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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

90.01 DEFINITIONS.

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

ABANDON. Any animal left more than 24 hours without a person checking on its condition and providing food and water. Any animal left on private property without the owner's consent, or deserted or dumped on public property or roadways.

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ANIMAL. Any live vertebrate creature.

ANIMAL CONTROL. The county department designated by the Fiscal Court to enforce the provisions of this chapter and to operate the animal shelter.

ANIMAL CONTROL OFFICER. Any person designated by the Director of Animal Control who is qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky and the county.

ANIMAL SHELTER. Any premises operated or approved for operation by the Fiscal Court for the purpose of impounding and caring for animals held under the authority of this chapter.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, boarding or breeding kennel, grooming facility, auction, petting zoo, zoological park, circus, performing animal exhibit, or any person engaged in the business of breeding, buying, or selling at retail or wholesale, any species of animal for profit.

DAY. A 24-hour period.

DIRECTOR OF ANIMAL CONTROL. The person appointed by the Judge/Executive and approved by the Fiscal Court to be the chief animal control officer.

DOMESTIC ANIMAL. Any animal habituated to live in or about the habitations of human beings, and which is kept, cared for, sheltered, fed or harbored for use as a pet or as a source of food, raw materials or income.

EXOTIC ANIMAL. Any animal not indigenous to the United States, not ordinarily tame, and which by nature lives apart from human beings.

HUMANE SOCIETY. Any person or organization operating from a fixed site, and taking in or accepting stray or unwanted animals.

IMPOUNDED. Having been received into the custody of Animal Control or any authorized representative thereof.

LIVESTOCK. Cattle, sheep, swine, goats, emus, ostriches, horses or any other animals of the bovine, ovine, porcine, caprine, ratite or equine species.

OWNER. Any person owning, keeping, harboring or sheltering one or more animals.

PERSON. A natural person, corporation, partnership, firm, association, governmental body, agency or other entity.

PET. A domesticated animal kept for pleasure rather than utility.

PROPER QUARANTINE. Confinement to a secure enclosure that shall not permit the animal to come in contact with another animal or person, except the owner or caregiver, for a period of ten days.

PUBLIC NUISANCE. Any animal(s) that:

- (1) Molests passers-by or passing vehicles;
- (2) Attacks people or other animals;
- (3) Damages public or private property;
- (4) Is repeatedly at large;
- (5) Makes noise in an excessive, continuous or untimely manner;
- (6) Creates unsanitary conditions; or
- (7) Disturbs the peace, comfort or health of persons in any other manner.

QUALIFIED PERSON. Any person granted a permit by the Kentucky Department of Human Resources to vaccinate his or her own animal against rabies.

REASONABLE GROOMING. To maintain an animal's coat to prevent conditions that inhibit normal walking or eliminating body waste, or that are medically harmful to the animal.

RESTRAINT. Enclosed in an area by a form of fencing designed to control the movement of the animal, or secured by a leash or chain. An animal shall be deemed to be restrained if it remains on the premises of its owner, or if it is accompanied by a responsible person and is under that person's control.

RUNNING AT LARGE. Any animal that is not restrained and is off the property of the owner, custodian, possessor or harbinger. Except that a hound or other hunting dog that has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, it shall not be deemed to be a violation.

STRAY. Any animal running at large.

VETERINARIAN. One licensed and qualified to treat diseases and injuries of animals.

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VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL.

(1) Any animal that constitutes a physical threat to human beings or domestic animals due to a known propensity to endanger life by an unprovoked assault or bite that resulted in serious bodily harm; or

(2) Any animal that, when unprovoked, approaches in a terrorizing manner any person in an attitude of attack upon streets, sidewalks or any public grounds or places; or

(3) Any animal with a known propensity, tendency or disposition to unprovoked attacks that cause injury or endanger the safety of human beings or domestic animals; or

(4) Any animal that bites multiple times or to the extent of causing severe injury, and assaults or otherwise attacks human beings or domestic animals; or

(5) Any animal owned or harbored, primarily or in part, for the purpose of fighting with other animals.

(6) It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack.

(7) *Exceptions.* An animal shall not be deemed vicious solely because:

(a) It bites, attacks or menaces:

1. Any person assaulting its owner;

2. Any person or animal who has tormented or abused it; or

(b) It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person; or

(c) It is protecting or defending its young or the young of any other animal.

WILD ANIMAL. Any animal not domesticated, not ordinarily tame, or which by nature lives apart from human beings.

(Ord. 07-2004-523, passed 3-1-04)

ANIMAL CONTROL**90.20 POWERS OF COUNTY ANIMAL CONTROL.**

(A) (1) Whenever it is necessary for Animal Control to make an inspection, in order to perform any duty or enforce any provision of this chapter or any other applicable state statute, its officers are hereby empowered to enter property at a reasonable time and inspect the premises.

(2) Animal Control shall have the power only if the consent of the owner or occupant of the property is freely given, or a search warrant is obtained.

(B) All animals of any age running at large, as defined in this chapter, and found in the county, may be picked up by Animal Control and impounded in the animal shelter.

(1) All animals of any age that have bitten or scratched a human being, and which cannot be properly quarantined or are found not properly quarantined, may be picked up by Animal Control and impounded in the animal shelter for any applicable quarantine period.

(2) A law enforcement officer or animal control officer may order any animal that has bitten or scratched a human being to be quarantined at the animal shelter, if the officer has reason to believe such animal is vicious or may pose a threat to the safety of the community.

(3) In the event an animal is impounded for a quarantine period, the owner shall be responsible for a reasonable fee for board, administration and medical attention during the impoundment.

(C) Any animal required to be licensed but found unlicensed, or any animal, except cats, whose owner is unknown, shall be impounded for a minimum period of five days, unless it is earlier claimed by its owner.

(1) If the animal is not claimed by its owner within five days of impoundment, the animal may then be offered for adoption or may be euthanized at the discretion of the animal control officer.

(2) Any person claiming or reclaiming an animal pursuant to this section shall:

(a) Pay a reasonable fee for board, administration and medical attention for the animal during impoundment; and

(b) Obtain proper licensing for such animal, if applicable, from Animal Control.

(3) Animal Control shall make reasonable efforts to locate the owner of any animal that has been impounded, and to inform the owner that the animal has been impounded.

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(D) Any cat impounded in the animal shelter shall be held for a minimum of three days, unless it is earlier claimed by its owner.

(1) If the animal is not claimed by its owner within three days of impoundment, the animal may then be offered for adoption or may be euthanized at the discretion of the animal control officer.

(2) Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for board, administration and medical attention for such animal during impoundment.

(E) (1) When any licensed animal or animal whose owner is known is impounded in the animal shelter, Animal Control shall notify the owner by certified mail, return receipt requested, within three business days of the impoundment.

(2) If the certified mail is returned undeliverable, the animal shall be held a minimum of 14 days from the date of impoundment, before the animal may be adopted or euthanized at the discretion of the animal control officer.

(F) The registered owner shall reclaim the animal within ten days of the receipt of notice of impoundment.

(1) Any licensed animal or animal whose owner is known, which is not reclaimed by its owner within ten days of receipt of the notice of impoundment, may then be offered for adoption or may be euthanized at the discretion of the animal control officer.

(2) Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for board, administration and medical attention during the impoundment.

(G) Any animal observed by a law enforcement officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

(H) (1) In the event that any law enforcement officer or animal control officer witnesses a vicious animal, as defined in ' 90.01, the animal may be impounded and the owner cited for violation of ' 90.23(B) or ' 90.24.

(2) If the owner is cited and the animal impounded, the animal shall remain in the custody of the animal shelter pending a decision by District Court, unless ownership is voluntarily relinquished to Animal Control.

(I) It shall be unlawful for any person or owner to interfere with, hinder, harass or abuse an officer or individual authorized to enforce the provisions of this chapter.

(J) Any and all fees shall be set annually by the Director of Animal Control, including but not limited to, animal-related license, adoption, boarding and administration.

(Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

Statutory reference:

Impounding, destruction of dogs; exemption of hunting dogs, see KRS 258.215

• 90.21 LICENSING AND REGISTRATION OF DOGS.

(A) The owners of all dogs or those who harbor or maintain dogs in the county shall have their dogs licensed and registered with Animal Control, in accordance with this chapter and the Kentucky Revised Statutes.

(1) Licenses shall be issued by Animal Control at the animal shelter during regular operating hours.

(2) Owners must also provide the animal control officer a current rabies vaccination certificate (copy) for each tag to be issued.

(3) Upon payment, the owner shall be issued a certificate of registration and the license tag(s).

(4) Dog license tags must be attached to a collar and worn by the dog at all times.

(B) (1) Any humane society that operates a fixed site in the county and takes in stray or unwanted animals shall apply for a license with Animal Control.

(2) The site shall be inspected prior to annual license renewal.

(Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

Statutory reference:

Dog licensure, see KRS 258.135, 258.145, 258.155

Dogs temporarily in state need not be licensed, see KRS 258.205

• 90.22 HUMANE TREATMENT OF ANIMALS.

(A) It shall be unlawful to abandon any animal.

(B) (1) It shall be unlawful for any person to inhumanely treat any animal, including but not limited to, the deprivation of necessities, beating, mutilating, torturing, killing, overloading, overworking or otherwise abusing any animal.

(2) Nothing herein shall prevent Animal Control from humanely euthanizing any animal.

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(C) It shall be unlawful for any person to exhibit, display or keep any animal without providing food, water, adequate shelter from the elements, adequate space, reasonable grooming, ventilation, shade from the sun, proper sanitation, care and medical attention.

(D) (1) Any animal that is chained, tied or otherwise restrained shall be provided no less than ten feet of chain, rope and the like, with a swivel attached to prevent entanglement.

(2) Any animal restrained in such a manner that the animal's chain, rope or the like allows the animal to leave its owner's or keeper's property shall be deemed running at large.

(E) It shall be unlawful for any person to keep an animal within the passenger compartment of an automobile without adequate ventilation in the summer or without adequate warmth in the winter.

(1) No person shall enclose any animal in the trunk of an automobile.

(2) A law enforcement officer shall rescue any animal confined in such a manner.

(F) It shall be unlawful for any person to stage, cause, instigate, permit, observe or attend any dog-fight, cock-fight, bull-fight, or other combat between animals or between animals and humans.

(G) It shall be unlawful for any person to set free any hare, rabbit or other animal for the purpose of violating any provision of this chapter.

(H) (1) No performing animal exhibition, circus or horse show shall be permitted, in which the animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(2) All equipment used on animals in such shows shall fit properly and be in good working order.

(I) No person(s) shall expose any poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by an animal; provided that it shall not be unlawful for a person to expose on his own property, common rat poison, mixed only with vegetable substances.

(J) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the incident to Animal Control or any law enforcement officer.

(K) No person(s) shall give away any live animal as a prize or for inducement to enter any contest, game or other competition, or as an inducement to enter into any business agreement, whereby the offer was for the purpose of attracting the trade, except that it shall not be unlawful to give away small fish, not to exceed four inches in length, as a prize.

(L) It shall be unlawful for any person(s) to color, stain, dye or otherwise change the natural color of any live animal, or to offer such colored animals for sale in the county, except that the mane and tail of an equine may be changed pursuant to accepted practices in showing the equine.

(M) It shall be unlawful for any person, except for a licensed veterinarian, to crop a dog's ears or tail. (Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

Statutory reference:

Cruelty and mistreatment of animals, see KRS 525.125, 525.130, and 525.135

' 90.23 ANIMALS TO BE UNDER CONTROL.

(A) It shall be unlawful for any person to knowingly permit any animal owned or harbored by him to run at large.

(1) When livestock are running at large, Animal Control or the law enforcement officer shall make reasonable efforts to notify the owner as soon as possible.

(2) If reasonably possible and feasible, the owner of the livestock shall be notified prior to its actual capture and impoundment.

(B) It shall be unlawful to own or possess a vicious animal.

(C) It shall be unlawful to own or possess an animal that conducts itself in such a manner as to constitute a public nuisance.

(D) (1) It shall be unlawful to allow a female dog to be exposed during estrus (in season, in heat) so as to attract male dogs.

(2) Every female that is in season (in heat, estrus) shall be confined in a building or secure enclosure in such a manner that it cannot come in contact with a male dog, except for planned breeding. (Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

Statutory reference:

Confinement and control of dogs at night, see KRS 258.265

Confinement of female dogs in heat, see KRS 258.255

' 90.24 WILD AND EXOTIC ANIMALS.

(A) Except for state and federal conservation officers, licensed nuisance wildlife officers, and licensed rehabilitators, it shall be unlawful to sell, own, harbor or keep as a pet any wild or exotic animal not indigenous to the United States.

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(B) Except for state and federal conservation officers, licensed nuisance wildlife officers, and licensed rehabilitators, it shall be unlawful to sell, own, harbor or keep as a pet any wild animal native to the United States.

(C) It shall be unlawful to sell, own, harbor or keep any venomous reptile.
(Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

• **90.25 HUMANE SOCIETIES; STANDARDS AND LICENSING.**

(A) All humane societies in the county shall be governed by the same standards as commercial animal establishments, as set forth in ' ' 90.30 et seq. of this chapter, and shall be subject to any ordinance pertaining to commercial animal establishments.

(B) Humane societies shall maintain records on each animal accepted or housed, noting the following:

- (1) The name and address of the previous owner or person turning in the animal.
- (2) The date received.
- (3) The condition of the animal and any medical treatment.
- (4) The date of adoption, redemption or euthanization.

(5) The name and address of the new owner.

(Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

COMMERCIAL ANIMAL ESTABLISHMENTS

• **90.30 DEFINITION.**

In addition to the definitions provided in ' 90.01 of this chapter, the following definition shall apply to the provisions of this subchapter, unless the context clearly indicates or requires a different meaning.

OWNER or **OPERATOR.** Any person, group of persons, partnership or any entity owning or operating a commercial animal establishment.

(Ord. 07-2004-523, passed 3-1-04)

• 90.31 LICENSING PROVISIONS.

(A) In order to operate within the county, all commercial animal establishments shall obtain and maintain a valid commercial animal establishment license.

(B) The commercial animal establishment licenses shall be issued by the animal control officer.

(C) The commercial animal establishment license shall be valid for a period of one year, effective July 1 through June 30 of each year.

(D) The commercial animal establishment license shall be renewed annually.
(Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

Statutory reference:

Kennel licensure, see KRS 258.165, 258.185

• 90.32 MINIMUM STANDARDS.

(A) All commercial animal establishments shall provide an adequate environment for each animal that is compatible with its general health and welfare.

(B) (1) All commercial animal establishments shall provide adequate space for each animal.

(2) Each cage or enclosure shall be large enough for the animal to stand, sit, lie and turn around without touching another animal or the walls or ceiling of the cage or enclosure.

(C) All commercial animal establishments shall provide adequate sanitation. Each cage or enclosure shall be maintained as follows:

(1) (a) Cages or enclosures containing dogs or cats, of any age, shall be cleaned with hot water, disinfectant and detergent daily (including holidays), or more if conditions require additional cleaning or disinfecting to keep animals out of contact with feces or urine.

(b) Litter boxes shall be cleaned daily (including holidays), and the litter changed as needed.

(2) Cages or enclosures containing birds shall contain a perch, and shall be cleaned with hot water and disinfectant at least twice weekly, or more if conditions require additional cleaning.

(3) Cages or enclosures containing small animals shall be cleaned with hot water and disinfectant at least twice weekly, or more if conditions require additional cleaning.

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(D) All commercial animal establishments shall provide adequate nourishment and water for each animal as follows:

- (1) Each animal shall be given fresh food and water daily, including holidays.
- (2) Soft food shall be available to those animals unable to chew standard dry food.
- (3) Potable water shall be available to each animal at all times.
- (4) Food and water containers shall be washed and disinfected daily.

(E) All commercial animal establishments shall provide proper medical treatment from a veterinarian for sick or injured animals.

(F) All commercial animal establishments shall provide an adequate room (cage) temperature for the general health and welfare of the animal.

(G) All commercial animal establishments shall provide for general cleanliness of the establishment, and shall not permit an insect or rodent infestation.

(Ord. 07-2004-523, passed 3-1-04) Penalty, see ' 90.99

' 90.33 INSPECTIONS.

(A) The Director of Animal Control or any animal control officer shall be permitted and empowered to make an inspection of any commercial animal establishment within the county, and shall further be permitted to take photographs of the commercial animal establishment during the inspection.

(B) The inspection shall take place, upon the verbal request of the Director of Animal Control or any animal control officer, during the regular business hours of the commercial animal establishment.

(Ord. 07-2004-523, passed 3-1-04)

' 90.34 LICENSE REVOCATION.

(A) The Director of Animal Control may revoke any license issued under ' 90.21 and ' 90.31.

(B) Grounds for such revocation include, but are not limited to:

(1) Conviction pursuant to any violation of this chapter or conviction pursuant to any related state or federal law;

(2) Failure to adhere to the standards set forth in this chapter; or

(3) Failure to permit the Department of Animal Control to inspect any establishment, business or person regulated by this chapter during regular business hours.

(C) License revocation notices shall:

(1) Be in writing;

(2) Specify the number of days for animal removal (not to exceed seven days); and

(3) State the grounds therefor.

(Ord. 07-2004-523, passed 3-1-04)

• 90.99 PENALTY.

(A) (1) Any person violating any section(s) of this chapter shall be deemed guilty of a Class A misdemeanor, as defined by Kentucky Revised Statutes, in accordance with the specific penalties set below.

(2) Each day that a violation occurs shall constitute a separate violation, unless the context clearly indicates otherwise.

(B) Any person failing to comply with the licensing requirements of ' ' 90.21, 90.25 and 90.31 of this chapter, on a first offense shall be fined not less than \$10 nor more than \$100; on a second or subsequent offense shall be fined not less than \$50 nor more than \$250.

(C) Any person violating any provision of ' 90.22 of this chapter relating to the humane treatment of animals shall be fined a sum not to exceed \$500, or be sentenced up to 12 months in the county jail, or both.

(D) Any person violating ' 90.23(A), (C) and (D) of this chapter, on a first offense shall be fined not less than \$25 nor more than \$100; on a second or subsequent offense shall be fined not less than \$50 nor more than \$250.

(E) (1) Any livestock owner who violates ' 90.23(A) of this chapter, on a first offense shall be fined not less than \$50 nor more than \$250, and required to reimburse the county for all reasonable expenses incurred in capturing, impounding, boarding and providing necessary medical services to the livestock.

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(2) On a second or subsequent offense, the owner shall be fined not less than \$150 nor more than \$500, and required to reimburse the county for all reasonable expenses incurred in capturing, impounding, boarding and providing necessary medical services to the livestock.

(F) (1) Upon conviction under ' 90.23(B) of this chapter relating to possession of a vicious animal, the penalty shall be a fine of not less than \$100 nor more than \$500, or up to 90 days in the county jail, or both.

(2) In addition, the court shall order one of the following:

(a) That the following regulations be followed as a condition of the owner retaining ownership of the animal:

1. The vicious animal shall be neutered, implanted with a microchip for identification purposes, and registered with Animal Control.

2. The vicious animal shall be confined in an enclosure constructed of an uncovered fence or a structure of at least seven feet in height with anti-climbers, or a covered structure of sufficient height to allow the animal to stand erect without touching the top or cover.

a. All such enclosures shall be designed to prevent the entry of small children, and shall be suitable to confine the vicious animal.

b. Such enclosures shall be securely closed and locked, and shall be designed to prevent the animal from digging out of or otherwise escaping from the enclosure.

3. The enclosure shall display a sign warning of the vicious animal and, if applicable, shall be visible from the public roadway or public access.

4. a. The vicious animal shall not be permitted outside of the dwelling of its owner or outside of the enclosure, unless it is necessary to obtain veterinary care or under the direction of Animal Control.

b. If the vicious animal must be allowed outside the permitted areas, it shall be under the direct control and supervision of its owner or keeper, and shall be muzzled and restrained with a lead or leash not to exceed three feet in length, or placed in a secure animal carrier.

5. The owner or keeper of a vicious animal shall immediately notify Animal Control if the animal is loose, unconfined or deceased, or has attacked an animal or human being.

(b) In the alternative to division (F)(2)(a) above, the court may order that the animal be immediately surrendered to Animal Control to be euthanized.

(G) (1) Upon conviction for a second or subsequent offense under ' 90.23(B) of this chapter relating to possession of a vicious animal, the penalty shall be a fine of not less than \$250 nor more than \$500, or up to one year in the county jail, or both.

(2) If the violation involves the same animal, the court shall order the animal immediately surrendered to Animal Control to be euthanized.

(H) (1) Any person violating the provisions of ' 90.24 of this chapter relating to wild and exotic animals, on a first offense shall be fined not less than \$25 nor more than \$100 for each such animal; on a second or subsequent offense, shall be fined not less than \$50 nor more than \$500.

(2) Upon conviction of a first offense for each such animal, the Department of Animal Control shall take possession of the animal.

(I) (1) Any humane society that fails to comply with the requirements of ' 90.25, on a first offense shall be fined not less than \$25 nor more than \$100; on a second or subsequent offense shall be fined not less than \$50 nor more than \$500.

(2) In addition to the fine, the fourth offense shall result in permanent license revocation.

(J) Any person violating ' 90.20(K) of this chapter, relating to interference of duty, on a first offense shall be fined not less than \$50 nor more than \$250, or sentenced up to 30 days in the county jail, or both; on a second or subsequent offense shall be fined not less than \$250 nor more than \$500, or sentenced up to 90 days in the county jail, or both.

(K) Any commercial animal establishment violating ' 90.34 of this chapter, on a first offense shall be fined not less than \$100 nor more than \$250; on a second or subsequent offense shall be fined not less than \$250 nor more than \$500 per offense.

(Ord. 07-2004-523, passed 3-1-04)

CHAPTER 91: EMERGENCY SERVICES

Section

911 Service

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- 91.03 Transfer of service
- 91.04 Use of funds
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Cross-reference:

Uniform Addressing System for Enhanced 911, see ' 94.04

911 SERVICE

' 91.01 ESTABLISHED.

(A) There shall be established in the county, and the cities of Crittenden, Corinth, Dry Ridge, and Williamstown, a 911 emergency telephone service, to be provided through the Kentucky State Police Dispatch Center.

(B) The county shall levy a tax on each telephone line terminating within the county, whether within or without any of the cities named in division (A), and each city waives the right to levy such tax and to collect the proceeds therefrom.

(Ord. 18-91-99, passed 1-9-91; Am. Ord. 07-2005-564, passed 8-1-05)

' 91.02 TAX LEVIED.

(A) The county will levy a tax of \$1.99 on each telephone line terminating in the county, of which 3% thereof shall be paid to Cincinnati Bell Telephone Company for its charges in collecting and remitting such tax, plus any and all infrastructure costs to the Cincinnati Bell Telephone Company.

(B) Other charges, if any, authorized to be made by Cincinnati Bell Telephone Company shall be considered non-regulated fees and shall be so entered on individual bills and will not be charged against the tax levied.

(Ord. 18-91-99, passed 1-9-91; Am. Ord. 07-2005-564, passed 8-1-05)

▪ 91.03 TRANSFER OF SERVICE.

The parties to this agreement shall transfer to the Kentucky State Police any tangible assets currently in use by the current Grant County Dispatching Center, as it may deem it requires to provide for said services, and shall otherwise use an appropriate portion of the proceeds of such tax to defray the cost of transferring and installing said equipment and transferring the current service from the present location of the Grant County Dispatching Center in Williamstown, to the Kentucky State Police Post in Dry Ridge. The balance of such fund shall be utilized for the purposes of paying the Kentucky State Police to provide E-911 services to the citizens of the county.

(Ord. 18-91-99, passed 1-9-91; Am. Ord. 07-2005-564, passed 8-1-05)

▪ 91.04 USE OF FUNDS.

The parties recognize that the funds derived from the above-mentioned tax can be used only for the receipt of emergency calls and for the dispatching of emergency equipment and supporting the needs to efficiently provide for the dispatching of emergency services.

(Ord. 07-2005-564, passed 8-1-05)

▪ 91.05 OPERATIONS.

(A) The Grant County Dispatching Center will continue to operate the Grant County Dispatching Center as it is presently operated until such time as the services are provided by the Kentucky State Police. During any period of transition from the current center to the Kentucky State Police Post services will be provided as can be arranged by a Board of Directors under an interlocal agreement with the county, participating cities and the Kentucky State Police.

(B) On the first day of the first month following these events, or as soon thereafter as the infrastructure is available and in place to adequately provide emergency services at the Kentucky State Police Post, the county and cities, through the Budget Committee of the current Grant County Dispatching Center shall turn operations of emergency dispatch services over to the Kentucky State Police.

(C) At such time as operations are terminated at the Grant County Dispatching Center, the LINK/NCIC licenses shall be retained as the property of the City of Williamstown. All other licenses extant not necessary for the operation of the E-911 system by the Kentucky State Police shall be retained by the county or city that obtained it.

(Ord. 07-2005-564, passed 8-1-05)

CHAPTER 92: FIREWORKS; FIRE PREVENTION AND PROTECTION

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Open Burning

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92.26 Open burning prohibited

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Cross-reference:

Open burning, see ' 50.045

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' 92.01 BLASTING PERMIT.

No person shall cause a blast to occur within the county without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the county. The county, before granting such permit, may require the applicant to provide a bond to indemnify the county and all other persons against injury or damages which might result from the proposed blasting. Penalty, see ' 92.99

FIREWORKS**92.10 DEFINITIONS; LEGALITY OF ITEMS.**

(A) As used in KRS 227.700 to 227.750, ***FIREWORKS*** means 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 Aconsumer fireworks@as defined in division (B) or Adisplay@ fireworks as defined in division (D) and 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.

(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) As used in KRS 227.700 through 227.750, ***COMMON FIREWORKS*** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product 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. ***CONSUMER FIREWORKS*** are further defined by the Consumer Product Safety Commission in CPSC, 16 CPSC, 16 C.F.R. Pts 1500 and 1507, are classified as division 1.4 explosives by the U.S. Department of Transportation and include the following:

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

(a) *Dipped stick-sparkler or wire sparkler.* These devices consist a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition 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 containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, 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). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(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. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(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. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(e) *Wheel.* A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) *Ground spinner.* Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be 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 attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(h) *Toy smoke device.* Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(2) *Aerial devices.*

(a) *Sky rockets and bottle rockets.* Cylindrical tube containing not more than 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.

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(c) *Helicopter, aerial spinner.* A tube 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 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 usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, stars, components producing reports containing up to 130 milligrams of explosive composition per report, or other devices are propelled into the air. The term *Amine* refers to a device with no internal components containing a bursting charge, and the term *Shell* refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term *Acake* refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component.

(f) *Aerial shell kit, reloadable tube.* A package kit containing a cardboard, high-density polyethylene (HDPE, or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed 1 3/4 inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in the kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fusing extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(3) *Audible ground devices.*

(a) *Firecrackers, salutes.* Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. 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.
(KRS 227.702)

(C) Items listed below are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as consumer fireworks by the U.S. Department of Transportation and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(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.

(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.

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(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) As used in KRS 227.700 through 227.750, **DISPLAY FIREWORKS** means pyrotechnic devices or 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 consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, and 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)

92.11 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY OF FIREWORKS.

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 display fireworks, except as follows:

(A) (1) 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.

(2) Every display shall be handled by a competent display 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, to not be hazardous to property or endanger any person.

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(3) **COMPETENT DISPLAY OPERATOR** shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) License and have participated as an assistant in firing at least five public displays. A competent display operator is also an employee possessor. A permit under division (1) shall be issued only to a competent display operator holding an ATF license.

(4) At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local Fire Chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 Code for Fireworks Display (adopted edition).

(5) 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 this privilege shall have been granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this subsection shall be transferable. For the purpose of this section, a public display of fireworks shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(6) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 18 years of age.

(7) The Commissioner of the Department of Housing, Buildings and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this division. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division.

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

(C) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

(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.

(I) Nothing in this section shall prohibit a person, firm, co-partnership, non-profit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in KRS 227.702 as permitted pursuant to KRS 227.715.

(KRS 227.710) Penalty, see ' 92.99

' 92.12 COMMON FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in ' 92.11, the consumer fireworks described in KRS 227.702 may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in KRS 227.702(1) 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 comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted addition);

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in ' 92.10(B) to any person under 18 years of age.

(E) No person under 18 years of age may be employed by a fireworks distribution facility, or manufacturing facility. No person under 18 years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under KRS 227.715 unless the individual is supervised by a parent or guardian.

(KRS 227.715 (7) through (9)) Penalty, see ' 92.99

▪ **92.13 BOND OR LIABILITY INSURANCE REQUIREMENT.**

No permit shall be issued under KRS 227.710 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than one million dollars (\$1,000,000). However, the local fire chief or 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)

▪ **92.14 EXEMPTED SALES AND USES.**

Nothing in this subchapter 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)

▪ **92.15 DESTRUCTION OF FIREWORKS.**

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the state fire marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this chapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or ADisplay@ designation shall require the notification of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The state fire marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the state fire marshal, the state fire marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal's intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal's intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or

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(2) If the identity of the owner of any seized fireworks is not known to the state fire marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (A) shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.
(KRS 227.750)

OPEN BURNING**• 92.25 DECLARATION OF FIRE HAZARD.**

Whenever the Division of Forestry of the Commonwealth of Kentucky notifies the Judge/Executive of the county that an extraordinary fire hazard exists in the county as determined by the National Fire Danger Rating System and Fire Occurrence, the County Judge/Executive may proclaim such condition to exist in the county.

(Ord. 7-86-42, passed 11-26-86)

• 92.26 OPEN BURNING PROHIBITED.

No person shall, when a proclamation as provided for in ' 92.25 has been issued, light or maintain an open fire at any location in the county while such proclamation is in effect. Any person violating this section shall be subject to the fines and penalties hereinafter provided.

(Ord. 7-86-42, passed 11-26-86) Penalty, see ' 92.99

• 92.27 NOTICE OF PROCLAMATION.

Notice of the proclamation provided for in ' 92.25 shall be published in the newspaper of largest bona fide circulation in the county, or announced by public radio.

(Ord. 7-86-42, passed 11-26-86)

' 92.99 PENALTY.

(A) Any person who violates ' 92.01 shall be deemed guilty of a misdemeanor and fined not more than \$500.

(B) Any person violating the provisions of ' ' 92.11 or 92.12, 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))

(C) Any person who violates ' ' 92.25 through 92.27 shall be deemed guilty of a violation and fined not less than \$10 nor more than \$250 for each violation. (Ord. 7-86-42, passed 11-26-86)

CHAPTER 93: PARKS AND RECREATION

Section

Grant County Park and Mullins Field

- 93.01 Application for use
- 93.02 Compliance required
- 93.03 Casual use not bound by provisions
- 93.04 Rules and regulations

- 93.99 Penalty

GRANT COUNTY PARK AND MULLINS FIELD

' 93.01 APPLICATION FOR USE.

(A) All persons, firms, or organizations who desire the use of the Grant County Park shall make application for said use as far in advance of the use as possible, but, in no event, later than 30 days prior to the anticipated use date.

(B) Application shall be made to the office of the County Judge/Executive upon forms available at said office.

(Ord. 2-92-101, passed 2-27-92)

' 93.02 COMPLIANCE REQUIRED.

Any activity must comply with the requirements for the use of the Grant County Park, a copy of which shall be attached to the permit to be issued to the person, firm, or organization seeking to make use of the facility.

(Ord. 2-92-101, passed 2-27-92) Penalty, see ' 93.99

▪ 93.03 CASUAL USE NOT BOUND BY PROVISIONS.

Casual use of the park by individuals or organizations shall not be subject to the provisions of this chapter, it being the intent of the County Fiscal Court to regulate organized uses made or proposed to be made of the Grant County Park or facilities located herein.

(Ord. 2-92-101, passed 2-27-92)

▪ 93.04 RULES AND REGULATIONS.

(A) No person shall be on park property without permission after the park has closed. Open hours for the parks are as posted at each respective site. The Grant County Parks and Recreation Director, or his/her designee may grant permission for use of the parks outside of the posted time.

(B) No person shall have an open fire in any part of the park except in areas designated as proper and safe for open fires.

(C) No person shall have a dog in the park unless the dog is on a leash at all times.

(D) No person shall ride a motorcycle, motorbike, or ATV in the park except on park roads and in parking areas designed for public traffic.

(E) No person shall possess or consume alcoholic beverages in the park.

(F) No person, corporation, or other entity shall conduct or engage in any form of trade, business or other commercial activity or perform any type of service for consideration within the boundaries of the park without obtaining prior written consent of the Parks and Recreation Director, or his/her designee.

(G) No person shall discharge any firearms in the park (except when in the line of official duty by duly authorized law enforcement officers).

(H) No person shall play or practice golf by hitting balls in or onto park property.

(I) No person shall dispose of litter in the park except in trash containers provided for that purpose.

(J) No person shall camp overnight in the park without the written permission of the Director. Any authorized camping shall be done only in areas designated by the Director.

(K) No person shall cut or remove any trees, flowers or vegetation from within the park boundaries (except when required for reasons of public safety or maintenance and then only by county personnel, agents/contractors, or utility companies who have been granted permission by the Director).

(L) No person shall display, post, distribute, or place any sign, advertisement, circular notice, statement, banner, emblem or design within the park without permission from the Director.

(M) No person shall hunt, trap or in any way injure or molest any wild animal found within the boundaries of the park (except when required for reasons of public safety or as authorized by the Director or a Conservation Officer with the Kentucky Department of Fish and Wildlife).

(N) A damage deposit fee of \$250 shall be required of not-for-profit entities scheduling events anticipating attendance of over 100 people. A walk-through by the Director or designee with the event promoter is required before and after the event has occurred and will determine the amount of deposit to be refunded.

(Ord. 14-2000-351, passed 5-1-00) Penalty, see ' 93.99

' 93.99 PENALTY.

(A) Any person, firm or organization who makes use of the Grant County Park in violation of the permit requirements set forth herein shall be deemed guilty of a violation and subject to a fine of not less than \$25 and not more than \$250. (Ord. 2-92-101, passed 2-27-92)

(B) Any person or entity in violation of ' 93.04 shall be fined not less than \$25 nor more than \$100. In addition, the violator may be ordered to pay restitution to the Grant County Fiscal Court for any damaged caused. (Ord. 14-2000-351, passed 5-1-00)

CHAPTER 94: STREETS AND SIDEWALKS

Section

General Provisions

- 94.01 Building numbering
- 94.02 Uniform Addressing System for Enhanced 911

Excavations

- 94.15 Definition
- 94.16 Permit required; emergencies
- 94.17 Application and fee
- 94.18 Repair and restoration
- 94.19 Performance bond
- 94.20 Violations

County Roads

- 94.30 Connection of private road with county road
- 94.31 Permit required to interfere with ditch along county road
- 94.32 Length of county roads
- 94.33 Depositing mud or debris on county road

- 94.99 Penalty

GENERAL PROVISIONS

94.01 BUILDING NUMBERING.

(A) The owner or occupant of each dwelling located within the confines of the county shall cause to be posted upon or near said dwelling, those identifying numbers assigned to said dwelling by the administrator of the uniform addressing system.

(B) The posting required herein shall be accomplished within 60 days of the effective date of this section.

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(C) The number shall be of sufficient size and of such appropriate color as to be readily visible during light or darkness to a passing motorist travelling in either direction upon the nearest, publicly accessible roadway.

(D) Failure to comply with this section shall be sufficient cause for postal authorities to refuse delivery of mail to the offending dwelling.

(Ord. 31-94-156, passed 11-18-94) Penalty, see ' 94.99

' 94.02 UNIFORM ADDRESSING SYSTEM FOR ENHANCED 911.

(A) The road names reflected on the map set styled Grant County Uniform Addressing System for Enhanced 911 be and the same is hereby adopted as the official name of each road located in the county for all lawful purposes.

(B) The unique numbers assigned to each structure reflected on the map set styled the Grant County Uniform Addressing System for Enhanced 911 be and the same is hereby adopted as the official identifying number for said structure for all lawful purposes.

(C) The uniform addressing system used to establish the unique numbers for each structure in the county as reflected by the map set styled Grant County Uniform Addressing System for Enhanced 911 be and the same is adopted as the official method of addressing for the county.

(D) The Administrator of the County Planning and Zoning Commission shall be responsible for assigning new unique numbers to new structures within the county.

(E) A complete copy of the map set styled Grant County Uniform Addressing System for Enhanced 911 be filed for record in the office of the Planning and Zoning Commission and thereafter maintained in said office by the Administrator thereof.

(Ord. 8-92-111, passed 9-3-92)

Cross-reference:

911 service, see ' ' 91.01 et seq.

EXCAVATIONS

' 94.15 DEFINITION.

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

PERMITTEE. Includes and applies to any person or entity on behalf of whom the work being done under the permit is to be performed, and the application for such permit shall be signed by such person or entity in addition to the person or entity actually doing the work.

▸ 94.16 PERMIT REQUIRED; EMERGENCIES.

No person or entity shall cut, excavate, damage, or in any way alter any street, sidewalk, water line, or sewer line in the unincorporated area of the county, without first obtaining a permit for such action from the County Judge/Executive or his agent. Nor shall any person cause such action to be done or suffer or permit any person acting on his behalf or under his control to do such action without first obtaining such permit. This subchapter shall apply to water and sewer lines on private property if such lines are part of or connected with the water and sewer systems operated by the county.

Penalty, see ' 94.99

▸ 94.17 APPLICATION AND FEE.

Such permit shall be granted pursuant to application therefor made to the County Judge/Executive, or his agent, in such manner and in such form as he may prescribe. A fee as set by the County Judge/Executive shall be paid for each such application. A separate permit shall be required for each street, water line, or sewer line sought to be cut, excavated or altered. Such permit shall contain a clause whereby the permittee agrees to be bound by the terms of this subchapter.

▸ 94.18 REPAIR AND RESTORATION.

Every cut, excavation, or alteration made pursuant to this subchapter shall be fully repaired and restored by the permittee or the person or entity on whose behalf the permittee is acting, according to generally accepted engineering standards. Such repair or restoration shall be inspected by the County Judge/Executive or his agent. The permittee shall notify the County Judge/Executive or his agent of the progress of such repair or restoration and shall comply with the reasonable directions of the County Judge/Executive or his agent concerning the time and manner of such inspection. The County Judge/Executive may promulgate regulations, subject to the approval of the Fiscal Court, setting forth the standards and requirements for acceptable repair and restoration.

▸ 94.19 PERFORMANCE BOND.

The County Judge/Executive shall, as a condition precedent to granting a permit under this subchapter, require said permittee to post a performance bond in an amount, specified by the County Judge/Executive, sufficient to defray the cost of performing the repair and restoration work that will arise out of the work to be done pursuant to that permit.

§ 94.20 VIOLATIONS.

Any person or entity violating this subchapter shall be punished as provided in ' 94.99. Each road, sidewalk, water line, or sewer line cut, excavated, or altered shall be deemed a separate offense. Further, the County Judge/Executive may, if he deems it necessary, to protect the public ways and public utilities of the county, refuse to grant additional permits under this subchapter to anyone twice convicted of violating it.

Penalty, see ' 94.99

COUNTY ROADS**§ 94.30 CONNECTION OF PRIVATE ROAD WITH COUNTY ROAD.**

(A) No person, persons, corporations or other entities shall connect, cause to be connected, suffer to be connected or use or continue to use any road, drive, driveway, approach, walkway, or any other structure which might come into contact with or come in such close proximity to a county road that it could divert the natural flow of ground water or disturb the ditch or other water control system along said county road, without first obtaining a permit from the County Road Supervisor, who shall issue said permit without charge and subject to final inspection and approval of the completed work to ensure that proper culverts and drainage ditches are installed.

(B) The County Road Supervisor shall have the right and duty to revoke any permit previously issued in the event inspection of the final installation reveals same to be inadequate in the opinion of the County Road Supervisor.

(C) Revocation of a permit by the County Road Supervisor shall have the same result as a failure to obtain said permit.

(Ord. 3-80-4, passed 7-1-80; Am. Ord. 5-96-192, passed 4-4-96) Penalty, see ' 94.99

§ 94.31 PERMIT REQUIRED TO INTERFERE WITH DITCH ALONG COUNTY ROAD.

No person, persons, corporation or other entities shall fill in, alter, or in any way interfere with any established ditch along any county maintained roadway without first obtaining a permit from the County Road Supervisor, which permit, if issued, shall be issued without charge.

(Ord. 1-82-8, passed 5-6-82) Penalty, see ' 94.99

94.32 LENGTH OF COUNTY ROADS.

Each of the following roads shall, for all county purposes, be the following length from its beginning point when measured along the center thereof:

<i>Roadway</i>	<i>Beginning Point</i>	<i>Length (in feet)</i>
Alexander Lane	Highway 491 West	7,660
Arthur Lane	Keefer Road	6,280
Ash Road	Buffalo Ridge Road	2,608
Atha Lane	Cynthiana Road	2,822
Bannister Pike	Highway 25	9,098
Blair Road	Elliston-Mt. Zion Road	2,380
Buffalo Ridge Road	Highway 1132	1,500
Bullock Pen Drive	Violet Road	2,590
Burgess Road	Highway 36	8,647
Cabana Shores	Humes Ridge Road	2,640
Case Lane	City limits of Crittenden	3,168
Cash Drive	Ridge Road	4,324
Cason Lane	Cason Lane/Peoples Road	3,746
Castle Knoll Road	Highway 36	845
Catlett Road	Violet Road	1,133
Chapman Road	Highway 22	6,864
Clearview Lane	Gardnersville Road	790
Collins Lane	Elliston-Napoleon Road	412
Colson Lane	Keefer Road	1,584
Cottonwood Drive	Lemon-Northcutt Road	2,012
Creek Road (Zion Station)	Napoleon-Zion Sta. Road	5,544
Cummins Lane	Dry-Ridge-Mt. Zion Road	3,450
Eagle Mill Ford Road	Highway 36	5,792
Eckler Road	Dry Ridge Road	8,716

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<i>Roadway</i>	<i>Beginning Point</i>	<i>Length (in feet)</i>
Eibeck Lane	Highway 25	1,707
Epperson Road (Kells Lane)	Cynthiana Road	2,682
Evans Road	Highway 22	2,834
Fawnwood Drive	Cabana Shores Drive	1,056
Flat Creek Road	Napoleon-Zion Sta. Road	3,968
Flynn Road	Warsaw Road	2,920
Freedom Lane	Elliston-Mt. Zion Road	2,540
Gaines Road	Clark's Creek Road	829
Golds Valley Spur Road	Golds Valley Road	7,974
Hammond Lane	Ragtown Road	1,325
Harrison Ridge Road	Napoleon-Zion Sta. Road	6,227
Hopewell Road	Highway 491 West	2,380
Horton Lane	Folsom-Jonesville Road	927
Huff Road	Highway 467	4,989
Hyde Road	Highway 25	2,322
Independence Pike	Knoxville Road	7,580
Jameison Road	Highway 1132	3,194
Jericho Road	Elliston-Mt. Zion Road	1,156
Juet Road (Taylor Lane)	Lawrence Road	5,808
Jump Road	Fords Mill Road	2,212
Kenney Road	Knoxville Road	8,545
Kent (T & R Lane)	Highway 25	1,102
Kinman Road	Golds Valley Road	2,384
Knox Lane	Highway 330	653
Lake Road	Peaceful Road	876
Lanter Road	Heathen Ridge Road	2,116
Larkin Lane	Lemon-Northcutt Road	3,514

Streets and Sidewalks

<i>Roadway</i>	<i>Beginning Point</i>	<i>Length (in feet)</i>
Latimer Lane	Fairview Road	3,080
Leon Blvd.	Humes Ridge Road	790
Macedonia Road	In full	3,452
Marshall Lane	Baton Rouge Road	510
Mason Road	Lawrenceville Road	7,970
McCoy Road	City limits of Dry Ridge	3,268
McFarland Drive	Ragtown Road	2,915
Mitts Road	Highway 36	5,034
Mt. Pisgah Road	Golds Valley Road	1,470
Mulligan Road	Vallandingham Road	5,070
Munk Road	Gallatin County Line	2,540
North Fork Drive	Gardnersville Road	2,430
Old Barnes Pike	Barnes Pike	775
Old Ragtown Road	Shiloh Road	2,376
Osbourne Road	Highway 467	10,065
Peaceful Road	Day Road	2,650
Peaceful Hollow Road	Knoxville Road	6,172
Rainbow Drive	Highway 491 West	4,224
Ragtown Road	Highway 25	12,144
Reed-Kinman Road	Chapman Ridge Road	4,541
Ridge Road	Violet Road	1,324
Saylor Point Road	Highway 330	3,696
School Road (Jonesville)	Highway 36	5,411
Shields Shinkle Road	Oak Ridge Road	6,061
Shiloh Road	Keefer Road (2936)	12,086
Supple Service Road	Mason-Sipple Road	855

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<i>Roadway</i>	<i>Beginning Point</i>	<i>Length (in feet)</i>
Slick Ridge Road	Pendleton County Line	2,062
Smokey Road	Highway 36	6,600
Snell Road (Martin Road)	Owen County Line	2,112
Stevens Lane	Mt. Pisgah Road	1,510
Sugar Creek Road	Napoleon-Zion Sta. Road	11,310
Summer Drive	Fairview Road	1,584
Vallandingham Road	Elliston-Mt. Zion Road	13,586
Wainscott Road	Eibeck Lane	2,690
Webb Road	Webb-Odor Road	1,584
White Chapel Road	Highway 22	11,874
Williamstown Dock Road/Highview Drive	Fairview Road	2,640

(Ord. 26-96-213, passed 1-6-97; Am. Ord. 36-98-285, passed 10-19-98; Am. Ord. 41-2000-378, passed 10-2-00; Am. Ord. 28-2002-455, passed 10-21-02; Am. Ord. 29-2002-456, passed 10-21-02; Am. Ord. 30-2002-457, passed 10-21-02; Am. Ord. 31-2002-458, passed 10-21-02; Am. Ord. 32-2002-459, passed 10-21-02; Am. Ord. 33-2002-460, passed 10-21-02; Am. Ord. 34-2002-461, passed 10-21-02; Am. Ord. 35-2002-462, passed 10-21-02; Am. Ord. 36-2002-463, passed 10-21-02; Am. Ord. 37-2002-464, passed 10-21-02; Am. Ord. 38-2002-465, passed 10-21-02; Am. Ord. 39-2002-466, passed 10-21-02; Am. Ord. 40-2002-467, passed 10-21-02; Am. Ord. 41-2002-468, passed 10-21-02; Am. Ord. 42-2002-469, passed 10-21-02; Am. Ord. 43-2002-470, passed 10-21-02; Am. Ord. 44-2002-471, passed 10-21-02; Am. Ord. 45-2002-472, passed 10-21-02; Am. Ord. 46-2002-473, passed 10-21-02; Am. Ord. 47-2002-474, passed 10-21-02; Am. Ord. 48-2002-475, passed 10-21-02; Am. Ord. 49-2002-476, passed 10-21-02; Am. Ord. 50-2002-477, passed 10-21-02; Am. Ord. 51-2002-478, passed 10-21-02; Am. Ord. 52-2002-479, passed 10-21-02; Am. Ord. 53-2002-480, passed 10-21-02; Am. Ord. 07-2003-491, passed 5-5-03; Am. Ord. 21-2003-505, passed 9-8-03; Am. Ord. 15-2006-595, passed 8-21-06; Am. Ord. 11-2006-51, passed 7-3-06; Am. Ord. 10-2010-640, passed 11-1-10)

• **94.33 DEPOSITING MUD OR DEBRIS ON COUNTY ROAD.**

(A) It shall be unlawful for any person, persons, corporations, or associations to deposit or cause or suffer to be deposited mud and/or debris on the right-of-way or the traveled portion of any county

road without the prior written consent of the County Judge/Executive, either directly or indirectly, with or without the use of vehicular or mobile equipment.

(B) The provisions of division (A) above shall not apply to ordinary agricultural operations.

(C) Any person, persons, corporations or associations violating the provisions of division (A) above shall be fined not less than \$10 nor more than \$250 per day, each day being a continuing violation.
(Ord. 2-97-215, passed 3-31-97)

• 94.99 PENALTY.

Where an act or omission is prohibited or declared unlawful in this chapter, and no penalty is otherwise provided, the offense shall be deemed a violation and the offender shall be fined not more than \$250 for each offense.

CHAPTER 95: LITTERING

Section

- 95.01 Short title
- 95.02 Purpose
- 95.03 Definitions
- 95.04 Depositing litter in public or private places
- 95.05 Depositing litter in gutters, streets, or alleys
- 95.06 Depositing handbills on public or private property
- 95.07 Litter receptacles
- 95.08 Vehicles to be constructed so as to prevent leaking of contents

- 95.99 Penalty

▪ **95.01 SHORT TITLE.**

This chapter shall be known and may be commonly referred to as the ACounty Litter Control Ordinance.@

▪ **95.02 PURPOSE.**

The purpose of this chapter is to accomplish litter control in the county. This chapter is intended to place upon all persons within the county the duty of contributing to the public cleanliness and appearance of the county in order to promote the public health, safety, and welfare and to protect the economic interest of the people against unsanitary and unsightly conditions. It is further the intention of this chapter to protect the people against the health and safety menace and the expense incident to littering, and to provide a penalty for violation thereof.

▪ **95.03 DEFINITIONS.**

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

COUNTY. Grant County, Kentucky.

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DUMPOUTS. Any material emptied from a vehicle or building upon streets, roadsides, or public places other than that emptied in appropriate litter receptacles.

HANDBILL. Any printed or written material excluding newspapers, which advertises for sale any commodity, or thing, or which directs attention to any business or other activity, or event of any kind.

LITTER. All solid wastes including but not limited to containers, packages, wrappings, printed matter, or other material thrown or deposited as herein prohibited, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

LITTER BAG. A bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person.

LITTER RECEPTACLE. Those containers meeting the requirements of the Department for Natural Resources and Environmental Protection.

NEWSPAPER. Any newspaper of general circulation as defined by general law.

PARK. A reservation, playground, beach, recreation center, or any other areas in the county devoted to active or passive outdoor recreation.

PRIVATE PROPERTY. Any property not publicly owned or held out for use by the public.

PUBLIC PLACE. Any area that is used or held out for use by the public whether owned or operated by the public or private interests.

SOLID WASTE. All putrescible and non-putrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

STREET. This term is synonymous with and includes any highway, road, alley, collector, local arterial, or freeway within the political subdivision.

SWEEPOUTS. Any collection of debris, resulting from clean-up operations, that is deposited in or around a public place.

VEHICLE. Every device capable of being moved upon a public street and in, upon, or by which any person or property is or may be transported or drawn upon a public street, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

WATERCRAFT. Any boat, ship, vessel, barge, or other floating craft.

‘ 95.04 DEPOSITING LITTER IN PUBLIC OR PRIVATE PLACES.

(A) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public place in the county or upon any private place not owned by him, nor in any waters within the jurisdiction of this county whether from a vehicle or otherwise except:

(1) When such property is designated by the state or one of its agencies for disposal of garbage and refuse, and such person is authorized by the proper authority to use such property;

(2) Into a litter receptacle or other container in such manner that the litter will be prevented from being carried away or deposited by the elements upon any public or private property.

(3) When such person is the owner or has the control or custody of the property, or has prior consent of the owner in lawful possession of the property, or unless the act is done under the personal direction of the owner or tenant and provided said litter will not cause a public nuisance or be in violation of any state or local law, rule, regulation, or ordinance.

(B) No person shall throw or deposit, or cause to be thrown or deposited, any litter upon any public or private property.

Penalty, see ‘ 95.99

‘ 95.05 DEPOSITING LITTER IN GUTTERS, STREETS, OR ALLEYS.

No person shall sweep into or deposit in any gutter, street, alley, or other public place any accumulation of litter. Persons owning or occupying property shall keep the sidewalks in front of said premises free of litter.

Penalty, see ‘ 95.99

‘ 95.06 DEPOSITING HANDBILLS ON PUBLIC OR PRIVATE PROPERTY.

(A) No person shall throw or deposit any handbill upon any public place within the county.

(B) No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property.

Penalty, see ‘ 95.99

‘ 95.07 LITTER RECEPTACLES.

(A) Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing, and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business.

(B) It shall be unlawful for any person to willfully damage, deface, destroy, or otherwise injure any litter receptacle.

(C) The person owning or maintaining any park, beach, campground or other place open and available to the public shall be responsible for the removal of litter from litter receptacles.

Penalty, see ' 95.99

' 95.08 VEHICLES TO BE CONSTRUCTED SO AS TO PREVENT LEAKING OF CONTENTS.

(A) No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand or gravel, and like substances, may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a road surface for the cleaning or maintaining of same by public authority or by persons under contract or other authorization by such public authority.

(B) Any person owning or operating a vehicle from which any glass or other objects have fallen, leaked, or escaped, which constitutes an obstruction or injury to a vehicle or otherwise endangers the street or travel upon such street, shall immediately cause such street to be cleaned of all such objects, and shall pay the cost incurred therefor.

Penalty, see ' 95.99

' 95.99 PENALTY.

Any person who violates any of the provisions of this chapter shall be guilty of a Class B misdemeanor and fined up to \$250, and in addition to or in lieu of any other penalty, the court shall have the discretion to order such person to pick up and remove from any public place, or any private place with the permission of the owner or person in possession, any litter deposited there prior to the date of judgement.

CHAPTER 96: COST RECOVERY FOR RELEASE OF HAZARDOUS MATERIALS

Section

- 96.01 Purpose
- 96.02 Definitions
- 96.03 Cost recovery standards
- 96.04 Lien created, seizure, impoundment
- 96.05 Response standards

▸ **96.01 PURPOSE.**

Pursuant to the authority of KRS 39B.070(2) and KRS 67.083 et seq., the Fiscal Court adopts this chapter to require any parties responsible for a release or threatened release of any hazardous material in the county and its cities, to timely pay or reimburse all costs incurred by the county, or any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and other local public safety or emergency service agencies, in responding to a release or threatened release of any hazardous material.

(Ord. 12-2004-528, passed 5-3-04)

▸ **96.02 DEFINITIONS.**

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

COSTS. All expenses incurred by the county, or any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and other local public safety or emergency service agencies, in responding to a release or threatened release of a hazardous material. The term includes, but is not limited to:

(1) Expenses for salaries and personnel benefits of employees who respond to a hazardous material release or threatened release, including lost wages of volunteer personnel;

(2) Expenses incurred in replacing materials, supplies, vehicles and equipment expended, contaminated or damaged in response to a release or threatened release of a hazardous material;

(3) Expenses incurred in properly cleaning up, restoring or disposing of contaminated vehicles, equipment, supplies and materials involved in response to a release or threatened release of hazardous material;

(4) Logistical expenses incurred for food, lodging, utilities, fuel, services, sanitation, medical surveillance or treatment, evacuation and rental; and

(5) Other personnel, health, medical, safety, operating, support, logistical, maintenance or administrative expenditures made to support the response to a release or threatened release of a hazardous material, including any legal expenses incurred in recovering *COSTS* as described in this chapter.

FIXED FACILITY. Any building, structure, installation, storage container, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment system), well, pit, pond, lagoon, impoundment, reservoir, ditch, landfill, site or immobile vessel where a hazardous material is stored, deposited, disposed of, abandoned, placed or otherwise is located. Consumer products, as defined in 15 U.S.C. ' 2052, in consumer use and vessels are not included.

HANDLER. A person that stores, maintains, treats, processes, uses, generates, disposes of, transports, control, manages or otherwise possesses a hazardous material.

HAZARDOUS MATERIAL. A substance (gas, liquid, solid or semi-solid) capable of creating harm to people, property and the environment, including but not limited to, any element, commodity, compound, chemical, substance, mixture, waste, or any combination thereof, that is toxic, flammable, explosive, incendiary, corrosive, radioactive, an oxidizer, organic peroxide, an etiological or biological agent, carcinogenic, or highly reactive when mixed with other substances.

MOBILE CARRIER. Motor vehicles, cargo tanks, box trailers, rolling stock, rail tank cars, locomotive engines, aircraft, barges, boats, or other motorized vehicles or commodity containers used in transportation of a hazardous material.

OWNER/OPERATOR. A person who owns or operates a fixed facility, or a person that owns or operates a mobile carrier, as well as any person vested with proprietary or decision-making authority over a fixed or mobile carrier.

PERSON. An individual, trust, firm, business, corporation, joint stock, company, partnership, consortium, association, cooperative, joint venture, city, Grant County, a special district, a state, or any department or agency thereof, the United States of America, or any department or agency thereof, or other commercial or legal entities.

RELEASE. Any accidental or intentional, unauthorized or not-permitted spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a

hazardous material into or an any site, surface, land, air, water, well, river, lake, reservoir, stream, creek, ditch, sewer, pipe, drainage basin, or other area.

RESPONSE. Any actions taken to ensure the preservation and protection of public health, safety, welfare and the environment, including but not limited to, any mitigation, logistical, remedial and supporting measures required to safeguard emergency responders, the public and the environment.

RESPONSIBLE PARTY. Any person possessing or controlling a hazardous material at the time of a release or threatened release of the hazardous material.

THREATENED RELEASE. A factor or circumstance that presents a substantial threat of a release. (Ord. 12-2004-528, passed 5-3-04)

§ 96.03 COST RECOVERY STANDARDS.

(A) Any person, owner/operator, handler or responsible party, as defined § 96.02, is responsible for a release or threatened release of a hazardous material that requires or results in a response, including any protective, mitigation, remedial and recovery actions, and the expenditure of public funds in executing the response to the release by the county or any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and other local public safety or emergency service agencies, shall be liable to the county for all recoverable costs, as outlined herein below, incurred by the county and any of its agents.

(B) In the event of a release or a threatened release of a hazardous material being transported in or otherwise involved in transportation in the county and its cities, the handler, the shipper or carrier, or the owner/operator of the hazardous material shall be responsible for all costs incurred by the county and any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and any other local public safety or emergency service agencies dispatched in response to the release or threatened release.

(C) In the event of a release or a threatened release of a hazardous material at a fixed facility, the handler or the owner/operator of the hazardous material shall be responsible for all costs incurred by the county, and any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and any other local public safety or emergency service agencies dispatched in response to the release or threatened release.

(D) At the direction of the Fiscal Court, the Director of the Grant County Office of Emergency Management, on behalf of the county, is hereby authorized and directed to prepare and submit all bills of claim to any owner/operator, carrier, shipper or handler, for payment or reimbursement of all recoverable costs incurred as described in this chapter.

(E) Should the owner/operator or handler refuse to contract with a cleanup company to cleanup the spill or release, the county then has the right to select a cleanup company for the cleanup, and to bill the owner/operator or handler.

(F) At the direction of the Fiscal Court, the County Attorney is hereby authorized and directed to initiate such proceedings, in the name of the county, in any court having jurisdiction over such matters, as are necessary to recover the costs incurred as described in this chapter.

(Ord. 12-2004-528, passed 5-3-04)

• 96.04 LIEN CREATED, SEIZURE, IMPOUNDMENT.

(A) All releases or threatened releases of any hazardous material, including those involved in transportation or transit or taking place at a fixed facility, shall be considered a public health hazard in the county.

(B) To secure all recoverable costs incurred, in executing a response to any hazardous material release or threatened release, by the county, and any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and any other local public safety or emergency service agencies dispatched in the county and its cities, the Fiscal Court shall have, and there is hereby created, a lien against the real or personal property in the county possessed by the owner/operator or handler.

(1) The affidavit of the County Judge/Executive shall constitute prima face evidence of the amount of the lien, and it shall be recorded in the Office of the County Clerk.

(2) The lien shall be notice to all persons from the time of its recording, and shall bear interest thereafter at the rate of 12% until paid.

(3) The lien created shall take priority over all other subsequent liens, except those asserted by any city or other taxing district that has priority under KRS 134.420, and may be enforced by judicial proceeding.

(4) The owner of property upon which a lien has been attached under this chapter shall also be personally liable for the amount of the lien, including all interest, civil penalties and other charges, and the county shall have the same remedies as provided for the recovery of a debt owed.

(B) The lien shall be enforced upon the filling of an action in the Grant County Circuit Court, naming all persons with a security or other interest in the real or personal property to which the lien is attached.

(C) (1) As to any moveable personal property or mobile carrier located in the county, including but not limited to, any titled motor vehicle, trailers attached thereto, vessels, cargo tanks, locomotive

engines, rail tank cars, rolling stock, and other equipment used to store or transport a hazardous material, the Fiscal Court may effectuate or order the seizure or impoundment of such property, pending enforcement of the lien by the Grant County Circuit Court.

(2) In addition, the County Sheriff's Office may order impoundment to preserve such property as evidence.

(Ord. 12-2004-528, passed 5-3-04)

• 96.05 RESPONSE STANDARDS.

(A) (1) Response to a hazardous material release or threatened release within the geographical boundaries of the county, by the county and any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and any other local public safety or emergency service agencies dispatched in the county and its cities, shall be conducted in accordance with the provisions of the Grant County Emergency Operation Plan, response agency SOPs, and the terms of written mutual aid agreements approved by the Fiscal Court.

(2) The owner/operator or handler of the hazardous material involved in a release or threatened release, or other responsible party, shall assume responsibility to the county and any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and any other local public safety or emergency service agencies dispatched in the county and its cities, for all costs incurred in responding to the release or threatened release, including costs associated with execution or implementation of the Grant County Emergency Operations Plan, response agency SOPs, and the terms of written mutual aid agreements approved by the Fiscal Court.

(B) In the event the county or any of its agents, including the Hazmat Seven Regional WMD/Hazardous Materials Response Team, mutual aid providers, and any other local public safety or emergency service agencies dispatched in the county and its cities, respond to a release or threatened release outside of the geographical boundaries of the county, under the terms and conditions of written mutual aid agreements approved by the Fiscal Court, the owner/operator or handler of the hazardous material involved in the release or threatened release shall assume responsibility to the county and any of its agents for all costs incurred in responding to the release or threatened release, including costs associated with the execution or implementation of the Grant County Emergency Operation Plan, response agency SOPs, and the terms of written mutual aid agreements approved by the Fiscal Court.

(C) At the direction of the Fiscal Court, the County Attorney is hereby authorized and directed to initiate such proceedings against the owner/operator or handler, in the name of the county, in any court having jurisdiction over such matters, as are necessary to recover the costs incurred as described in this chapter.

(Ord. 12-2004-528, passed 5-3-04)

CHAPTER 97: NUISANCES

Section

- 97.01 Definitions
- 97.02 Prohibited nuisances
- 97.03 Request for compliance
- 97.04 Abatement
- 97.05 Lien against the property

- 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.

NUISANCE. Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others; or
 - (2) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
 - (3) Fundamentally renders other persons insecure in life or the use of property; or
 - (4) Fundamentally interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of property of others.
- (Ord. 10-2007-610, passed 11-19-07)

▪ 97.02 PROHIBITED NUISANCES.

(A) It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintain or allow the creation or maintenance of a nuisance.

(B) The maintaining, using, placing, depositing, leaving or permitting to be on or remain on any public or private property any of the following items, conditions or actions are hereby specifically

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declared to be and do hereby constitute a nuisance, provided, this enumeration shall not be deemed or construed to be exclusive, limiting or restrictive if a condition otherwise constitutes a nuisance as defined in ' 97.01, above.

- (1) Noxious weeds and other rank vegetation.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other similar things.
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinary dangerous fire hazard in the vicinity where it is located.
- (5) All unnecessary or unauthorized noises and annoying vibrations.
- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (7) The carcasses of animals or fowl not disposed of within three days after death.
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (11) For the owner or operator of any truck or other vehicle carrying manure, swill, garbage, offal, rubbish, or any other noxious, offensive or dangerous substance or the contents of any privacy vault, cesspool, or sink to allow the scattering, spilling, or leakage of the contents thereof upon any street or other public way or upon any yard, driveway, or within any premises, whether public or private, or to allow such vehicle to stand or remain near any building, place of business, or residence, or to unreasonably delay the time of loading or unloading or in passing along any street or through any inhabited place of connection therewith to be kept in an unsanitary and unwholesome condition or to be stored in any place where needless offense is caused to any person.
- (12) For the owner, occupier, or possessor of any real property to keep, maintain, or allow to be kept or maintained thereon, and within sight of an adjoining roadway accessible to the public or an

an adjacent property owner, more than two wrecked, scrapped, or otherwise inoperable automobiles, trucks, boats, trailers, or any type of inoperable machinery or implements other than on the premises of an automobile dealer, wrecker service operator, recycler or used parts broker licensed under the laws of the Commonwealth of Kentucky or specifically permitted under separate ordinance. It shall be a rebuttable presumption that a vehicle is inoperable if it remains unmoved under its own power for a period of 30 days and/or does not have a current registration.

(13) For the owner, occupier, or possessor to allow or permit to exist on the property any building, trailer, or other structure damaged by fire or casualty that is not habitable or usable, subject to the following conditions and exceptions;

(a) The building, trailer or other structure is repaired to a usable state or habitable within 60 days after the fire or casualty;

(b) If the building, trailer or structure is not repaired as set in division (a) above, then the owner shall demolish same and remove all debris from the lot within 60 days of the fire or casualty;

(c) If for good cause shown the owner of said building, trailer or structure cannot begin demolitions or finish repair within 60 days an extension not to exceed 100 days may be granted to complete the work.

(d) It shall be a rebuttable presumption that any camper, trailer, mobile home, or modular home abandoned for a period of 30 days or more, and is otherwise deemed uninhabitable by the person designated in ' 97.03, shall be deemed a nuisance. This provision shall not apply to recreational camper trailers, or motor homes in operable condition to be stored upon property.
(Ord. 10-2007-610, passed 11-19-07)

' 97.03 REQUEST FOR COMPLIANCE.

Whenever a nuisance is found to exist within the county, the health officer or some other duly designated officer of the county shall first attempt request compliance verbally. If this fails to result in compliance the officer shall give written notice to the owner or occupant of the property, (and/or to the person causing or maintaining the conditions constituting a nuisance) declaring the property to be a nuisance.

(Ord. 10-2007-610, passed 11-19-07)

' 97.04 ABATEMENT.

(A) Following the notice as provided in ' 97.03 above, any person, firm or corporation maintaining any of the conditions declared to be a public nuisance under this chapter may be required by order of the Fiscal Court or the Judge Executive to abate same within a reasonable time, not to exceed five days.

(B) Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate same, by direction of the Fiscal Court or the Judge Executive, or other duly designated officer of the county, the county may proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof, and deliver to the violator of this chapter.

(C) Nothing in this section shall supersede any enforcement provisions for matters arising under the County Solid Waste Ordinance or County Planning and Zoning Ordinance.
(Ord. 10-2007-610, passed 11-19-07)

• **97.05 LIEN AGAINST PROPERTY.**

(A) Any and all costs incurred by the county in the abatement of nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be noticed to all persons from the time of its recording, shall bear interest at the legal rate thereafter until satisfied, and shall be added to the tax bill for the premises upon which such nuisance existed.

(B) It is not a requirement of this chapter that a conviction be obtained or that other judicial determination be obtained in order to file a lien on the property.

(C) In addition to the lien remedy prescribed herein 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. The Fiscal Court may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt.
(Ord. 10-2007-610, passed 11-19-07)

• **97.99 PENALTY.**

(A) Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall, upon conviction, be fined not less than \$10 nor more than \$100, or imprisoned in the county jail for not more than 30 days, or both. Each day a nuisance is maintained following the date of notice declaring the nuisance shall be a separate violation of this chapter.

(B) The remedy provided in this section is cumulative to any other remedies available to the County, whether expressly stated herein or not.
(Ord. 10-2007-610, passed 11-19-07)