

TITLE IX: GENERAL REGULATIONS

Chapter

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CHAPTER 90: ANIMALS

Section

- 90.01 Running at large
- 90.02 Removal of animal feces
- 90.03 Keeping of animals presenting a noise nuisance prohibited

- 90.99 Penalty

§ 90.01 RUNNING AT LARGE.

(A) It shall be unlawful for any owner or person in charge of a dog or cat to permit or allow such dog or cat to run at large in the city.

(B) It shall be unlawful for any owner or person in charge of a dog to permit such dog to be on the streets or sidewalks of the city unless said dog is on a leash.

(C) The Mayor shall have authority to authorize any dog or cat so found running loose in the city, in violation of divisions (A) and (B) above, to be impounded or destroyed.

(Ord. 26-1953, passed - -; Ord. 15 Series 2003, passed 6-10-2003) Penalty, see § 90.99

§ 90.02 REMOVAL OF ANIMAL FECES.

(A) It shall be unlawful for any owner or person in charge of a dog, cat, horse, or other four-footed mammal to permit such animal to be on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner, or on any street, sidewalk, or right-of-way in the city, without the owner or person in charge of such animal to have in his or her possession a suitable device for picking up, collecting, and sanitarily disposing of the animal feces or manure.

(B) It shall be unlawful for the owner or person in charge of a dog, cat, horse, or other four-footed mammal to permit or allow such animal to excrete manure or feces on public property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any street, sidewalk, or other right-of-way in the city unless the owner or person in

control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner.

(1997 Code, § 840.1) (Ord. 15 Series 2003, passed 6-10-2003) Penalty, see § 90.99

§ 90.03 KEEPING OF ANIMALS PRESENTING A NOISE NUISANCE PROHIBITED.

No owner or other person in control of premises shall suffer or permit thereon the loud and frequent or continued barking, howling, or yelping of any animal, so as to annoy and disturb any neighbors.

(Ord. 15 Series 2003, passed 6-10-2003) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any provision of § 90.02 shall be deemed guilty of a Class A misdemeanor and shall, upon conviction, be punished by a fine not less than \$25, nor more than \$100 for each offense. Each day's continued violation shall constitute a separate offense.

(1997 Code, § 890.1)

CHAPTER 91: TREES, SHRUBS, AND WEEDS

Section

General Provisions

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- 91.02 Removal of trees, shrubbery, or branches for vision clearance
- 91.03 Removal of damage to trees
- 91.04 Weeds in sidewalks or gutters
- 91.05 Failure of owner to comply with notice

Protection and Preservation of Trees

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GENERAL PROVISIONS

§ 91.01 REMOVAL OF DEAD TREES.

Whenever the City Commission by resolution shall condemn any dead or decaying trees on the sidewalks or thoroughfares of the city, and notice is served by the City Clerk on the owner of a lot or property abutting on the street or sidewalk where said condemned trees shall be located, the owner shall, within 30 days after notice, at the city's expense, remove the said condemned trees from the street or right-of-way in such manner as will least impede public travel, and he or she shall put the surface of the street or right-of-way in an even and uniform shape after removal; provided, however, there shall be no

duty on the part of an abutting owner to maintain any area constituting the unmade extension of any street.

(1997 Code, § 620.1)

§ 91.02 REMOVAL OF TREES, SHRUBBERY, OR BRANCHES FOR VISION CLEARANCE.

(A) Whenever there exists trees or overhanging branches of same hedges, shrubs, or weeds on the sidewalk or public ways of the city or on private property adjacent thereto, which in the opinion of the City Commission obstruct the vision of any operator of vehicles over said public ways, or obstruct any traffic sign, so as to create a hazard to the safe operation of such vehicles, or where such trees, branches, shrubbery, growth, or other obstruction violates the vision clearance regulations of the Louisville and County Planning Commission, the City Commission may order the removal of such obstructions by giving the owner of such property written notice of removal of such obstructions within ten days from the receipt thereof, and if said notice is not complied with within the said time, then the City Commission may have such obstructions removed at the expense of such property owner.

(B) The notice herein provided shall state the nature of such obstructions and what part thereof shall be removed, and such notice may be delivered or mailed to the owner of such property or his or her agent.

(1997 Code, § 620.2) Penalty, see § 91.99

§ 91.03 REMOVAL OF DAMAGE TO TREES.

It shall be unlawful for any person to trim, cut, damage, or remove any tree on any of the public ways of the city without first having secured a permit to do so from the City Commission. However, no permit shall be required to trim trees, hedges, or shrubs in order to remove a traffic hazard.

(1997 Code, § 620.3) Penalty, see § 91.99

§ 91.04 WEEDS IN SIDEWALKS OR GUTTERS.

(A) It shall hereafter be unlawful for the owner or his or her agent of property abutting any public ways to permit noxious weeds or vegetable matter to grow or remain in the area between his or her property line and the paved portion of the street and it shall be the duty of such abutting owner to maintain the grass in the unpaved portion of the public way adjacent to his or her property and to keep drainage facilities adjacent to his or her property free from obstruction.

(B) The City Commission shall give notice of violations of this section to the owner or his or her agent requiring the nuisance to be abated within five days.

(1997 Code, § 620.4) Penalty, see § 91.99

§ 91.05 FAILURE OF OWNER TO COMPLY WITH NOTICE.

Upon the failure of the owner of the property to comply with any notice specified herein, the City Commission may contract to have the offending situation remedied, and the city shall have a lien against the property for reasonable value of labor and materials used in remedying the situation, which claim shall be in the form of an affidavit signed by a member of the City Commission and shall be recorded in the County Clerk's office and which lien shall bear interest at the rate of 18% per annum thereafter until paid. The owner of the property shall be personally liable for the amount of the lien, interest, and penalties.

(KRS 381.770(5) through (7)) (1997 Code, § 620.4) Penalty, see § 91.99

PROTECTION AND PRESERVATION OF TREES**§ 91.20 INTENT.**

Trees are declared to be beneficial public resources. To that end, it shall be unlawful to remove, top, transplant, damage, poison, or in any other manner destroy or cause to be destroyed any tree covered by this subchapter, or to fail to comply with any other provision set forth herein, except in accordance with the provisions of this subchapter. This subchapter applies to all trees in the city's public right-of-way except that topping applies to trees on any property in the city including private property. (Ord. 20, Series 2003, passed 8-12-2003) Penalty, see § 91.99

§ 91.21 DEFINITIONS.

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

CITY ARBORIST. Any officer, agent, or employee of the city appointed by the Mayor with approval of the City Commission pursuant to § 91.23. The ***CITY ARBORIST*** shall have current certification satisfactory to the City Commission.

CONSTRUCTION MACHINERY AND VEHICLES. Equipment or vehicles used in the construction of buildings or other structures, or used for the movement of earth including, but not limited to, bulldozers, cement trucks, cement mixers, backhoes, cranes, transport trucks, and other vehicles, whether commercial or private.

DIAMETER. The diameter in inches of a tree measured at four and one-half feet above the existing ground elevation.

EASEMENT. Any right-of-way in favor of the city and/or any utility through, across, or under the real property of any landowner in the city, as recorded in the office of the County Clerk.

HISTORIC TREE. A tree which has been identified by the City Arborist and officially designated by the Mayor and/or City Commission to be a historic tree because of its age, type, size, uniqueness, scenic enhancement, or association with a historical event.

LANDOWNER. Any person who is the owner of record of real property located within the city.

REMOVE or REMOVAL. The act of digging up or cutting down a tree.

RESIDENT. Any person who resides within the corporate limits of the city, whether or not such person is a landowner.

SERVICE PROVIDER. Any person engaged in the planting, removal, or maintenance of trees, and landowner or resident performing such work, and any utility.

STUMP. The remaining part of a tree, attached to the roots, after the rest of the tree has been removed.

TOP or TOPPING. The act of cutting back limbs within the crown of a tree to such a degree as to remove the normal canopy and disfigure the tree.

TRANSPLANT. The act of digging up a tree from one location and replanting the same tree in another location.

TREE. Any self-supporting woody perennial:

- (1) Which has a trunk diameter of three inches or greater;
- (2) Which normally attains a height of at least 15 feet at maturity; and
- (3) Which is located on any public area or easement within the city.

TREE BOARD. Those individuals appointed by the Mayor with approval of the City Commission pursuant to § 91.22.

TREE NUISANCE. Any tree, or part thereof, with an infectious disease or insect problem; any tree, or part thereof, which is dead or dying; any tree, or part thereof, which poses a threat to safety.

TRENCH or TRENCHING. A cut in the ground exceeding 12 feet in length and of a depth sufficient to damage tree roots in the area of the trench.

UTILITY.

- (1) Any public or private entity providing services including, but not limited to the following:
 - (a) Telephone;

- (b) Electric;
- (c) Gas;
- (d) Water;
- (e) Sewer;
- (f) Television; or
- (g) Cable.

(2) The term *UTILITY* shall apply to any subcontractor or other person or entity working on behalf of a utility as herein defined.
(Ord. 20, Series 2003, passed 8-12-2003)

§ 91.22 TREE BOARD.

(A) *Number.* The Tree Board shall have no fewer than three members. The Mayor shall be an ex-officio member of the Tree Board, but shall vote only in the event of a tie. A majority of the entire Tree Board shall constitute a quorum.

(B) *Terms.* Each member of the Tree Board shall be appointed for a term of three years. Members' terms may be extended from year to year by executive order.

(C) *Meetings.* The Tree Board shall meet as necessary with a minimum of at least two meetings each year. Minutes of every such meeting shall be kept and promptly filed with the City Clerk.

(D) *Duties.* The Tree Board shall be responsible for:

- (1) Preparing and maintaining a forest management plan for the city;
- (2) Keeping an inventory of tree resources;
- (3) Providing for the education of residents on planting, care, and preservation of trees;
- (4) Advising the Mayor and Commission on matters pertaining to the city's urban forest; and
- (5) Such other duties as may, from time to time, be assigned to it by the Mayor.

(E) *Organization.* The Tree Board shall elect such officers as it deems appropriate for its efficient operation.

(F) *Compensation.* Members of the Tree Board shall serve without compensation.
(Ord. 20, Series 2003, passed 8-12-2003)

§ 91.23 CITY ARBORIST.

(A) The Mayor, with approval of the Commission, shall appoint an individual as City Arborist.

(B) The City Arborist shall have the following duties, responsibilities, and authority.

(1) The City Arborist shall examine each application for a permit under this section, as well as any documentation required to be submitted with such application, and shall determine, after conducting a field inspection, whether the activity described in the permit satisfies the requirements of this subchapter.

(2) The City Arborist shall establish criteria for the approval or denial of permits requested pursuant to this section, as well as procedures for submitting applications for such permits. Such criteria and procedures shall include provisions to preserve and renew the city's forest resources, and shall become effective upon approval by the City Commission.

(3) The City Arborist may waive the insurance requirements described in § 91.26 in those instances when the service provider is the landowner or resident of the lot upon which the work is to be performed. Such waiver shall be made in writing, describe the reasons why the City Arborist believed it to be reasonable and prudent to grant such waiver, and shall be filed with the City Clerk.

(4) The City Arborist shall be responsible for ensuring that any work for which a permit is required under this section is completed in a professional manner using standard arboricultural practices and methods, and for ensuring that the residents, property, and vegetation in the work area will be protected.

(Ord. 20, Series 2003, passed 8-12-2003)

§ 91.24 REQUIREMENTS.

(A) It shall be unlawful for any service provider, landowner, resident, or other person to remove, transplant, or trim any tree located on public property in the city without first having obtained a permit to do so in accordance with the procedures set forth in § 91.26.

(B) It shall be unlawful for any service provider, landowner, resident, or other person who has obtained a permit to remove a tree to do so without also removing the stump and restoring the area within two weeks after completing the tree removal.

(C) It shall be unlawful for any service provider, landowner, resident, or other person to trench or

otherwise excavate, or to perform construction, repair, or remodeling work, with or without the use of construction machinery and vehicles, within a radius of 30 feet from the trunk of any tree located on public property in the city without first having obtained a permit to do so in accordance with the procedures set forth in § 91.26.

(D) It shall be unlawful for any service provider, landowner, resident, or other person to top a tree on any property in the city, including private property; provided, however, that the City Arborist may grant an exception for the provisions of this division (D) in the case of severely damaged trees, whether by storm or otherwise, or in the case of trees whose location makes pruning impractical.

(E) It shall be unlawful for any service provider, landowner, resident, or other person:

(1) To nail, screw, or otherwise affix to a tree any foreign object including, but not limited to, a notice, sign, or house address; or

(2) To paint any portion of a tree. The City Arborist may grant exceptions to the provisions of this division (F)(2) for standard arboricultural practices (e.g., cabling).
(Ord. 20, Series 2003, passed 8-12-2003) Penalty, see § 91.99

§ 91.25 REFORESTATION.

As a condition of the granting of a permit for removal of a tree, the applicant shall be required to replace each tree being removed. The quantity, size, and species of such tree(s) shall be negotiated with the permit and based upon the quantity, size, and species of the tree to be removed.
(Ord. 20, Series 2003, passed 8-12-2003)

§ 91.26 PERMITS.

(A) Applications for a permit to remove, transplant, or trim any tree located on public property, or to engage in trenching or construction activities within a radius of 30 feet from the trunk of any tree located on public property, shall be submitted to the City Clerk in accordance with procedures established by the City Arborist and approved by the Mayor and City Commission.

(B) Prior to the approval or denial of any permit, the City Arborist shall complete a field inspection.

(C) Prior to the approval of any permit, the City Arborist shall make a determination that the work to be performed will follow standard arboricultural practices and methods, and that the residents' property and vegetation in the work area will be protected.

(D) No permit shall be issued under this section until the applicant has filed proper proof with the City Clerk that the service provider has obtained insurance as required in the permit application.

(E) No work requiring a permit hereunder shall commence until the permit holder or service provider shall have posted a permit card in a conspicuous location in the work area. Such card shall be preserved and remain posted until the work is completed.

(F) Upon determining that an application for permit is to be denied, the City Arborist shall state the basis for such denial in writing, and shall notify the applicant of the criteria upon which the denial is predicated. Upon the denial of a permit, the affected landowner or resident may appeal such denial to the City Mayor and City Commission at their next regularly scheduled meeting.
(Ord. 20, Series 2003, passed 8-12-2003)

§ 91.27 EMERGENCIES.

In case of emergencies, such as ice, windstorm, or other disasters, the requirements of this section may be waived by the Mayor, upon finding that such a waiver is necessary so that public or private work to restore order in the city will not be impeded. Excavation, tree removal, tree trimming, or other work subject to the terms of this section, and which is necessary for the restoration of existing electric, water, natural gas, or telephone service, may be performed without the approval of the Mayor, provided such work is reported to the City Clerk within five business days of its completion, or listed in the utilities website or news reports within said time.

(Ord. 20, Series 2003, passed 8-12-2003)

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of §§ 91.01 through 91.05 shall be fined not less than \$15 nor more than \$50 for each offense. Each day's continued violations shall constitute a separate offense.

(1997 Code, § 690.1)

(C) (1) Any person who removes or causes the removal of a tree without a permit shall be fined the current market value at the time of occurrence per caliper inch of tree removed up to the value of a five-inch caliper replacement tree. The market value shall include professional planting with mulch and a one-year replacement guarantee.

(2) Any person who transplants or trims or causes the transplanting or trimming of a tree without a permit shall be fined as determined by the Tree Board in consultation with the City Arborist.

(3) Any person who trenches or conducts construction activities within 30 feet of a city tree without a permit shall be fined as determined by the Tree Board in consultation with the City Arborist.

(4) Any person who tops a tree without a permit on any property in the city, including private property, shall be fined as determined by the Tree Board in consultation with the City Arborist.
(Ord. 20, Series 2003, passed 8-12-2003)

CHAPTER 92: STREETS AND SIDEWALKS

Section

- 92.01 Cutting into street or right-of-way
- 92.02 Parking barriers prohibited alongside roadway
- 92.03 Failure of owner to comply with notice

- 92.99 Penalty

§ 92.01 CUTTING INTO STREET OR RIGHT-OF-WAY.

It shall be unlawful for any person, firm, or corporation to cut into any street, sidewalk, or right-of-way in the city, or to excavate around or under any sidewalk, street, or right-of-way without having first applied for and obtained a permit for so doing. The application must be made to the City Commission, or to such person as may be designated by such Commission, and shall specify the purpose and the exact location of any cutting or excavation which shall be made. The city may grant such application and may require good and sufficient surety on a bond conditioned upon the restoration and replacement of such sidewalk, street, or right-of-way to the condition that it was in prior to such cutting or excavation in such sum as the City Commission shall consider fair under the circumstances. Any applicant under this chapter shall pay the sum of \$5 for each permit sought.

(1997 Code, § 620.6) Penalty, see § 92.99

§ 92.02 PARKING BARRIERS PROHIBITED ALONGSIDE ROADWAY.

It shall be unlawful for the owner or his or her agent of property abutting any public way to install, erect, or maintain any form of a parking barrier along the paved portion of the roadway. Only items that comply with the Uniform Guide are acceptable.

(1997 Code, § 620.8) (Ord. 13 Series 2003, passed 6-10-2003) Penalty, see § 92.99

§ 92.03 FAILURE OF OWNER TO COMPLY WITH NOTICE.

Upon the failure of the owner of the property to comply with any notice specified herein, the City Commission may contract to have the offending situation remedied, and the city shall have a lien against the property for reasonable value of labor and materials used in remedying the situation, which claim shall be in the form of an affidavit signed by a member of the City Commission and shall be recorded

in the County Clerk's office and which lien shall bear interest at the rate of 18% per annum thereafter until paid. The owner of the property shall be or she personally liable for the amount of the lien, interest, and penalties.

(KRS 381.770 (5) through (7)) (1997 Code, § 620.5) Penalty, see § 92.99

§ 92.99 PENALTY.

Any person violating any of the provisions of §§ 92.01 or 92.03 shall be fined not less than \$15 nor more than \$50 for each offense. Each day's continued violations shall constitute a separate offense. (1997 Code, § 690.1)

CHAPTER 93: NUISANCES

Section

- 93.01 Definitions
- 93.02 Common law and statutory nuisances
- 93.03 Certain conditions declared a nuisance
- 93.04 Abatement procedure
- 93.05 Nuisance created by others
- 93.06 Suspension of license

- 93.99 Penalty

Statutory reference:

Private nuisances, see KRS 411.500 through 411.570

§ 93.01 DEFINITIONS.

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

AUTOMOBILE COLLECTOR. A person who collects and restores motor vehicles.
(KRS 381.770(1))

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

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.
(KRS 381.770(1))

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

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

ORDINARY PUBLIC VIEW. A sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.
(KRS 381.770(1))

PARTS CAR. An automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles.
(KRS 381. 770(1))

PUBLIC NUISANCE. Any act, thing, occupation, condition, or use of property which shall continue for 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

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, and 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 a condition generally as to be unfit for further use as a conveyance.

§ 93.02 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 the commonwealth 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 § 93.99

§ 93.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

(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 to develop thereon.

(B) The following conditions are declared to be public nuisances:

(1) *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;

(2) *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;

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

(4) *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;

(5) *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;

(6) *Trees and shrubbery obstructing streets, sidewalks, and drainage.* The growing and maintenance of trees or shrubbery which in any way interfere with the use, construction, or maintenance of streets or sidewalks, cause injury to streets or sidewalks, or constitute an obstruction to drainage;

(7) *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; and

(8) *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 those purposes.

Penalty, see § 93.99

§ 93.04 ABATEMENT PROCEDURE.

(A) Except as provided in KRS 381.770(3), 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 rubbish or the excessive growth of weeds or grass.

(KRS 381.770(2))

(B) Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of 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) (1) 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 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.
(KRS 381.770(7))

(2) In addition to this remedy or any other remedy authorized by law, the owner of 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(9))
Penalty, see § 93.99

§ 93.05 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.

§ 93.06 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 Commission 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 Commission may remove the suspension.

§ 93.99 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.

CHAPTER 94: PARADES/SPECIAL EVENTS/OUTDOOR DEMONSTRATIONS

Section

- 94.01 Short title
- 94.02 Definitions
- 94.03 Permit required; exceptions
- 94.04 Application for permit
- 94.05 Standards for issuance of permit
- 94.06 Notice of rejection; approval of application for permit
- 94.07 Appeal procedure
- 94.08 Alternative permit
- 94.09 Notice of receipt of application and issuance of permit
- 94.10 Contents of permit application
- 94.11 Revocation of permit
- 94.12 Duties of the permit holder; possession of permit
- 94.13 Public conduct during parades
- 94.14 Performance bond/rental fees
- 94.15 Insurance; hold harmless agreement and security plan required
- 94.16 Notices
- 94.17 Sanitation and cleanup
- 94.18 Other permits required
- 94.19 Enforcing office; powers and duties
- 94.20 Banners across streets

- 94.99 Penalty

§ 94.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Parades/Special Events/Outdoor Demonstrations Ordinance of the City of Norbourne Estates”.

§ 94.02 DEFINITIONS.

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

OUTDOOR DEMONSTRATION. A public display of personal and/or group feelings about a particular person or cause.

PARADE PERMIT, SPECIAL EVENT, OUTDOOR DEMONSTRATION PERMIT. A permit required by this chapter.

PARADE. Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, consisting of persons, animals, or vehicles or a combination thereof, in or upon any street, sidewalk, park, or other public place in the city with an intent of attracting public attention that interferes with the normal flow or regulation of traffic therein.

SPECIAL EVENT. Any activity which occurs upon private or public property that will affect the ordinary use of the public property, alleys, streets, rights-of-way, or sidewalks. This includes, but is not limited to fairs, festivals, foot runs, bicycle runs, and block parties. Private social gatherings which will not require the use of city streets other than for lawful parking are not included.

§ 94.03 PERMIT REQUIRED; EXCEPTIONS.

(A) No person shall engage in, participate in, aid, form, or start any parade, special event, or outdoor demonstration unless a parade or special event permit shall have been obtained from the Chief of Police.

(B) This chapter shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities; or
- (3) Governmental agencies acting within the scope of its functions.

§ 94.04 APPLICATION FOR PERMIT.

A person seeking issuance of a parade, special event, or outdoor demonstration permit shall file an application with the Chief of Police not less than 45 days before the date on which it is proposed to conduct the parade, special event, or outdoor demonstration. The Chief of Police may waive the minimum filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade, special event, or outdoor demonstration, the anticipated number of participants, and the city services required in connection with the parade, special event, or outdoor demonstration, the Chief of Police determines that the waiver will not present a hazard to public safety.

§ 94.05 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police shall issue a permit as provided for hereunder when, after consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route or the special event or outdoor demonstration will not disrupt traffic within the city beyond practical solution;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city or that the special event or outdoor demonstration will not require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(E) The conduct of the parade will not interfere with the movement of fire equipment en-route to a fire or will not interfere with access to fire stations and fire hydrants;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en-route;

(G) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit;

(H) The location of the parade, special event, or outdoor demonstration will not cause undue hardship to adjacent businesses or residents;

(I) There is no other parade, special event, or outdoor demonstration permit application for the same time and location that have been or will be granted;

(J) There are no other parade, special event, or outdoor demonstration permit applications that have been or will be granted for other locations that would reduce police resources, in combination with the second application, to such an extent that the welfare and safety of persons and property would be adversely affected;

(K) The application for an outdoor demonstration fails to provide a description of the purpose, including the date, time, and location; and

(L) The application contains incomplete or false information or the applicant fails to comply with the terms of this chapter.

§ 94.06 NOTICE OF REJECTION; APPROVAL OF APPLICATION FOR PERMIT.

(A) If the application is denied by the Chief of Police, an order stating the reasons for the denial of the permit shall be mailed to the applicant.

(B) If the permit is approved by the Chief of Police, an order of approval shall be mailed to the applicant.

§ 94.07 APPEAL PROCEDURE.

Any person aggrieved shall have the right to appeal the denial or revocation of a parade, special event, or outdoor demonstration permit to the City Manager. The appeal shall be accepted within seven working days after the date of the denial notice by filing a written notice with the City Clerk. The City Manager shall act upon the appeal within seven working days after its receipt.

§ 94.08 ALTERNATIVE PERMIT.

The Chief of Police, in denying an application for a parade, special event, or outdoor demonstration permit, shall be empowered to authorize the conduct of the parade, special event, or outdoor demonstration on a date, at a time, or over a route or location different than that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action by the Chief of Police, file a written notice of his or her acceptance with that office. An alternate parade, special event, or outdoor demonstration permit shall conform to the requirements of, and shall have the effect of a parade, special event, or outdoor demonstration permit under this chapter.

§ 94.09 NOTICE OF RECEIPT OF APPLICATION AND ISSUANCE OF PERMIT.

The Chief of Police shall forward the application to all appropriate city departments and such other agencies as deemed necessary and each department or agency shall have 30 days to review and comment on the application. Immediately upon the issuance of a parade, special event, or outdoor demonstration permit, the Chief of Police shall send a copy thereof to the City Manager, Fire/EMS Chief, Chief Financial Officer, Public Works, Special Events Coordinator, and such other agencies as deemed necessary.

§ 94.10 CONTENTS OF PERMIT APPLICATION.

Each parade, special event, or outdoor demonstration permit application shall state the following

information:

(A) The name, address, and telephone number of the person seeking to conduct such parade, special event, or outdoor demonstration;

(B) If the parade, special event, or outdoor demonstration is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(C) The date when the parade, special event, or outdoor demonstration is to be conducted;

(D) Starting time and hours of operation of the parade, special event, or outdoor demonstration;

(E) The portions of the street (alleys, sidewalks, parks, or other public places) to be traversed that may be occupied by the parade, including the starting point and the termination point;

(F) The approximate number of persons who, and animals and vehicles which will constitute such parade and the type of animals and description of the vehicles;

(G) A statement as to whether the parade, special event, or outdoor demonstration will occupy all or only a portion of the width of the streets proposed to be traversed;

(H) The location by streets of any assembly areas for such parade, special event, or outdoor demonstration;

(I) The time at which units of the parade, special event, or outdoor demonstration will begin to assemble at any such assembly area or areas;

(J) If the parade, special event, or outdoor demonstration is designed to be held by or on behalf of any person or entity other than the applicant, the applicant for such permit shall file a communication in writing from the person proposing to hold the parade, special event, or outdoor demonstration, authorizing the applicant to apply for the permit on his or her behalf;

(K) A detailed description of the location of the parade, special event, or outdoor demonstration with a site map showing the area of the parade, special event, or outdoor demonstration;

(L) A description of any outdoor public property to be affected and a description of any rights-of-way to be closed to the public;

(M) A schedule of proposed events;

(N) A listing of vendors if applicable;

(O) A description of any recording equipment, sound amplification equipment, or other devices to be used in connection with the event;

(P) A statement whether food or alcoholic beverages will be served at the special event;

(Q) A statement of the approximate number of participants, a designation of any public facilities or equipment to be used, and a statement whether any utilities such as water and electricity will be used;

(R) A description of any temporary facilities such as tents or banners or signs that will be installed; and

(S) Such other information as the Chief of Police shall find necessary for the enforcement of this chapter.

§ 94.11 REVOCATION OF PERMIT.

All permits issued pursuant to this chapter shall be temporary and do not vest any permanent rights. Reasons for revocation of a parade, special event, or outdoor demonstration permit include applications containing incomplete or false information; the permit holder does not comply with all terms and conditions of the permit; the applicant fails to arrange for or adequately remit all fees, deposits, insurance, or bonds to the city; or disaster, public calamity, or other emergency exists.

§ 94.12 DUTIES OF THE PERMIT HOLDER; POSSESSION OF PERMIT.

(A) A permit holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The Parade/Special Event/Outdoor Demonstration Chairperson or other person heading or leading such activity, shall have the parade or special event permit available for review.

§ 94.13 PUBLIC CONDUCT DURING PARADES.

(A) *Driving through parades.* No driver of a vehicle (except a police car or other emergency vehicle) shall drive between the vehicles of persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(B) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly, or with any person, vehicle, or animal participating or used in a parade.

(C) *Parking on parade route.* The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade. The Chief shall post signs to such effect, at least 24 hours in advance of any event, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be in violation of this chapter for parking on a street or public thoroughfare that is unposted.

§ 94.14 PERFORMANCE BOND/RENTAL FEES.

(A) (1) If deemed necessary by the Chief of Police, a performance bond may be required before the parade, special event, or outdoor demonstration permit is issued.

(2) The type and amount of the performance bond shall be determined within the discretion of the Chief of Police based on information contained in the application.

(3) The purpose of the performance bond is to pay for damages to city property and to pay the costs incurred by the city in the cleanup of the parade, special event, or outdoor demonstration.

(4) Any part of the bond not withheld by the city will be returned to the permit holder within 30 business days after the event has occurred.

(B) In addition to the performance bond, persons requesting the rental of certain city property shall be required to comply with established rental fees.

§ 94.15 INSURANCE; HOLD HARMLESS AGREEMENT AND SECURITY PLAN REQUIRED.

(A) If required by the Chief of Police, the permittee shall obtain and present evidence of comprehensive liability insurance naming the city as an additional insured in an amount and from an insurance company satisfactory to the city.

(B) The applicant shall provide a hold harmless agreement in which the applicant agrees to defend, pay, and hold harmless the city, its officers, and employees, from any and all claims for personal or property injuries or damages arising from or in any way connected to the parade or special event.

(C) The applicant shall cooperate with the City Police Department in designing a security plan for the parade, special event, or outdoor demonstration that will involve the use of police officers, whether on duty or off duty.

§ 94.16 NOTICES.

If required by the Chief of Police, the applicant shall pay the cost of publication of two announcements in the local newspaper one and two weeks prior to the event. The Special Events Coordinator, if necessary, will inform private property and business owners who might be inconvenienced during the event.

§ 94.17 SANITATION AND CLEANUP.

A parade, special event, or outdoor demonstration permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. The applicant will clean the rights-of-way or other public property of solid waste and litter, returning it to its pre-event condition immediately at the conclusion of the event. If the applicant fails to cleanup such solid waste, such cleanup shall be arranged by the city and the costs charged to the applicant.

§ 94.18 OTHER PERMITS REQUIRED.

The applicant shall obtain all other permits or licenses that may be required from all city departments and outside agencies prior to the date of the parade, special event, or outdoor demonstration.

§ 94.19 ENFORCING OFFICE; POWERS AND DUTIES.

The Chief of Police is hereby charged with the enforcement of the provisions of this chapter and is empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of the provisions of this chapter. All such rules and regulations shall be subject to the consent and approval of the City Manager.

§ 94.20 BANNERS ACROSS STREETS.

(A) Any organization desiring to advertise an event through the use of banners over city streets shall make written application to the Police Department no less than 30 days prior to the event.

(B) An organization shall be permitted to have no more than one banner installed to advertise an event and shall only be permitted to advertise, through the use of banners across a city-owned or maintained street, one event per year.

(C) No banner shall be installed more than ten days in advance of the date of the event and the banner shall be taken down within three working days after the particular event.

(D) No banner shall be installed to advertise a particular event unless the event is sponsored by a qualifying organization, as described in division (A) above, and the event directly relates to furthering the charitable objectives of the particular organization.

(E) Any banner installed must be of a sufficient quality to withstand normal weather conditions and shall be designed and prepared in a professional manner. The city reserves the right to refuse to allow banners to be installed that do not meet the requirements of this section.

(F) All banners shall be installed and taken down by the Public Works Division and, therefor, the particular organization requesting the banner to be installed shall provide the banner to the Police Department, no later than ten days in advance of the time when the banner should be installed.

(G) No banner shall be installed at a location within the city, so as to adversely affect visibility for traffic along the street or that adversely impacts upon private property adjacent to the banner.

(H) The organization requesting the banner shall have the responsibility of obtaining necessary permits to allow for the installation of the banner.

Penalty, see § 97.99

§ 94.99 PENALTY.

(A) It shall be unlawful for any person to participate in a parade, special event, or outdoor demonstration for which the person knows a permit has not been granted.

(B) It shall be unlawful for any person in charge of, or responsible for the conduct of a duly licensed parade, special event, or outdoor demonstration to knowingly fail to comply with any condition of the permit.

(C) Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of a Class B misdemeanor and be subject to penalties as provided in the Kentucky Revised Statutes.

