

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS
- 91. STREETS AND SIDEWALKS
- 92. NUISANCES
- 93. FIREWORKS; FIRE PREVENTION
- 94. LITTERING
- 95. ABANDONED VEHICLES
- 96. FAIR HOUSING
- 97. NOISE CONTROL
- 98. ALARMS
- 99. OPERATION OF CITY PARKS
- 100. OAK GROVE COMMUNITY CENTER
- 101. SMOKING IN RESTAURANTS
- 102. VACANT RESIDENTIAL PROPERTIES

GENERAL REGULATIONS

## CHAPTER 90: ANIMALS

### Section

#### General Provisions

- 90.01 Definitions
- 90.02 Cruelty to animals in the second degree

#### Domestic Animals

- 90.15 Dogs and cats to be vaccinated against rabies
- 90.16 Dogs and cats to be licensed
- 90.17 Limitation on number of dogs or cats
- 90.18 Humane treatment of animals
- 90.19 Abandoning domestic animals prohibited
- 90.20 Leash or restraint required
- 90.21 Impoundment of unrestrained animals
- 90.22 Disposition/destruction and reclamation of impounded animals

#### Livestock and Fowl

- 90.35 Livestock prohibited in city, exceptions
- 90.36 Running at large prohibited
- 90.37 Citation for violations
- 90.99 Penalty

### GENERAL PROVISIONS

#### § 90.01 DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"ANIMAL CONTROL OFFICER." An employee of the city, designated by the city to administer and enforce the licensing, inspection and enforcement requirements contained within these regulations.

"ANIMAL SHELTER." Any premises designated and operated by the Fiscal Court of Christian County or the City of Oak Grove for the purpose of impounding and caring for animals held under authority of this section.

"FOSTERING." To provide temporary care and shelter for dogs and cats who need to live in a home environment prior to adoption.

"KENNEL." Any person, partnership or corporation maintaining an establishment where animals of any species are kept for purpose of

breeding, buying, selling, showing or boarding such animals or engaged in the training of dogs for any reason, and which establishment is so constructed that the animals cannot stray therefrom.

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

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

"POULTRY." All domesticated fowl and all game birds which are legally kept in captivity.

"RESTRAINT." An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person's physical control.

"SERVICE ANIMAL." Defined by Title II and Title III of the ADA under Federal civil rights laws, means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

"VACCINATION." The injection by a veterinarian or other qualified person of vaccine approved by and administered in accordance with the regulations of the Kentucky Board of Health.  
(Ord. 2018-02, passed 4-3-18)

§ 90.02 CRUELTY TO ANIMALS IN THE SECOND DEGREE; EXEMPTIONS; OFFENSE INVOLVING EQUINES.

(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 KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being a spectator or vendor at an event where a four legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

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

(3) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or 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 United States 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) 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:

(1) 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

(2) 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. If a person's ownership interest in an equine is terminated by a judicial order under division (2) 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.

(Ord. 2018-02, passed 4-3-18)

Statutory Reference:

Cruelty to animals, see also KRS 525.130

DOMESTIC ANIMALS

§ 90.15 DOGS AND CATS TO BE VACCINATED AGAINST RABIES.

Every dog or cat owner who resides within the city limits shall have his dog or cat initially vaccinated by the age of four months and revaccinated against rabies at the expiration of the immunization period as certified by the veterinarian.

(Ord. 2018-02, passed 4-3-18)

Statutory Reference:

Vaccination requirement, see also KRS 258.015.

§ 90.16 DOGS AND CATS TO BE LICENSED.

Every person who owns a dog or cat that is six months old or older and resides within the city limits shall apply to the City Hall for a license for each dog or cat owned or kept by him, see KRS 258.135. City tags are renewable annually from July 1 to June 30.

(Ord. 2018-02, passed 4-3-18)

§ 90.17 LIMITATION ON NUMBER OF DOGS OR CATS.

It shall be unlawful to keep at any one residence within the city limits more than five dogs or cats, or a combination of the same; however, a two-month grace period shall be allowed for the disposition of litters. Under Federal civil rights laws defined by Title II and Title III, service animals do not count towards the limit of animals in the city.

(A) Every female dog in heat shall be confined in a building or secure enclosure in such a manner that the female dog cannot come in contact with a male dog except for a planned breeding.

(B) Fostering of a dog or cat shall be allowed within the city. All such animals shall come only from the Christian County Animal Shelter, and shall add no more than one animal to the limit of animals listed herein. Any such foster animal shall be certified as same by the Christian County Animal Shelter and written proof of same shall be made available to the city's enforcement officer upon request.

(Ord. 2018-02, passed 4-3-18)

Statutory Reference:

Animals in heat, see also KRS 258.255

§ 90.18 HUMANE TREATMENT OF ANIMALS.

No owner shall fail to provide for any animal referenced in this ordinance owned by him or her, water, food, shelter or veterinary care to prevent suffering and humane care and treatment. Any such owner shall maintain a clean shelter and living area, which shall be kept free of accumulated waste so that the animal shall be free to walk or lie down without coming into contact with waste. If any such animal is tethered, it shall be by trolley or swivel system designed to prevent choking or tangling using a collar adjusted to fit the animal. The tether shall not be less than ten feet in length. No animal shall be tethered to a fixed point for longer than 12 hours in a 24 hour period.

(A) Adequate food means, the provision of foodstuff that is uncontaminated, wholesome, palatable and of sufficient quality and nutritive value to maintain normal condition and weight of the animal. Food shall be provided at suitable intervals or at least once a day, unless restricted by a veterinarian.

(B) Adequate shade, for dogs, means one or more separate outside areas of shade, large enough to contain all dogs at one time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, adequate shade means one or more outside areas of shade large enough to protect all animals present from the direct rays of the sun.

(C) Adequate shelter for dogs kept outside of a primary residence, means an appropriate, durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, four sides, and a raised floor at least two inches above the ground and constructed in a manner to protect a dog's feet and legs from injury, with dimensions appropriate for breed and size. The shelter shall provide the dog adequate protection and shelter from heat and cold and from the direct effect of wind, rain, snow, and be of proportional size to allow the natural body heat of the dog to be retained in cold weather. The shelter must have an entry-way to allow the dog to easily enter and exit. The shelter shall have a sufficient amount of clean bedding to keep the dog warm and dry. Metal or plastic drums shall not be considered shelter. For all other animals, adequate shelter means an appropriate structure that provides

the animal adequate protection and shelter, as determined by the animal's species, from the heat and cold and from the direct effect of wind, rain and snow.

(D) Adequate water means that a constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, which is provided in a sanitary manner.

(E) No person shall fail to remove any excrement deposited by any dog, cat or other animal under his or her control on public property or private property of another absent the consent of the owner or occupant of the property.

(Ord. 2018-02, passed 4-3-18)

§ 90.19 ABANDONING DOMESTIC ANIMALS PROHIBITED.

It shall be unlawful for any person to abandon a dog, cat, or other domestic animal upon the streets of the city for the purpose of severing ownership with the animal.

(Ord. 2018-02, passed 4-3-18)

§ 90.20 LEASH OR RESTRAINT REQUIRED.

No owner or keeper of any dog, cat, or other domestic animal shall permit or cause the animal to be off the premises of the owner or keeper unless the animal is on a leash or other physical restraint.

(Ord. 2018-02, passed 4-3-18)

§ 90.21 IMPOUNDMENT OF UNRESTRAINED ANIMALS.

The Animal Control Officer of the city is empowered and directed to apprehend and impound any dog, cat, or other domestic animal found unrestrained within the city limits; provided, however, the Animal Control Officer shall not enter upon the premises of the owner of any dog, cat, or other domestic animal for the purpose of apprehending and/or impounding such animal.

(Ord. 2018-02, passed 4-3-18)

§ 90.22 DISPOSITION/DESTRUCTION AND RECLAMATION OF IMPOUNDED ANIMAL.

Any dog, cat, or other domestic animal picked up and impounded by the city Animal Control Officer shall be turned over to the Christian County Animal Shelter.

(Ord. 2018-02, passed 4-3-18)

Statutory Reference:

Impounded animals regulations, see also KRS 258.195 and KRS 258.215.



## LIVESTOCK AND FOWL

§ 90.35 LIVESTOCK PROHIBITED IN CITY, EXCEPTIONS.

(A) It shall be unlawful for any person to keep or maintain any horse, cow, goat, sheep, poultry or other livestock within the city unless the animal is kept within an enclosure of not less than one acre per animal, or to maintain or keep any stall or enclosure for the animals within 200 feet of any dwelling house, except the dwelling house of the owner of the animals. All pens, stables and enclosures permitted to be kept in the city shall be kept in a clean and sanitary condition and shall be open to inspection by the county's Health Officer.

(B) Exceptions pertaining to poultry. The keeping of poultry may be permitted subject to the following restrictions, prohibitions, and conditions.

(1) The keeping of domesticated hens (female chickens) shall be allowed in residentially zoned districts.

(2) Other types of fowl and poultry, such as ducks, geese, guinea, quail, pigeons or turkeys shall not be considered domesticated hens.

(3) Roosters shall be prohibited. Breeding of permitted hens shall be prohibited on property premises. On-site slaughtering is prohibited.

(4) All domesticated hens shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken enclosure must include a covered coop structure (henhouse). The chicken coop shall provide at least two square feet per chicken. The chicken enclosure shall provide at least six square feet per bird, and the enclosure shall also include the coop within the closure. The enclosure and the coop shall be located in the rear of the property ten feet away, from any side residence. The coop shall be covered and enclosed on all sides. The enclosure shall be open to the air above, or the enclosure may be covered by a permeable material approved by the department of building and codes. A maximum of six chickens may be permitted on any parcel or tract of property that meet the guidelines as stated above.

(5) Any food storage shall be kept in airtight, predator proof and weather proof containers.

(6) There shall be a one-time application fee of \$25.00 for any person applying for a chicken permit. As part of the permit process and at the time of the permit application, the applicant shall provide a site drawing showing the location of the proposed chicken enclosure and the chicken coop in relationship to the applicant's real property

line boundaries. Final permit approval shall be subject to inspection of the completed structure by the Animal Control Officer or Code Enforcement Officer of the City of Oak Grove.

(7) The permit cannot be transferred or assigned to any other person. A permit shall expire upon sale or other transfer of the property, or if the permit holder ceases to reside at the property for which the permit was granted.

(8) A permanent screening buffer shall be required. The screening buffer shall be located no closer than the minimum front yard setback of the applicant's property. This permanent screening buffer may be a fence, shrubbery or other similar structure or plant.

(9) The chicken coop enclosure shall be well maintained and regularly cleaned to control dust, odor and waste, in order to not constitute a nuisance, safety hazard or health problem to surrounding properties. As part of proper maintenance, the permit holder must remove any chicken waste on a regular basis, at least biweekly, and dispose of it in a proper manner. Chicken waste includes excrement, uneaten feed, feathers or other waste items. If the enclosure and coop are not properly maintained and results in the occurrence of a nuisance, the Animal Control Officer or the Code Enforcement Officer may treat the nuisance as any other nuisance pursuant to existing law, regardless if the permit holder has an otherwise valid permit.

(10) Any permit may be revoked upon any finding of any violation by any person of any provisions herein.  
(Ord. 2018-02, passed 4-3-18)

§ 90.36 RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for any owner or person in charge of livestock or domesticated animals to permit or allow such animals to run at large within the city limits.

(B) It shall be unlawful for any person, firm, or corporation raising or keeping chickens, to allow the fowl to run at large within the city limits, or to keep them in any place not enclosed or where the fowl can trespass on any other property in the possession of any person other than the owner of the fowl.

(C) No person shall keep within the city limits any animal which by reason of frequent or continual noise or unsanitary conditions, disturbs the peace, comfort or health of neighbors.  
(Ord. 2018-02, passed 4-3-18)

§ 90.37 CITATION FOR VIOLATIONS.

The Animal Control Officer of the city, and any police officer of the city is authorized and empowered to issue citations for violations

of this chapter, but this section is not to be construed to empower the Animal Control Officer to make physical arrest or to give him the general arrest power of a police officer.

(A) It shall be unlawful for any police officer or animal control officer to refuse to perform his duties under the provisions of this chapter.

(B) It shall be unlawful for any person to interfere with any police officer or animal control officer, or agent in the enforcement of this chapter.

(Ord. 2018-02, passed 4-3-18)

§ 90.99 PENALTY.

(A) Any person convicted of a violation of § 90.02 shall be guilty of a misdemeanor and shall be punished with a fine not to exceed \$500.00 and/or imprisonment of up to 12 months.

(B) Violation of §§ 90.15 et seq., 90.35 and 90.36 shall be deemed a misdemeanor, and any person, firm or corporation violating any of the provisions of §§ 90.15 et seq., 90.35 and 90.36, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00, plus court costs incurred in the Christian County District Court for a first offense; the second offense for violation of §§ 90.15 et seq., 90.35 and 90.36 shall be a fine of not less than \$50.00 nor more than \$100.00 plus court costs; and for a third offense and each subsequent offense thereafter shall be fined not less than \$100.00 plus court costs.

(C) Any person, firm or corporation receiving a citation for violations from the Animal Control Officer, or any police officer of the city may at the option of the person, firm, or corporation receiving the citation, for the first offense pay a fine of \$10.00, provided the fine is paid within the time specified on the citation; for the second offense the fine shall be \$25.00, and for the third and any subsequent offense, the minimum fine shall be \$25.00. In the event a person, firm or corporation receiving the citation from the Animal Control Officer does not make a payment within the time limit specified on the citation, then the citation shall be prosecuted in the Christian County Court.

(D) Violation of § 90.37 and this section shall be deemed a misdemeanor, and any person, firm or corporation thereof, shall be fined not less than \$10.00 nor more than \$100.00 for each and every offense, plus court costs incurred in the Christian District Court. Any person receiving a citation for these violations from the Animal Control Officer, or a police officer of the city, may at the option of the person receiving the citation, pay a fine of \$10.00 at the City Hall, provided, however, that the fine is paid within the time limit specified on the citation.

(Ord. 2018-02, passed 4-3-18)

ANIMALS

10B

## CHAPTER 91: STREETS AND SIDEWALKS

### Section

#### Excavations and Construction

- 91.01 Opening permit required
- 91.02 Application and cash deposit
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
- 91.05 Warning lights
- 91.06 Sidewalk construction

#### Road and Bridge Projects

- 91.15 Public hearing required
- 91.16 Notice requirements
- 91.17 Public may testify; effect of testimony
- 91.18 Hearing to be held prior to construction
- 91.19 Separate hearing for each project not required
- 91.20 Exemptions from hearing requirement

#### Obstructions

- 91.30 Unloading on street or sidewalk
- 91.31 Street and sidewalk obstruction
- 91.32 Materials on street or sidewalk
- 91.33 Removal of ice and snow
  
- 91.99 Penalty

### EXCAVATIONS AND CONSTRUCTION

#### § 91.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized city official, to make any opening in any street, alley, sidewalk, or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work.  
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 authorized city official. Application shall be made on a form prescribed by the legislative body, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.03 RESTORATION OF PAVEMENT.

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

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

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

Statutory reference:

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

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS

§ 91.15 PUBLIC HEARING REQUIRED.

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

(KRS 174.100)

§ 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 for the purpose of taking the sense of the public with regard to road and bridge matters within the city. The hearing shall be held not less than 30 days after the first publication of the notice and before beginning work on any project covered by this subchapter.

(KRS 174.100 (1))

§ 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 wherein state derived tax revenues are involved until the hearing as provided herein 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 Ch. 94

§ 91.33 REMOVAL OF ICE AND SNOW.

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



keep the sidewalk abutting his 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

§ 91.99 PENALTY.

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



CHAPTER 92: NUISANCES

Section

General Provisions

- 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

Statutory reference:

Private nuisances, see KRS 411.500 - 411.570

GENERAL PROVISIONS

§ 92.01 DEFINITIONS.

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

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

"NUISANCE." Public nuisance.

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

"UNFIT FOR 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.

§ 92.02 COMMON LAW AND STATUTORY NUISANCES.

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

Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

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

(A) Dwellings 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 hurt, damage, or injury to persons or property using or being upon 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) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(H) 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.

(I) 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.

(J) Trees and shrubbery obstructing streets and sidewalks. The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight 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 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.

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

(L) Scrap metal. The storage of scrap metal within the city limits except on premises authorized by the city for such purposes. Penalty, see § 92.99

§ 92.04 ABATEMENT PROCEDURE.

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

(1) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;

(2) One or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are not inhabited;

(3) Rubbish; or

(4) The excessive growth of weeds or grass.

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

(1) Junked, wrecked, or nonoperative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010(8);

(2) Junked, wrecked, or nonoperative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means; and

(3) Any motor vehicle that is owned, controlled, operated, managed, or leased by a motor carrier.

(C) It shall be unlawful in the city for the owner of a property to permit any structure upon the property to become unfit and unsafe

for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.

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

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

(F) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the responsible officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in division (G) of this section. The lien may be enforced by judicial proceeding.

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

(1) The city failed to provide the lien holder a copy of the determination in accordance with division (E) of this section; or

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

(H) In addition to the remedy prescribed in division (D) of this section or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest,

civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed. The failure of the city to comply with division (E) of this section, and the failure of a lien to take precedence over previously filed liens as provided in division (G) of this section, shall not limit or restrict any remedies that the city has against the owner of the property.

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

§ 92.05 NUISANCE CREATED BY OTHERS.

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

NUISANCES

20B



## CHAPTER 93: FIREWORKS; FIRE PREVENTION

### Section

#### Fireworks

- 93.01 Definitions
- 93.02 Requirements for sale of certain consumer fireworks
- 93.03 Permits and permit fees
- 93.04 Permit revocation
- 93.05 Permissible fireworks
- 93.06 Storing and structures
- 93.07 Limitations on structures
- 93.08 Location of fireworks outlets
- 93.09 Parking for retail firework sales site
- 93.10 Additional standards for fireworks retailers
- 93.11 Use of fireworks
- 93.12 Unlawful sale and use of fireworks
- 93.13 Exclusions

#### Fire Prevention

- 93.20 Blasting permit
- 93.21 Storage of flammables and other matter
- 93.22 Open burning
- 93.23 Kentucky Fire Prevention Code (Standards of Safety)
- 93.99 Penalty

### FIREWORKS

#### § 93.01 DEFINITIONS.

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

"FIREWORKS." As used in KRS 227.700 to 227.750, 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 KRS 227.702 or "DISPLAY" fireworks as defined in KRS 227.706 and as set forth in the United States Department of Transportation's (DOT) hazardous materials regulations.

"MOBILE RETAILER." A vendor operating from motor vehicles, trailers, bicycles, or motor bikes.

"PERMIT." The written authority of the City of Oak Grove issued under the authority of this subchapter.

"PERSON." Any individual, firm, partnership, or corporation.

"RETAILER." Any person engaged in the business of making retail sales of fireworks to the general public.

"SALE." An exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer thereof and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

"SEASONAL RETAILERS." 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, and shall include permanent businesses, temporary businesses, stores, stands, or tents.

Singular words and plural words used in the singular include the plural and the plural as singular.

(Ord. 2011-09, passed 6-21-11)

§ 93.02 REQUIREMENTS FOR SALE OF CERTAIN CONSUMER FIREWORKS.

Consumer fireworks described in KRS 227.702 may be offered for sale, sold at retail, or kept with the intent to sell, only if the following requirements are met:

(A) Any year-round person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks shall register annually with the City of Oak Grove. (The registration requirement under this section shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is not auxiliary to the primary course of business);

(B) Any person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks seasonally, shall register seasonally with the City of Oak Grove. The registration requirement under this section shall apply to permanent business establishments which are open year round and in which the sale of fireworks is auxiliary to the primary course of business;

(C) 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 KRS 227.702(A), or shall meet the criteria for "seasonal retailer" described in § 93.01;

(D) Each site at which fireworks are offered for sale shall have all permits, licenses and certifications displayed in a conspicuous location at the site;

(E) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the Oak Grove Planning Department;

(F) No person or business shall give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age;

(G) No person under eighteen (18) years of age may be employed by a fireworks distribution facility or manufacturing facility. No person under eighteen (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; and

(H) The City of Oak Grove may revoke the registration of any site which is in violation of a requirement of this section, or any other applicable requirement. 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 Oak Grove Fire Chief may take action, as provided in KRS 227.330(6).

(Ord. 2011-09, passed 6-21-11)

§ 93.03 PERMITS AND PERMIT FEES.

(A) It shall be unlawful for any person to sell, offer for sale, ship, or cause to be shipped, into the City of Oak Grove any item of fireworks without first having secured a State Fire Marshal permit and a permit issued for each site by the City of Oak Grove.

(B) Permits are not transferable.

(C) A "Seasonal Retailer" shall register with the City of Oak Grove. A permit fee will be assessed of two-hundred seventy-five (\$275.00) Dollars for each site at which fireworks shall be sold (this fee does not include other applicable fees).

(D) A permit to sell fireworks in the City of Oak Grove must be obtained at least seven (7) days prior to the date on which the applicant desires to begin making sales. Each application shall contain the following:

(1) Name, address, email address and telephone number of applicant. The applicant must be the natural person who will operate or be responsible for sales. The applicant's name shall also be the same as the name on the Permit. The applicant shall be liable for all violations of this subchapter by persons under their supervision. A site plan must be submitted that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of adjacent structures that are occupied, location and number of parking places, location of any nearby residences, location of adjacent fuel outlets and location of other fireworks outlets if located within 750 feet of a retail fireworks structure.

(2) Mobile vendors are not permitted.

(3) Flashing signs are not permitted.

(4) Two free standing temporary double-faced signs; along with one structure mounted sign will be permitted for advertising purposes. Up to three additional informational/directional signs, not exceeding four square feet (2x2) will be allowed per site. No signage will be allowed off site or in the public right-of-way.

(5) A sign permit application will need to be prepared and submitted with the appropriate fee of seventy-five dollars (\$75), one dollar per square foot/face/sign, or as defined in the Oak Grove sign ordinance, whichever is higher. No permit shall be issued under KRS 227.710 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 one million dollars (\$1,000,000). However, a larger amount may be required, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his or her agents, employees or subcontractors.

(6) The location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(7) After the application has been submitted and approved, a city codes inspector shall inspect the site for compliance.

(E) If the application is received less than seven days prior to offering fireworks for sale at the site for which application is intended, an additional assessment of Fifty dollars (\$50) shall be added to the initial fee.

(Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

§ 93.04 PERMIT REVOCATION.

The Mayor of Oak Grove or his or her designee shall be authorized to revoke any permit upon failure of retailer to correct any of the following conditions within thirty six (36) hours after written notice is given by the City of Oak Grove.

(A) In the event that the permittee or operator violates any lawful rule, regulation, or ordinance of the City of Oak Grove.

(B) In the event that the permittee's application contains any false or untrue statements.

(C) In the event the permittee fails to timely file and/or pay any report, tax, fee, fine, or charge.

(D) In the event the permittee or the permittee's operator violates any fireworks ordinance or statute.

(E) In the event the permittee fails to obtain a certificate of occupancy by the Kentucky State Electrical Inspector.  
(Ord. 2011-09, passed 6-21-11)

§ 93.05 PERMISSIBLE FIREWORKS.

It is unlawful for any individual, firm, partnership, or corporation to possess, sell, or use within the City of Oak Grove or ship into the city, except as provided in Chapter 227 of the Kentucky Revised Statutes.

(A) Items described in KRS 227.702 are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.

(B) Items described in KRS 227.706 are not legal for retail sale but are legal under permits granted pursuant to KRS 227.710 for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.

(C) Items described in KRS 227.704 are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.  
(Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

§ 93.06 STORING AND STRUCTURES.

(A) No person shall smoke tobacco products within a structure or within 50 feet of structure.

(B) At all places where fireworks are stored or sold, there must at least one sign posted at each entrance or within ten feet of every aisle that reads "Fireworks - No Smoking" in letters not less than four inches high.

(C) At least one sign shall be conspicuously posted on the exterior the facility that reads (in 4" letters) "NO FIREWORKS DISCHARGED WITHIN 300 FEET".

(D) No fewer than two portable fire extinguishers with a minimum rating of 2A, at least one of which shall be of the pressurized water type and must be present at each retail fireworks site (If facility is provided with electrical power, one fire extinguisher will be multi-purpose dry chemical type).

(E) An approved fire and safely evacuation plan shall be prepared in writing and maintained current at each permanent site.

(F) The minimum number of exits provided from the retail sales area shall not be less than three or as determined in accordance with NFPA 101, whichever is greater.

(G) No permit will be issued until the following documents have been submitted to the City of Oak Grove:

(1) Registration from the Kentucky State Fire Marshal authorizing the sale of "Class C" fireworks;

(2) A copy of the Kentucky Department of Housing, Building and Construction, Division of Fire Protection, storage notification report (FM 32-03);

(3) For "seasonal retailers" utilizing tent structures, a certificate of flame resistance issued by the tent installer/supplier are required;

(4) For "seasonal retailers" utilizing tent structures of 3,000 square feet or greater, a notification from the Kentucky Department of Housing, Building and Construction is required; and

(5) For "seasonal retailers" utilizing tent structures, a copy of the executed land lease will be required.

(H) Aisles shall have a minimum clear width of 48 inches.

(I) At the time of the zoning compliance inspection, the applicant will need to be in possession of a certificate of occupancy from a Kentucky State Electrical Inspector. If a tent structure is equal or greater than 3,000 square feet, a certificate of occupancy issued by a Kentucky State Building Inspector must be displayed.

(J) The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public.

(K) Exits shall be marked by approved exit sign. Signs shall be illuminated if open to the public after dusk.

(L) Height of sales displays shall not exceed six foot inside the perimeter.

(M) A flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 feet.

(1) Packaged merchandise or open space may be used as a flame break if it measures a minimum of eight feet individually or in combination; as long as no run exceeds 32 feet between flame breaks.

(2) The flame break shall extend as follows:

(a) From the display surface to not less than six inches above the full height of the displayed merchandise or to the underside of the display surface directly above.

(b) For the full depth of the displayed merchandise.

(3) Not less than 50% of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross aisles.

(N) Records shall be maintained on available inventory on site and made available upon request.

(O) Vacuum cleaners or similar mechanical devices shall not be used. Hand Brooms, Hand brushes and dustpans shall be used to sweep up any loose powder.

(P) Cooking equipment of any type shall not be permitted within 20 feet of tents, canopies, or membrane structures used for storage or sale of consumer fireworks.

(Q) Fireworks are not permitted to be stored in residential districts, except for personal use.  
(Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

#### § 93.07 LIMITATIONS ON STRUCTURES.

(A) Tents meeting the current adopted Standard Building Code and Standard Fire Prevention Code (NFPA) may be used for the retail sale of fireworks.

(B) No temporary structure from which fireworks are sold shall exceed 4,800 square feet.

(C) Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block.  
(Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

#### § 93.08 LOCATION OF FIREWORKS OUTLETS.

Fireworks sales structures shall be no closer than 60 feet from any occupied building. Fireworks sales are only permissible on commercial/industrial property as approved by the Planning Department and the sales structure must be located the minimum distance' from the right of way as allowed by the Oak Grove Zoning Ordinance. Any fireworks sales structure must be at least 150 feet from a residence. Fireworks sales are not allowed on any property where there is an existing retail business that is operated from a building in excess of 125,000 square feet.  
(Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

#### § 93.09 PARKING FOR RETAIL FIREWORK SALES SITE.

The site for a fireworks retailer shall be improved in accordance with all applicable Oak Grove Ordinances and shall provide one parking space for every 300 square feet of retail space. No on street parking

will be allowed. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary.

(Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

§ 93.10 ADDITIONAL STANDARDS FOR FIREWORKS RETAILERS.

(A) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than 50 feet to any fuel source.

(B) The parcel in which a fireworks retail use is required shall be a minimum of 200 feet from other similar uses. This distance shall be measured from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location. (Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

§ 93.11 USE OF FIREWORKS.

A person lawfully possessing consumer fireworks, as defined in KRS 227.702(2) and (3) may use those items if:

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

(B) Fireworks are not to be ignited within 200 feet of agricultural crops, wooded areas or heavily vegetated areas/fields.

(C) Use of the fireworks does not place him or her in violation of any lawfully enacted ordinance, law or statute. (Ord. 2011-09, passed 6-21-11)

§ 93.12 UNLAWFUL SALE AND USE OF FIREWORKS.

(A) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of 18 years of age or to any intoxicated or seemingly irresponsible person.

(B) It shall be unlawful to explode or ignite fireworks within 600 feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school structure, or within 200 feet of where fireworks are stored, sold, or offered for sale.

(C) No person shall ignite or discharge any permissible articles of fireworks within or throw the same from within a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at such motor vehicle, or at or near any person or group of persons.

(D) A user of fireworks shall not ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property.



(E) Fireworks shall not be launched or fired onto property of persons who have not given permission.

(F) Fireworks shall not be used at times, places, or in any manner, which adversely affect other persons.

(G) Fireworks shall not be used during a burn ban declared by the State of Kentucky, Christian County or the Oak Grove Fire Department. (Ord. 2011-09, passed 6-21-11) Penalty, see § 93.99

#### § 93.13 EXCLUSIONS.

Nothing in this subchapter shall be construed to prohibit:

(A) The sale of any kind of fireworks which are to be shipped directly out of the corporate limits of the city in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water;

(B) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination.

(C) The sale or use of blank cartridges for theater or sporting events;

(D) The use of fireworks for military operations of agencies of the state or federal government;

(E) The use of fireworks for agricultural purposes under conditions approved by the Fire Chief or his or her designee; or

(F) Supervised displays of fireworks hereinafter provided. (Ord. 2011-09, passed 6-21-11)

### FIRE PREVENTION

#### § 93.20 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the authorized city official. The authorized city official, before granting such permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting. Penalty, see § 93.99

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

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

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

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

Penalty, see § 93.99

#### § 93.22 OPEN BURNING.

(A) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

"CLEAN LUMBER." Wood or wood products that have been cut or shaped and includes wet, air-dried, and kiln-dried wood products and does not include commercial or industrial waste or wood products that have been painted, pigment-stained, or pressure-treated using any hazardous or toxic compounds.

"MATERIALS." Clean lumber, leaves, tree limbs, natural growth, weeds, cardboard, household paper products and any other combustible materials.

"OPEN BURN." The burning of any matter without a burn chamber or without a stack or chimney with control devices.

"PERSON." Any person, firm, partnership, association, corporation, company, construction company, or organization of any kind.

"TRASH." Garbage, lumber, leaves, straw, tree limbs, or any other combustible material.

(B) No person shall kindle or maintain an open burn of any combustible material in the streets or alleys, or on any premises or a vacant lot without a burn permit, unless the burning can be done in a 55 gallon burn barrel with a cover of wire mesh or of metal. The burn barrel will have vent holes at the bottom of the barrel with a cover of wire mesh or of metal. The burn barrel will have vent holes at the bottom of the barrel. Prior to burning of any materials outside of a covered receptacle, the person must contact any Chief Officer of the Oak Grove Fire Department to receive an open burn permit. Prior to receiving an open burn permit a Chief Officer must conduct an inspection of the materials to be burned and the area the burn will be conducted in.

(C) All burning of any materials permitted by the above division shall be conducted on still days, during the day, unless the Kentucky Division of Forestry and the Kentucky Division of Air Quality Control

have mandated different burn restrictions. All open burn sites must have some kind of water supply present and must have an adult in constant attendance until all heat sources are completely extinguished. All open burns will be at least 50 feet away from any building or structures, and 150 feet from any woodland or brush land area, and where standing grass or weeds will not communicate fire to nearby property.

(D) The city will adopt the Kentucky Division of Air Quality Regulations and the Kentucky Division of Forestry Regulations and 401 KAR 63:005 open burning.

(E) Any Chief Officer of the Fire Department and or any Police Officer, are hereby authorized to enforce the provisions of this section.

(F) Any Chief Officer of the Fire Department is hereby authorized to grant an open burn permit to any person for the burning of legal materials and other combustible materials outside of a covered receptacle up to seven calendar days. A permit will only be issued after an on site inspection of the burn site and of the materials to be burned. Only the Fire Chief or Deputy Fire Chief can authorize a burn permit for more than seven days.

(Ord. 1982-4, passed 10-11-82; Am. Ord. 2008-14, passed 9-16-08)  
Penalty, see § 93.99

§ 93.23 KENTUCKY FIRE PREVENTION CODE (STANDARDS OF SAFETY).

(A) Adoption. The Kentucky Fire Prevention Code (Standards of Safety) as promulgated in 815 KAR 10:050 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshal, is hereby adopted in full as an ordinance of the city. Copies of the code book are available through the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

(B) Enforcement. The Chief of the Fire Department shall be designated as the local enforcement agent/agency of the Standards of Safety as appointed by the City Council.

(C) Permits and fees. The requirements for permits and required fees shall be:

- |                               |                 |
|-------------------------------|-----------------|
| (1) Blasting permits          | \$100 per month |
| (2) Construction burn permits | \$ 50 per month |

(D) Appeal process. All final decisions of the fire code official of the city shall be appealable to a local Code Enforcement Board pursuant to the procedures adopted by the City Council.  
(Ord. 2000-26, passed 5-15-01)

§ 93.99 PENALTY.

(A) All individuals that violate any provision of §§ 93.01 through 93.13 shall be guilty of an offense and upon conviction shall be punished by a fine not to exceed \$1,000 plus costs. Each violation or transaction shall be considered a separate violation. Employers of fireworks vendors and permit holders shall also be guilty for violations by persons in their employment and persons under their supervision.

(B) Any person who violates any other provision of this chapter shall be deemed guilty and upon conviction thereof shall be fined in the amount not exceeding \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Am. Ord. 2008-14, passed 9-16-08; Am. Ord. 2011-09, passed 6-21-11)

## CHAPTER 94: LITTERING

### Section

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

#### § 94.01 THROWING LITTER FROM VEHICLE.

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

#### § 94.02 TRACKING FOREIGN MATTER ON STREETS.

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

#### § 94.03 HAULING LOOSE MATERIAL.

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

#### § 94.04 SWEEPING LITTER INTO GUTTERS.

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

#### § 94.05 LITTER ON PRIVATE PROPERTY.

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

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

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

§ 94.99 PENALTY.

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

## CHAPTER 95: ABANDONED VEHICLES

### Section

- 95.01 Definitions
- 95.02 Abandoned or junked vehicle prohibited
- 95.03 Enforcement
- 95.04 Notice
- 95.05 Removal and disposition
- 95.06 Risk of loss
- 95.07 Reclamation
- 95.08 Removal of vehicle before city removal
- 95.09 Separability
  
- 95.99 Penalty

### Cross-reference:

Storage and parking of trailers and commercial vehicles, see  
§ 72.14

### § 95.01 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless the context clearly indicates that a different meaning is intended:

"ABANDONED VEHICLE." Any vehicle which the owner thereof, including any person having a security interest therein, has deserted and left unclaimed on any street, lot or parcel of ground, public or private, within the limits of the city for a period of time.

"CITY." The City of Oak Grove.

"JUNK VEHICLE."

(1) A vehicle in any inoperative condition. Any style of vehicle used or useful for the conveyance of persons or property that is unable to move under its own power due to defective or missing parts; or a vehicle that has no motor vehicle registration or an expired motor vehicle registration and therefore cannot legally be operated on the public way.

(2) A vehicle unfit for further use. Any style or type of vehicle used for the conveyance of person or property that is in a dangerous condition, has defective or missing parts or in such condition as to be unfit for further use as a conveyance.

"PERSON." Every natural person, firm, co-partnership, association, corporation, or organization of any kind.

"STREET or HIGHWAY." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"VEHICLE." A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, but not limited to, automobile, truck, trailer, recreational vehicle, all-terrain vehicle, motorcycle and tractor.

"VEHICLE PARTS." Any portion or parts of any vehicle as detached from the vehicle as a whole.  
(Ord. 2015-06, passed 3-17-15)

§ 95.02 ABANDONED OR JUNKED VEHICLES PROHIBITED.

(A) Abandonment of vehicles. No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.

(B) Leaving of wrecked, non-operating vehicle on street. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the city.

(C) The presence of any junk vehicle, related refuse or rubbish from the vehicles or vehicle parts, on any lot or parcel of land, public or private, within the limits of the city, shall be deemed a public nuisance.

(D) Exceptions and exemptions.

(1) Any vehicle on the premises of a business enterprise operating in a lawful manner and having obtained the requisite occupational license.

(a) The vehicle is necessary to the operation of an enterprise dealing in motor vehicles, so long as no more than 12 junk cars are present.

(b) The enterprise is a motor vehicle junkyard. However, nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under other provisions of the law; or

(c) Competitive vehicle strictly for off street use. Two competitive vehicles allowed per residential lot not to be parked on the street, must be stored inside or in the rear yard of structure.

(2) Any vehicle in a designated depository in a lawful place and manner by the city.

(3) Any vehicle in an enclosed building.  
(Ord. 2015-06, passed 3-17-15)



§ 95.03 ENFORCEMENT.

(A) The Police Department shall be responsible for enforcing the provisions of this chapter for vehicles on private or on public way.

(B) The Code Enforcement Officer shall be responsible for enforcing the provisions of this chapter for vehicles located on private property.

(Ord. 2015-06, passed 3-17-15)

§ 95.04 NOTICE.

Whenever the Code Enforcement Officer and/or Police Department deem a violation to this chapter exists, they shall issue a notice hereinafter stated, and such notice shall:

(A) Be in writing;

(B) Placed on the vehicle or residence;

(C) Specify the violation and its location;

(D) Request the violation to be abated; and

(E) Advise such that he/she has five days to abate the violation or make contact with the Code Enforcement Officer/Police Department to remedy and ask for an extension on the violation.

(Ord. 2015-06, passed 3-17-15)

§ 95.05 REMOVAL AND DISPOSITION.

(A) Upon failure to timely abate the violation the Code Enforcement Officer/Police Department is authorized, empowered and directed to remove and dispose of the abandoned/junk vehicle and/or vehicle parts Any person designated by the Code Enforcement Officer/Police Department to remove, transport or store any abandoned/junk vehicle or the city if it does so, shall have a lien against same for the reasonable charges for the fine, towing, transporting and/or storing.

(B) The person designated by the city to remove the vehicle or the city itself may sell the vehicle for the same charges if the same have not been paid during the impoundment period. The sale shall be advertised and conducted in accordance with KRS Chapter 424.

(C) However, all requirements of KRS Chapter 376 regarding notice and sale for towing and storing charges shall be satisfied and the city not be liable to any person towing or storing of abandoned/junk vehicles.

(Ord. 2015-06, passed 3-17-15)

§ 95.06 RISK OF LOSS.

The owner of any abandoned/junk vehicle removed and disposed of pursuant to this chapter shall be solely liable for any loss or damage to the vehicle, including any contents within, while being removed or as a result of any subsequent sale or other disposition. However, the person removing the vehicle shall exercise ordinary care to prevent damage and loss thereto during transportation and during the impoundment period.

(Ord. 2015-06, passed 3-17-15)

§ 95.07 RECLAMATION.

The owner of any interest in any abandoned/junk vehicle that has been removed, transported or stored pursuant to this chapter may, prior to the sale thereof, present sufficient proof of ownership thereof or security interest therein to the Code Enforcement Officer/Police Department shall order the release of the vehicle to the person upon providing proof of compliance with applicable laws and payment of all charges and expenses of removal, transportation, storage, sale and any fine incurred.

(Ord. 2015-06, passed 3-17-15)

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§ 95.08 REMOVAL OF VEHICLE BEFORE CITY REMOVAL.

Removal of any abandoned/junk vehicle prior to time for city removal shall be considered compliance with the provisions of this chapter.

(Ord. 2015-06, passed 3-17-15)

§ 95.09 SEPARABILITY.

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provisions of this chapter be declared invalid or unconstitutional, all other provisions hereof shall remain valid and enforceable.

(Ord. 2015-06, passed 3-17-15)

§ 95.99 PENALTY.

(A) The provisions of this chapter may be enforced by the Code of Ordinance Enforcement Board established in § 37.30 of the KRS, or in the alternative, the Christian County District Court, as a violation. The decision on where the ordinance will be enforced shall be at the city's discretion.

(B) Any person violating any provisions of this chapter shall be charged with a violation in the event this chapter is enforced through the Code of Ordinance Enforcement Board. If charged and enforced through the Code of Ordinance Enforcement Board, the offense shall be

a civil offense. A first offense under this chapter shall result in a fine of not greater than \$100.00. The second event shall result in a fine of not greater than \$200.00. All other offenses shall result in a fine of not greater than \$300.00. Each day that a violation continues shall constitute a separate offense.  
(Ord. 2015-06, passed 3-17-15)

ABANDONED VEHICLES

32D

## CHAPTER 96: FAIR HOUSING

### Section

#### General Provisions

- 96.01 Policy
- 96.02 Definitions
- 96.03 Plan to be filed with City Clerk

#### Discriminatory Practices

- 96.15 Unlawful practices
- 96.16 Discrimination in sale or rental of housing
- 96.17 Discrimination in financing of housing
- 96.18 Discrimination in the provision of brokerage services
- 96.19 Interference, coercion, or intimidation
- 96.20 Prevention of intimidation in fair housing cases
- 96.21 Exemptions

#### Administration and Enforcement

- 96.30 Administration
- 96.31 Education and conciliation
- 96.32 Enforcement procedure
- 96.33 Investigations; subpoenas; giving of evidence
- 96.34 Enforcement by private persons
  
- 96.99 Penalty

### GENERAL PROVISIONS

#### § 96.01 POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.  
(Ord. 1989-8, passed 9-12-89)

#### § 96.02 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 §§ 96.16 through 96.18.

**"FAMILY."** A single individual.

**"DWELLING."** Any building, structures, 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, structures, or portion thereof.

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

"TO RENT." To lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Ord. 1989-8, passed 9-12-89)

§ 96.03 PLAN TO BE FILED WITH CITY CLERK.

The city fair housing plan and policies and procedures, a copy of which is on file in the office of the City Clerk, may be reviewed at any time during normal business hours, 9:00 a.m. to 4:00 p.m., Monday through Friday of each week, holidays excluded. The fair housing plan and policies and procedures may be waived, altered, or suspended only by change of ordinance. (Ord. 1989-8, passed 9-12-89)

DISCRIMINATORY PRACTICES

§ 96.15 UNLAWFUL PRACTICES.

Subject to the provisions of division (B) and § 96.21, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

(A) All dwellings except as exempted by division (B) of this section.

(B) Nothing in § 96.16 shall apply to:

(1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time. In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division shall apply only with respect to one such sale within any 24-month period. Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale, or rental of, more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from the application of this title only if such 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 salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person and without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of § 96.16 (C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and

other such professional assistance as necessary to perfect or transfer the title; 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 occupied one of such living quarters as his residence.

(C) For the purposes of division (B) of this section, 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;

(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.  
(Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

#### § 96.16 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 96.15 and except, as exempted by § 96.15 (B) and § 96.21, it shall be unlawful:

(A) To 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, or national origin;

(B) To 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, or national origin;

(C) To 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, or national origin, or an intention to make any such preference, limitation, or discrimination;

(D) For profit, to induce or 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, or national origin.  
(Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

§ 96.17 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling; or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given. Nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 96.15 (B).

(Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

§ 96.18 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 the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

§ 96.19 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 §§ 96.15 through 96.18. This section may be enforced by appropriate civil action.

(Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

§ 96.20 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates, or interferes with or attempts to injure, intimidate or interfere with:

(A) Any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, 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.



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

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

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

(C) No citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in division (A) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

#### § 96.21 EXEMPTIONS.

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

(Ord. 1989-8, passed 9-12-89)

### ADMINISTRATION AND ENFORCEMENT

#### § 96.30 ADMINISTRATION.

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

(B) The Mayor 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 Mayor shall by rule prescribe such rights to appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Mayor to further such purposes.  
(Ord. 1989-8, passed 9-12-89)

§ 96.31 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the Mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.  
(Ord. 1989-8, passed 9-12-89)

§ 96.32 ENFORCEMENT PROCEDURE.

(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 Mayor. Complaints shall be in writing and shall contain such information and be in such form as the Mayor requires. Upon receipt of such a complaint, the Mayor shall furnish a copy of the same to the person or persons who allegedly committed or 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), the Mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Mayor decides to resolve the complaints, he 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 such 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 Mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor.

(B) A complaint under division (A) of this section shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations 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 Mayor, 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 30 days after a complaint is filed with the Mayor, the Mayor 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 Mayor will assist in this filing.

(D) If the Mayor has been unable to obtain voluntary compliance within 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 such 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 such practice or order such 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 Mayor shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

§ 96.33 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.

(A) In conducting an investigation the Mayor 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 such materials and take and record the testimony or statements of such person as are reasonably necessary for the furtherance of the investigation; provided, that the Mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such 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 Mayor may administer oaths.

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

(C) Witnesses summoned by subpoena of the Mayor 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 days after service of a subpoena upon any person, such person may petition the Mayor to revoke or modify the subpoena. The Mayor shall grant the petition if he finds that the subpoena

required 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 Mayor or other person at whose request it was issued may petition for its enforcement in the municipal or 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 Mayor, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Mayor pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence.

(G) The City Attorney shall conduct all litigation in which the Mayor participates as a party or as amicus pursuant to this chapter. (Ord. 1989-8, passed 9-12-89) Penalty, see § 96.99

#### § 96.34 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 96.15 through 96.18 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, that the court shall continue such civil case brought pursuant to this section or § 96.32 (D) from time to time before bringing it to trial if the court believes that the conciliation efforts of Mayor are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Mayor 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 provision 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 said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

(Ord. 1989-8, passed 9-12-89)

§ 96.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which another penalty has not been provided shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

(B) Whoever violates any of the provisions of § 96.20 shall be fined not more than \$1,000 or imprisoned not more than ten years, or both; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(C) Whoever violates any of the provisions of § 96.32 shall be fined not more than \$1,000 or imprisoned not more than one year.

(D) Whoever violates any of the provisions of § 96.33 shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Ord. 1989-8, passed 9-12-89)



CHAPTER 97: NOISE CONTROL

Section

- 97.01 Definitions
- 97.02 Making unnecessary noise
- 97.03 Radios, phonographs, and similar devices
- 97.04 Animals creating noise
- 97.05 Mufflers required, modification prohibited
- 97.06 Truck loading restricted to certain hours
- 97.07 Operation of power tools restricted to certain hours
- 97.08 Sounding horns or signaling devices
- 97.09 Exception
- 97.10 Miscellaneous prohibited noises

97.99 Penalty

§ 97.01 DEFINITIONS.

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

"COMMERCIAL DISTRICT." The following:

- (1) An area where offices, clinics, and the facilities needed to serve them are located;
- (2) An area with local shopping and service establishments;
- (3) A tourist-oriented area where hotels, motels, and gasoline stations are located;
- (4) A business strip along a Main Street containing offices, retail businesses, and commercial enterprises;
- (5) Other commercial enterprises and activities which do not involve the manufacturing, processing, or fabrication of any commodity.

"RESIDENTIAL DISTRICT." An area of single- or multi-family dwellings, and shall include areas where multi-unit dwellings, apartments, and high density residential districts are located, including trailer courts or mobile home parks.  
(Ord. 1984-10, passed 8-14-84)

§ 97.02 MAKING UNNECESSARY NOISE.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any unnecessary noise within the city.  
(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

§ 97.03 RADIOS, PHONOGRAPHS, AND SIMILAR DEVICES.

It shall be unlawful for any person person to use, operate, or permit to be played any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement.

(A) The operation of any such set, instrument, television, phonograph, machine, or device at any time in such a manner as to be plainly audible at either the property line, or at a distance of 25 feet in the case of a vehicle on public rights-of-way, shall be prima facie evidence of a violation of this section.

(B) This section shall not apply to any person who is participating in a school band or in a parade for which a permit has been issued by the city.

(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

§ 97.04 ANIMALS CREATING NOISE.

No person shall keep or maintain or permit the keeping of, on any premises owned, occupied, or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking, or other noise unreasonably disturbs the peace and quiet of any neighborhood, or causes discomfort or annoyance to any person.

(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

§ 97.05 MUFFLERS REQUIRED, MODIFICATION PROHIBITED.

No person shall discharge into the openair the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motor boat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

§ 97.06 TRUCK LOADING RESTRICTED TO CERTAIN HOURS.

No person shall load any garbage or trash on any compactor truck, or load or unload any other truck, whereby the loading, unloading, or handling of boxes, crates, equipment, or other object is conducted within a residential district between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

§ 97.07 OPERATION OF POWER TOOLS RESTRICTED TO CERTAIN HOURS.

No person shall operate on any property within a residential district or commercial district, or on any public way within a residential or commercial district, any power equipment rated at more than five horsepower, excluding construction equipment used for construction activities, such as but not limited to: chain saws,



pavement breakers, log chippers, riding tractors, powered hand-tools, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day.

(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

#### § 97.08 SOUNDING HORNS OR SIGNALING DEVICES.

No person shall sound any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or highway within the city, except as a danger warning, and then only for a reasonable period of time.

(Ord. 1984-10, passed 8-14-84) Penalty, see § 97.99

#### § 97.09 EXCEPTION.

Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter. (Ord. 1984-10, passed 8-14-84)

#### § 97.10 MISCELLANEOUS PROHIBITED NOISES.

(A) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) Radios, phonographs, sound devices. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound either independently or in connection with motion pictures, radio, or television in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(3) Yelling, shouting, hooting. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence or of any person in the vicinity.

(4) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.

(5) Use of vehicle. The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(6) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(7) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Building operations.

(a) The erection (including excavation), demolition, alteration, or repair of any building in any residential district or section and the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector which may be granted for a period not to exceed 30 days while the emergency continues.

(b) If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m. and if he or she further determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(9) Noises near schools and places of assembly. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.

(10) Loading and unloading operations. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(11) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.

(12) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(13) Loud sound amplification systems in vehicles.

(a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

(b) "SOUND AMPLIFICATION SYSTEM" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(c) "PLAINLY AUDIBLE" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of 25 or more feet. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway on either public or private property.

(d) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

2. The vehicle was an emergency or public safety vehicle;

3. The vehicle was owned and operated by the city, or a gas, electric, communications, or refuse company; or

4. The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, or any activities at the Oak Grove War Memorial Walking Trail facilities, and other activities which have the approval of the City Council or a department of the city authorized to grant such approval.

(B) Exceptions. None of the terms or prohibitions of this section shall apply to or be enforced against:

(1) City vehicles. Any vehicle of the city while engaged in necessary public business.

(2) Repair of streets or public ways. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, Christian County, or the Commonwealth of Kentucky, during the night time hours when the public welfare and convenience renders it impossible to perform such work during the day.

(3) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the Mayor or Chief of Police in each instance. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designated in the permit.

(C) Penalty. Any person violating any of the provisions of this section shall be fined an amount not less than \$25 nor more than \$100. (Ord. 2002-18, passed 8-20-02)

§ 97.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor and shall be fined not less than \$10 and no more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1984-10, passed 8-14-84)

## CHAPTER 98: ALARMS

### Section

- 98.01 Findings
- 98.02 Definitions
- 98.03 User fees
- 98.04 Notice
- 98.05 Audio alarms
- 98.06 Registration

### § 98.01 FINDINGS.

Pursuant to KRS 91A.520, the City Council finds the following reasonable costs associated with a false alarm:

- (A) Expenses for Police to travel to location of alarm are \$250.00.
- (B) Expenses for Firemen to travel to location of alarm are \$100.00.
- (C) Expenses of other Police personnel and equipment are \$250.00.
- (D) Expenses of other Fire personnel and equipment are \$100.00.  
(Ord. 1997-7, passed 8-19-97)

### § 98.02 DEFINITIONS.

"ALARM OWNER." Any person in physical control of an alarm device or system.

"CALENDAR MONTH." January, February, March, April, May, June, July, August, September, October, November, and December of any year in issue.  
(Ord. 1997-7, passed 8-19-97)

### § 98.03 USER FEES.

Any alarm system or device which, for any reason, causes a policeman and/or firefighter of the city to respond to a false alarm shall make the alarm owner liable to the city for a user fee of five dollars (\$5.00). Each subsequent false alarm within a calendar month shall make the alarm owner liable for a user fee as indicated by the user fee schedule. Such payment shall not exceed five hundred dollars (\$500.00). The user fee schedule is as follows.

First False Alarm:	\$5.00
Second False Alarm:	\$10.00
Third False Alarm:	\$20.00
Fourth False Alarm:	\$40.00
Fifth False Alarm:	\$80.00
Sixth False Alarm:	\$160.00

Seventh False Alarm: . . . . .	\$320.00
Eighth False Alarm: . . . . .	\$500.00
Every False Alarm Thereafter: . . . . .	\$500.00

(Ord. 1997-7, passed 8-19-97)

§ 98.04 NOTICE.

The Police Chief shall serve written notice, by regular mail or hand delivery, at the last known address, on any person in possession of an alarm device or system which causes a policeman and/or firefighter of the city to respond to a false alarm, that future false-alarms within the calendar month shall subject said person to the user fee schedule. The user fee shall be paid within thirty (30) days of notice, the Police Chief shall forward a copy of the written notice and the regular mail address used, along with any other information the Police Chief deems necessary, to the City Attorney who may initiate collection efforts, including litigation. For collection efforts by the City Attorney, any alarm owner shall be responsible for all expenses of collection, including reasonable attorney fees and costs.  
(Ord. 1997-7, passed 8-19-97)

§ 98.05 AUDIO ALARMS.

Any alarm system which is installed or connected on or after the date this chapter becomes effective and which, when activated, generates an audible exterior sound shall have as part of the system an automatic shutoff that will deactivate the audible exterior sound in not less than thirty (30) minutes. Any alarm system which is installed and in operation prior to the date this chapter becomes effective and which, when activated, generates an audible exterior sound shall have such an automatic shutoff device installed and in operation within ninety (90) days after the date this chapter becomes effective that deactivates the audible exterior sound in thirty (30) minutes.  
(Ord. 1997-7, passed 8-19-97)

§ 98.06 REGISTRATION.

Every alarm owner shall register his alarm device or system with the Oak Grove Police Department on forms provided by the department and shall keep current the department of any change in information on the registration form. Information contained in the registration shall only be used to assist a valid police purpose.  
(Ord. 1997-7, passed 8-19-97)

CHAPTER 99: OPERATION OF CITY PARKS

Section

99.01 Hours of operation

99.99 Penalty

§ 99.01 HOURS OF OPERATION.

The hours of operation of the city parks shall be from 6:00 a.m. to 10:00 p.m. The parks shall be deemed closed at all other hours, unless otherwise designated by the city for the purpose of a city-organized function. No person shall be in the city parks during the hours that the parks are closed.

(Ord. 2005-07, passed 8-8-05) Penalty, see § 99.99

§ 99.99 PENALTY.

Any person violating any provision of this section shall be fined not less than \$50 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2005-07, passed 8-8-05)





## CHAPTER 100: OAK GROVE COMMUNITY CENTER

### Section

- 100.01 Definitions
- 100.02 Authority
- 100.03 Rules for facility use
- 100.04 Prohibited activities
- 100.05 Hours of operation
- 100.06 Facility usage rates
- 100.07 Rental and rental agreement
- 100.08 Payment and fees
- 100.09 Refunds
- 100.10 Vending and/or peddling
- 100.11 Information to remain confidential

### § 100.01 DEFINITIONS.

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

"CITY." The City of Oak Grove, Kentucky.

"CITY CLERK." The appointed City Clerk of the City of Oak Grove and may also be referred to as "TAX OFFICER". *update*

"COORDINATOR." The individual appointed by the Mayor to administer the overall operational functions of the Community Center, with the exception of the Municipal library.

"EVENT." A publicized, organized occasion, such as a celebration, festival, benefit, contest or game. An "EVENT" is a distinct happening, customarily of short duration, dedicated to a specific purpose.

"FINANCIAL DIRECTOR." The Financial Officer for the City of Oak Grove, Kentucky and may also be referred to as "TAX OFFICER".

"LEASE OR CONTRACT." A written agreement between instructors, individuals or entities utilizing the Community Center facility.

"LESSEE." Includes any person, association, public organization, partnership, company or corporation that is granted a contract to utilize a designated portion of the Community Center. The Lessee must be an adult at least 21 years of age.

"MUNICIPAL LIBRARIAN." The individual appointed by the Mayor to administer the overall operational functions of the Oak Grove Library.

"THE OAK GROVE COMMUNITY CENTER." Herein after called the "COMMUNITY CENTER", means any office, hall, meeting room, gym, fitness area or grounds located at 1705 Thompsonville Lane, Oak Grove, Kentucky.

"WEAPON." A tool used to apply force for the purpose of causing harm or damage to persons, animals or structures.  
(Ord. 2011-04, passed 5-3-11)

§ 100.02 AUTHORITY.

(A) The Coordinator shall have full responsibility for the operation of the Community Center and shall act on behalf of the city.

(B) The Coordinator or their designee will approve all use of the Community Center, with the exception of the Colleen R. Ochs Municipal Library area, and control the scheduling of events so as to ensure that the facility is used primarily by Oak Grove residents, property owners and businesses.

(C) The city reserves the right to cancel events at any time, with or without prior notice for or during emergency situations, public safety or public health concerns.  
(Ord. 2011-04, passed 5-3-11)

§ 100.03 RULES FOR FACILITY USE.

(A) The Community Center may be used primarily by the following:

(1) Oak Grove property owners or renters of such property;  
and

(2) Groups and organizations that operate primarily in the incorporated area of Oak Grove and can provide documentation of non-profit or not for profit status.

(B) Any person applying for the use of the community center must be at least 18 years of age. If a person applying for community center use is a minor (under the age of 18), the home owner(s) must also sign the application and be responsible for all terms and conditions of use for the community center.

(C) Membership application will be made upon a form provided by the community center and shall require the name and address of an Oak Grove property owner, as well as verification of said residence, which will remain on site for at least a year or the term of the membership. Application must be submitted to the fitness coordinator or their designee.

(D) All activities held at the community center must have adult supervision, with at least one adult for every 15 minors.  
(Ord. 2011-04, passed 5-3-11)

§ 100.04 PROHIBITED ACTIVITIES.

(A) Beverages and substances.

(1) It shall be unlawful for any alcohol beverages or controlled substances, as defined by Kentucky Revised Statutes, to be brought onto Community Center property.

(2) It shall likewise be unlawful for any person to enter any area of the Community Center while under the influence of controlled substances and/or alcoholic beverages.

(B) Building and other property.

(1) It shall be unlawful for any person to willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, tables, benches, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices, placards, whether temporary or permanent, monuments, stakes posts or other boundary markers, or other structures or equipment, facilities or park property, either real or personal property.

(2) Restrooms or washrooms.

(a) It shall be unlawful to fail to cooperate in maintaining restrooms, shower areas or washrooms in a neat and sanitary condition.

(b) No person over the age of six years shall use the restrooms, shower areas or washrooms designated for the opposite sex.

(3) It shall be unlawful to construct or erect any building or structure of whatever kind, whether permanent or temporary in nature, or run or string any public service utility into, upon or across such lands, except upon special written permit by the Oak Grove Planning Office.

(4) It shall be unlawful to climb any tree or to walk, stand or sit upon any monuments, vases, fountains, railings, fences or upon any other property not designated for such purposes.

(5) It shall be unlawful to deposit or leave garbage, refuse or other trash or leave garbage, refuse or trash anywhere on the grounds thereof, but shall be placed in proper provided receptacles located throughout the area.

(6) It shall be unlawful to bring or have in ones possession firearms, explosives, knives or other weapons.

(7) It shall be unlawful for any person, corporation or firm to argue and/or fight on Community Center property. If found in violation of arguing or fighting on community center grounds, a fine of not less than \$20, nor more than \$100 may be issued.

(8) It shall be unlawful to sleep or lounge protractedly on seats, benches or other areas.

(9) Additionally, it shall be unlawful to engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in disorderly conduct or behavior tending to a breach of the public peace.

(Ord. 2011-04, passed 5-3-11)

#### § 100.05 HOURS OF OPERATION.

The hours of regular operation will be as follows:

	COMMUNITY CENTER	LIBRARY
Monday	8:30 a.m. - 8:30 p.m.	8:30 a.m. - 5:30 p.m.
Tuesday	8:30 a.m. - 8:30 p.m.	8:30 a.m. - 5:30 p.m.
Wednesday	Closed	Closed
Thursday	8:30 a.m. - 8:30 p.m.	8:30 a.m. - 5:30 p.m.
Friday	8:30 a.m. - 8:30 p.m. (Open later/basketball)	8:30 a.m. - 5:30 p.m.
Saturday	8:30 a.m. - 8:30 p.m.	8:30 a.m. - 12:30 p.m.
Sunday	Closed	Closed

(Ord. 2011-04, passed 5-3-11)

#### § 100.06 FACILITY USAGE RATES.

(A) Home owner residents - Community Center.

	Facility Use	Class Only
	Monthly	
Single	Free	\$20
* Family-silver	Free	\$30
**Family-gold	Free	\$40
	6 Months (1 Month Free)	
Single	Free	\$100
* Family-silver	Free	\$140
**Family-gold	Free	\$200

	Facility Use	Class Only
	12 Months (3 Months Free)	
Single	Free	\$180
* Family-silver	Free	\$270
**Family-gold	Free	\$360
* Up to two (2) people		
**Three (3) people or more		
KIDSFIT - \$10 mo. per child		
Military discount - 10%		

COLLEEN R. OCHS MUNICIPAL LIBRARY RATES & FEES	
Proctoring	\$ 5 per exam
Damaged/missing materials	Cost plus \$12
Late fees/fines for books	\$0.10 per day
Late fees/fines for A/V	\$0.50/\$1 per day
Special program admission - adult	\$2
Special program admission - child	\$1
Special program admission - 3+	Free

## (B) Renting residents - Community Center.

	Facility Use	Class Only	Facility/ Classes
	Monthly		
Single	\$20	\$20	\$30
* Family-silver	\$30	\$30	\$40
**Family-gold	\$40	\$40	\$50
	6 Months (1 Month Free)		
Single	\$100	\$100	\$150
*Family-silver	\$140	\$140	\$200
**Family-gold	\$200	\$200	\$250

	Facility Use	Class Only	Facility/ Classes
	12 Months (3 Months Free)		
Single	\$180	\$180	\$225
Family-silver	\$270	\$270	\$300
Family-gold	\$360	\$360	\$450
* Up to two (2) people		Day pass	\$5
**Three (3) people or more		Week pass	\$15
		Per class	\$2
Open basketball - \$1 per hour		Military discount - 10%	
KIDSFIT \$10 per month per child			

COLLEEN R. OCHS MUNNICIPAL LIBRARY RATES & FEES	
Non-resident membership	\$36/year
Non-resident internet charge	\$2.50 per ½ hour
Proctoring	\$5 per exam
Damaged/missing materials	Cost plus \$12
Late fees/fines (books)	\$0.10 Per day
A/V late fees/fines	\$0.50/\$1 per day
Special program - adult	\$2
Special program - child	\$1
Special program - 3+	Free

## (C) Non-residents - Community Center.

	Facility Use	Class Only	Facility/ Classes
	Monthly		
Single	\$30	\$30	\$40
Family-silver	\$40	\$40	\$50
Family-gold	\$50	\$50	\$60

	Facility Use	Class Only	Facility/ Classes
	6 Months (1 Month Free)		
Single	\$150	\$150	\$200
* Family-silver	\$200	\$200	\$250
**Family-gold	\$250	\$250	\$300
	12 Months (3 Months Free)		
Single	\$270	\$270	\$360
* Family-silver	\$360	\$360	\$450
**Family-gold	\$450	\$450	\$540
* Up to two (2) people		Day pass	\$5
**Three (3) people or more		Week pass	\$15
		Per class	\$2
Open basketball - \$1 per hour		Military discount - 10%	
KIDSFIT \$10 per month per child			

COLLEEN R. OCHS MUNICIPAL LIBRARY RATES & FEES	
Non-resident membership	\$36/year
Non-resident internet charge	\$2.50 per ½ hour
Proctoring	\$5 per exam
Damaged/missing materials	Cost plus \$12
Fees/fines (books)	\$0.10 per day
A/V late fees/fines	\$0.50/\$1 per day
Special program - adult	\$2
Special program - child	\$1
Special program - 3↓	Free

update

(Ord. 2011-04, passed 5-3-11)

\$ 100.07 RENTAL AND RENTAL AGREEMENT.

(A) Rental Fee for "events" will be \$25 per hour, including set-up time, breakdown time and cleaning time.

(B) Any individual who wishes to use the Community Center for events will apply for the use at least ten days prior to the requested date on a first come first serve basis.

(C) Non-Profits, charitable organizations and similar organizations may reserve the community center. If the event caters to the majority of Oak Grove residents, the hourly rental fee and deposit may be waived on a case by case basis.

(D) The Community Center will be in clean and orderly condition before each period of rental. The individual or group renting the community center should report any damage or disorderly condition discovered prior to the actual use of the facility.

(E) Set-up and clean-up will be included in the rental time. It shall be the responsibility of the individual or group that has contracted with the community center to clean the facility after the period of use and to place all waste materials in waste containers located throughout the Community Center.

(F) Agreement will be made upon a form provided by the community center and shall require the name and address of the applicant, a general description of purpose and an estimate of the number of persons expected to attend. Application must be submitted to the Coordinator or their designee.

(G) All activities held at the community center must have adult supervision, with at least one adult for every 15 minors.  
(Ord. 2011-04, passed 5-3-11)

§ 100.08 PAYMENT AND FEES.

(A) Payment is accepted in the form of check, cash or cashier's check. Personal checks are accepted only on individuals' personal account. Third party checks are not an acceptable means of payment.

(B) Any check returned for any reason non-paid from the bank will result in a handling fee in the amount of \$25. Checks must be picked up and paid for by bank draft, money order, cashiers' check or cash.

(C) Cancellations made less than two days prior to the first reserved date will result in a forfeit of the entire rental fee to the City of Oak Grove. Cancellations made less than five days prior to the first reserved date shall be charged a \$20 cancellation fee. This cancellation policy will also apply to reservations that are cancelled and rescheduled.

(D) The person or group making the application will be required a deposit of \$100 as security for any damages that may occur.  
(Ord. 2011-04, passed 5-3-11)



§ 100.09 REFUNDS.

(A) Where there has been an overpayment of fees, a refund shall be made to the extent of overpayment only if a written request for refund is received by the City of Oak Grove's Finance Officer within one year from the date the overpayment was made. Refunds of overpayment will be issued by the Oak Grove Finance Department on the 1st or 15th of the month following request for refund.

(B) The refund shall consist of the security deposit minus any deductions for repairs necessitated by the use of the facility. The individual or group renting the facility shall be responsible for the payment on repair of any damages during the period of usage.  
(Ord. 2011-04, passed 5-3-11)

§ 100.10 VENDING AND/OR PEDDLING.

(A) Every person and business entity engaged in any business in the City of Oak Grove shall be required to apply for and obtain an occupational license from the City of Oak Grove before the commencement of business or in the event of a change of business status.

(B) Any person and business entity, who by advertising or otherwise, profess to be doing business within the city shall be presumed to be doing business within the city, and as such, will be subject to provisions of all pertinent City of Oak Grove Ordinances.  
(Ord. 2011-04, passed 5-3-11)

§ 100.11 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of the city shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information required to be filed. This prohibition does not extend to information required in prosecutions for making false reports or any other infraction of the laws. Further, this prohibition does not preclude any employee of the community center from testifying in any court or from introducing evidence, in an action for violation of district laws or in any action challenging district laws.

(B) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city the reciprocal right to obtain information from the files and records of the Kentucky Revenue Cabinet and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting gross receipts or compensation of any person or business entity.  
(Ord. 2011-04, passed 5-3-11)



CHAPTER 101: SMOKING IN RESTAURANTS

Section

- 101.01 Definitions
- 101.02 Prohibition
- 101.03 Posting signs
- 101.04 Reasonable distance
- 101.05 Non-retaliation and non-waiver of rights
- 101.06 Enforcement
  
- 101.99 Penalty

§ 101.01 DEFINITIONS.

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

"RESTAURANT." a public establishment that serves prepared food and beverages to be consumed upon the premises. This definition shall include any business for which 50% or more of the business's gross annual income is from the sale of food.

"SMOKE" or "SMOKING." The act of possessing, carrying, burning, inhaling or exhaling the smoke of any lighted cigarette, cigar, or pipe, or other combustible tobacco product.  
(Ord. 2011-01, passed 1-4-11)

§ 101.02 PROHIBITION.

No person shall smoke within any restaurant within the City of Oak Grove, Kentucky.  
(Ord. 2011-01, passed 1-4-11)

§ 101.03 POSTING SIGNS.

(A) Not less than two no smoking signs or the international no smoking symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it shall be clearly and conspicuously posted in every restaurant. The party responsible for the purchase and placement of the signage is the owner, employer, operator, lessee, manager, or other person in control of the restaurant.

(B) Nothing in this chapter shall authorize the removal of no-smoking signs required by other statute, regulation, or ordinance.

(C) All ashtrays or ash containers shall be removed from restaurants, except for ashtrays for sale and not for use on the premises. Any permanent structure that previously functioned or was used as an ashtray shall be disabled or altered to prevent its use as an ashtray.

(Ord. 2011-01, passed 1-4-11) Penalty, see § 101.99

§ 101.04 REASONABLE DISTANCE.

Smoking is prohibited within a reasonable distance from the outside entrance to any restaurant so as to ensure that tobacco smoke does not enter the building or enclosed area through entrances, windows, ventilation systems, or other means. Unless directed otherwise by the Mayor, the distance of 15 feet shall be deemed reasonable. (Ord. 2011-01, passed 1-4-11) Penalty, see § 101.99

§ 101.05 NON-RETALIATION AND NON-WAIVER OF RIGHTS.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment or customer because that employee, applicant for employment or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter. (Ord. 2011-01, passed 1-4-11) Penalty, see § 101.99

§ 101.06 ENFORCEMENT.

(A) The Mayor shall designate the city departments responsible for enforcing this chapter.

(B) Written notice of the provisions of this chapter shall be given to all applicants for a business license within the City of Oak Grove.

(C) Any citizen who desires to register a complaint under this chapter may initiate enforcement with a written complaint to the Mayor.

(D) The following departments, or their designees, shall, while performing otherwise legal inspections inspect for compliance with this chapter: CAO/City Clerk, Police Department, Fire Department, Planning Department, Public Works Department, and Finance Department.

(E) A person in control of a restaurant shall inform persons violating this chapter of the applicable provisions thereof and report non-compliance to Mayor.

(F) No person having control of a restaurant shall fail to:

(1) Immediately ask smokers to refrain from smoking in any no smoking area;

(2) Use any other legal means which may be appropriate to further the intent of this chapter, including the action required by division (E) of this section.

(G) Notwithstanding any other provision of this chapter, the city, or any person aggrieved by a failure to comply with this chapter, whether by commission or omission, including violations on the part of

a person in control of a building or enclosed area covered by this chapter may bring legal action to enforce this chapter, either by civil action seeking injunctive relief or by criminal complaint in a court of competent jurisdiction.

(Ord. 2011-01, passed 1-4-11) Penalty, see \$ 101.99

\$ 101.99 PENALTY.

(A) A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be guilty of a violation of the same, which violation shall be punishable by a fine not exceeding \$50.

(B) A person in control of a restaurant who fails to comply with the provisions of this chapter shall be guilty of a violation punishable by:

(1) A fine not exceeding \$50 for a first violation within a 12 month period.

(2) A fine not exceeding \$100 for a second violation within a 12 month period.

(3) A fine not exceeding \$250 for each additional violation within a 12 month period.

(C) Persons who smoke in an area where smoking is prohibited by this chapter and who refuse to extinguish their smoking material when asked, may be required to leave the premises, and shall be subject to prosecution for trespass if they do not leave when asked.

(D) In addition to the fines established by this section, violation of this chapter by a person who controls a restaurant more than three times in any 12-month period may result in the suspension or revocation of any permit or business license issued by the city to the person for the premises on which the violation occurred.

(E) Violation of this chapter is declared to be a public nuisance which may be abated by the city or its designated agents by restraining order, preliminary and permanent injunction or other means provided for by law. The city may recover the reasonable costs of any court enforcement action seeking abatement of this nuisance.

(F) Each calendar day on which a violation of this chapter occurs shall be considered a separate and distinct offense.

(Ord. 2011-01, passed 1-4-11)



## CHAPTER 102: VACANT RESIDENTIAL PROPERTIES

### Section

102.01	Purpose
102.02	Definitions
102.03	Registration
102.04	Maintenance
102.05	Enforcement

### § 102.01 PURPOSE.

It is the purpose and intent of this ordinance to establish a vacant residential property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property as a result of the vacancy.  
(Ord. 2018-01, passed 3-6-18)

### § 102.02 DEFINITIONS.

As used in this chapter:

"CREDITOR." A Federal or state chartered bank, savings bank, savings and loan association, or credit union, and any entity on behalf of the creditor named in the debt obligation including, but not limited to, services.

"RESIDENTIAL PROPERTY." Real property with one to four dwelling units. As well as any and all apartments or other residential complexes to include mobile homes.

"VACANT." A residential property with no legal resident or tenant. Evidence of vacancy includes any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, and the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.  
(Ord. 2018-01, passed 3-6-18)

### § 102.03 REGISTRATION.

(A) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential property located in the City of Oak Grove, a creditor shall inspect the property to determine whether the property is vacant. If the property is vacant, the creditor shall, on the same day the complaint of foreclosure is filed or the deed in lieu of foreclosure is executed, register the property as a vacant property with the City Clerk or Deputy City Clerk of the City of Oak Grove in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy.

(B) If a residential property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, but prior to vesting of title in the creditor or a third party, the creditor shall, within ten business days after obtaining knowledge of the vacancy, register the property as a vacant property with the city of Oak Grove.  
(Ord. 2018-01, passed 3-6-18)

#### § 102.04 MAINTENANCE.

(A) Registration of residential property as a vacant property shall include the address of the property and the name and contact information of a person located within the commonwealth who is authorized to accept service on behalf of the creditor.

(B) If a residential property becomes or remains vacant as provided in § 102.03, but prior to vesting of the title in the creditor or any third party, and the city determines the property is in violation of any ordinance regulating a nuisance, the city may notify the creditor of the violation by providing notice of the violation by certified mail, return receipt requested, to the person identified in division (A) of this section, and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.

(C) A notice of violation shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than 20 days from the creditor's receipt of the notice for the creditor to remedy the violation.  
(Ord. 2018-01, passed 3-6-18)

#### § 102.05 ENFORCEMENT.

(A) If the creditor fails to remedy the violation within the stated period, the city may issue a citation and impose penalties against the creditor for violation of any ordinance regulating a nuisance.

(B) Any creditor that fails to register a vacant residential property with the city shall be subject to a civil fine of \$100 payable to the city for each day of delinquency.  
(Ord. 2018-01, passed 3-6-18)