live or recorded;

(J) The number, types and locations of all loudspeakers and amplifying devices to be used;

(K) Whether the use of alcoholic beverages will be permitted on the premises upon which the event is to be conducted;

(L) Whether the participants and others attending the event will be allowed to remain on the premises upon which the event is being conducted between the hours of 12:00 midnight and 8:00 a.m.;

(M) Whether the applicant for a permit has the permission of the owner(s) of any private property upon which the event is to be conducted to use his/her property for that purpose;

(N) Provisions that have been made for the cleanup of the area of the event after its conclusion;

(O) The exact location, or route, for such activities and what traffic control, if any, will be necessary;

(P) Evidence of insurance with the city as one of the named insureds in an amount sufficient to protect the city from claims for damages from personal injury, property damage or any other injury proximately caused by the event, the amount to be reasonable considering the nature, purpose, location, risk of injury or damage of the event. Evidence of insurance may be waived where, in the opinion of the Mayor, there exists no reasonable likelihood of claims for damages from personal injury proximately caused by the event;

(Q) Such other information as the Mayor shall deem pertinent in evaluating the effect the event may have on the health, safety and welfare of the residents of the city.
(Ord. 10-7-85, passed 11-4-85)

§ 97.04 ISSUANCE OR DENIAL OF PERMIT.

(A) The Mayor shall issue a permit within ten days of receipt of the application for the event if, based upon his evaluation of the information provided under § 97.03 of this chapter or information obtained by any investigation made by the Mayor, he determines that the event will not endanger the public health, safety and welfare of the city, or if he determines that reasonable adjustments to the community traffic control, street and property maintenance, and police, fire and ambulance protection would ensure the public health, safety and welfare of the city. Such issuance of a permit may include certain conditions for the event, such as location, traffic controls, and other provisions

which may be needed to protect the safety and well being of the public and individuals.

(B) The Mayor shall notify the applicant within ten days of the receipt of the application, of the denial of the application for a permit if any information supplied by the applicant is false or intentionally misleading, or if based upon an evaluation of the information provided under § 97.03, or any information obtained by any investigation by the Mayor, he determines that the event will endanger the public health, welfare, or safety of the city and general public and if he determines that reasonable adjustments to the community traffic control, street and property maintenance, and police, fire and ambulance protection would not insure the public health, welfare and safety of the city. Such denial shall enumerate the specific reasons for the denial.

(Ord. 10-7-85, passed 11-4-85)

§ 97.05 APPEALS.

The granting or denial of a permit by the Mayor pursuant to the provisions of this chapter may be appealed to the City Council by the applicant, or any person affected thereby. Such appeal shall be in writing, filed with the City Clerk/Treasurer within five days of the mailing or delivery of the decision of the Mayor and specify objections to the decision of the Mayor. The City Council shall act upon the appeal by conducting a hearing of any objections at the next regularly scheduled or special City Council meeting. The City Council shall make a decision on such appeal at such a meeting or at its next regularly scheduled or special meeting. In the event that the hearing is held at a special meeting, the City Clerk/Treasurer shall either notify the appellant personally of the time and place of the hearing or mail notice by first class mail addressed to the appellant at his/her last known address at least three days prior to the hearing. The Mayor of the city shall not be entitled to vote on any appeal presented to the City Council herein. The burden of persuasion in the appeal shall lie with the applicant, and a tie vote shall fail to overturn the decision of the Mayor.

(Ord. 10-7-85, passed 11-4-85)

§ 97.99 PENALTY.

Whoever violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$500.

2004 S-6

2004 S-6

CHAPTER 98: FAIR HOUSING POLICY

Section

- 98.01 Purpose
- 98.02 Definitions
- 98.03 Unlawful practice
- 98.04 Discrimination in the sale or rental of housing
- 98.05 Discrimination in the financing of housing
- 98.06 Discrimination in the provision of brokerage services
- 98.07 Exemption
- 98.08 Enforcement by private persons
- 98.09 Interference, coercion or intimidation
- 98.10 Prevention of intimidation in fair housing cases

§ 98.01 PURPOSE.

It is the policy of the city to provide, within Constitutional limits, for fair housing throughout the city.

(Ord. 3-7-94A; passed 3-11-94)

§ 98.02 DEFINITIONS.

DWELLING. Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location therefore of any such building, structure or portion thereof.

FAMILY. Includes a single individual.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

TO RENT. To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 98.04, 98.05, or 98.06.

(Ord. 3-7-94A, passed 3-11-94)

§ 98.03 UNLAWFUL PRACTICE

Subject to the provisions of subdivision (2) of this section and § 98.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

(1) All dwellings except as exempted by subdivision (2).

(2) Nothing in § 98.04 shall apply to:

(a) Any single-family house sold or rented by an owner provided that the following conditions are met:

1. Such private individual owner does not own more than three such single-family houses at any one time.

2. In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period.

3. Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time.

4. The sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

a. Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent salesman, or person, and

b. Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 98.04(3), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subdivision (2), a person shall be deemed to be in the business of selling or renting dwellings if he has done one or more of the following:

(a) Within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein.

(b) Within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 3-7-94A, passed 3-11-94)

§ 98.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 98.03 and except as exempted by § 98.03(2) and § 98.07, it shall be unlawful to do any of the following:

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

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status.

(3) Make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicapped status, or an intention to make any such preference, limitation or discrimination.

(4) Represent of any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(Ord. 3-7-94A, passed 3-11-94)

§ 98.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purpose of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 98.03(2).

(Ord. 3-7-94A, passed 3-11-94)

1996 S-2

§ 98.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicapped status.

(Ord. 3-7-94A, passed 3-11-94)

§ 98.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. 3-7-94A, passed 3-11-94)

§ 98.08 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 98.03 to 98.06 may be enforced by a civil action in a court of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees.

(Ord. 3-7-94A, passed 3-11-94)

§ 98.09 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter. This section may be enforced by appropriate civil action.

(Ord. 3-7-94A, passed 3-11-94)

1996 S-2

§ 98.10 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

(A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

(1) Any person because of his race, color, religion, sex, national origin, familial status or handicapped status, and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings.

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

(a) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or handicapped status in any of the activities, services, organizations or facilities described in subdivision (1) above.

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

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subdivision (1) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Anyone violating subdivision (A) shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both; and if death results, shall be subject to imprisonment for any term of years or for life.

(Ord. 3-7-94A, passed 3-11-94)

