

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

Sec 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 agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal. (KRS 257.100(4))

“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.

Sec 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 Se 90.99

Sec 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE

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(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 Sec 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, tormenting, failing to provide adequate food, drink, space, or health care, or b any other means; or

2) Subjects any animal in his 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 purpose;

(3) For humane purposes;

(4) For any other purpose authorized by law. (KRS 525.130) Penalty see Sec 90.99
Statutory reference: Cruelty to animals in the first degree, a class D felony, see KRS 525.125

Sec 90.04 DYEING OR SELLING DIED 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 Sec 90.99

Sec 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED

No owner of a domestic animal shall abandon the animal. Penalty. See Sec 90.99

Sec 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMALS

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(A) Any peace officer 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 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 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 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, dog pound, or animal shelter or

disposed of as such custodian may deem proper.

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

Sec 90.07 NOISE DISTURBANCE

No person shall keep or harbor any animal within the city which 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 animal habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the animal. Penalty, see Sec 90.99

DOGS

Sec 90.15 DEFINITION.

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

“DOG.” Any member of the canine family, male, or female

Sec 90.16 DOGS RUNNING AT LARGE

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 any other public or private property. All dogs must be confined to a fenced yard or tied up in such a manner that it cannot leave its yard. Penalty, see Sec 90.99

Sec 90.17 IMPOUNDMENT

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

Sec 90.18 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.

Sec 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 \$500 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates Sec 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 Sec 90.04 shall be fined not less than \$100 nor more than \$500. (KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Excavations and Construction

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91.99 Penalty

EXCAVATION AND CONSTRUCTION

Sec 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 Sec 91.99

Sec 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 Commission or other authorized city official. 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 sufficient to cover the cost of restoration has been posted with the City Commission or other authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

Sec 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 Sec. 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.

Sec 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 Sec. 91.99

Sec 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 amber 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 Sec. 91.99

Sec 91.06 SIDEWALK CONSTRUCTION

It shall be the duty of the authorized city official to supervise the 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 parties.

ROAD AND BRIDGE PROJECTS

Sec 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)

Sec 91.16 NOTICE REQUIREMENTS

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 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 seven (7) nor more than twenty-one (21) days after the first publication of the notice and before beginning work on any project covered by this subchapter. (KRS 174.11 (1))

Sec 91.17 PUBLIC MAY TESTIFY, EFFECT OF TESTIMONY

(A) At the hearing any person may speak with regard to any proposed project, any project 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 174.11 (2), (3))

Sec 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))

Sec 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))

Sec 91.20 EXEMPTIONS FROM HEARING REQUIREMENT

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.

The provisions of this subchapter shall not apply to projects which were under construction as of July 15, 1980, unless construction was suspended after that date and the city desires to reactivate the project. (KRS 174.100 (6), (7))

OBSTRUCTIONS

Sec 91.30 UNLOADONG 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 Sec 91.99

Sec 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 Sec 91.99

Sec 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 Sec 91.99

Cross-reference: Littering on streets or sidewalks, see Ch. 94

Sec 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 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 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 Sec 91.99

TREES

Sec 91.40 PERMIT REQUIRED FOR TRIMMING AND REMOVAL

It shall be unlawful for any person to trim, cut, damage, or remove and shade or ornamental tree on any sidewalk, easement, or public way of the city without first having secured a permit to do so from the Commissioner administratively in charge of the Public Works Department. (Ord. 2-1069, passed - -) Penalty, see Sec. 91.99

Sec 91.99 PENALTY

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

CHAPTER 92: NUISANCES

Section

92.01 Definitions

92.02 Common law and statutory nuisances

92.03 Certain conditions declared a nuisance

92.04 Abatement procedure

92.05 Nuisance created by others

92.99 Penalty

Sec 92.01 DEFINITIONS

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

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

“DWELLING.” Any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

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

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

“NUISANCE..” Public Nuisance

“SCRAP METAL.” Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or 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.

“UNFIT FOR HUMAN HABITATION.” Dangerous or detrimental to life or health because of: want of repair; defects in the drainage, plumbing, lighting, ventilation, or construction; infection with contagious disease; or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

Section 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.

Sec 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) Dwelling unfit for human habitation. The erection, use, or maintenance of a dwelling which is unfit for human habitation.

(B) Dangerous buildings adjoining streets. Any building, house, or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause to hurt, damage, or injury to persons or property using or being on the streets or public way of the city adjoining the premises, by reason of the collapse of the building, house, or structure or by the falling of parts thereof or of objects therefrom.

(C) 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.

(D) Dilapidated buildings. Any building, house, or structure which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire, or which due to lack of adequate maintenance or neglect, endangers the public health, welfare, or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(E) 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.

(F) Noxious odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible

(G) Noise. Emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with the ordinary comforts of human existence; also the emission of any noise between the hours of midnight and 8:00 a.m. which is loud enough, through a closed window, to keep a person from sleeping.

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

(I) Weeds. The existence of thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, and all other noxious weeds and rank vegetation in excess of a height of 12 inches. The existence of any grass in excess of a height of 12 inches shall also be deemed a nuisance condition.

(J) 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.

(K) Trees and shrubbery obstructing streets and sidewalks. The growing and maintenance of trees with less than 14 feet clearance over streets or less than 8 feet over sidewalks, or the growing and maintenance of shrubbery in excess of three feet in height within the radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street. No shrub shall be planted between the

curb line and the property line of any street within a radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street.

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

(M) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal, within the city limits except on premises authorized by the city for that purpose Penalty, see Sec 92.99

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Sec 92.04 ABATEMENT PROCEDURE

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

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

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid. (KRS 381.770)

(D) Emergency situations. In circumstances where it reasonable appears that there is immediate danger to the life or safety of any person or to the value of any real or personal property. The appropriate city official shall, with the approval of the City Commission, cause the immediate remedy thereof. The cost of such emergency action shall be a lien against the property affected as set forth in division (C) above.

Sec 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 the 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.

Sec 92.99 PENALTY

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

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

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Fireworks

93.01 Definitions; legality of items

93.02 Sale or use prohibited; exception of emergency signaling

93.03 Exempted sales and uses

93.04 Destruction of fireworks

Fire Prevention

93.20 Blasting permit

93.21 Storage of flammables and other matter

93.99 Penalty

FIREWORKS

Sec 93.01 DEFINITIONS; LEGALITY OF ITEMS

(A) The term “FIREWORKS” shall mean 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 “common” or “special” fireworks as set forth in the U.S. Department of Transportation’s (DOT) hazardous materials regulations,

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

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

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

(B) "COMMON FIREWORKS" are fireworks suitable for use by the public and designed primarily to produce visible effects by combustion and must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products 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 serial devices containing 130 milligrams or less of explosive composition. "COMMON FIREWORKS" are classified as class C explosives by the U.S. Department of Transportation and include the following:

(1) Ground and hand-held sparkling device

(a) Dipped stick-sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing perchlorate or chlorate 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 not more than three-fourths inch (19 millimeters) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), or a wood or cardboard base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(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.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or handheld.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units: tubes not exceeding one-half inch (12.5 millimeters) inside diameter and containing up to 60 grams of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and 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 filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices

(a) Sky rocket. Tube not exceeding One-half inch (12.5 millimeters inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air on ignition. A burst of color or noise or both is produced at 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 not more than one-half inch, 12.5 millimeters) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller of 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 the flight.

(d) Roman candles. Heavy paper or cardboard tube not exceeding three-eighths inch (9.5 millimeters) inside diameter and 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 up to two and one-half inches

(63.5 millimeters) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition stars, firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) Audible ground devices

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. 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.

(4) Combination items. Firework devices containing combinations of two or more of the effects described in categories (1), (2), and (3) above. (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.

(1) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snakelike ash upon burning. The ash expands in length as the pellet burns. The 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:

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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 a small bit 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) The term "SPECIAL FIREWORKS" shall mean 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 common

fireworks. Special fireworks are classified as common fireworks. Special fireworks are classified as class B explosives by the U.S. Department of Transportation. (KRS 227.706)

(E) Legality of items

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

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

(3) Items described in division (C) are legal for retail sale provided all applicable federal and state requirements with respect thereto are met. Section 93.20

(F) Age requirement No person or business shall give, offer for sale, or sell any common fireworks listed in

KRS 277.702 to any person under sixteen (16) years of age. (KRS 277.708)

Sec 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR EMERGENCY SIGNALING

(A) 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 fireworks, except for the sale, and distress signals for marine, aviation, and highway use.

(B) The sale, at wholesale, of any fireworks for supervised displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with the regulations of the U.S. Bureau of Alcohol, Tobacco and Firearms, if the sale is to a person holding a display permit as outlined in subsection (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale. (KRS 227.710) Penalty, see Sec 93.99

Sec 93.03 EXEMPTED SALES AND USES

Nothing in this chapter shall prevent the retail sale and use of explosives or

signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state. (KRS 227.730)

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Sec 93.04 DESTRUCTION OF FIREWORKS

The State Fire Marshall shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. All fireworks held, possessed, or used in violation of this chapter shall be destroyed as contraband.

FIRE PREVENTION

Sec 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 Sec 93.99

Sec 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 Sec 93.99

Sec 93.99 PENALTY

(A) Any person violating the provisions of Secs 93.02 or 93.03, the regulations issued thereunder or any other 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.

(B) Any person who violates any other provision of this chapter shall be guilty of a violation and shall be fined not more than \$250.

CHAPTER 94: LITTERING

Section

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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

SEC 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 Sec 94.99

SEC 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 Sec 94.99

SEC 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 Sec 94.99

SEC 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 Sec 94.99

SEC 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

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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 Sec 94.99

SEC 94.99 PENALTY

Whoever violates any provisions of this chapter shall be fined not more than \$250. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 95: SWIMMING POOLS

Section

95.01 Enclosure required

95.02 Gates to be locked

95.99 Penalty

Sec 95.01 ENCLOSURE REQUIRED

All swimming pools with a depth of 36 inches or greater shall be completely enclosed by a fence with a height of at least 42 inches. (Ord. 198604, passed 7-21-86) Penalty, see Sec 95.99

Sec 95.02 GATES TO BE LOCKED

All gates in the fence shall remain closed a securely fastened and locked unless a family member or guest is entering or leaving the enclosed area. (Ord. 198604, passed 7-21-86) Penalty, see Sec 95.99

Sec 95.99 PENALTY

Any person who violates the provisions of this chapter shall upon conviction, be fined not more than \$50. Each day the violation is permitted to continue shall constitute a separate offense. (Ord. 198604, passed 7-21-86)

CHAPTER 96: SIGNS

Section

96.01 Unlawful posting

96.02 Special purpose signs

96.99 Penalty

Sec 96.01 UNLAWFUL POSTING

Within the city limits, it shall be unlawful to post, paint, or otherwise affix any sign, advertisement, bill, or poster in any public right-of-way, to any utility pole, or on any private property without the permission of the owner without the permission of the owner of that property. Penalty, see Sec 96.99

Sec 96.02 SPECIAL PURPOSE SIGNS

(A) For the purpose of this section, a “SPECIALPURPOSE SIGN” is a sign temporarily supplementing a permitted sign on the premises.

(B) No special purpose sign advertising an event, service, product, or activity on the property shall be located on any parcel of land in the H-S Highway Service, C-N Neighborhood Commercial, C-1, C-2, C-4, and C-5 Commercial zones, as identified in the County Zoning Regulations, for a period in excess of 90 days in any 12-month period.

(C) All special purpose signs shall be more than 40 square feet in area on one side.

(D) A special purpose sign shall be a nonmoving, stationary structure (in all components), and illumination, if any, shall be maintained by artificial light which is stationary and constant in intensity and color at all times (nonflashing).

(E) No special purpose sign shall exceed the height and yard requirements for free-standing signs of the zone in which it is located.

(F) No special purpose sign shall be erected in the city until a permit is obtained from the City Commissioner administratively in charge of Public Works. There shall be a \$5 administrative processing fee for this permit. (Ord. 198607, passed 12-9-86) Penalty, see 96.99

Sec 96.99 PENALTY

(A) Whoever violates any provision of Sec 96.01 shall be fined not more than \$500 for each offense or violation

(B) Whoever violates any provision of Sec 96.02 shall be fined not less than \$20 nor more than \$50. Each day a violation continues shall constitute a separate offense. (Ord. 198607, passed 12-9-86)

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