

Pewee Valley Ordinances

TITLE 13: GENERAL OFFENSES

Chapter

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§ 130.01 WEAPONS AND FIREARMS.

It shall be unlawful for any person to fire off any gun, pistol, rifle or other firearm (except in defense of his or her person or his or her property) or explode any giant cracker or other detonating substance of a loud or dangerous character or to explode any gunpowder or dynamite or kindred explosives, within the city limits of Pewee Valley, except firing legal fireworks on July 4 and New Year's Day. Any person, however, may secure the consent of the City Council to use powder, dynamite or other explosive for blasting purposes, where the use of same will not injure adjacent property or endanger the public.

(Prior Code KOC, § 1020.33, passed 8-1-1988) Penalty, see § 10.99

Cross-reference:

Carrying concealed weapons, see § 130.07

§ 130.02 PUBLIC GATHERINGS.

(A) No one shall sponsor a public gathering within the city at which 100 persons or more are expected to gather or a parade without first applying to the City Clerk for a permit.

(B) (1) The City Clerk shall supply application forms for public gathering permits. For purposes of this application, a parade shall be considered a public gathering.

- (2) The application forms shall solicit the following information from the applicant:
 - (a) Applicant's name and address;
 - (b) Location of public gathering, date of public gathering, and hours thereof;
 - (c) Expected number to attend public gathering;

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(d) Provisions applicant made for policing public gathering and regulation of traffic flow;

(e) Whether person policing public gathering are professional police officers or volunteers;

(f) Description of sanitary facilities available at public gathering location;

(g) Whether alcoholic beverages are to be served or permitted to be consumed on the premises.

(C) Upon receipt of application for permit, containing the information required in division (B) above, the City Clerk shall at the next regular meeting of the City Council submit the application to the City Council or have the application circulated among a majority of the City Council members.

(D) If in the opinion of the majority of the City Council the granting of the permit applied for would in no way adversely affect the public health, morals, safety or general welfare of the community, the City Clerk shall be instructed to grant the public gathering permit.

(E) There shall be exempted from the provisions of this section regular daily, weekly or monthly meetings, civic meetings or business meetings, funeral processions, and advanced scheduled plays.

(Prior Code KOC, § 1020.25, passed 8-3-1970; Prior Code KOC, § 1020.27, passed 1-3-1984; Prior Code KOC, § 1020.32, passed 5-2-1988) Penalty, see § 10.99

§ 130.03 THROWING ROCKS.

It shall be unlawful for any person to throw stones, snowballs, rubber-balls or other missiles upon the public streets, avenues or public places of the town.

(Prior Code KOC, § 1020.31, passed 5-2-1988) Penalty, see § 10.99

§ 130.04 SHOOTING BIRDS OR SQUIRRELS.

It shall be unlawful for any person to shoot or otherwise kill squirrels or song birds within the city limits, and it shall be unlawful for any person to fire a gun or pistol within the town limits, except on property owned or occupied by such person.

(Prior Code KOC, § 1020.18, passed 9-15-1914) Penalty, see § 10.99

§ 130.05 POSTERS.

(A) It shall be unlawful for any person to nail, post or attach to any tree, fence or other support on public property within the limits of the city, any advertising sign or device or any other unsightly or objectionable article or material.

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(B) Notices or announcements of local interest may be posted at places permitted by the city officials.

(Prior Code KOC, § 1020.24, passed 9-15-1914), *Penalty*, see § 10.99

§ 130.06 DISTURBING LAWFUL ASSEMBLIES.

No person shall, within the limits of the city, wilfully interrupt or disturb a congregation assembled for, or engaged in, the worship of God, or any school while in session, or any assemblage engaged in any lawful purpose.

(Prior Code KOC, § 1020.7, passed 9-15-1914), *Penalty*, see § 10.99

§ 130.07 CARRYING CONCEALED WEAPONS.

The City Council does authorize all police officers employed by the city as members of the Pewee Valley Police Department to carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky.

(Prior Code KOC, § 320.2, passed 2-3-1975) *see § 130.01*

§ 130.90 CODE ENFORCEMENT BOARD.

(A) Under the authority of KRS 65.8801 to 65.8839, the Local Government Code Enforcement Board Act, which is incorporated herein by reference, the city council of Pewee Valley hereby establishes a code enforcement board, to protect, promote, and improve the health safety and welfare of citizens residing within the city.

(B) The code enforcement board shall have the authority to issue remedial orders and impose civil fines to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with local ordinances, when a violation of the ordinance has been classified as a civil offense; provided, however, that this ordinance provides an additional or supplemental means of obtaining compliance with local government ordinances, and nothing contained herein shall prohibit or preclude the enforcement of local government ordinances by any other means authorized by law.

(C) The code enforcement board shall consist of three (3) members, who are appointed by the mayor, subject to approval by the city council. A board member must have resided in the city for more than one year before appointment. Board terms shall be staggered in accordance with KRS 65.8811. The board meetings, quorum, minutes, and administrative personnel matters shall be carried out in accordance with KRS 65.8815. The procedures for code enforcement proceedings set out in § 130.91 below shall be in accordance with KRS 65.8825, which is incorporated herein by reference.

(KRS 65.8811; 65.8815; 65.8825, § 130.91)

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(D) Subject to the limitations set forth in subsection (E), the legislative body of the city may elect to enforce any ordinance of the city, including any zoning ordinance or regulation, by classifying a violation of the ordinance as a civil offense and establishing civil fines which may be imposed on any person who commits a violation of the ordinance. If a local government elects to enforce an ordinance as a civil offense, the ordinance, by its express terms, shall provide:

(1) That a violation of the ordinance is a civil offense;

(2) A maximum civil fine that may be imposed for each violation of the ordinance; and

(3) A specific civil fine of less than the maximum civil fine that may be imposed for each offense if the person who has committed the offense does not contest the citation.

(E) The legislative body of the city shall not classify the violation of an ordinance as a civil offense if the same conduct that is regulated by the ordinance would also constitute a criminal offense or a moving motor vehicle offense under any provision of the Kentucky Revised Statutes.

(F) As an alternative to hearing the matter itself, the code enforcement board may instruct the city attorney to pursue any violations of the code of ordinances for which a civil penalty or forfeiture may be imposed, or involving injunctive relief or abatement, by filing a petition with the court of appropriate jurisdiction.

(KRS 65.8801 et seq; KRS 83A.065)

(G) The city code enforcement board shall have concurrent jurisdiction with the county code enforcement board, or may enter into an interlocal agreement with the county or other local governments to form a joint code enforcement board, subject to approval by the city council.

(see H.B. 126 (2006) amending KRS 65.8805 to allow interlocal agreements and joint code enforcement).

(H) Pursuant to KRS 65.8821, the code enforcement board shall have the power to:

(1) Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with the requirements of KRS 65.8801 to 65.8839 and ordinances of the local government.

(2) Conduct hearings to determine whether there has been a violation of any local government ordinance that the board has jurisdiction to enforce.

(3) Subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas issued by the board may be served by any code enforcement officer.

(4) Take testimony under oath. The chairman of the board shall have the authority to administer oaths to witnesses prior to their testimony before the board on any matter.

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(5) Make findings and issue orders that are necessary to remedy any violation of a local government ordinance that the board has jurisdiction to enforce.

(6) Impose civil fines as authorized by ordinance on any person found to have violated any ordinance that the board has jurisdiction to enforce.
(KRS 65.8821, 1996 Ky. Acts ch. 177, sec. 7, effective July 15, 1996)

§ 130.91 CODE ENFORCEMENT PROCEEDINGS.

(A) Pursuant to KRS 65.8825, the procedures for enforcement proceedings before the code enforcement board for violation of any ordinance classified as a civil offense are as follows:

(1) Enforcement proceedings before the code enforcement board shall be initiated by the issuance of a citation by a code enforcement officer.
(see § 10.02; KRS 65.8805(4))

(2) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation to the offender. When authorized by ordinance, a code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.

(3) The citation issued by the code enforcement officer shall be in a form prescribed by the local government and shall contain, in addition to any other information required by ordinance or rule of the board:

- (a) The date and time of issuance;
- (b) The name and address of the person to whom the citation is issued;
- (c) The date and time the offense was committed;
- (d) The facts constituting the offense;
- (e) The section of the code or the number of the ordinance violated;
- (f) The name of the code enforcement officer;
- (g) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (h) The maximum civil fine that may be imposed if the person elects to contest the citation;
- (i) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
- (j) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the code enforcement board to contest the citation and that the determination that a violation was committed shall be final.

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(4) After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering the citation to the administrative official designated by ordinance or by the board.

(5) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation. (KRS 65.8825; 1996 Ky. Acts ch. 177, sec. 8, effective July 15, 1996)

(B) An appeal from any final order of the code enforcement board may be made to the Oldham County District Court within 30 days of the date of the order in accordance with the procedures set out in KRS 65.8831 and Kentucky law, otherwise the order shall be deemed final for all purposes. (KRS 65.8831)

§ 130.99 GENERAL ENFORCEMENT OF ORDINANCES.

(A) Pursuant to KRS 83A.065, the city shall have the power to establish fines, penalties, and forfeitures that may be imposed for violation of its ordinances, and may secure injunctions and abatement orders, when appropriate, to insure compliance with its ordinances, as set forth below:

(B) The city may make the violation of any of its ordinances a misdemeanor or a violation by the express terms of the ordinance. When an offense is designated by ordinance as a misdemeanor, a criminal fine not to exceed \$250, or a term of imprisonment not to exceed ninety (90) days, or both, may be imposed for the offense. When an offense is designated by ordinance as a violation, a criminal fine not to exceed \$250 may be imposed for the offense. (KRS 534.040(2)(a); 532.090(1))

(C) If an ordinance fails to prescribe any penalty for noncompliance with its provisions, any noncompliance shall be deemed a violation of a civil offense and a civil fine not to exceed \$250 may be imposed for the offense.

(D) As an alternative to or in conjunction with the criminal penalties authorized by subsection (1) of this section, an ordinance may provide by its express terms that a violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for the violation of the ordinance.

(E) A city ordinance may provide a fine, penalty, forfeiture, or term of imprisonment for an act or omission to act which is also an offense under the Kentucky Revised Statutes. In that case, the

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fine, penalty, forfeiture, or term of imprisonment imposed by the ordinance shall not be less than or greater than that imposed by statute for the same offense.

(F) A city ordinance may provide, when appropriate, that each day a violation of the ordinance continues shall be a separate and distinct offense.

(G) Subject to the express terms of the ordinance, a city ordinance may be enforced by means of any one, all, or a combination of the remedies authorized by this section.

(H) The violation of any city ordinances prescribing a criminal penalty as authorized in subsection (B) of this section shall be prosecuted in the District Courts of the Commonwealth. The county attorney shall prosecute all violations of city ordinances for which criminal penalties authorized by subsection (B) of this section may be imposed.

(I) The city attorney shall pursue all violations of ordinances for which a civil penalty or forfeiture may be imposed, or involving injunctive relief or abatement, by filing a petition with the court of appropriate jurisdiction.

(J) Nothing in this section shall be intended to preclude any remedy for the violation of a city ordinance, including any administrative remedy, authorized by any other ordinance or statute. (KRS 83A.065; KRS 534.040(2)(a); KRS 532.090(1))