

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ABANDON. Shall constitute the relinquishment of all rights and claims by the owner to the animal.

(KRS 257.100(4))

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

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

§ 90.02 ANIMALS RUNNING AT LARGE.

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

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

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

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

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a 4-legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space or health care, or by any other means; or

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

(3) Kills any animal.

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

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

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

(3) For humane purposes; and/or

(4) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

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

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under 2 months of age in any quantity less than 6, except that any rabbit weighing 3 pounds or more may be sold at an age of 6 weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

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

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

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

(KRS 257.100)

DOGS**§ 90.15 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning. *DOG*. Any member of the canine family, 6 months of age or over, male or female.

§ 90.16 LICENSE REQUIRED.

It shall be unlawful for any person to own or keep a dog or dogs in the city without first obtaining a license for each dog. This section and § 90.17 shall not apply to dogs whose owners are nonresidents temporarily within the city for a period less than 30 days.

Penalty, see § 90.99

§ 90.17 REGISTRATION AND ISSUANCE OF LICENSE.

(A) All dogs kept in the city shall be registered as to sex, breed, name and address of the owner and name of the dog. At the time of the registration the owner shall obtain a license tag for the dog and shall pay a fee as established by City Council for each dog.

(B) The license tag shall be valid for 1 year from the date of issue. A new tag shall be obtained each year by every owner and a new fee paid.

Penalty, see § 90.99

§ 90.18 LICENSE TAG TO BE ATTACHED TO DOG.

The license tag shall be fastened to the collar of the dog and shall be worn continuously, and the failure to have the tag so attached shall subject the owner or keeper thereof to the penalties provided herein.

Penalty, see § 90.99

§ 90.19 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of one or more of the inhabitants of 2 or more

separate residences. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, yard or enclosure which he or she occupies or owns shall be considered as harboring the dog.

Penalty, see § 90.99

§ 90.20 IMPOUNDMENT.

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

§ 90.21 RECLAIMING IMPOUNDED DOG.

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

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense.
(KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than \$100, nor more than \$500.
(KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

Section

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- 91.02 Application and cash deposit
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
- 91.05 Warning lights
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- 91.20 Exemptions from hearing requirement

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- 91.30 Unloading on street or sidewalk
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EXCAVATIONS AND CONSTRUCTION**§ 91.01 OPENING PERMIT REQUIRED.**

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

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 the services performed by the city should exceed the amount of the deposit, the Clerk 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 2 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 1 additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION AND REPAIR.

(A) When a majority of the property holders upon any street or avenue of the city desire the construction or repair of any sidewalk or curbing, they shall submit a petition to the City Council, setting forth the route of the improvement and repair desired. It shall be the duty of the City Council to consider the petition and decide upon the matter in their discretion.

(B) Provided, that the City Council shall order any such repair or improvement without a petition of citizens if the Council shall at any time deem it for the public welfare to do so. The city shall have such work properly done, and the final charges and expenses shall be assessed upon the property holders along whose front the work is done, each piece of property paying such a part of the whole cost as its length bears to the entire improvement made; except that no property shall be assessed for more than one square; which square shall be regarded as containing 420 feet.

(Prior Code KOC, § 620.1, passed - -)

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 hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city. Notice of the hearing shall

be given not less than 7 days nor

more than 21 days before the scheduled date of the public hearing 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 or she feels should be built or done which has not been proposed, priorities for completion of projects and any other matter related to road or bridge projects.

(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.

(A) No person shall obstruct any street, alley, sidewalk or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon.

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

Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

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

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

Penalty, see § 91.99

§ 91.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his or her premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, 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

INSTALLATION OF DRIVEWAYS AND CULVERTS**§ 91.45 DRIVEWAY REQUIREMENTS.**

(A) Any driveway with an elevation of 30 inches above the low point of the ditch will require that a headwall be placed at both ends of the culvert. The headwall shall be 6 inches, running parallel with the driveway. Headwalls shall extend to the depth of 8 inches below the bottom of the culvert and shall be poured with minimum strength concrete of 4000 psi grade. Headwalls should have reinforcement wire or rebar installed according to Department of Transportation trade practices. 4000 psi pre-cast headwalls, whether straight, cut and slope, or fluted, are acceptable.

(B) The street shoulder and ditch may not be disturbed, except for the proper installation of a driveway and/or culvert. Disturbances include, but are not limited to grading, filling in of ditches and all forms of landscaping.

(Prior Code KOC, § 620.13, passed 7-2-2001; Prior Code KOC, § 620.14, passed 4-7-2003; Am. Ord., passed 10-3-2005)

§ 91.46 CULVERT REQUIREMENTS.

(A) The minimum culvert size for all city roads and roads within the city, other than state maintained roads, shall be 15 inches inside diameter and shall be a minimum length equal to the width of the driveway pavement plus 4 times the depth of the drainage ditch as measured from the top of the driveway to the invert of the ditch. State maintained roads shall meet the minimum requirements of the State Highway departments for encroachment permits. All culverts shall be reinforced concrete pipe, 14 gauge galvanized corrugated metal pipe with asphalt or epoxy coating, or smooth bore N12- HDPE pipe or equivalent. The pipes may be round, oval or arch pipes and must be installed to the manufacturer's specifications and meet the requirements for installation determined by the Engineer for the city. No material other than those mentioned shall be acceptable. The area below the pipe shall be compacted to 95% proctor using mechanical methods. The culvert shall be bedded in #57 stone compacted to 95% proctor and completely supported by said stone for the entire length of the pipe. There can be no greater than 1 inch deflection in the horizontal run of the culvert pipe. Minimum cover for all culverts shall be sufficient to withstand a H20 highway load per manufacturer's specifications.

(B) There can be no greater than 1 inch deflection in the horizontal run of the culvert. The culvert shall have a minimum coverage of 4 inches above and surrounding it; consisting of 0-3/8 limestone, dense grade limestone, or 57 limestone and compacted to 85% to 90% consistency.

(C) All proposed entrances onto city roads shall be evaluated by the City Engineer to determine if a culvert pipe is necessary. If a culvert pipe is necessary, the owner shall have prepared an encroachment drawing, prepared and signed by an engineer licensed to practice in the state of Kentucky. The plan shall be submitted to the City Engineer for review and recommendation of approval or denial by the city.

(Prior Code KOC, § 620.13, passed 7-2-2001; Prior Code KOC, § 620.14, passed 4-7-2003)

§ 91.47 FINANCIAL RESPONSIBILITY.

(A) The financial responsibility for complying with the above specifications and minimum requirements shall be borne by the property owner constructing the culvert or driveway, including reasonable costs for inspection.

(B) In the event a property owner has paid the city a culvert fee equal to 1% of the land cost and new building cost or \$500, which ever is greater, the city accepts financial responsibility for the existing culvert complying with the above specifications.

(Prior Code KOC, § 620.13, passed 7-2-2001; Prior Code KOC, § 620.14, passed 4-7-2003)

§ 91.48 PERMIT FOR ENCROACHMENT.

No person, firm or corporation shall hereafter construct, build, establish or install any culvert or driveway on any public street, whether or not maintained by the city, without first having obtained a written permit to do so from the City Council member in charge of roads. An application for such permit shall be in writing and contain the name and address of the person making application, the name and address of the contractor or person to construct the culvert or driveway, the proposed location and dimensions of the culvert or driveway and the name and address of the owner of the property.

(Prior Code KOC, § 620.13, passed 7-2-2001; Prior Code KOC, § 620.14, passed 4-7-2003)

LIGHTING

§ 91.60 TAKING OVER PRIVATE STREET LIGHTING.

New or existing private street lighting will be considered for inclusion within the city's regularly maintained street lighting program, where it is intrinsic to public safety and uniformity, under the following conditions:

(A) The request be written and specific as to the exact location and type fixtures to be accepted by the city;

(B) A majority of those living around the street lighting that is the subject of the request consent in writing to the transfer; and also acknowledge in writing the terms of that acceptance stated in this section;

(C) All fixtures accepted be standard LG&E fixtures and poles of the type normally used by the city. If there is any different type of fixture or pole that is part of a request, the city has the option of accepting it on the condition that it be replaced with a standard fixture. The city has the option of

accepting an upgraded fixture only if the requestor agrees in writing that for the useful life of the fixture and/or its attachment structure, the city's only contribution will be an amount equal to the city's standard cost for electricity (not maintenance) for that specific type of structure and fixture (no upgrades) through Louisville Gas and Electric Company;

(D) The number of fixtures and locations accepted by the city shall be limited to its purpose of providing for the public safety at intersections and entrances; and standardizing the type and intensity of city street lighting; and

(E) The fixtures meet all the standards set out in the city's lighting ordinance.
(Ord. 2007-3, passed 4-2-2007)

§ 91.99 PENALTY.

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

(B) Any violation of the provisions of §§ 91.45 *et seq.* shall be corrected within 90 days of the violation, or a penalty shall be levied. The penalty, which shall inure to the city, shall be a minimum of \$250, and up to \$25 per day for continuing violations, but not to exceed the cost incurred by the city to correct violations, in addition to all attorney and legal fees incurred by the city to correct the violations.

(Prior Code KOC, § 620.13, passed 7-2-2001; Prior Code KOC, § 620.14, passed 4-7-2003)

CHAPTER 92: NUISANCES

Section

- 92.01 Definitions
- 92.02 Common law and statutory nuisances
- 92.03 Certain conditions declared a nuisance
- 92.04 Abatement procedure
- 92.05 Nuisance created by others
- 92.06 Suspension of license

92.99 Penalty

Cross-reference:

Trees, see Ch. 95

Statutory reference:

Private nuisances, see KRS 411.500–411.570

§ 92.01 DEFINITIONS.

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

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

INOPERATIVE CONDITION. Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than 10 consecutive days.

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

PUBLIC NUISANCE. Any act, thing, occupation, condition or use of property which shall continue for such a length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch or drainage; or

(3) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of property of others.

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

UNFIT FOR FURTHER USE. In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance. (Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001)

§ 92.02 COMMON LAW AND STATUTORY NUISANCES.

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

(Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001) Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

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

(A) *Dangerous trees or stacks adjoining street.* Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage or other waste material which endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents or insects, or blow rubbish into any street, sidewalk or property of another.

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

(D) *Weeds and grass.* The excessive growth of weeds, grass or other vegetation. Unless otherwise provided, **EXCESSIVE** shall mean growth to a height of 12 inches or more.

(E) *Open wells.* The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or

unfenced lot or place.

(F) *Trees and shrubbery obstructing streets, sidewalks, and drainage.* The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

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

(H) *Junk; scrap metal; motor vehicles.* The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts or scrap metal within the city limits except on premises authorized by the city for such purposes.

(Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001) Penalty, see § 92.99

§ 92.04 ABATEMENT PROCEDURE.

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

(B) Whenever a nuisance situation is discovered, the authorized city official shall give 5 days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy 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.

(KRS 381.770) (Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001)

§ 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests or other persons for whose conduct

the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

(Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001)

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is shown that a nuisance is associated with or caused by the conduct of a business or activity licensed by the city and that the existence of the nuisance presents an immediate threat to the public health, safety or welfare, the City Council may suspend the license of the person or persons conducting the business or activity.

(B) The City Clerk shall cause a notice of the suspension to be served personally upon the licensee, or upon any responsible agent of the licensee, at the premises where the licensed business or activity is being conducted. The notice shall clearly inform the licensee of the reason for the suspension, and the conditions that must be met for the suspension to be removed.

(C) Upon application of the licensee, and upon a showing that the nuisance has been satisfactorily abated and that any other reasonable conditions set forth in the notice have been met, the City Council may remove the suspension.

(Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001)

§ 92.99 PENALTY.

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

(Prior Code KOC, § 1010.5, passed 10-7-1985; Prior Code KOC, § 1010.5A, passed 4-20-2001)

CHAPTER 93: FIRE PREVENTION

Section

Fire Prevention

- 93.01 Blasting permit
- 93.02 Storage of flammables and other matter

Open Burning

- 93.20 Definitions
- 93.21 Permissible open burning
- 93.22 Notice

- 93.99 Penalty

FIRE PREVENTION

§ 93.01 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

§ 93.02 STORAGE OF FLAMMABLES AND OTHER MATTER.

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

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

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

Penalty, see § 93.99

OPEN BURNING

§ 93.20 DEFINITIONS.

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

NOTICE. Required contact with Pewee Valley Fire Chief, or designated representative, of type of fire, location of fire, when fire is to be started and estimated time of burning.

OPEN BURNING. The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.
(Prior Code KOC, § 1010.7, passed 1-3-1994)

§ 93.21 PERMISSIBLE OPEN BURNING.

(A) Any permissible open burning must be supervised while in progress. Reasonable precautions shall be taken by the person setting the fire to prevent unwanted spread of fire.

(B) Fires may be set for the following purposes, provided that such fires do not violate any of the provisions of KRS Chapters 149, 150, 227 or any other laws of the Commonwealth of Kentucky, and shall require no notice:

- (1) Fires set by individual home owners for burning leaves during daylight hours;
- (2) Fires set for the cooking of food for human consumption on other than commercial premises;
- (3) Fires set for recreational or ceremonial purposes;
- (4) Fires set for disposal of natural growth, for land clearing, trees and limbs felled by storms;
- (5) Fires set for the disposal of household rubbish, or garbage, originating at a dwelling of 5 family units or less;
- (6) Fires set for weed abatement disease and pest prevention;

(7) Small fires set by construction and other workers for comfort heating purposes provided excessive smoke is not created; and

(8) Fires set by commercial concerns to dispose of on site commercial rubbish where there are no extraneous materials, which produce dense smoke, used to cause ignition or aid combustion, during daylight hours.

(Prior Code KOC, § 1010.7, passed 1-3-1994) Penalty, see § 93.99

§ 93.22 NOTICE.

Any other type of fire that one wishes to ignite shall require notice upon the Pewee Valley Fire Chief, or designated representative, and the granting of his or her permission for same. Fire Chief, or designated representative, will grant permission if in his or her judgment there is no undue threat to life, safety, health or property. Any denial of permission to burn shall be appealed in writing to the Pewee Valley Town Council within, 30 days of denial with notice given to the denying agent.

(Prior Code KOC, § 1010.7, passed 1-3-1994)

§ 93.99 PENALTY.

(A) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

(B) If the owner, lessee, occupant of person having charge of any property shall intentionally burn any material or property in violation of §§ 93.20 *et seq.*, then each of them, upon conviction thereof, shall be fined not less than \$50, nor more than \$500, for each offense on each day burning is allowed and continued.

(Prior Code KOC, § 1010.7, passed 1-3-1994)

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: TREES

Section

- 95.01 Protection of trees on public property
- 95.02 Maintaining trees
- 95.03 Protection of shade trees

§ 95.01 PROTECTION OF TREES ON PUBLIC PROPERTY.

(A) *Street trees.* Street trees are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or on the rights-of-way or easements within the city. Boundaries to property lines may be indicated on deeds or plats. Street trees include any trees on city parks, traffic circles or traffic triangles which where the traffic circles or traffic triangles are the property of the city. Boundary disputes shall be submitted to the County Surveyor or the planning and zoning maps will be used for resolution.

(B) *Creation and Establishment of a Tree Board.* There is hereby created and established a Tree Board for the city, which shall consist of not more than 5, nor less than 3, citizens who are residents of the city, and who shall be appointed by the Mayor with the approval of the City Council.

(C) *Term of office.* The initial 3 Board members will serve one year and all future Board members will serve for 2 years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Mayor and approved by the City Council for the unexpired portion of the term. The Tree Board can organize committees and sub-committees of non-Board members to implement the Board's programs.

(D) *Compensation.* Members of the Board shall serve without compensation.

(E) *Duties and responsibilities.*

(1) It shall be the responsibility of the Board to study, investigate, counsel, develop and/or update annually, and administer the written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs along streets, and in other public areas. The plan will be presented to the City Council when a plan is established or any changes are made to the plan, and upon their acceptance and approval by the City Council, shall constitute the official comprehensive tree plan for the city.

(2) The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(F) *Operation.* The Board shall choose its own officers, make its own rules and regulation. A majority of the members shall be a quorum for the transaction of business. All members will be notified at least 24hours before a Tree Board meeting is to occur.

(G) *Street tree species to be planted.* The Tree Board may formulate an official street tree list of species and sub-species for Pewee Valley, Kentucky. The list of allowable species shall be broken down into categories of small, medium and large trees. No species other than those included in this list may be planted as street trees without written permission of the city's Tree Board.

(H) *Distance from curb and sidewalk.* The distance trees and bushes may shall be planted from curbs or curblines, any sidewalks and rights-of-way will be in accordance with the 3 species size classes listed in division (G) above and no trees may be planted close to any curb, medium trees, 3 feet, and large trees, 4 feet.

(I) *Public tree care.* The city shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the right-of-way or easement lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of the public grounds. The Tree Board may remove or cause or order to be removed, any tree or part thereof, in the city's right-of-way or other public property, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by a property owners adjacent to the public property, providing that the selection and location of the trees is in accordance with divisions (G) through (K) below.

(J) *Tree topping.* It shall be unlawful as a normal practice for any person, firm, or entity to top any street tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under or around utility wires or other obstructions where other pruning practices are impractical may be exempt from this section at the term nation determination of the Tree Board.

(K) *Pruning, corner clearance.* Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 8 to 12 feet above the surface of the street or sidewalk. However, the Tree Board will be contacted in order for the pruning plan to be reviewed before any pruning action is taken. The owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to require the property owner upon 10 days written notice to prune any tree or shrub on private property when the tree or shrub interferes with the visibility of any traffic control device or sign or intersection. Removal shall be done by the owners at their own expense within 10 days after the date of service of notice. In the event of failure of owners to comply with the provisions, the city shall have the authority to do such trimming or pruning and charge the cost of trimming or pruning and removal on the owner's property tax bill.

(L) *Dead or diseased tree removal on pate public property.* After review by the Tree Board, and upon the Board's recommendation, the city shall have the right to cause the removal of any dead or

diseased trees within the city's right-of-way or easement when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The city will notify in writing the owners of such trees of such intended removal. Removal must comply with these provisions, the city shall have the authority to place a notice.

(M) *Removal of trees and branches that impede traffic.* Trees and branches which fall across public streets, sidewalks or foot paths that impede traffic shall be cleared by the city from the public way at the city's expense.

(N) *Interference with Tree Board.* It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree as authorized in this section.

(O) *Review by City Council.* The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Town Council who may hear the matter and make the final decision, provided the approval appeal is filed, in writing, within 5 days of the ruling or order appealed from.

(Prior Code KOC, § 1010.9, passed 3-6-1995) Penalty, see § 95.99

§ 95.02 MAINTAINING TREES.

(A) All shade and ornamental trees on the streets, alleys, and public places of the city shall be under the control of the City Council, and all trees planted on the streets and public places of the city shall be so located as to in no way interfere with the sidewalks, guttering, or drainage of the streets.

(B) All trees in the streets, alleys, and public places of the city which are so located as to in any way interfere with the use of the streets, alleys, pavements or gutters or injure or interfere with the proper construction of the streets, pavements or gutters or are an obstruction to the drainage are hereby declared to be a nuisance and shall be removed by the owners of the property fronting thereon, or as hereinafter set out.

(C) Whenever it shall become necessary for the proper use and construction of any street, pavements, or drainage of the city, or to prevent injury to same, that any of the trees mentioned in division (B) of this section be moved, the City Council, City Clerk, or Mayor shall notify the owner of the property fronting thereon in writing to remove the trees forthwith and if he fails to do so for a period of 10 days after receiving the notice (or if he is a nonresident, after a period of 30 days from the time a notice is placed in the United States mail directed to his or her last known place of address), then the City Council may cause the removal of the trees, and the cost of removal shall be assessed against the owner and added to his or her tax bill.

(D) All shade or ornamental trees on the streets and public places of the city shall be trimmed by the owner or occupant of the property fronting thereon in a manner such as to keep them from hanging down and interfering with the travel and proper use of the streets

and sidewalks of the town.

(E) It shall be the duty of the City Police Chief or his designee to notify the City Council whenever any overhanging shade trees are interfering with the travel or proper use of the streets or sidewalks of the city and the City Council shall thereupon notify in writing the owner or occupant of the property upon which the shade trees are standing, or the property adjacent to and fronting the trees, to trim the trees in accordance with division (D) of this section. (Prior Code KOC, § 1010.6, passed 5-2-1988) Penalty, see § 95.99

§ 95.03 PROTECTION OF SHADE TREES.

It shall be unlawful for any person, corporation, or entity to cut, bruise or injure or cut down or cut off any branch, or in any way deface, injure or destroy any shade tree or shrubbery that may be standing on any of the streets, alleys, right of ways, or other public places of the city, without prior written approval of a majority of the City Council; unless determined by a majority of the City Council to be inappropriate, the person(s) removing the tree and/or the property owner from whose property the tree is removed shall immediately replace the removed tree with a tree of the same species as the removed tree. (Prior Code KOC, § 1020.30, passed 5-2-1988) Penalty, see § 95.99

§ 95.99 PENALTY.

(A) Any person violating any provision of § 95.01 shall be, upon conviction or plea of guilt, deemed guilty of a violation and shall be subject to a fine not to exceed \$100, plus court costs. (Prior Code KOC, § 1010.9, passed 3-6-1995)

(B) Any person who shall fail for a period of 10 days to trim his trees or the trees fronting on his property as provided in § 95.02(D) after he has received notice so to do as provided in § 95.02(E) shall be deemed to be guilty of a misdemeanor and shall be proceeded against by summary warrant and, if convicted, shall be fined not less than \$10 and not exceeding \$50 for each offense. Each day's failure to trim the trees after the expiration of 10 days from the receipt of notice, shall constitute a separate offense. Owners and/or occupants of property within the city are declared to be equally liable under the provisions of this section. (Prior Code KOC, § 1010.6, passed 5-2-1988)

(C) Any person, corporation, or entity violating the provisions of § 95.03 shall be, upon conviction or plea of guilt, deemed guilty of a violation and shall be subject to a fine not to exceed \$100 for each offense. (Prior Code KOC, § 1020.30, passed 5-3-1988)

CHAPTER 96: ABANDONED VEHICLES

Section

- 96.01 Unlawful
- 96.02 Notification to remove

§ 96.01 UNLAWFUL.

It shall be unlawful to park, store, leave or permit the parking, standing, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of 72 hours, which vehicle is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended to or not, upon any public or private property within the city, unless the same is completely enclosed within a building or unless it is in connections with a business enterprise properly operated in the appropriate zone pursuant to the zoning laws of the city.

(Prior Code KOC, § 540.3, passed 9-3-1968) Penalty, see § 10.99

Statutory reference:

Abandoned vehicles on city streets, see KRS 189.751 through 189.753

Liens on motor vehicles for storage or towing charges, see KRS 376.275

§ 96.02 NOTIFICATION TO REMOVE.

In the event the owner, agent or occupant of the property on which any parked, stored or abandoned vehicle is allowed to remain in excess of 72 hours as referred to in § 96.01, after being notified to remove the same, does not take appropriate action to remove or completely enclose the same within a building, then the city may enter upon the premises and take whatever action is necessary to remove the same from the premises, and the owner, agent or occupant thereof shall be responsible and liable for the costs incurred by the city in removing the vehicle.

(Prior Code KOC, § 540.3, passed 9-3-1968)

