

## **TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 91: STREETS AND SIDEWALKS

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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 such 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 two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 91.99

**§ 91.06 SIDEWALK CONSTRUCTION.**

(A) *General provisions.* It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall authorize the Mayor to contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall for the faithful performance of the work. The Mayor, if authorized by City Council, may make separate contracts for the different kinds of work with different parties.

(B) *Downtown business area.*

(1) The downtown business area, as used in this division (B), means both sides of Main Street, both sides of Mulberry Street and both sides of Water Street between Spalding Avenue and Depot Street, and both sides of Spalding Avenue, both sides of Proctor Knott Avenue and both sides of Depot street from Mulberry Street to Water Street.

(2) All sidewalk installation, repair or restoration within the defined downtown business area shall be of the materials, design and specifications which may from time to time be adopted by the Council upon the recommendation of the City Engineer or Building Inspector.

(3) The design, materials and specifications which are contained on the blueprints attached to Ord. No. 89-15, passed 10-9-89, are hereby approved and adopted by the city and copies shall remain on file in the City Clerk's office.

(Ord. 89-15, passed 10-9-89)

***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 seven 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 feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it. (KRS 174.100 (2),(3))

**§ 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.**

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held. (KRS 174.100 (4))

**§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.**

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter. (KRS 174.100 (5))

**§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.**

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project.

(KRS 174.100 (6),(7))

***OBSTRUCTIONS***

**§ 91.30 UNLOADING ON STREET OR SIDEWALK.**

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 91.99

**§ 91.31 STREET AND SIDEWALK OBSTRUCTION.**

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 91.99

**§ 91.32 MATERIALS ON STREET OR SIDEWALK.**

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

Penalty, see § 91.99

***Cross-reference:***

*Littering on streets or sidewalks, see Ch. 94*

**§ 91.33 REMOVAL OF ICE AND SNOW.**

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

***TRANSPORTING STRUCTURES*****§ 91.45 DEFINITIONS.**

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

***RESIDENCE, BUILDINGS, and STRUCTURES.*** Any residence, building or other like or similar structure, or any part thereof, of 13½ feet in height, and/or eight feet in width, and/or 35 feet in length, all such measurements to include all supports and the transporting entity, and to be calculated at the longest, highest and widest part, regardless of construction, other than a bona fide mobile home or house trailer.

***TRANSPORT.*** To move or cause to be moved by any means of locomotion whatsoever.

***TRANSPORTING ENTITY.*** The tractor and trailer, truck or other means of locomotion.  
(Ord. 84-1, passed 1-16-84)

**§ 91.46 PERMIT REQUIRED.**

It shall be unlawful to transport any residence, building or other structure, as defined herein, or any part thereof, upon or across any street, alleyway or highway within the city without first obtaining a permit therefor from the City Clerk. Such permit shall be good only at the times on the date or dates shown thereon and only for the route shown thereon.

(Ord. 84-1, passed 1-16-84) Penalty, see § 91.99

**§ 91.47 APPLICATION AND FEE.**

(A) A written application for the permit shall be made and filed with the City Clerk at least 24 hours in advance, who shall have the authority to waive such time requirement in appropriate circumstances. Such application shall specify in detail the residence, building or other structure, or part thereof, proposed to be transported, its measurement as set out above, its approximate weight, the method of transportation or locomotion, the exact route, the proposed day and approximate hour the transportation will begin within the city, the length of time it is anticipated that the transportation will be taking place within the city, the name and address of the owner of the residence, building or other structure or part thereof, the name and address of its ultimate destination and the name, address and license number of the transporter.

(B) At the time of application, the owner or mover shall provide evidence that all arrangements have been made with affected utilities, such as electric, telephone or cable television utilities, for necessary personnel and equipment to be available during the time of moving the residence, building, or other structure. The mover shall be required to show evidence that he carries adequate liability insurance for such operations and that such coverage is in force during the time of moving.

(C) Should a permit from the Kentucky Transportation Cabinet also be required, the applicant shall furnish evidence that such permit has been applied for, and the City Clerk shall issue the permit subsequent to the issuance of the permit by the Kentucky Transportation Cabinet.

(D) The application shall be accompanied by a permit fee of \$25, which shall not be refundable if the permit is issued, whether or not it is used. In addition, prior to issuing the permit, the City Clerk shall require from the applicant a cash bond, bond with corporate surety or other bond in an amount and with surety sufficient in the Clerk's judgement to indemnify the city from any and all property damages, whether to streets or otherwise, and from all other expenses, including the wages, costs and expenses of regular or special city employees which in the Clerk's sole discretion shall be necessary to assist and/or facilitate the transportation of the residence, building or other structure or part thereof through the city. The balance of the bond remaining after the deduction of all such costs, expenses and damages shall be returned to the person providing same within ten days after the transportation has been completed.

(Ord. 84-1, passed 1-16-84)

**§ 91.48 CITY CLERK TO CONSULT WITH CHIEF OF POLICE.**

Before issuing any such permit, the City Clerk shall consult with the Chief of Police, who shall have authority to reject any requested date, time or route and to direct an alternative date, time and/or route, which shall be specified in the permit.

(Ord. 84-1, passed 1-16-84)

**§ 91.49 PERMIT TO BE DISPLAYED ON VEHICLE.**

The permit issued by the City Clerk shall be fixed in plain view on the transporting entity.  
(Ord. 84-1, passed 1-16-84) Penalty, see § 91.99

**§ 91.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.

(B) Any person, firm or corporation violating any provision of §§ 91.45 through 91.49 whether as owner, lessee, transporter, operator or driver shall be guilty of a violation and shall be fined not less than \$50 nor more than \$100, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 84-1, passed 1-16-84)

## CHAPTER 92: NUISANCES

### Section

#### *General Provision*

- 92.01 Definition
- 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

#### *Pigeon Roosting*

- 92.20 Restriction on pigeon roosts
- 92.21 Notification; remediation
- 92.22 Intervention

- 92.99 Penalty

#### **Statutory reference:**

*Private nuisances, see KRS 411.500 through 411.570*

### **GENERAL PROVISIONS**

#### **§ 92.01 DEFINITION.**

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

**NUISANCE.** Public nuisance.

## § 92.02 COMMON LAW AND STATUTORY NUISANCES.

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

Penalty, see § 92.99

## § 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

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

(A) *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.

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 through the accumulation of rubbish or the excessive growth of weeds or grass.

(KRS 381.770(1))

(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(5))

(2) 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(6))

#### **§ 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.

#### **§ 92.06 SUSPENSION OF LICENSE.**

(A) Whenever it is brought to the attention of the City Council that a nuisance exists and the City Council deems that there is an immediate threat to the public health, safety, or welfare, the City Council may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(C) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

### ***PIGEON ROOSTING***

#### **§ 92.20 RESTRICTION ON PIGEON ROOSTS.**

It shall be unlawful to allow or permit the interior of any structure originally intended for human occupation to be used by one or more wild pigeons as a roost, nesting place or breeding area.

(Ord. 01-07, passed 6-28-01) Penalty, see § 92.99

#### **§ 92.21 NOTIFICATION; REMEDIATION.**

Upon receipt of written notice from the city through its Building Inspector or other designated official that the interior of a building originally intended for human occupation is being utilized by wild pigeons in violation of § 92.20, the owner of such structure shall have 30 days in which to clean the interior of the structure of all pigeon waste, feathers and nesting materials and to seal all entrances utilized by the pigeons to access the structure so as to prevent continued utilization of the structure in violation of § 92.20.

(Ord. 01-07, passed 6-28-01)

#### **§ 92.22 INTERVENTION.**

Upon the failure of the property owner to fully and promptly comply with the provisions of § 92.21, the city may do so without further notice to the owner and may place a lien against the property for all costs thereof, including but not limited to labor, materials and disposal of any waste removed.

(Ord. 01-07, passed 6-28-01)

#### **§ 92.99 PENALTY.**

(A) Whoever violates §§ 92.01 through 92.06 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.

(B) Any person violating § 92.20 shall be fined not less than \$50 nor more than \$300 for each offense and each day in which a violation of § 92.20 shall occur shall be deemed to constitute a separate offense.

(C) Any person violating § 92.21 shall be fined not less than \$50 nor more than \$300 for each offense and each day in which a violation of § 92.21 shall occur shall be deemed to constitute a separate offense.

(Am. Ord. 01-07, passed 6-28-01)



## CHAPTER 93: FIREWORKS; FIRE PREVENTION

### Section

#### *Fireworks*

- 93.01 Definitions; legality of items
- 93.02 Sale or use prohibited; exception for public display
- 93.03 Common fireworks; restrictions on sale
- 93.04 Bond or liability insurance requirement
- 93.05 Exempted sales and uses
- 93.06 Destruction of fireworks

#### *Fire Prevention*

- 93.20 Blasting permit
- 93.21 Storage of flammables and other matter
  
- 93.99 Penalty

### **FIREWORKS**

#### **§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.**

(A) The term **FIREWORKS** shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “common” or “special” fireworks as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations.

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

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

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(3) *Exception number 3.* Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects. (KRS 227.700)

(B) **COMMON FIREWORKS** are fireworks suitable for use by the public and designed primarily to produce visible effects by combustion and must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this chapter. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. **COMMON FIREWORKS** are classified as class C explosives by the U.S. Department of Transportation and include the following:

(1) *Ground and hand-held sparkling devices.*

(a) *Dipped stick-sparkler.* Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

(b) *Cylindrical fountain.* Cylindrical tube not more than three-fourths inch (19 millimeters) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) *Cone fountain.* Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

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

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

(f) *Ground spinner.* Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) *Flitter sparkler.* Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) *Aerial devices.*

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

(b) *Missile-type rocket.* A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) *Helicopter, aerial spinner.* A tube not more than one-half inch, (12.5 millimeters) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) *Roman candles.* Heavy paper or cardboard tube not exceeding three-eighths inch, (9.5 millimeters) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

(e) *Mine, shell.* Heavy cardboard or paper tube up to two and one-half inches (63.5 millimeters) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, stars, firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) *Audible ground devices.*

(a) *Firecrackers, salutes.* Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Upon ignition, noise and a flash of light is produced.

(b) *Chaser.* Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.

(4) *Combination items.* Firework devices containing combinations of two or more of the effects described in categories (1), (2), and (3) above.  
(KRS 227.702)

(C) Items listed below are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as common fireworks by the U.S. Department of Transportation.

(1) *Snake, glow worm.* Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

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(2) *Smoke device.* Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) *Wire sparkler.* Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

(4) *Trick noisemaker.* Item that produces a small report intended to surprise the user. These devices include:

(a) *Party popper.* Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) *Booby trap.* Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) *Snapper.* Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d) *Trick match.* Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e) *Cigarette load.* Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) *Auto burglar alarm.* Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.  
(KRS 227.704)

(D) The term ***SPECIAL FIREWORKS*** shall mean large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as common fireworks. Special fireworks are classified as class B explosives by the U.S. Department of Transportation.  
(KRS 227.706)

(E) Legality of items.

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

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

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

(KRS 227.708)

**§ 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.**

No person, firm, co-partnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode, any fireworks, except for the following:

(A) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals. Every display shall be handled by a competent operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, shall not be hazardous to property or endanger any person. Permits shall be filed with the office of the State Fire Marshal at least 15 days in advance of the date of the display. After the privilege is granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable. For the purposes of this subchapter, "public display of fireworks" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

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

(C) The sale, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided the fireworks are intended for shipment directly out of state in accordance with regulations of the U.S. Department of Transportation.

(D) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

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(E) The use of fuses and railway torpedoes by railroads.

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.

(G) The use of any pyrotechnic device by military organizations.

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency.  
(KRS 227.710) Penalty, see § 93.99

**§ 93.03 COMMON FIREWORKS; RESTRICTIONS ON SALE.**

(A) Except as provided in § 93.02, the common fireworks described in § 93.01(B)(1) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person or business intending to sell common fireworks shall register annually with the state fire marshal's office in accordance with KRS 227.715, and display its registration certificate in a conspicuous location at the site.

(C) Each site at which fireworks are offered for sale shall have a working fire extinguisher at the site, in compliance with NFPA Pamphlet 10.

(D) No common fireworks item shall be offered for sale if it has as part of its device any wings, fins, or other mechanism designed to cause the device to fly, or if it carries a cautionary label which includes in its description any of the following terms: *explosive, emits flaming pellets, flaming balls, firecracker, report, or rocket.*

(E) No person or business shall give, offer for sale, or sell any common fireworks listed in § 93.01(B) to any person under 16 years of age.  
(KRS 227.715 (3) - (6)) Penalty, see § 93.99

**§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.**

No permit shall be issued under § 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than \$1,000,000. However, the appropriate city official or the State Fire Marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.  
(KRS 227.720) Penalty, see § 93.99

**§ 93.05 EXEMPTED SALES AND USES.**

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.

(KRS 227.730)

**§ 93.06 DESTRUCTION OF FIREWORKS.**

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

(KRS 227.750)

***FIRE PREVENTION*****§ 93.20 BLASTING PERMIT.**

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

Penalty, see § 93.99

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

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

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

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

Penalty, see § 93.99

**§ 93.99 PENALTY.**

(A) Any person violating the provisions of §§ 93.02 or 93.04, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not more than \$1,000, or imprisoned for not more than 30 days, or both. (KRS 227.990 (4))

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

## 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: PARKS AND RECREATION**

### Section

95.01 Policies and procedures adopted by reference

### **§ 95.01 POLICIES AND PROCEDURES ADOPTED BY REFERENCE.**

The Parks and Recreation Department's Policies and Procedures are hereby adopted by reference and incorporated as if set out at length herein. Copies of the policies and procedures are on file in the office of the City Clerk and shall be available for public inspection during regular business hours.  
(Ord. passed 9-9-96)



## CHAPTER 96: TREES

### Section

- 96.01 Definitions
- 96.02 City Tree Board
- 96.03 Street tree species to be planted
- 96.04 Spacing of trees
- 96.05 Distance from curbs, sidewalks and power lines
- 96.06 Distance from street corners and fireplugs
- 96.07 Public tree care
- 96.08 Tree topping
- 96.09 Pruning, corner clearance
- 96.10 Dead or diseased tree removal on private property
- 96.11 Arborists license and bond
- 96.12 Interference with City Tree Board
- 96.13 Review by City Council
  
- 96.99 Penalty

### § 96.01 DEFINITIONS.

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

***PARK TREES.*** Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

***STREET TREES.*** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.  
(Ord. 92-2, passed 3-9-92)

### § 96.02 CITY TREE BOARD.

(A) *Creation and establishment.* There is hereby created and established a City Tree Board which shall consist of five members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.

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(B) *Term of office.* The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first Board shall be for only one year, and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

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

(D) *Duties and responsibilities.*

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

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

(E) *Operation.* The Board shall choose its own officers, make its own rules and regulations and keep a journal of its findings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 92-2, passed 3-9-92)

**§ 96.03 STREET TREE SPECIES TO BE PLANTED.**

The Tree Board will formulate an official street tree species list for the city. 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 Tree Board.

(Ord. 92-2, passed 3-9-92)

**§ 96.04 SPACING OF TREES.**

The spacing of street trees will be in accordance with the three species classes referred to in § 96.03, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings designed or approved by a landscape architect.

(Ord. 92-2, passed 3-9-92) Penalty, see § 96.99

**§ 96.05 DISTANCE FROM CURBS, SIDEWALKS AND POWER LINES.**

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 96.03, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. Only small trees can be planted within 15 feet of powerlines.  
(Ord. 92-2, passed 3-9-92) Penalty, see § 96.99

**§ 96.06 DISTANCE FROM STREET CORNERS AND FIREPLUGS.**

No street tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.  
(Ord. 92-2, passed 3-9-92) Penalty, see § 96.99

**§ 96.07 PUBLIC TREE CARE.**

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the 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 such public grounds. The City Tree Board may remove or cause or order to be removed, any tree or part thereof 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 adjacent property owners providing that the selection and location of said trees is in accordance with §§ 96.03 through 96.07 of this chapter.  
(Ord. 92-2, passed 3-9-92)

**§ 96.08 TREE TOPPING.**

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three 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 utility wires or other obstructions where other pruning practices are impractical may be exempt from this chapter at the determination of the City Tree Board.  
(Ord. 92-2, passed 3-9-92)

**§ 96.09 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 eight feet above the surface of the street or sidewalk. Said 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 prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Ord. 92-2, passed 3-9-92) Penalty, see § 96.99

**§ 96.10 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city 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 Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and to recover such amount from the owner(s).

(Ord. 92-2, passed 3-9-92)

**§ 96.11 ARBORISTS LICENSE AND BOND.**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 92-2, passed 3-9-92)

**§ 96.12 INTERFERENCE WITH CITY TREE BOARD.**

It shall be unlawful for any person to prevent, delay or interfere with the City 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, park trees or trees on private grounds, as authorized in this chapter.

(Ord. 92-2, passed 3-9-92) Penalty, see § 96.99

**§ 96.13 REVIEW BY CITY COUNCIL.**

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

(Ord. 92-2, passed 3-9-92)

**§ 96.99 PENALTY.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction or a plea of guilt, be subject to a fine not to exceed \$500.

(Ord. 92-2, passed 3-9-92)



## CHAPTER 97: JUNKED APPLIANCES AND MOTOR VEHICLES

### Section

- 97.01 Definitions
- 97.02 Conditions constituting public nuisance
- 97.03 Right of entry of enforcement officials
- 97.04 Notice to abate
- 97.05 Abatement by city
- 97.06 Hearing; appeal
- 97.07 Regulations supplemental
  
- 97.99 Penalty

### § 97.01 DEFINITIONS.

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

**ADMINISTRATIVE OFFICIAL.** The City's Building Inspector or his deputy.

**JUNKED APPLIANCES.** Any unit, or part thereof, of machinery, furniture or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which is one of the following: wrecked; dismantled; partially dismantled; inoperative; abandoned; or discarded.

**JUNKED MOTOR VEHICLES.** Any contrivance, or part thereof, designed to be propelled by power and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following: wrecked; dismantled; partially dismantled; inoperative; abandoned or discarded.

(Ord. 89-8, passed 6-19-89)

**§ 97.02 CONDITIONS CONSTITUTING PUBLIC NUISANCE.**

(A) The presence of any junked motor vehicle or junked appliance upon a public street or on public property for a period of 72 consecutive hours, or on any private lot, tract or parcel of land for a period of 30 consecutive days shall be deemed a public nuisance. It shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any junked motor vehicle or junked appliance upon a public street, upon public property or upon his own real property or on the real property of another, or to suffer, permit or allow a junked motor vehicle or junked appliance to be parked, left or maintained upon his own real property, upon a public street, upon public property, or upon the real property of another. Provided, however, that these provisions shall not apply to:

(1) Any junked motor vehicle or junked appliance inside an enclosed building;

(2) Any junked motor vehicle or junked appliance on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise. Nevertheless, any such junked motor vehicle or junked appliance must be hidden from view by an artificial or natural screen or by virtue of natural topography; or

(3) Any junked motor vehicle or junked appliance on property occupied, and regularly and lawfully used for repair, reconditioning and remodeling of motor vehicles or appliances. Nevertheless, any such junked motor vehicle or junked appliance must be hidden from view by an artificial or natural screen or by virtue of natural topography.

(B) The screening required in divisions (2) and (3) above may be effected by the construction of a fence or by planting shrubs, trees or flowering plants, the foliage of which provides a sufficient screen or by making such screening out of foliage already in existence. Any business referred to in divisions (2) and (3) above which is lawfully in operation at the time of adoption of this chapter shall have the required screening in place and effective within six months after the enactment hereof.  
(Ord. 89-8, passed 6-19-89) Penalty, see § 97.99

**§ 97.03 RIGHT OF ENTRY OF ENFORCEMENT OFFICIALS.**

The provisions hereof shall be administered and enforced by the Administrative Official. In the enforcement hereof, such officer and/or his duly authorized agents, assistants, employees or contractors may enter upon private or public property to examine any apparently junked motor vehicle or junked appliance, to obtain information as to the identity of any junked motor vehicle or junked appliance and/or its owner, to obtain information as the identity of the person causing the junked motor vehicle or junked appliance to be located there, and/or to remove or cause removal of any junked motor vehicle or junked appliance deemed to be a nuisance.  
(Ord. 89-8, passed 6-19-89)

**§ 97.04 NOTICE TO ABATE.**

(A) Whenever the Administrative Official deems a nuisance to exist in violation of this chapter, he shall issue a notice to the parties hereinafter stated, and such notice shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;

(3) Advise such party that he has 30 days in which to abate the nuisance or to make a written demand for a hearing before the Administrative Official, or else the public nuisance will be removed and abated by the city at such party's expense.

(B) Such notice shall be sent by certified or registered mail, return receipt requested, to the last known address of the owner of the property upon which the nuisance is located. In the event that the owner of the property is not the occupant thereof, such notice shall also be similarly mailed to the occupant of the property. The Administrative Official shall coordinate his efforts to determine ownership of junked motor vehicles with the Police Department and notice in accordance herewith shall be sent to the last registered and legal owner of record of junked motor vehicles, unless the owner is the owner or occupant of the premises upon which the nuisance is located and unless identification numbers are not available to determine ownership of the junked motor vehicle. If the owner, or his address, of any junked motor vehicle is not known or cannot be readily ascertained, the notice to him to abate, and of his right to a hearing may be given by attaching such notice to the junked motor vehicle not less than ten days before action is to be taken. If the latter method of providing notice is used, the Administrative Official shall make an affidavit attesting to such facts. Where a junked motor vehicle is found to be upon any public property within the city, notice sent to the last registered and legal owner of the junked motor vehicle is all that shall be required. Where a junked appliance is found on public property, no notice is required.

(Ord. 89-8, passed 6-19-89)

**§ 97.05 ABATEMENT BY CITY.**

Upon failure, neglect or refusal to abate a nuisance hereunder by any occupant or owner of private property who has been notified and ordered to abate such nuisance under the provisions hereof, the Administrative Official is hereby authorized, empowered and directed to remove and dispose of the nuisance. The cost of removal and disposal shall be accounted for by the Administrative Official and a demand for reimbursement in such amount shall be provided to such occupant or owner in accordance with the notice provisions hereof. In the event that the full amount due to the city for such service is not paid within 30 days after the mailing of such notice, the Administrative Official may proceed in the name of the city to collect such amount by any legal process, including initiating legal action against the person or persons responsible for payment.

(Ord. 89-8, passed 6-19-89)

**§ 97.06 HEARING; APPEAL.**

(A) In the event any affected person demands a hearing as provided for under § 97.04 above, such hearing shall be held within ten days after written demand is made and shall be conducted by the Administrative Official, who shall hear all the facts and testimony on the condition of the junked motor vehicle or junked appliance and the circumstances concerning the location. Such hearing shall not be limited by technical rules of evidence. The Administrative Official may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes hereof. He may delay the time for removal of the nuisance if, in his opinion, circumstances justify it. At the conclusion of any hearing the Administrative Official may find that a junked motor vehicle or junked appliance has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and order disposal of same. The order requiring removal shall include a description of the junked motor vehicle or junked appliance and the correct identification number and state license tag number, if any, of the junked motor vehicle.

(B) Any interested party may appeal the decision of the Administrative Official by appealing to a court of competent jurisdiction within seven days after the Administrative Official's decision is made. If no appeal is taken within the time prescribed, and if the person or persons responsible have not abated the nuisance within such time, the Administrative Official shall cause the junked motor vehicle or junked appliance to be removed and be disposed of in such manner as he may provide and shall proceed to recover the costs thereof from the responsible party in accordance with the provision of § 97.05.

(Ord. 89-8, passed 6-19-89)

**§ 97.07 REGULATIONS SUPPLEMENTAL.**

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles and appliances within the city, but is supplemental and in addition to all other regulatory codes, statutes and ordinances.

(Ord. 89-8, passed 6-19-89)

**§ 97.99 PENALTY.**

In addition to the civil remedies provided for in this chapter, it is deemed to be unlawful for any person to allow or continue to maintain a public nuisance as described herein, and any person violating any provisions hereof shall be guilty of a violation and fined not less than \$25 and not more than \$100 for each offense and each day in which a violation of this chapter shall occur shall be deemed to constitute a separate offense.

(Ord. 89-8, passed 6-19-89)