

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS
- 91. STREETS AND SIDEWALKS
- 92. UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT
- 93. FIRE PREVENTION
- 94. LITTERING
- 95. HOUSE NUMBERING

CHAPTER 90: ANIMALS

Section

Care and Control of Animals

- 90.01 Definitions
- 90.02 Control of dogs
- 90.03 Animals running at large
- 90.04 Owner to provide necessities
- 90.05 Restraint by leash or chain; specifications
- 90.06 Abandonment
- 90.07 Cruelty to animals
- 90.08 Cruelty or exhibition fighting prohibited
- 90.09 Killing dogs, cats for food or fur prohibited
- 90.10 Mutilation of animals
- 90.11 Sexual acts with animals
- 90.12 Dyeing or selling dyed chicks or rabbits

Vicious Dogs

- 90.25 Alternate opinion of classification as vicious
- 90.26 Control of vicious dogs
- 90.27 Enforcement of restrictions on vicious dogs

Administration and Enforcement

- 90.40 Impoundment
- 90.41 Removal of animal in immediate danger
- 90.42 Confiscation of victimized animal
- 90.43 Destruction of abandoned and suffering animal

- 90.99 Penalty

CARE AND CONTROL OF ANIMALS

90.01 DEFINITIONS.

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

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

AT LARGE. Not restrained by leash, cord, chain or otherwise confined in an enclosure.

DOG. This term shall be intended to mean both male and female.

DOG WARDEN. This term shall be interchangeable with Animal Warden and Animal Control Officer.

ENCLOSURE. An uncovered fence or structure of at least 7 feet in height or a covered fence or structure of sufficient height to allow the dog to stand erect without touching the top or cover forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Further, the fence or structure shall be sufficiently embedded in the ground to prevent the dog from digging under the fence or structure. The enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the dog from escaping from the enclosure.

KEEPER. Any person to whom a vicious dog is entrusted.

OWNER. Any person or persons, firm, association or corporation owning, keeping or harboring a dog.

RESTRAINT. A vicious dog shall be deemed to be under restraint if on the premises of the owner or keeper and confined in a secure enclosure as previously defined or under the control of the owner or keeper and securely muzzled and restrained with a chain or braided leather, nylon or manilla lead or leash having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.

VICIOUS DOG. Shall include the following:

(1) Any dog which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm;

(2) Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in

an attitude of attack upon the streets, sidewalks, or any public grounds or places;

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

(4) Any dog which bites (to the extent of puncturing or severely bruising skin), inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property;

(5) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;

(6) Any dog which has previously attacked or bitten a human being other than under the type of circumstances that would be justifiable hereunder;

(7) Any dog which has behaved in a manner that the owner or keeper thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite human beings other than the type which would be justified hereunder;

(8) Any dog certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this chapter upon the basis of reasonable medical probability;

(9) Any dog which has been classified as vicious by the Hardin County Dog Warden or a peace officer;

(10) Any dog which has been trained as an attack or guard dog, except dogs which are employed by any police department within the Commonwealth of Kentucky; or

(11) An animal shall not be deemed vicious solely because:

(a) It bites, attacks or menaces anyone assaulting its owner or keeper, or any person or other animal who has tormented or abused it;

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

(c) It is protecting or defending its young or the young of any other animal; or

(d) Where a person has broken into or entered, without permission, the enclosure of the dog.
(Ord. 2004-01, passed 4-12-2004)

' 90.02 CONTROL OF DOGS.

West Point - General Regulations

(A) It shall be unlawful for any person to keep or harbor within the city any dog that barks or yelps or otherwise makes noise as to disturb the peace and quiet of the people in the neighborhood or area where the dog is kept. Verification of more than 1 person from at least 2 different households shall be required, before this provision takes effect.

(B) It shall be unlawful to entice a dog from a yard or enclosure of its owner or keeper or to bring any dog into the city for the purpose of impounding or disposing of the same or to remove a muzzle or license tag from any dog without the consent of the owner, keeper or custodian thereof.

(C) No owner, custodian, possessor or harbinger shall permit any dog to run at large other than on its owner's premises at any time unless under the direct control of the owner, custodian, possessor or harbinger.

(D) The owner, custodian, possessor or harbinger of every dog shall, at all times, keep the dog either:

(1) Confined on the owner's premises within an enclosure which it can not escape;

(2) Firmly secured by means of a collar or chain or other device so that it can not escape and stray from the premises on which it is secured; or

(3) Under the immediate control of the person. The term Under immediate control@ is defined as the power to manage and direct the dog and is not limited to physical control of the dog.
(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.03 ANIMALS RUNNING AT LARGE.

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

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by the animal upon the premises of another.
(1987 Code, ' 90.02) Penalty, see ' 90.99

' 90.04 OWNER TO PROVIDE NECESSITIES.

No owner shall fail to provide his or her animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any waste or debris. All shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed and maintained to promote proper drainage of rain water to prevent the accumulation of mud

and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter, a shaded area shall also be provided by means of other structures, trees or awnings. The shelter shall have a floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather extremes.

(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.05 RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS.

If any animal is restricted by a chain, leash or similar restraint, it shall be designed and placed as defined under ArestraintA in ' 90.01.

(Ord. 2004-01, passed 4-12-2004)

' 90.06 ABANDONMENT.

No person shall abandon any animal, abandonment consisting of: leaving an animal for a period in excess of 24 hours, without providing for someone to feed, water and check on the animal's condition, or leaving an animal by the roadside or other area, or leaving an animal on either public or private property without the property owner's consent. In the event that an animal is found so abandoned, the animal may be taken by a Hardin County Dog Warden or peace officer and impounded in a shelter, and there confined in a humane manner. The animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the impounding section (' 90.40 of this chapter). In the event that an animal is so abandoned, the owner or keeper, if any, whom he or she has charged with the animal's care, shall be subject to a citation for violation of this section.

(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.07 CRUELTY TO ANIMALS.

It shall be unlawful for any person to willingly or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, except as otherwise provided in this chapter, whether the animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious animals or trespassing animals.

(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

Statutory reference:

Cruelty to animals in the second degree, see KRS 525.130

' 90.08 CRUELTY OR EXHIBITION FIGHTING PROHIBITED.

(A) No person shall cause or allow cruelty to be inflicted on an animal.

(B) No person shall cause or permit any dog fight or other combat between animals. For the purpose of this division (B), neglect, cruel, ill treatment and torment of an animal shall be defined as a failure by a person to adhere to the requirements and provisions of enforcement. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in dog fight or other combat, custody of an animal may be taken by a Hardin County Dog Warden, peace officer or humane officer and impounded in a shelter or other facility maintained by a humane society. The animal shall be held as evidence, and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, cruelly ill-treated or tormented or involved in a dog fight or other combat between animals, the animal shall become the property of Hardin County.

(C) No person shall own, possess, keep or train any dog with the intent that the dog shall be engaged in exhibition of fighting. In the event that a person shall own, possess, keep or train any animal with the intent that the animal shall be engaged in an exhibition of fighting, he or she shall be liable for citation for violation of this chapter and subject to the penalties under ' 90.27.

(D) No person shall be present at any dog fight or combat between animals. In the event that a person is present at a dog fight or combat between animals, he or she shall be liable for citation for violation of this chapter and subject to the penalties provided in ' 90.27.

(E) Any person who is found present at a dog fight or combat between animals, and who is charged with being a spectator in violation of this chapter, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this chapter. The animal shall be confiscated if found on the premises or in the immediate area of the dog fight or combat between animals.

(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

Statutory reference:

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

' 90.09 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED.

No person shall raise or kill a dog or cat for food or the skin or fur.

(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.10 MUTILATION OF ANIMALS.

No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter.

(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.11 SEXUAL ACTS WITH ANIMALS.

No person shall engage or cause or allow any other person to engage in a sexual act with any animal. (Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.12 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 2 months of age in any quantity less than 6, except that any rabbit weighing 3 pounds or more may be sold at an age of 6 weeks. (KRS 436.600) (1987 Code, ' 90.04) Penalty, see ' 90.99

VICIOUS DOGS

' 90.25 ALTERNATE OPINION OF CLASSIFICATION AS VICIOUS.

Should any dog be classified as vicious by the Hardin County Dog Warden, a peace officer, or by a doctor of veterinary medicine, and should the owner desire to challenge this classification, then the owner/keeper may engage the services of a licensed doctor of veterinary medicine, all costs of which are to be borne by the owner/keeper of the dog in question. The alternate opinion must be acquired and completed within 48 hours of the initial classification of the dog as being vicious. (Ord. 2004-01, passed 4-12-2004)

' 90.26 CONTROL OF VICIOUS DOGS.

(A) It shall be unlawful for any person, firm or corporation to keep or harbor within the city, a vicious dog that shall bite or fiercely attack any person or domestic animal while outside of its owner's yard or enclosure or real estate. This section shall not apply where a person shall break into or enter without the permission the premises or enclosure of the dog and be pursued therefrom and attacked or bitten by the dog.

(B) All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

(C) It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless the owner or keeper has the vicious dog under

proper restraint, and under the direct control and supervision of the owner or keeper of the vicious dog.

(D) The owner or keeper of a vicious dog shall display a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public street. The sign shall be a minimum of 2 square feet in area.

(E) The owner or keeper shall immediately notify the Hardin County Dog Warden and the Police Department if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died.

(F) The Hardin County Dog Warden or peace officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any Hardin County Dog Warden or peace officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof, subject to the right of the owner or keeper to contest the seizure or impoundment, as provided in this chapter, in Hardin District Court.

(G) In the event that the owner or keeper of the dog refuses to surrender the dog to the Hardin County Dog Warden, the Hardin County Dog Warden may obtain a search warrant from a judge of the Hardin District Court to seize the dog upon the execution of the warrant.

(H) No person shall walk or exercise a vicious dog within 1,000 feet of a school, day care, day nursery, playground, hospital or fairground.

(I) No more than 2 vicious dogs may be kept at a singular site or residence. This section shall not apply to duly licensed kennels.

(J) No vicious dog may be kept on a chain tied to a fixed point outside an enclosure.
(Ord. 2004-01, passed 4-12-2004) Penalty, see ' 90.99

' 90.27 ENFORCEMENT OF RESTRICTIONS ON VICIOUS DOGS.

In the event that a public law enforcement officer or the Hardin County Dog Warden has probable cause to believe that a vicious dog is being harbored in the city in violation of this chapter, he or she may:

(A) Order the violation immediately corrected and cite the owner or keeper to appear in court for the violation; or

(B) If the violation cannot be immediately corrected and the dog is posing an imminent serious threat to human beings or other domestic animals, the dog may be seized and impounded, in which case the owner or keeper will be cited to appear in court for the violation. At the owner's or keeper's request and expense, the impoundment may be at a veterinarian or licensed kennel of the owner's or keeper's choosing. If the court rules that the dog is not vicious as defined, it will be released to the owner or keeper upon payment to the Hardin County Dog Warden of the expense of keeping the dog, pursuant to a schedule of the costs maintained by the Hardin County Dog Warden. If the court rules that it is vicious as defined, the dog will be

released to the owner or keeper only after payment of any fees and penalties, and upon presentation of proof by the owner or keeper that the dog will now be kept restrained or confined as specified in this chapter. If, within 7 days following the order regarding a vicious dog, the owner or keeper of a vicious dog fails to either provide proof that the dog will be kept restrained or confined in compliance with the provisions of this chapter or fails to reclaim it after impoundment and pay the fees and penalties, the dog may be humanely euthanized.

(Ord. 2004-01, passed 4-12-2004)

ADMINISTRATION AND ENFORCEMENT

' 90.40 IMPOUNDMENT.

(A) Any dog found running at large within the city limits, unless under direct control of the owner, custodian, possessor or harbinger shall be taken up by the Hardin County Dog Warden and/or other proper authority, and impounded in the shelter designated by the Hardin County Animal Shelter and there confined in a humane manner for a period of not less than 5 days unless sooner claimed by its owner, custodian or person entitled thereto.

(B) The Hardin County Dog Warden may humanely destroy or transfer title of all animals held after the legal detention period in division (A) above has expired and the animal has not been claimed by its owner, custodian or other person entitled to the possession thereof provided the person to whom title is being transferred licenses the dog according to the laws of the Commonwealth of Kentucky and supplies proof of a rabies inoculation for the dog together with the boarding charges levied by the animal shelter, and in addition thereto the pick-up fee payable to the city provided below.

(C) Any owner, custodian or other person entitled to the possession of a dog impounded under division (A) above may be claimed by the owner, custodian or person entitled to possession thereof upon proof that the dog has been or is licensed, according to the laws of the Commonwealth of Kentucky; proof that the dog has been inoculated against rabies; payment of boarding charges levied by the county, and payment to the county of any fine due.

(Ord. 2004-01, passed 4-12-2004)

' 90.41 REMOVAL OF ANIMAL IN IMMEDIATE DANGER.

Any animal observed by a peace officer or Hardin County Dog Warden to be in immediate danger may be removed from the situation by the quickest and most reasonable means available.

(Ord. 2004-01, passed 4-12-2004)

' 90.42 CONFISCATION OF VICTIMIZED ANIMAL.

West Point - General Regulations

(A) Any animal found involved in a violation of any portion of this chapter may be confiscated by any Hardin County Dog Warden or peace officer and held in a humane manner. Upon conviction of this charge by a court of law, all animals so confiscated shall become the property of Hardin County, and the owner of the animals shall pay to or reimburse Hardin County all veterinary fees associated with medical treatment provided the animal while it was in custody.

(B) A Hardin County Dog Warden or peace officer shall be allowed reasonable access to inspect the property of anyone found guilty of violation of any of the provisions under this chapter.
(Ord. 2004-01, passed 4-12-2004)

' 90.43 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any Hardin County Dog Warden, peace officer, animal control officer, or any officer of the accredited humane society or Society for the Prevention of Cruelty to Animals 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 2 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 10 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) (1987 Code, ' 90.06)

' 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided, shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed \$500 or be imprisoned for a period not to exceed 12 months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(1) Any person found guilty of owning a vicious dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that Judge that the severity of the attack warrants such action.

(2) Any person found guilty of owning a potentially vicious dog or vicious dog shall be fined not less than \$250 and shall have the dog spayed or neutered within 7 days of that finding. Proof of the surgery must be provided to the citing agency within 24 hours of its performance.

(3) Any person found guilty of owning a potentially vicious dog or a vicious dog, in addition to any other penalties or stipulations imposed, shall within 7 days of that finding also have the dog implanted with a microchip identification. Within 7 days of that implantation the owner shall present the animal to the Division for scanning and verification of the microchip and identification number.

(4) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of Cruelty to Animals and/or Harboring a Vicious Animal, may also be required to relinquish ownership of the animal(s) to the Hardin County Dog Warden immediately upon conviction, and the animal may be humanely euthanized according to the standard of procedures followed by the Hardin County Dog Warden.
(Ord. 2004-01, passed 4-12-2004)

(B) Any person who violates ' 90.07 shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense.

(C) Any person who violates ' 90.12 shall be fined not less than \$100 nor more than \$500.
(KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 91.01 Opening permit required
- 91.02 Application and cash deposit
- 91.03 Sidewalk construction; restoration
- 91.04 Barriers around excavations
- 91.05 Warning lights

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

- 91.35 Unloading on street or sidewalk
 - 91.36 Street and sidewalk obstruction
 - 91.37 Materials on street or sidewalk
 - 91.38 Removal of ice and snow
-
- 91.99 Penalty

EXCAVATIONS AND CONSTRUCTION

' 91.01 OPENING PERMIT REQUIRED.

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

(1987 Code, ' 91.01) Penalty, see ' 91.99

Cross-reference:

Utility work on city property, see ' 50.05

' 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 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 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.

(1987 Code, ' 91.02)

' 91.03 SIDEWALK CONSTRUCTION; RESTORATION.

(A) Any opening for construction or 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 ' 91.02 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 the services performed by the city should exceed the amount of the deposit, the Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

' 91.04 BARRIERS AROUND EXCAVATIONS.

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

(1987 Code, ' 91.04) Penalty, see ' 91.99

' 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least 2 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 1 additional lamp for each added 50 feet or portion thereof excavated or obstructed.

(1987 Code, ' 91.05) Penalty, see ' 91.99

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) (1987 Code, ' 91.15)

' 91.16 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing to take 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 7 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)) (1987 Code, ' 91.16)

' 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 or she feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(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)) (1987 Code, ' 91.17)

' 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

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

(KRS 174.100 (4)) (1987 Code, ' 91.18)

' 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)) (1987 Code, ' 91.19)

' 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

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

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

(KRS 174.100 (6),(7)) (1987 Code, ' 91.20)

OBSTRUCTIONS

' 91.35 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.

(1987 Code, ' 91.30) Penalty, see ' 91.99

' 91.36 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.

(1987 Code, ' 91.31) Penalty, see ' 91.99

Cross-reference:

Obstruction of drainage or natural watercourse, see ' *130.03*

' 91.37 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.

(1987 Code, ' 91.32) Penalty, see ' 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

' 91.38 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

(1987 Code, ' 91.33) Penalty, see ' 91.99

' 91.99 PENALTY.

Whoever violates any provision of this chapter shall, upon conviction, be fined not more than \$500.
(1987 Code, ' 91.99)

CHAPTER 92: UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT

Section

92.01 Adoption of Landlord and Tenant Act

' **92.01 ADOPTION OF LANDLORD AND TENANT ACT.**

KRS 383.505 through 383.705 are hereby adopted by the city as The Uniform Residential Landlord and Tenant Act and all provisions of KRS 383.505 through 383.705 shall be enacted, and are hereby adopted and made a part of this code, as if set forth in full herein.
(Ord. 2002-13, passed 7-8-2002)

CHAPTER 93: FIRE PREVENTION

Section

Fire Prevention

- 93.01 Blasting permit
- 93.02 Storage of flammables and other matter

Smoke Detectors

- 93.15 Definitions
- 93.16 Smoke detectors required
- 93.17 Type and placement of smoke detectors
- 93.18 Providing, installing and maintaining smoke detectors
- 93.19 Enforcement
- 93.20 Severability; conflict with county regulations

- 93.99 Penalty

Cross-reference:

Fees charged to nonresidents for Fire Department services, see ' 35.67

FIRE PREVENTION

' 93.01 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 the permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.

(1987 Code, ' 93.01) Penalty, see ' 93.99

' 93.02 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.

(1987 Code, ' 93.02) Penalty, see ' 93.99

SMOKE DETECTORS**' 93.15 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 2 or more dwelling units or any rooming units, rooms or area designated or used for sleeping purposes either as a primary use or use on casual occasions. **DWELLING** shall include a rooming house, hotels, motels, tourist homes, school dormitories, apartment and/or condominium buildings.

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, except single family residential units.

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, 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 person thus representing the actual owner shall be bound to comply with the owner's obligations contained in this subchapter.

ROOMING UNIT. Any room which is designed or used for sleeping purposes. A rooming unit may include 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. (1987 Code, ' 93.10) (Ord. 29-1980, passed 11-12-1980)

' 93.16 SMOKE DETECTORS REQUIRED.

(A) In all non-owner occupied single family and duplex family residential units designed or used for sleeping purposes in existence on or about February 15, 1980, smoke detectors powered by a hard wire AC primary power source or a battery shall be installed and maintained within 6 months after the effective date of this subchapter (i.e. November 12, 1980).

(B) In all multi-family residential units, rooming houses, tourist homes, dormitories or other dwellings designed or used for sleeping purposes in existence on or about February 15, 1980, smoke detectors powered by a hard wire AC primary power source shall be installed and maintained within 1 year after the effective date of this subchapter (i.e., November 12, 1980), except for owner occupied single family residential units which may utilize smoke detectors powered by a hard wire AC primary power source or a battery in compliance with this subchapter. Provided, further, an extension of the time period set forth above, not to exceed 6 months, may be granted by the County Deputy for Code Enforcement upon the showing of a good faith effort by the owner to comply with the provisions of this subchapter. The extensions will be granted in cooperation with the recommendation of the Fire Chief or his or her designated representative for the local fire district wherein the dwellings are located.

(C) Where significant effort has been made by installing battery operated smoke detectors, the mandatory installation period listed in division (B) of this section may be extended for a period not to exceed 5 years upon formal request by the affected party to the County Deputy for Code Enforcement, and the approval of any request shall be made in cooperation with the recommendation of the Fire Chief or his or her designated representative for the local fire district wherein the dwelling unit is located.

(D) In all hotels and motels in existence on or about February 15, 1980, battery powered smoke detectors shall be installed and maintained within 1 year after the effective date of this subchapter (i.e., November 12, 1980). (1987 Code, ' 93.11) (Ord. 29-1980, passed 11-12-1980) Penalty, see ' 93.99

' 93.17 TYPE AND PLACEMENT OF SMOKE DETECTORS.

(A) In order to comply with this subchapter, only ionization or photo electric type detectors approved by a nationally recognized testing laboratory shall be installed.

(B) Smoke detectors shall be placed in accordance with the applicable N.F.P.A. Standards. Detectors may be ceiling or wall mounted, provided that if wall mounted they shall be within 18 inches, but not closer than 12 inches of the ceiling.

(C) 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 and/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. In a rooming unit the detector shall be centrally located on the ceiling.

(D) In a dwelling containing 2 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.

(E) In multi-family residential dwellings containing 4 or more units, the smoke detectors installed in the common areas and storage areas shall be installed so that activation of 1 of the detectors in the common areas or storage areas shall cause all of the detectors within the common areas or storage areas contained within exterior perimeter walls or separated by fire or party walls as applicable to be activated to alert. (1987 Code, ' 93.12) (Ord. 29-1980, passed 11-12-1980) Penalty, see ' 93.99

' 93.18 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 detector(s) and for providing the manufacturer's maintenance and testing instruments to a tenant.

(B) The owner of a dwelling shall be responsible for maintenance and testing of detectors, in accordance with the manufacturer's instructions, which are located in common areas and/or detectors in rooming units where the tenant usually has short periods of occupancy (hotels, motels, 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 or her exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when a detector(s) becomes inoperable, and the owner shall have 10 days after receipt of the written notice in which to repair or replace the detector(s) in an operable condition. Battery replacement in smoke detectors shall be the responsibility of the tenant until the conversion to a hard wire AC primary power source has been accomplished as required by ' 93.16.

(D) At every change of tenancy in all multi-family residential units and dormitories, 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) In all hotels, motels, rooming houses or tourist homes it shall be the duty of the owner to test the detectors on a regular basis in accordance with manufacturer's instructions, and the owner shall be responsible for maintaining the units in an operable condition. A log of smoke detector inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request. (1987 Code, ' 93.13) (Ord. 29-1980, passed 11-12-1980) Penalty, see ' 93.99

' 93.19 ENFORCEMENT.

The County Deputy for Code Enforcement, or his or her designated representative, in cooperation with the recommendations of the local fire official, the Fire Chief or his or her designated representative and the officials of other departments of the city and county having jurisdiction is hereby authorized and directed to enforce all provisions of this subchapter and the final determination concerning compliance herewith shall be the sole discretion of the County Deputy for Code Enforcement. Upon the presentation of his or her official credentials, the County Deputy for Code Enforcement may enter any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

(1987 Code, ' 93.14) (Ord. 29-1980, passed 11-12-1980)

' 93.20 SEVERABILITY; CONFLICT WITH COUNTY REGULATIONS.

(A) If any provision of this subchapter or the application thereof to any person is held invalid, the invalidity shall not affect other provisions or applications of the subchapter, which shall remain in full force and effect; and to this end, the provisions of this subchapter are severable.

(B) In any case where a provision of this subchapter is found to be in conflict with a provision of any fire or safety code of the county, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

(1987 Code, ' 93.15) (Ord 29-1980, passed 11-12-1980)

' 93.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter or neglecting to comply with any order issued pursuant to this chapter shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500, or imprisoned for not more than 60 days, or both fine and imprisonment. Each day's violation shall constitute a separate offense. This is a penal provision and does not create a new standard of care for the purpose of civil liability.

(1987 Code, ' 93.99) (Ord. 29-1980, passed 11-12-1980)

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.
(1987 Code, ' 94.01) Penalty, see ' 94.99

' 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.
(1987 Code, ' 94.02) Penalty, see ' 94.99

' 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.
(1987 Code, ' 94.03) Penalty, see ' 94.99

' 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(1987 Code, ' 94.04) Penalty, see ' 94.99

Cross-reference:

Obstruction of drainage or natural water course, see ' *130.03*

' 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 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.

(1987 Code, ' 94.05) Penalty, see ' 94.99

' 94.99 PENALTY.

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

(1987 Code, ' 94.99)

CHAPTER 95: HOUSE NUMBERING

Section

- 95.01 Standards of compliance
- 95.02 Single-family dwellings
- 95.03 Apartment buildings
- 95.04 Commercial and industrial structures
- 95.05 Enforcement by county

- 95.99 Penalty

' 95.01 STANDARDS OF COMPLIANCE.

All residential, commercial, and industrial property located in the county shall conspicuously display the appropriate street address as assigned by the County Department of Public Works in accordance with the standards set out in this chapter.

(1987 Code, ' 95.01) (Ord. 21-1982, passed 5-19-1982)

' 95.02 SINGLE-FAMILY DWELLINGS.

(A) The address shall be placed at the front of the residence or in a manner so as to be visible from the nearest fronting road;

(B) The address shall be clearly visible from the nearest fronting road and kept free and clear of any obstructions hindering reasonable visibility from the fronting road; and

(C) The numbers shall be in standard Arabic form of a size at least 3 inches by 2 inches, or larger if necessary to be visible from the nearest fronting road, and in a color distinguishable from its background, with the exception that existing posted numerals shall be acceptable hereunder if so visible as to adequately identify each single-family dwelling.

(1987 Code, ' 95.05) (Ord. 21-1982, passed 5-19-1982) Penalty, see ' 95.99

' 95.03 APARTMENT BUILDINGS.

(A) The address shall be placed in a manner to insure prompt identification of apartment buildings from the nearest fronting road or parking area, depending upon the location and placement of each particular apartment building; and

(B) The addresses shall be clearly visible and kept free and clear of any obstructions hindering reasonable visibility from the nearest fronting road or parking area; and

(C) The numbers shall be in standard Arabic form of a size at least 3 inches by 2 inches, or larger if necessary to be visible from the nearest fronting road or parking area, and in a color distinguishable from its background, with the exception that existing posted numerals shall be acceptable hereunder if so visible as to adequately identify each apartment building; and

(D) In the event that apartment buildings located in a complex or elsewhere are not clearly visible from the nearest public thoroughfare, the owner of any apartment buildings shall use a system of identification that is reasonably calculated to be readily identifiable by public service and emergency personnel. The County Code Enforcement Officer or his or her authorized representative shall have the authority to approve any identification system proposed in writing by apartment building owners. The written approval obtained from the County Code Enforcement Officer shall be prima facie evidence of compliance with this chapter. (1987 Code, ' 95.06) (Ord. 21-1982, passed 5-19-1982) Penalty, see ' 95.99

' 95.04 COMMERCIAL AND INDUSTRIAL STRUCTURES.

(A) The address shall be placed on all commercial and industrial structures so as to insure visibility from the nearest fronting road, and if the commercial or industrial structure is not visible from the nearest fronting road, the street address shall be posted in a conspicuous manner so as to be visible from the nearest fronting road; and

(B) The numbers shall be in standard Arabic form of a size at least 5 inches by 3 inches, or larger if necessary to be visible from the nearest fronting road, and in a color distinguishable from its background, with the exception that existing posted numerals shall be acceptable hereunder if so visible as to adequately identify each commercial or industrial structure; and

(C) In the event that commercial or industrial structures located in a complex or elsewhere are not clearly visible from the nearest public thoroughfare, the owner of any structures shall use a system of identification that is reasonably calculated to be readily identifiable by public service and emergency personnel. The County Code Enforcement Officer or his or her authorized representative shall have the authority to approve any identification system proposed in writing by owners of commercial or industrial structures. The written approval obtained from the County Code Enforcement Officer shall be prima facie evidence of compliance with this chapter.

(1987 Code, ' 95.07) (Ord. 21-1982, passed 5-19-1982) Penalty, see ' 95.99

' 95.05 ENFORCEMENT BY COUNTY.

The County Code Enforcement Officer or his or her authorized representative are hereby designated as enforcement personnel for this chapter, and they are hereby vested with the authority to issue citations for violations of this chapter, which shall be enforced with the intent to ensure that each residential, commercial, and industrial structure in the county is clearly identified by its assigned street address in order to enable emergency and other public service personnel to promptly identify the address at all times during the night and day.

(1987 Code, ' 95.15) (Ord. 21-1982, passed 5-19-1982)

' 95.99 PENALTY.

Any person, firm or corporation failing to comply with the provisions of this chapter shall be fined not less than \$10 or more than \$25, and each day during which the violation exists shall be deemed a separate offense. Warning citations may be issued by enforcement personnel in appropriate circumstances.

(1987 Code, ' 95.99) (Ord. 21-1982, passed 5-19-1982)

