

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." 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.  
(KRS 257.010(1))

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

"OWNER." Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

§ 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot,

or enclosure without the consent of the owner of the yard, lot, or enclosure.

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

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

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

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

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

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

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

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

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

(3) For humane purposes;

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

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

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

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

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(C) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section.

(D) Cruelty to animals in the second degree is a Class A misdemeanor.

(E) (1) If a person is convicted of or pleads guilty to an offense under division (A) of this section arising from the person's treatment of an equine, the court may impose one or both of the following penalties against the person, in addition to fines and imprisonment:

(a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment and incidental care of any equine that was the subject of the offense resulting in conviction; or

(b) An order terminating or imposing conditions on the person's right to possession, title, custody or care of any equine that was the subject of the offense resulting in conviction.

(2) If a person's ownership interest in an equine is terminated by a judicial order under division (E) (1) (b) of this section, the court may order the sale, conveyance or other disposition of the equine that was the subject of the offense resulting in conviction.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

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

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except

that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.  
Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two (2) reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten (10) days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or animal shelter or disposed of as 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)

DOGS

§ 90.15 DEFINITIONS.

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

"DOG." Any member of the canine family, six (6) months of age or over, male or female.

§ 90.16 IDENTIFICATION TAG REQUIRED; RUNNING AT LARGE.

(A) All dogs in the city shall be identified by a tag or other device which shall identify the owner and address of the owner of the dog.

(B) It shall be unlawful for the owner or keeper of any dog, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property. All dogs shall be kept at all times on property controlled by the owner, except at such times as the dog is maintained under direct control by some responsible person by leash or other leading device.  
(Ord. 159-87, passed 5-4-87) Penalty, see § 90.99

§ 90.17 NOISE DISTURBANCE.

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

Cross reference:

Nuisances, noise, see §§ 92.20-92.23

§ 90.18 IMPOUNDMENT.

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

(B) Any dog found at large in the city without an owner identification device shall be presumed to be a stray. Strays shall be caught or subdued by any city employee and taken to the dog pound where the dog shall be kept for a minimum of seven (7) days at which time the dog may be destroyed. The dog may when ascertained to be running at large, at the city employee's discretion, be subdued by means of a tranquilizer gun or device.

(C) There shall be a presumption that the owner of the dog is the person named on the identification device attached to the dog.  
(Ord. 159-87, passed 5-4-87)

§ 90.19 RECLAIMING IMPOUNDED DOG.

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

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. Each day the violation exists shall constitute a separate offense. This offense is hereby designated and declared to be a violation.

(B) Any person who violates § 90.03 shall be fined not more than five hundred dollars (\$500.00), be imprisoned for not more than twelve (12) months, or both for each offense. (KRS 525.130) This offense is hereby designated and declared to be a misdemeanor.

(C) Any person who violates § 90.04 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) (KRS 436.600) This offense is hereby designated and declared to be a misdemeanor.

(D) The offender shall be subject to a civil penalty of one hundred dollars (\$100.00), plus court costs and reasonable attorney's fees, for each violation and offense, which shall be recovered by the city in a civil action in the nature of debt, if not paid by the offender within thirty (30) continuous calendar days after citation for the violation, offense or other failure to comply with the provisions of this Code of Ordinances.



in violation of this chapter and to impound such dog or have such dog impounded in the appropriate place.

(B) Any dog found at large in the city without an owner identification device shall be presumed to be a stray. Strays shall be caught or subdued by any city employee and taken to the dog pound where the dog shall be kept for a minimum of seven (7) days at which time the dog may be destroyed. The dog may when ascertained to be running at large, at the city employee's discretion, be subdued by means of a tranquilizer gun or device.

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(C) Any person who violates § 90.04 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) (KRS 436.600) This offense is hereby designated and declared to be a misdemeanor.

(D) The offender shall be subject to a civil penalty of one hundred dollars (\$100.00), plus court costs and reasonable attorney's fees, for each violation and offense, which shall be recovered by the city in a civil action in the nature of debt, if not paid by the offender within thirty (30) continuous calendar days after citation for the violation, offense or other failure to comply with the provisions of this Code of Ordinances.



## CHAPTER 91: STREETS AND SIDEWALKS

### Section

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- 91.02 Application and cash deposit
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
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- 91.45 Roller-skating on sidewalks
- 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.  
Penalty, see § 91.99

#### § 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the City Clerk/Treasurer. Application shall be made on a form prescribed by the City Commission, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit in the amount of \$100 has been posted with the City

Clerk/Treasurer conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.  
(Ord. 50, passed 6-7-50)

§ 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 City Commission or other authorized city official, and in accordance with rules, regulations, and specifications approved by the City Commission.

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

§ 91.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.  
Penalty, see § 91.99

§ 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.  
Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION.

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

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

#### ROAD AND BRIDGE PROJECTS

##### § 91.15 PUBLIC HEARING REQUIRED.

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

(KRS 174.100)

##### § 91.16 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall give notice in the manner required by KRS Chapter 424 of a public hearing to take the sense of the public with regard to road and bridge matters within the city. The hearing shall be held not less than 7 days nor more than 21 days after the first publication of the notice and before beginning work on any project covered by this subchapter.

(KRS 174.100 (1))

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

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

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

(KRS 174.100 (2), (3))

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

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

(KRS 174.100 (4))

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

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road

and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

(KRS 174.100 (5))

§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

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

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

(KRS 174.100 (6), (7))

OBSTRUCTIONS

§ 91.30 UNLOADING ON STREET OR SIDEWALK.

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

Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

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

Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

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

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Chapter 94

§ 91.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to

keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated. Penalty, see § 91.99

PROHIBITED ACTS

§ 91.45 ROLLER-SKATING ON SIDEWALKS.

It shall be unlawful for any person to roller-skate on the sidewalks in the city.  
(Ord. passed 7-5-10) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other specific penalty is provided shall be, upon conviction, guilty of a violation and fined not more than two hundred fifty dollars (\$250.00).

(B) Any person, firm, or corporation making an opening in a street in the city without first procuring a permit as required by § 91.01, shall be fined not less than \$100 and costs for each cut made. (Ord. -, passed 12-5-60)





CHAPTER 92: NUISANCES

Section

Noise

92.20	Definitions
92.21	Test procedures; measurements
92.22	Sound pressure levels
92.23	Exceptions

NOISE

§ 92.20 DEFINITIONS.

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

"DECIBEL." A logarithmic unit of measure often used in measuring magnitudes of sound. The symbol is dB.

"NOISE." Any sound that is measured as the sound pressure level in decibels (dB).

"PERSON." Any person, firm, group, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner.

"PREMISE." Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, common hallways in multiple family dwellings, common areas for one or more multiple family dwellings, and real properties without buildings or improvements, owned or controlled by a person.

"PROPERTY LINE." An imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property or rental unit owned or leased by one person from that owned or leased by another person.

"SOUND." Oscillation in pressure, stress, particle displacement and particle velocity, which induce auditory sensation.

"SOUND LEVEL METER." An apparatus or instrument used in measurement of sound levels. The sound level meter shall be a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4-1971, entitled Specification for Sound Level Meters.

"SOUND PRESSURE LEVEL." Twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20x10<sup>-6</sup> Newtons/Meter<sup>2</sup>), and is expressed in decibels (dB).  
 (Ord. 256-00, passed 8-7-00)

§ 92.21 TEST PROCEDURES; MEASUREMENTS.

For the purpose of determining noise sound pressure levels as set forth in this section, the following test procedures and measurements are applicable.

(A) The instrument for determining noise sound pressure levels shall be a sound level meter of a standard design as defined in this section. Sound pressure level measurements shall be made with the "A" Weighting Network.

(B) Noise sound pressure levels shall be measured from any point in the property line of the sound of the noise.  
 (Ord. 256-00, passed 8-7-00)

§ 92.22 SOUND PRESSURE LEVELS.

It shall be unlawful for any person to emit, cause to be emitted, or permit the emission of any continuous noise which leaves the premise or vehicle from which it originates, crosses a property line, and enters onto any other premise in excess of the sound pressure levels during the time periods as specified below:

<u>TIME PERIOD</u>	<u>Maximum Allowable Sound Pressure Level</u>
7:00 a.m. - 10:00 p.m.	70 dB(A)
10:00 p.m. - 7:00 a.m.	60 dB(A)
(Ord. 256-00, passed 8-7-00) Penalty, see § 92.99	

§ 92.23 EXCEPTIONS.

The provisions set forth in § 92.22 shall not apply to emergency vehicles or city vehicles involved in maintenance or city service, or to organized school related programs, activities or events, parades or other public programs, activities or events properly granted a special variance.  
 (Ord. 256-00, passed 8-7-00)

§ 92.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor

and shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day's continued violation shall constitute a separate offense.

(B) Any person who violates the provisions of § 92.22 shall be brought before the court on a citation of criminal summons. Any person convicted of violating this section shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisonment not to exceed twelve (12) months in jail or both.

(Ord. 256-00, passed 8-7-00)



CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

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

Fire Prevention

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

Open Burning

- 93.35 Permit required for open fire
- 93.36 Permit required for burning on construction or demolition sites
- 93.37 Location and containment of open fires
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- 93.39 Garden hose or fire extinguishment devices required
- 93.40 Authority to prohibit open fires
  
- 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) of this section or "display" fireworks as defined in division (D) of this section 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 those regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

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

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

(B) As used in KRS 227.700 to 227.750, "CONSUMER FIREWORKS" means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, must 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 section. 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 C.F.R. pts. 1500 and 1507, are classified as Division 1.4G Class C 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 one-half 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 1 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 one-half 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, 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 one-half 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 10 stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(e) Mine, shell. Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 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 one and three quarters 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 common 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 1 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 to 227.750, "DISPLAY FIREWORKS" means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes but is not limited to firecrackers containing more

than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. "DISPLAY FIREWORKS" are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. pts. 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.  
(KRS 227.706)

(E) Legality of items is as follows.

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

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

(3) Items described in division (C) are legal for retail sale, provided all applicable federal and state requirements with respect thereto are met.  
(KRS 227.708)

§ 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

No person, firm, co-partnership or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode, any display fireworks, except for the following:

(A) 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. 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 a 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. "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 this division (A) shall be issued only to a competent display operator holding an ATF license. 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). Permits shall be filed with the State Fire Marshal at least 15 days in advance of the date of the display. After the privilege is granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable. For the purposes of this division, "PUBLIC DISPLAY OF FIREWORKS" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors. 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. 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 subsection;

(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 the person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale;

(C) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

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

(I) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale,

exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in KRS 227.702 and as permitted pursuant to KRS 227.715.  
(KRS 227.710) Penalty, see § 93.99

§ 93.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

Except as provided in § 93.02, the consumer fireworks described in § 93.01(B) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met:

(A) Any person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks described in § 93.01(B) shall register annually with the State Fire Marshal, who may assess a fee of no more than \$25 for each site at which fireworks shall be sold. The registration requirement under this division shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is ancillary to the primary course of business. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(B) Permanent business establishments open year-round and in which the sale of consumer fireworks is ancillary to the primary course of business shall only be permitted to sell those consumer fireworks described in § 93.01(B), or shall meet the criteria for "seasonal retailer" described in division (C) of this section;

(C) "SEASONAL RETAILERS" shall be defined as any person, firm, co-partnership, nonprofit, or corporation intending to sell "consumer fireworks" between June 10 and July 7, or December 26 and January 4 of each year or both, and shall include permanent businesses, temporary businesses, stores, stands, or tents. A seasonal retailer shall register with the state fire marshal, who may assess a fee of no more than \$250 for each site at which fireworks shall be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(D) Any person, firm, co-partnership, nonprofit, or corporation intending to sell consumer fireworks, as defined in § 93.01(B) as the primary source of business, that is not a seasonal retailer as defined in division (C) of this section, shall register with the State Fire Marshal, who may assess a fee of no more than \$500 for each site at which fireworks will be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(E) The annual registration required by this section shall be received by the State Fire Marshal at least 15 days prior to offering fireworks for sale at the site for which the registration is intended. Evidence that a sales and use tax permit has been obtained from the Department of Revenue shall be presented to the state fire marshal as a condition of registration. If the registration is received less than 15 days prior to offering fireworks for sale at the site for which

registration is intended, an additional assessment of \$100 shall be added to the initial fee;

(F) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site;

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

(H) 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.

(I) 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 this section unless the individual is supervised by a parent or guardian;

(J) The State Fire Marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this chapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the state fire marshal may take that action, as provided in KRS 227.330(6); and

(K) A person lawfully possessing consumer fireworks, as defined in § 93.01(B) may use those items if:

(1) He or she is at least 18 years of age;

(2) Fireworks are not ignited within 200 feet of any structure, vehicle, or any other person; and

(3) Use of the fireworks does not place him or her in violation of any lawfully enacted local ordinance.  
(KRS 227.715(3) - (6)) Penalty, see § 93.99

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

No permit shall be issued under § 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than \$1,000,000. However, the City Commission or other appropriate city official or the State Fire Marshal may require a larger amount if in their judgment the situation requires it, conditioned for the

payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.  
(KRS 227.720) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

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

(KRS 227.730)

§ 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this chapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or "Display" designation shall require the notification of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within 5 business days of the seizure.

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

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

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State

Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three 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) of this section shall be held.

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

#### FIRE PREVENTION

##### § 93.20 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the City Commission or other authorized city official. The City Commission or other authorized city official, before granting such permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.

Penalty, see § 93.99

##### § 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

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

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

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

Penalty, see § 93.99

#### OPEN BURNING

##### § 93.35 PERMIT REQUIRED FOR OPEN FIRE.

(A) No person shall for the purpose of disposal burn any leaves, debris or other material within the corporate limits of the city except in an interior fireplace, stove or other interior.

(B) All exterior burning must have approval of the Volunteer Fire Chief, or designated personnel.

(Ord. 165-87, passed 12-28-87) Penalty, see § 93.99

§ 93.36 PERMIT REQUIRED FOR BURNING ON CONSTRUCTION OR DEMOLITION SITES.

During the construction or demolition of buildings or other structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without a permit or other proper authorization.

Penalty, see § 93.99

§ 93.37 LOCATION AND CONTAINMENT OF OPEN FIRES.

No person, firm, corporation, or agent thereof may kindle or maintain any open fire or authorize any such fire to be kindled or maintained unless the location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading closer than fifty (50) feet to any structure; or the fire is contained in an adequate and approved waste burner located safely not less than twenty-five (25) feet from any structure.

Penalty, see § 93.99

§ 93.38 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.

Open fires shall be constantly attended by a competent person not less than 18 years of age.

Penalty, see § 93.99

§ 93.39 GARDEN HOSE OR FIRE EXTINGUISHMENT DEVICES REQUIRED.

A garden hose connected to a water supply or other fire extinguishment equipment must be readily available for use within ten feet of any open fires.

Penalty, see § 93.99

§ 93.40 AUTHORITY TO PROHIBIT OPEN FIRES.

The Fire Chief or his designee may prohibit any or all open fires when natural conditions, the materials being burned, or local circumstances make these fires potentially hazardous or harmful.

§ 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 one thousand dollars (\$1,000.00), or imprisoned for not more than thirty (30) days, or both. (KRS 227.990(4))



(B) Any person found guilty of violating § 93.35 shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense. (Ord. 165-87, passed 12-28-87)

(C) Any person who violates any other provision of this chapter shall be guilty of a violation and shall be fined not more than two hundred fifty dollars (\$250.00).

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CHAPTER 94: LITTERING

Section

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

§ 94.01 THROWING LITTER FROM VEHICLE.

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

Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

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

Penalty, see § 94.99

§ 94.03 HAULING LOOSE MATERIAL.

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

Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

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

Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or

not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

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

§ 94.99 PENALTY.

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

CHAPTER 95: CEMETERIES

Section

95.01	Establishment of Evergreen Cemetery
95.02	Evergreen Cemetery Commission
95.03	Plat of cemetery
95.04	Right of burial certificates to lots
95.05	Payment for care, maintenance, and operation of cemetery
95.06	Lot fees
95.07	Prior transfers and grantees
95.08	Depositing debris in public cemeteries prohibited
95.99	Penalty

§ 95.01 ESTABLISHMENT OF EVERGREEN CEMETERY.

(A) There is hereby established a municipal cemetery to be known as Evergreen Cemetery on a 5.0-acre tract of land located on old U.S. Highway 31-W and more particularly described as follows:

A certain plot of land on the south side of the Dixie Highway being the northeast corner of the farm of J. P. Arterburn, located as Glasgow Junction, Kentucky and bounded as follows:

Beginning on a stone in the middle of the Dixie Highway, original corner to J. P. Arterburn; thence S 19 E 41 poles and 18 links to a stone in said Arterburn's line; thence N 84 W 21 poles and 7 links to a stone; thence N 19 W 41 poles and 18 links to a stake in the middle of the Dixie Highway; thence with same, S 84 E 21 poles and 7 links to the beginning, containing five acres.

(B) The Evergreen Cemetery shall be hereafter cared for, maintained, and operated by the city through the City Commission and its Cemetery Commission as hereinafter established.  
(Ord. 107, passed 8-5-74)

§ 95.02 EVERGREEN CEMETERY COMMISSION.

(A) The everyday care, maintenance, and operation of the Evergreen Cemetery shall be conducted by a commission which shall be known as the Evergreen Cemetery Commission.

(B) The City Commission shall appoint five (5) persons, with two (2) being residents of the city, two (2) who may be residents of the city or county, and the City Clerk, and who are not members of the City Commission, to fill the offices of the Evergreen Cemetery Commission.

(C) The Evergreen Cemetery Commission is hereby granted the authority, rights, privileges, and duties set forth in this chapter.

(D) The initial appointment of the members to the Evergreen Cemetery Commission shall consist of one (1) commissioner appointed for

a one (1) year term, one (1) commissioner appointed for a two (2) year term, and two (2) commissioners appointed for a three (3) year term. Appointments of cemetery commissioners at the expiration of their terms as provided for above shall be for a term of three (3) years. Vacancies shall be filled by the City Commission for the balance of any unexpired term. The City Clerk shall serve during their term as the duly appointed position as the City Clerk.

(E) The cemetery commissioners shall elect from their number a Chairperson-Sexton and Secretary and other appropriate officers as needed. The Evergreen Cemetery Commission shall meet at least quarterly and more often as deemed necessary by the commissioners. The cemetery commissioners shall establish policy necessary to function and shall keep minutes of all meetings. Three (3) members present at the meeting shall constitute a quorum.

(F) The Evergreen Cemetery Commission is hereby granted all power and authority necessary to carry out the care, maintenance, and operation of Evergreen Cemetery, under applicable law, and to the benefit of the citizens and residents of the city.

(G) (1) All statutes, benches and other permanent fixtures other than a tombstone or gravestone marker (head or foot marker) must be approved, prior to erection by the Cemetery Commission.

(2) The Cemetery Commission is authorized pursuant to subsection (F) to establish and enforce rules and regulations for the use, display and placement of flowers and decorations on the graves or within the cemetery and for burial equipment allowed for use within the cemetery.

(Ord. 107, passed 8-5-74; Am. Ord. 250-98, passed 1-4-99; Am. Ord. 2020, passed 5-4-20)

#### § 95.03 PLAT OF CEMETERY.

The Evergreen Cemetery Commission shall cause a plat of Evergreen Cemetery to be made showing the size and location of the blocks into which it is divided and the lots which the blocks contain with the blocks being indicated on the plat by letters and the lots by numbers. The plat shall be acknowledged by the City Commission, attested by the City Clerk/Treasurer and the municipal seal affixed thereto. The plat shall then be lodged for record in the office of the County Court Clerk.

(Ord. 107, passed 8-5-74)

#### § 95.04 RIGHT OF BURIAL CERTIFICATES TO LOTS.

A right of burial certificate to a lot in the Evergreen Cemetery shall describe the lot by reference to block and lot, and shall be acknowledged by the Chairperson of the Evergreen Cemetery Commission and attested by its Secretary. Each right of burial certificate

a one (1) year term, one (1) commissioner appointed for a two (2) year term, and two (2) commissioners appointed for a three (3) year term. Appointments of cemetery commissioners at the expiration of their terms as provided for above shall be for a term of three (3) years. Vacancies shall be filled by the City Commission for the balance of any unexpired term. The City Clerk shall serve during their term as the duly appointed position as the City Clerk.

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(Ord. 107, passed 8-5-74)

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executed by the Evergreen Cemetery Commission for a lot in Evergreen Cemetery shall contain restrictions that the lot shall not be planted with any myrtle, running vines of any description, or trees, and that each grave shall be returned to a level condition, mounds and depressions being prohibited, and that any monument erected on the grave shall be erected in line with those previously established. (Ord. 107, passed 8-5-74; Am. Ord. 2020, passed 5-4-20)

§ 95.05 PAYMENT FOR CARE, MAINTENANCE, AND OPERATION OF CEMETERY.

(A) The care, maintenance, and operation of Evergreen Cemetery shall be paid for by income from endowment funds or by funds from the treasury of the city or from any other source.

(B) The City Commission shall establish two (2) financial accounts for the care, maintenance and operation of Evergreen Cemetery. One account shall be a perpetual account and this account shall be deposited so that interest may be earned thereon, and from the account no amount of the principal may be used without authority from the City Commission. The interest from the perpetual account may be spent for the care, maintenance and operation of Evergreen Cemetery. The second account shall be an operation and maintenance account and from this account all routine expenses shall be paid.

(C) All donations received by the City Commission or Evergreen Cemetery Commission for the Evergreen Cemetery, unless otherwise designated, shall be deposited into the operation and maintenance account or a savings account of the cemetery.

(D) The Evergreen Cemetery financial accounts, shall be segregated accounts, and shall be subject to any and all regulations and laws required by the city. The Evergreen Cemetery Commission shall submit an annual budget request to the City Commission. The budget request shall include all expenditures and income for operation and maintenance of the cemetery.

(Ord. 107, passed 8-5-74; Am. Ord. 250-98, passed 1-4-99; Am. Ord. 2020, passed 5-4-20)

§ 95.06 LOT FEES.

(A) The Evergreen Cemetery Commission is hereby authorized and directed to establish a price and may establish a perpetual upkeep fee for lots to be sold in the Evergreen Cemetery. In addition, the Evergreen Cemetery Commission may establish a perpetual upkeep fee on lots sold prior to this establishment of the municipal cemetery. Effective January 1, 1999, fifty percent (50%) of the cost of cemetery lots sold and received shall be deposited into the perpetual upkeep account with the other fifty percent (50%) deposited into the operation and maintenance account of the cemetery.

(B) Effective January 1, 2020, twenty-five percent (25%) of the cost of the cemetery lots sold and received shall be deposited into the

perpetual upkeep account, with the other seventy-five percent (75%) deposited into the operation and maintenance account of the cemetery. All lots sold shall be on a cash-sales basis.

(C) The Evergreen Cemetery Commission shall report at least once per year on the number of lots sold, the deposits, expenditures, and balance to the operation and maintenance account, the deposits, expenditures, and balance to the perpetual account, and on any other additional information deemed necessary for full disclosure to the City Commission.

(Ord. 107, passed 8-5-74; Am. Ord. 250-98, passed 1-4-99; Am. Ord. 2020, passed 5-4-20)

§ 95.07 PRIOR TRANSFERS AND GRANTEES.

Nothing in this acceptance and establishment of a municipal cemetery shall affect the prior transfers of cemetery lots in Evergreen Cemetery, and the Evergreen Cemetery Commission is authorized and encouraged to work with prior grantees of cemetery lots for the clarification and correction of any prior transfer of cemetery lots in Evergreen Cemetery.

(Ord. 107, passed 8-5-74)

§ 95.08 DEPOSITING DEBRIS IN PUBLIC CEMETERIES PROHIBITED.

(A) It shall be unlawful for any person to deposit dirt, rock, metal, or other debris in the public cemeteries of the city, known as the Evergreen Cemetery, and any other public cemetery, located within the city limits, except in the area so designated for such deposit.

(B) Persons opening or closing graves or causing graves to be opened or closed, or persons preparing a monument footer or any other approved monument, shall not leave within the cemetery excess dirt, rock, metal or other debris or litter from such activity.

(Ord. 167-88, passed 4-4-88; Am. Ord. 2020, passed 5-4-20) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person, corporation, or other business entity found guilty of violating any provision of § 95.08 shall be guilty of a violation and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

(Ord. 167-88, passed 4-4-88; Am. Ord. 2020, passed 5-4-20)

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CHAPTER 96: FAIR HOUSING

Section

- 96.01 Definitions
- 96.02 City policy
- 96.03 Application of regulations
- 96.04 Discrimination in the sale or rental of housing
- 96.05 Discrimination in the financing of housing
- 96.06 Discrimination in the provision of brokerage services
- 96.07 Exemption
- 96.08 Administration
- 96.09 Education and conciliation
- 96.10 Enforcement
- 96.11 Investigations; subpoenas; giving of evidence
- 96.12 Enforcement by private persons
- 96.13 Interference, coercion, or intimidation
- 96.14 Prevention of intimidation in fair housing cases
  
- 96.99 Penalty

§ 96.01 DEFINITIONS.

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

"DISCRIMINATORY HOUSING PRACTICE." An act that is unlawful under §§ 96.04, 96.05, or 96.06.

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

"FAMILY." Includes a single individual.

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

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

§ 96.02 CITY POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.

§ 96.03 APPLICATION OF REGULATIONS.

(A) Subject to the provisions of division (B) below and § 96.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to all dwellings except as exempted by division (B) below.

(B) Nothing in § 96.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided that:

(a) The private individual owner does not own more than three single-family houses at any one time;

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

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

(d) The sale or rental of any single-family house shall be excepted from the application of this chapter only if the house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent, salesman, or person and without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of § 96.04(C), but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

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

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) He has, within the preceding 12 months, participated as

agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

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

§ 96.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 96.03, and except as exempted by § 96.03(B) and 96.07, it shall be unlawful to:

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

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

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

(D) Represent to any person because of race, color, religion, disability, or national origin that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.

(E) For profit, induce to attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, disability, or national origin.  
Penalty, see § 96.99

§ 96.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of any loan or other financial assistance, because of the race, color, religion, disability, or national origin of any person or of any person associated with him in

connection with the loan or other financial assistance or the purposes of the loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which the loan or other financial assistance is to be made or given. Nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 96.03(B).

#### § 96.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of access, membership, or participation, on account of race, color, religion, disability, or national origin. Penalty, see § 96.99

#### § 96.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in the religion is restricted on account of race, color, disability, or national origin. Nothing in this chapter shall prohibit a private club, not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of lodgings to its members or from giving preference to its members.

#### § 96.08 ADMINISTRATION.

(A) The authority and responsibility for administering this chapter shall be vested in the City Commission.

(B) The City Commission may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The City Commission shall by rule prescribe the rights of appeal from the decisions of hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to itself, as shall be appropriate and in accordance with the law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner which will further the purposes of this chapter and shall cooperate with the City Commission to further these purposes.



§ 96.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the City Commission shall commence such educational and conciliatory activities as will further the purposes of this chapter. The Commission shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and the Commission's suggested means of implementing it, and shall endeavor with their advice to establish programs of voluntary compliance and enforcement.

§ 96.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City Commission. Complaints shall be in writing and shall contain such information and be in such form as the City Commission requires. Upon receipt of such a complaint, the City Commission shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the City Commission shall investigate the complaint and give notice in writing to the person aggrieved whether the Commission intends to resolve it. If the City Commission decides to resolve the complaints, the Commission shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of these informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the City Commission who shall make public any information shall be in violation of this provision and shall be subject to the penalties set forth in § 96.99(A).

(B) A complaint under division (A) above shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegation of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the City Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(C) If within thirty (30) days after a complaint is filed with the City Commission, the City Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The City Commission will assist in this filing.

(D) If the City Commission has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within 30 days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as those rights relate to the subject of the complaint, If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in the practice or order affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the City Commission shall immediately terminate all efforts to obtain voluntary compliance.  
Penalty, see § 96.99

§ 96.11 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.

(A) In conducting an investigation, the City Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of any persons as are reasonably necessary for the furtherance of the investigation. The City Commission shall first comply with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The City Commission may issue subpoenas to compel access to or the production of materials, or the appearance of persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The City Commission may administer oaths.

(B) Upon written application to the City Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the City Commission to the same extent and subject to the same limitations as subpoenas issued by the Commission itself. Subpoenas issued at the request of a respondent shall show on their face the name and address of the respondent and shall state that they were issued at his request.

(C) Witnesses summoned by subpoena of the City Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(D) Within five (5) days after service of a subpoena upon any person, the person may petition the City Commission to revoke or modify the subpoena. The City Commission shall grant the petition if it finds

that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the City Commission or other person at whose request it was issued may petition for its enforcement in the state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(F) No person shall willfully fail or neglect to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the City Commission. No person shall, with intent thereby to mislead the City Commission, make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the City Commission pursuant to its subpoena or other order, or willfully neglect or fail to make or cause to be made full, true, and correct entries in any reports, accounts, records, or other documents, or willfully mutilate, alter, or by any other means falsify any documentary evidence.

(G) The City Attorney shall conduct all litigation in which the City Commission participates as a party or as amicus pursuant to this chapter.

Penalty, see § 96.99

#### § 96.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 96.03 through 96.06 may be enforced by civil actions in the appropriate state court. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 96.10(D) from time to time before bringing it to trial, if the court believes that the conciliation efforts of the City Commission are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the City Commission and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

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

assume the attorney's fees.

§ 96.13 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 96.03 through 96.06. This section may be enforced by appropriate civil action.

Penalty, see § 96.99

§ 96.14 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

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

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

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

(1) Participating, without discrimination on account of race, color, sex, religion, disability, or national origin, in any of the activities, services, organizations, or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

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

Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(B) Any person who violates § 96.14 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000, or imprisoned for not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned for not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.



CHAPTER 97: PARK CITY COMMUNITY LIBRARY

Section

- 97.01 Creation
- 97.02 Location
- 97.03 Checking account

§ 97.01 CREATION.

There is hereby created a public library to be known as the Park City Community Library, the financing of which shall be by public contributions.

(Ord. 180-89, passed 4-12-89)

§ 97.02 LOCATION.

(A) The space formerly occupied by the Park City Fire Department at the City Hall is hereby provided for use as the library.

(B) The City Commission hereby authorizes payment of the sum of \$500 from the General Fund to be used toward preparation of said space for use as the public library.

(Ord. 180-89, passed 4-12-89)

§ 97.03 CHECKING ACCOUNT.

(A) A separate checking account at the Park City State Bank shall be established in the name of Park City Community Library which shall receive contributions solely for the use of said library, its contents, books, supplies, maintenance, equipment, materials and operational costs, including labor.

(B) The City Clerk/Treasurer shall be authorized to issue checks on said library checking account upon order of the City Commission for said expenses.

(Ord. 180-89, passed 4-12-89)

