

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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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.

(1) 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.

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(2) The **ABANDONMENT** shall constitute the relinquishment of all rights and claims by the owner to the animal.

(KRS 257.100(4))

ANIMAL. Any living creature, domestic or wild, including livestock, poultry, pet rodents, pet birds and vermin.

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.

ENFORCEMENT OFFICER. Any peace officer, as defined in § 10.02, duly authorized by the city to enforce its laws or ordinances.

KENNEL. Any facility, whether licensed or unlicensed, used for the storage, keeping, harboring or boarding of animals for a fee.

LIVESTOCK. Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits.

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.

PET BIRDS. Any tamed or domesticated bird kept caged or within doors.

PET RODENTS. Hamsters, gerbils, woodchucks, mice or similar rodents which are kept as domesticated or tamed animals and kept caged or within doors at all times.

POULTRY. All domesticated fowl and game birds which are legally kept in captivity.
(Prior Code, § 90.01)

§ 90.02 ANIMALS RUNNING AT LARGE.

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

(B) It shall be unlawful for the owner or keeper of any animal, regardless of the age of the animal, to allow the animal 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.

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

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

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

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

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

(3) Kills any animal.

(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; or

(4) For any other purpose authorized by law.

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

Statutory reference:

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

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell 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) (Prior Code, § 90.04) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.
(Prior Code, § 90.05) Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

(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, dog pound 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, as provided herein shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.
(KRS 257.100) (Prior Code, § 90.06)

§ 90.07 NOISE DISTURBANCE.

(A) No person shall keep or harbor any animal within the city which creates unreasonably loud and disturbing noises of a character, intensity and duration so as to disturb the peace, quiet and good order of one or more of the inhabitants of two or more separate residences.

(B) Any person who shall allow any animal habitually to remain, be lodged or fed within any dwelling, yard or enclosure which he or she occupies or owns shall be considered as harboring the animal.
(Prior Code, § 90.07) Penalty, see § 90.99

§ 90.08 KENNELS PROHIBITED.

It shall be unlawful for any person to operate a kennel within the city limits, unless the kennel is already in operation as of the adoption date of this code of ordinances.

(Prior Code, § 90.08) Penalty, see § 90.99

§ 90.09 KEEPING OF LIVESTOCK.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except dogs, cats, household pets, provided they are not kept, bred or maintained for any commercial purpose. Each pet owner shall remove any waste created by their pet and dispose of it in a safe, sanitary manner.

(Ord. 01-2000, passed 1-11-2000) Penalty, see § 90.99

§ 90.10 HUNTING.

No hunting or discharge of firearms (except by government enforcement officials) shall be permitted within the municipal boundaries of the city.

(Ord. 01-2000, passed 1-11-2000) Penalty, see § 90.99

ENFORCEMENT

§ 90.15 INTERFERENCE WITH ENFORCEMENT PROHIBITED.

No person shall in any manner interfere with, hinder, molest or abuse any enforcement officer who is enforcing this chapter.

(Prior Code, § 90.15) Penalty, see § 90.99

§ 90.16 ISSUANCE OF CITATIONS.

(A) Any enforcement officer may issue a citation to the owner of any animal found unrestrained.

(B) The citation shall indicate the nature and circumstances of the violation, the specific section or sections of this chapter violated, and shall impose upon the owner the obligation of appearance to answer the charges specified in the citation at the County District Court at the time and place indicated on the citation.

(Prior Code, § 90.16)

§ 90.17 IMPOUNDMENT.

Unrestrained animals shall be taken by any enforcement officer and impounded in the County Animal Shelter and there confined in a humane manner.

(Prior Code, § 90.17)

§ 90.18 RECLAIMING IMPOUNDED ANIMAL.

The owner of any animal so impounded may reclaim the animal upon the payment of all appropriate fees and after fulfilling any and all other requirements.

(Prior Code, § 90.18)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than \$15 nor more than \$500 for each offense or be imprisoned for not less than five days nor more than 60 days or both so fined and imprisoned. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 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 fined not less than \$100 nor more than \$500.

(KRS 436.600)

(D) Any person, firm or corporation violating § 90.09 of this chapter shall be charged a civil penalty of not less than \$5 and not more than \$50 for each offense. Each day a violation of that section occurs is a separate offense. Enforcement of this restrictions shall be by proceedings in law or in equity, brought by the city.

(Prior Code, § 90.99) (Ord. 01-2000, passed 1-11-2000)

Section

CHAPTER 91: STREETS AND SIDEWALKS

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EXCAVATIONS AND CONSTRUCTION**§ 91.01 OPENING PERMIT REQUIRED.**

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

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

§ 91.02 APPLICATION AND CASH DEPOSIT.

(A) Each permit for making an opening shall be confined to a single project and shall be issued by the authorized city official.

(B) 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.

(C) 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.

(Prior Code, § 91.02)

§ 91.03 RESTORATION OF PAVEMENT.

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

(B) (1) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make the fill and restoration and the deposit referred to in § 91.02 shall be forfeited.

(2) Thereupon the deposit shall be paid into the appropriate city fund, except the part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it.

(3) If the amount of the services performed by the city should exceed the amount of the deposit, the City Clerk/Treasurer or other proper administrative officer shall proceed to collect the remainder due from the permittee.

(Prior Code, § 91.03)

§ 91.04 BARRIERS AROUND EXCAVATIONS.

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

(Prior Code, § 91.04) Penalty, see § 91.99

§ 91.05 WARNING LIGHTS.

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

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

§ 91.06 SIDEWALK CONSTRUCTION.

(A) It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city.

(B) He or she 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.

(C) When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall authorize the Mayor to contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work.

(D) The Mayor, if authorized by City Council, may make separate contracts for the different kinds of work with different parties.

(Prior Code, § 91.06)

Statutory reference:

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

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS**§ 91.15 PUBLIC HEARING REQUIRED.**

Before the city expends state derived tax revenues on a municipal highway, road, street or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes.
(KRS 174.100) (Prior Code, § 91.15)

§ 91.16 NOTICE REQUIREMENTS.

(A) Not less than 45 days before the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall give notice in the manner required by KRS 424 of a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city.

(B) The hearing shall be held not less than 30 days after the first publication of the notice and before beginning work on any project covered by this subchapter.
(KRS 174.100(1)) (Prior 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.
(KRS 174.100(2))

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.
(KRS 174.100(3))
(Prior Code, § 91.17)

§ 91.18 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)) (Prior Code, § 91.18)

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

(A) This subchapter shall not be construed to require a separate hearing for each project.

(B) A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

(KRS 174.100(5)) (Prior Code, § 91.19)

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

(KRS 174.100(6))

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

(KRS 174.100(7))

(Prior Code, § 91.20)

OBSTRUCTIONS

§ 91.30 UNLOADING ON STREET OR SIDEWALK.

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

(Prior Code, § 91.30) Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

(A) 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.

(B) Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

(Prior Code, § 91.31) Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

(A) No person shall encumber any street or sidewalk.

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

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

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.33 REMOVAL OF ICE AND SNOW.

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

(Prior Code, § 91.33) Penalty, see § 91.99

DRIVEWAYS**§ 91.40 MAINTENANCE OF DRIVEWAYS.**

(A) It shall be the duty of each owner of real property in the city to maintain any driveway into his or her property in a safe condition and free of any breaks or defects which present a danger to pedestrians traveling on the city sidewalks or vehicles traveling on city streets.

(B) Upon notice from the city in accordance with § 92.04 below that a hazardous condition exists with respect to a driveway on his or her property, the property owner shall repair or cause repairs to be made to the driveway, within the time limit set forth in the notice from the city and in accordance with the specifications approved by the City Council. All repairs shall be made at the expense of the property owner.

(C) In the event the property owner fails or refuses to make the ordered repairs, the hazardous condition may be abated by the city in accordance with § 92.04 and the property owner may be cited for a violation of this section.

(Prior Code, § 91.40) Penalty, see § 91.99

PROPERTY NUMBERING

§ 91.50 NUMBERING OF RESIDENTIAL PROPERTY REQUIRED.

It shall be the duty of each residential property owner, renter and lessee, to place at the front of each and every property used for a residence, in a conspicuous location as near the front door as practicable, the residence address number, which shall not be less than three by two inches in oblong size, of a color which shall be clearly visible from the street, directly in front of the residence.

(Prior Code, § 91.50) Penalty, see § 91.99

§ 91.99 PENALTY.

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

(B) Any person found guilty of violating the provisions of § 91.40 shall be fined in an amount not less than \$25 nor more than \$100. Each day the violation continues shall be deemed a separate offense.

(C) Any person found in violation of § 91.50 shall be fined not less than \$10 nor more than \$25.
(Prior Code, § 91.99)

Section

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Cross-reference:

Abandoned, inoperable or unsafe vehicles, see § 72.13

Statutory reference:

Private nuisances, see KRS 411.500 through 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.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

NUISANCE. Public nuisance.

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

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

(Prior Code, § 92.01)

§ 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. (Prior Code, § 92.02) Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance 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) *Personal property.* No personal property designed and constructed primarily for use within a house shall be maintained on the exterior of the residence and/or garage constructed on any lot.

(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 and shrubbery which in any way interferes with the use, construction or maintenance of streets and sidewalks, causes injury to streets and 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; and

(H) *Junk; scrap metal.* The accumulation or storage of junk or scrap metal within the city limits except on premises authorized by the city for like purposes. (Prior Code, § 92.03) (Ord. 01-2000, passed 1-11-2000) Penalty, see § 92.99

§ 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 Kentucky Revised Statutes that is owned, controlled, operated, managed, or leased by a motor carrier.

(C) It shall be unlawful in any city 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.

(D) Any city 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 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.

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(F) A city 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 City 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 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 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 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.

(Prior Code, § 92.04)

§ 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.

(Prior Code, § 92.05)

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is brought to the attention of the City Council that a nuisance exists and the City Council deems that there is an immediate threat to the public health, safety and welfare, the City Council may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) The Clerk/Treasurer shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(C) Upon application of the licensee, the City Council may remove the suspension upon terms as it may direct.
(Prior Code, § 92.06)

§ 92.07 OPEN DUMPS PROHIBITED.

It shall be unlawful for any person, firm or corporation to establish, construct, operate, maintain or use any open dump or landfill of any kind within the city limits.
(Prior Code, § 92.07) Penalty, see § 92.99

§ 92.08 DUTY TO MAINTAIN LOT; WEEDS.

(A) It shall be the duty of each lot owner to keep grass on the property cut, to keep the lot free from weeds and trash, and to keep the lot otherwise neat and attractive in appearance.

(B) Grass must be maintained so as not to exceed 12 inches in height.

(C) Should any owner fail to do so, the city and/or its agent may take action as deemed appropriate, including mowing, in order to make the lot neat and attractive, and the owner shall immediately upon demand, reimburse the city and/or its agent or other performing party for all expenses, together with allowable statutory interest.
(Ord. 01-2000, passed 1-11-2000) Penalty, see § 92.99

§ 92.09 ITEMS IN FRONT YARD.

(A) No recreational equipment shall be kept or maintained on any lot nearer to the street than the front building line of the house constructed on the lot.

(B) No antennae (except for standard small television antennae), microwave or other receivers and transmitters (including satellite dishes) shall be erected or placed on any lot nearer to the street than the front of the house constructed on the lot.
(Ord. 01-2000, passed 1-11-2000) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person, firm or corporation convicted of violating § 92.07 shall be subject to a fine of \$1,000 per day for each day of the violation.

(Prior Code, § 92.99)

(B) Enforcement of these restrictions shall be by proceedings in law or in equity, brought by the city. Any person, firm or corporation violating any section of this chapter not otherwise listed, shall be charged a civil penalty of not less than \$5 and not more than \$50 for each offense. Each day a violation of this chapter occurs is a separate offense.

(Ord. 01-2000, passed 1-11-2000)

Section

CHAPTER 93: FIREWORKS; FIRE PREVENTION

- 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 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 ½ 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 ½ 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 ½ 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.

(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.*

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

(b) *Chaser.* Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.
(KRS 227.702)

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

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

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

(3) *Wire sparkler.* Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

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

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

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

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

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

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

(f) *Auto burglar alarm*. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.
(KRS 227.704)

(D) As used in KRS 227.700 through 227.750, **DISPLAY FIREWORKS** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 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.
(Prior Code, § 93.01) (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:

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Heritage Creek - General Regulations

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

(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. (Prior Code, § 93.02) (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. (Prior Code, § 93.03) (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 above 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 \$10,000. 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 or her agents, employees or subcontractors. (KRS 227.720) (Prior Code, § 93.04) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

Nothing in this 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 25/100 of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state. (KRS 227.730) (Prior Code, § 93.05)

§ 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this 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.
(Prior Code, § 93.06) (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 the permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.
(Prior Code, § 93.20) Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

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

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

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.
(Prior Code, § 93.21) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person 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))

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(B) Any person who violates any other provision of this chapter shall be fined not more than \$500.
(Prior Code, § 93.99)

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

CHAPTER 94: LITTERING

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.
(Prior Code, § 94.01) Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

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

§ 94.03 HAULING LOOSE MATERIAL.

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

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Prior Code, § 94.04) Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

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

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not. (Prior Code, § 94.05) Penalty, see § 94.99

§ 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than \$500. Each day the violation is committed or permitted to continue shall constitute a separate offense. (Prior Code, § 94.99)

Section

95.01	Definitions	CHAPTER 95: SMOKE DETECTORS FOR RESIDENTIAL UNITS
95.02	Smoke detectors required	
95.03	Type and placement of smoke detectors	
95.04	Providing, installing and maintaining smoke detectors	
95.05	Enforcement	
95.99	Penalty	

§ 95.01 DEFINITIONS.

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

DWELLING.

(1) Any building which contains two 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.

(2) ***DWELLING*** shall include a rooming house, hotels, motels, tourist homes, school dormitories, apartment 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 like person thus representing the actual owner shall be bound to comply with the owner's obligations under this chapter.

ROOMING UNIT.

(1) Any room which is designed or used for sleeping purposes.

(2) 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.
(Prior Code, § 95.01)

§ 95.02 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 February 15, 1980, smoke detectors powered by a hard wire AC primary power source or a battery shall be installed and maintained within six months after the effective date of this chapter.

(B) (1) In all multi-family residential units, rooming houses, tourist homes, dormitories or other dwellings designed or used for sleeping purposes in existence on February 15, 1980, smoke detectors powered by a hard wire AC primary power source shall be installed and maintained within one year after the effective date of this chapter, 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 chapter.

(2) Provided, an extension of the time period set forth above, not to exceed six months, may be granted by the Mayor upon the showing of a good faith effort by the owner to comply with the provisions of this chapter. 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 a significant effort has been made by installing battery operated smoke detectors, the mandatory installation period listed in division (B) above may be extended for a period not to exceed five years upon formal request by the affected party to the Mayor, 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 February 15, 1980, battery powered smoke detectors shall be installed and maintained within one year after the effective date of this chapter.
(Prior Code, § 95.02) Penalty, see § 95.99

§ 95.03 TYPE AND PLACEMENT OF SMOKE DETECTORS.

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

(B) Smoke detectors shall be placed in accordance with the applicable National Fire Protection Association 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) (1) In a dwelling unit which contains a well-defined sleeping room separated from the other activity areas of the same unit, the smoke detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes.

(2) Where sleeping areas are separated or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area.

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

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

(E) In multi-family residential dwellings containing four or more units, the smoke detectors installed in the common areas and storage areas shall be installed so that activation of one of the detectors in the common areas or storage area shall cause all of the detectors within the common areas or storage areas contained within the exterior perimeter walls or separated by fire or party walls, as applicable, to be activated to alert.

(Prior Code, § 95.03) Penalty, see § 95.99

§ 95.04 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 smoke detectors and for providing the manufacturer's maintenance and testing instructions to a tenant.

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

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(C) (1) The tenant shall be responsible for maintaining and testing the smoke detector, in accordance with the manufacturer's instructions, which are within his or her exclusive control during the life of the tenancy.

(2) The tenant shall be responsible for notifying the owner in writing when a detector becomes inoperable, and the owner shall have ten days after receipt of this written notice in which to repair or replace the detector in an operable condition.

(3) 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 § 95.02 above.

(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 smoke detectors contained in the unit are in operable condition, and if not, the owner shall be responsible for placing them in operable condition.

(E) (1) In all hotels, motels, rooming houses or tourist homes, it shall be the duty of the owner to test the smoke detectors on a regular basis in accordance with the manufacturer's instructions, and the owner shall be responsible for maintaining the units in an operable condition.

(2) A log of smoke detector inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request.
(Prior Code, § 95.04) Penalty, see § 95.99

§ 95.05 ENFORCEMENT.

(A) The Mayor 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 authorized and directed to enforce all provisions of this chapter and the final determination concerning compliance herewith shall be in the sole discretion of the Mayor or his or her designated representative.

(B) Upon the presentation of his or her official credentials, the Mayor or his or her designated representative may enter any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.
(Prior Code, § 95.05)

§ 95.99 PENALTY.

(A) (1) Any person, firm or corporation violating any of the provisions 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 the fine and imprisonment.

(2) Each day's violation shall constitute a separate offense.

(B) This is a penal chapter and does not create a new standard of care for the purpose of civil liability.

(Prior Code, § 95.99)

Section

- 96.01 Mail and paper boxes
96.02 Glass containers in city park
- CHAPTER 96: MISCELLANEOUS REGULATIONS**
- 96.99 Penalty

§ 96.01 MAIL AND PAPER BOXES.

No mail box and/or paper holder shall be placed on any lot and/or easement unless its design and placement are approved in writing by the City Clerk/Treasurer by the issuance of a permit. The permit required in this section shall have no cost for its issuance by the City Clerk/Treasurer. Any mail box and/or paper holder constructed and/or located without obtaining a permit prior to its construction and/or location shall be removed by order of the Mayor.
(Ord. 01-2000, passed 1-11-2000) Penalty, see § 96.99

§ 96.02 GLASS CONTAINERS IN CITY PARK.

No glass beverage containers shall be permitted in the City Park.
(Ord. 01-2000, passed 1-11-2000) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Enforcement of these restrictions shall be by proceedings in law or in equity, brought by the city.

(B) Any person, firm or corporation violating any section of this chapter shall be charged a civil penalty of not less than \$5 and not more than \$50 for each offense.

(C) Each day a violation of this chapter occurs is a separate offense.
(Ord. 01-2000, passed 1-11-2000)

