

**TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: NUISANCES

### Section

90.01	Matters constituting	(5) Permitting horses, mules, cattle, hogs, sheep, or fowl to run at large upon public or private property;
90.02	Right of entry of law enforcement officer to investigate noise disturbance	
90.03	Commission authorized to grant special variances relative to noise disturbances	(6) Obscene signs, pictures, or paintings;
90.04	Order of abatement of noise disturbance	
90.05	Citation for violation	(7) Permitting crowds of people to gather on the streets or in houses and there to become noisy or boisterous;
90.06	Existing law	
90.07	Exceptions to provisions of this chapter	
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90.10	Vehicles constituting a public nuisance	

90.99 Penalty

### **Statutory reference:**

*Property becoming nuisance, abatement, see KRS 381.770*

(9) Permitting filth or other objects with disagreeable odor or smell to remain on property;

(10) Outdoor surface toilets, privies, vaults, cesspools, Kentucky earth pit toilets, Kentucky septic tanks, and other similar receptacles used to received fecal matter, urine, or sewage;

### **§ 90.01 MATTERS CONSTITUTING.**

(A) *Generally.* Whatever is dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to human health, and the following specific acts, conditions, and things are declared nuisances and are prohibited and made unlawful.

(B) *Specifically.*

(1) All things declared by common law and by statute to be nuisances are hereby declared to be nuisances in the city;

(2) Offensive trades or businesses that render the enjoyment of homes or property offensive, dangerous, or uncomfortable;

(3) Female dogs, in heat, running at large;

(4) Vicious or dangerous dogs or any other animal known to be vicious permitted to run on the streets;

(11) Permitting sewers to become stopped up;

(12) Permitting sewers to discharge on the ground or in sink holes or the places as are likely to connect with water sources;

(13) Hogs or hog pens permitted to become filthy or create odors or draw flies;

(14) Obnoxious slops, dead animals, putrid flesh, or offensive matter of any kind;

(15) Harboring animals causing noises or a disagreeable or annoying nature;

(16) Weeds and grass over 12 inches in height or other debris in residential, commercial and industrial developed parcels within the city limits. Parcels of land with the city limits that are utilized in agricultural endeavors, regardless of the zoning designation, are exempt from this requirement;

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(17) Burning of leaves and trash on the streets and sidewalks or in an open uncontained fire on any property;

(18) Maintaining any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery, in such a manner as to create a noise disturbance across a dwelling unit boundary;

(19) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 11:00 p.m. and 7:00 a.m., prevailing local time, so that the sound therefrom creates a noise disturbance across a dwelling unit boundary, except for emergency work of public service utilities or by special variance as provided for in this code. This division (B)(19) shall not apply to the use of domestic power tools;

(20) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, or other similar device used outdoors that creates a noise disturbance across a dwelling unit boundary other than powered snow removal equipment, between the hours of 11:00 p.m. and 7:00 a.m., prevailing local time, or on Saturday or Sunday before the hour of 9:00 a.m., prevailing local time;

(21) Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 11:00 p.m. and 7:00 a.m., prevailing local time, in such a manner as to cause a noise disturbance across a dwelling unit boundary;

(22) Collecting refuse or operating refuse collection vehicles between the hours of 11:00 p.m. and 4:00 a.m., prevailing local time, in such a manner as to create a noise disturbance across a dwelling unit boundary;

(23) (a) Using, operating, or permitting the operation of any loudspeaker, public address system, mobile sound vehicle, or similar device amplifying sound therefrom on a public right-of-way or public space for any commercial purpose; and/or

(b) Using, operating, or permitting for any noncommercial purpose any loudspeaker, public

address system, mobile sound vehicle, or similar device between the hours of 11:00 p.m. and 7:00 a.m., prevailing local time, such that the sound therefrom creates a noise disturbance across a dwelling unit boundary.

(24) Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a dwelling unit boundary or in a public place between the hours of 11:00 p.m. and 7:00 a.m., prevailing local time;

(25) Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device:

(a) In such a manner as to create a noise disturbance across a dwelling unit boundary; or

(b) In such a manner as to create a continuing noise disturbance at 50 feet from the device, when operated in or on a motor vehicle on a public right-of-way or public space.

(26) Repairing, rebuilding, modifying, testing, or operating any motor vehicle, motorcycle, motor bicycle, or motorboat in such a manner as to cause a noise disturbance across a dwelling unit boundary; and

(27) It shall be unlawful for any person to keep or harbor, within the city, any dog or other animal that barks, yelps, or otherwise creates a noise disturbance across a dwelling unit boundary for longer than 5 minutes or less time when the disturbance is a pattern of behavior.

(Prior Code, § 10-1) (Ord. 1986-3, passed 6-10-1986; Am. Ord. 1992-5, passed 5-12-1992; Am. Ord. 1994-14, passed 8-23-1994; Am. Ord. 2011-16, passed 9-12-2011) Penalty, see § 90.99

### **§ 90.02 RIGHT OF ENTRY OF LAW ENFORCEMENT OFFICER TO INVESTIGATE NOISE DISTURBANCE.**

Any city law enforcement officer, in addition to any authority vested in the officers, has the power, upon presentation of proper credentials, to enter and inspect any dwelling, multi-family dwelling, building, structure,

or premises within the city as may be necessary to enforce the provisions of this chapter. Needed permission is to be obtained from the occupant or, in the case of unoccupied property, from the owner or his or her agent. If the permission is refused or otherwise unobtainable, a search warrant shall be obtained upon the showing of probable cause to believe that a violation of this chapter exists, before the entry or inspection is made.

(Prior Code, § 10-1.1) (Ord. 1994-14, passed 8-23-1994)

**§ 90.03 COMMISSION AUTHORIZED TO GRANT SPECIAL VARIANCES RELATIVE TO NOISE DISTURBANCES.**

(A) The City Commission shall have the authority, consistent with this section, to grant special variances to those persons who can demonstrate that bringing a source of sound or activity into compliance with this chapter would constitute an unwarranted health hazard or an unreasonable economic hardship upon the applicant.

(B) Any person seeking a special variance pursuant to this section shall file a written application with the City Commission. The application shall contain reasons why an unwarranted health hazard or an unreasonable economic hardship would result if the applicant were required to comply with this chapter. The City Commission additionally may require that the applicant give notice of the application for special variance to persons who frequent the area of the sound or activity and may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the City Commission containing any information to support his or her claim.

(C) In determining whether to grant or deny the application, the City Commission shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the City Commission may

reasonably require. In granting or denying an application, the City Commission shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(D) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variances shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance was granted.

(E) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like application for initial special variances.

(F) The Commission may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.  
(Prior Code, § 10-1.2) (Ord. 1994-14, passed 8-23-1994)

**§ 90.04 ORDER OF ABATEMENT OF NOISE DISTURBANCE.**

In lieu of issuing a citation as provided for in § 90.05, any city law enforcement officer may issue an order requiring the immediate abatement of any source of sound alleged to be in violation of this chapter.

(Prior Code, § 10-1.3) (Ord. 1994-14, passed 8-23-1994)

**§ 90.05 CITATION FOR VIOLATION.**

Except where a person is acting in good faith to comply with an abatement order issued pursuant to this chapter, violation of any provision of this chapter shall be cause for a citation to be issued by a city law enforcement officer.

(Prior Code, § 10-1.4) (Ord. 1994-14, passed 8-23-1994)

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### § 90.06 EXISTING LAW.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of these sections or from other law.

(Prior Code, § 10-1.5) (Ord. 1994-14, passed 8-23-1994)

### § 90.07 EXCEPTIONS TO PROVISIONS OF THIS CHAPTER.

The provisions of §§ 90.01 through 90.06 shall not apply to the following:

(A) The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work;

(B) Organized school-related programs, activities, or events, or parades or other public programs, activities, or events authorized by the Commissioner; or

(C) The discharge of firearms by members of the division of police or other sworn police officers.  
(Prior Code, § 10-1.6) (Ord. 1994-14, passed 8-23-1994)

### § 90.08 LITTERING.

Any person throwing bottles, cans, garbage, refuse, or any other materials, made of glass, wood, metal, stone, plastic, or any other substance, into the town creek or in any other area of the city shall be considered as contributing to a nuisance and the act shall constitute an act of public nuisance. The person shall be subject to the penalties as provided in § 10.99.

(Prior Code, § 10-2) (Ord. passed 5-7-1968)

### § 90.09 BLOCKING OF RAILROAD CROSSINGS.

The operation of a railroad within the city in such a manner that all the crossings within the corporate limits of the city are simultaneously blocked, or the blocking of any 1 crossing for more than 5 minutes, shall be a nuisance; however, upon any railroad breakdown, the

provisions herein shall not apply if at least 2 crossings are unblocked by uncoupling and moving the blockage.  
(Prior Code, § 10-3) Penalty, see § 90.99

**Statutory reference:**

*Trains obstructing streets, see KRS 277.200*

### § 90.10 VEHICLES CONSTITUTING A PUBLIC NUISANCE.

(A) A vehicle constituting a public nuisance and subject to the provisions of this section shall be defined as follows:

(1) Any motor vehicle, chassis, body, or other part(s) of any motor vehicle parked along or upon any public, municipal, or state street, highway, or right-of-way, or any railroad right-of-way, for a period of 7 consecutive days or more;

(2) Any motor vehicle, chassis, body, or other part(s) of any motor vehicle whether or not fit for future use which is parked upon private property of the vehicle owner for a period of 14 consecutive days or more and having 1 or more of the following characteristics:

(a) Inoperable;

(b) One or more of the tires or wheels off or the vehicle on a jack, block, ramp, or other device;

(c) No engine, transmission, or other drive train part;

(d) No registration plate or expired registration;

(e) An unknown or unavailable owner of legal or equitable title; and/or

(f) Any other motor vehicle, chassis, body, or other part(s) of a motor vehicle which is hazardous to public or private property, safety, or health.

(3) Any motor vehicle, chassis, body, or other part(s) of a motor vehicle parked upon the private property of another person, business, or other entity

without the permission of the owner of the property; provided, however, that even if the owner or operator of the motor vehicle has permission to park the motor vehicle upon another's private property, the vehicle shall be deemed a nuisance if it violates any other provision of this chapter;

(4) Any motor vehicle, chassis, body, or other part(s) of a motor vehicle determined to be "abandoned" as defined by any provision of state law; and

(5) The provisions of this section regarding nuisance vehicles shall not apply to any classic, antique, or other motor vehicle, chassis, body, or other part(s) of a motor vehicle being repaired or rehabilitated and stored by the owner in an enclosed garage or other facility which conceals the vehicle or parts thereof from public view.

(B) Violations of this chapter are punishable by the penalties provided in § 10.99.

(Prior Code, § 10-4) (Ord. 1988-3, passed 4-5-1988)

**Statutory reference:**

*Abandoned vehicles, see KRS 82.630 and 189.751*

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

**§ 90.99 PENALTY.**

(A) Any person who shall violate any provision of this chapter, permit a condition to exist, or assist another in the commission of the violation shall be subject to the penalty in § 10.99.

(B) (1) Whenever a situation is discovered which violates this chapter, the Citation Officer may immediately issue a citation, or the Chief of Police, or his or her designated agent, shall give 7-days written notice of the violation to the property owner of the premises at his or her last known address and by posting a written notice of the violation in a conspicuous place on the property; or by personally serving or caused to be personally served the violator or property owner as the case may be, with written notice of the violation or any combination thereof.

(Am. Ord. 2007-16, passed 7-9-2007)

(2) Upon the failure of the owner of the property or the person creating the nuisance to abate the nuisance, the Mayor may proceed to cause the nuisance to be abated and cause entry upon the subject property if necessary.

(3) The city shall have a lien against the subject premises or the subject property for the reasonable value of labor and materials used in remedying the violation and abatement. The affidavit of the Police Chief shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this chapter, and shall be recorded in the office of the County Clerk within 10 days following the abatement of the violation. The lien shall be notice to all persons from the time of its recording and shall bear interest at 12% per annum thereafter until paid. The city shall have the option of enforcing collection of that fee or charge against the responsible persons either by filing of an appropriate civil action by enforcement of the lien. The city may also send notice of the continuing existence of the lien to the violator or the property owner along with the violator or the property owner's annual ad valorem tax bill although each may be paid separately and may advertise any liens created hereunder as an unpaid assessment.

(C) In an emergency situation created by the existence of a nuisance under this chapter, where there is a possible danger to the life and limb of effected persons, immediate abatement of the nuisance may be demanded by the Mayor or police. Failure to abate same immediately shall subject the violator to pay costs necessary for abatement.

(Prior Code, § 10-5) (Am. Ord. 1992-5, passed 5-12-1992)





## CHAPTER 91: CEMETERIES

### Section

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|-------|--|---|
| 91.01 | Sexton   | (2) See that the fences are kept in repair;   |
| 91.02 | Undertaker to deliver interment statistics before burial | (3) Keep the ground free of weeds and undergrowth;  |
| 91.03 | Bodies not to be moved without a permit                  | (4) Keep the grass cut during the summer months on the whole cemetery area and abutting street frontage and remove same therefrom, all of which he or she will do as often as, and in the manner required by the Commissioners; |
| 91.04 | Grave fill height; plantings to be with Sexton's consent | (5) Keep the gates securely locked at night and to permit no burials at night;  |
| 91.05 | Excavations  | (6) Prepare all graves for burial;  |
| 91.06 | Monument bases to be concrete                            | (7) Report to the City Treasurer any and all conditions of monuments which would render them unsafe or subject to damage; and   |
| 91.07 | Monuments and corner stones                              | (8) Report at the first meeting in January and July the number of burials made for the preceding 6 months and the number of lots sold during that time.   |
| 91.08 | Lot owners may fill their own lots                       | (Prior Code, § 5-1)   |
| 91.09 | Cemetery plats   |   |
| 91.10 | Lot prices   |   |
| 91.11 | Title to remain in city                                  |   |
| 91.12 | Proceeds from sale of lots                               |   |
| 91.13 | Purchase and transfer of lots                            |   |
| 91.14 | Default in payment of lot care                           |   |
| 91.15 | Perpetual maintenance trust                              |   |
| 91.16 | Sexton responsible for tools                             |   |
| 91.17 | Additional regulations                                   |   |
| 91.18 | Grave excavation costs                                   |   |
| 91.19 | No pets are allowed in city cemeteries                   |   |

### **Statutory reference:**

*Burial grounds, cemeteries, see  
KRS 381.690 et seq.*

*Eminent domain for burial purposes, see  
KRS 416.210*

### **§ 91.02 UNDERTAKER TO DELIVER INTERMENT STATISTICS BEFORE BURIAL.**

Completed interment statistics, as listed on standard forms furnished by the city, must be delivered to the Sexton by the officiating undertaker before any interment is permitted.

(Prior Code, § 5-2)

### **§ 91.01 SEXTON.**

(A) *Appointment.* The City Commission shall appoint a Sexton of cemeteries for the Spring Hill Cemetery and the Maple Grove Cemetery, which are municipal cemeteries, owned and operated by the city.

(B) *Duties.* It shall be the duty of the Sexton to:

(1) Superintend the cemeteries over which he or she presides;

**§ 91.03 BODIES NOT TO BE MOVED WITHOUT A PERMIT.**

No body shall be removed from any cemetery or to another section in the cemetery without a permit from the Sexton, who shall report same to the Treasurer.  
(Prior Code, § 5-3) Penalty, see § 10.99

**§ 91.04 GRAVE FILL HEIGHT; PLANTINGS TO BE WITH SEXTON’S CONSENT.**

No lot or grave shall be filled too high to be mowed with a lawn mower. All filling and rounding of graves shall be done under the supervision of the Sexton and according to the rules and regulations of the Commissioners. No shrubs, vines, or trees shall be planted or put on any lot, except under the supervision and with the consent of the Sexton.  
(Prior Code, § 5-4) Penalty, see § 10.99

**§ 91.05 EXCAVATIONS.**

(A) The opening and backfilling of all graves and the pouring of all bases shall be done by the city under the supervision of the Sexton and with his or her assistance.

(B) The Sexton shall be given 48 hours advance notice for the opening of any grave.  
(Prior Code, § 5-5) Penalty, see § 10.99

**§ 91.06 MONUMENT BASES TO BE CONCRETE.**

No monument or marker shall be set except on a concrete base. All concrete work for bases shall be completed according to the rules and regulations adopted by resolution of the City Commission.  
(Prior Code, § 5-6) Penalty, see § 10.99

**§ 91.07 MONUMENTS AND CORNER STONES.**

(A) Not more than 1 monument shall be placed upon any 1 lot, and any stone in excess of 12 inches in height shall be classed as a monument.

(B) All corner stones of lots shall be set flush with the sod, and only 1 stone shall be permitted at the junction of lots or any corner thereof.

(C) All footstones in Sections 27 and 28 or higher in Spring Hill Cemetery or hereafter developed in Maple Grove Cemetery shall be set flush with the sod.  
(Ord. 1994-10, passed 5-10-1994)  
(Prior Code, § 5-7) Penalty, see § 10.99

**§ 91.08 LOT OWNERS MAY FILL THEIR OWN LOTS.**

If lot owners wish to level and sod graves or fill their own lots, using labor other than that of the city, same may only be done under the supervision of the Sexton and a charge of 25% of the regular city price for the service will be made for the supervision.  
(Prior Code, § 5-8)

**§ 91.09 CEMETERY PLATS.**

The original or any revised plats of each entire city cemetery are to be kept at the office of the City Treasurer as public records; further the plats of the various sections of the cemeteries shall be recorded in the official plat book of the County Clerk’s office.  
(Prior Code, § 5-9)

**§ 91.10 LOT PRICES.**

(A) (1) The following costs and fee schedules shall be applicable 7 days per week and will apply to all cemeteries owned and operated by the city:

-	<i>Cost</i>	<i>Perpetual Care</i>	<i>Internment</i>
Per regular grave	\$250	\$200	\$550
Per baby grave or urn	\$250	\$200	\$100

Monument bases	\$30 square foot
Military markers	\$50

(2) If overtime work is required for interment of regular graves, \$100 shall be added.

(Am. Ord. 2003-9, passed 6-10-2003; Am. Ord. 2005-8, passed - -)

(B) Owners of graves without perpetual care shall be charged \$5 per grave, per year for lot care beginning 4-1-1992.

(C) No improvements to the lot, transfer, or burial shall be permitted until the lot is paid for and all back lot care and perpetual care is paid.

(D) A person desiring to procure a lot in Spring Hill Cemetery or Maple Grove Cemetery shall apply to the City Treasurer and pay him or her the price of the lot desired. The Treasurer shall issue the purchaser a receipt for the amount designating the lot purchased. On presentation of this receipt to the City Clerk, he or she shall prepare and issue a deed of easement granting the right of burial and the use of the lot for all purposes necessary thereto and in accordance with the laws of the Commonwealth of Kentucky controlling cemeteries and municipalities of the fourth class and in accordance with the rules and regulations as may be promulgated by the City Commission.

(Prior Code, § 5-10) (Am. Ord. 1991-3, passed 3-26-1991; Am. Ord. 1992-4, passed 3-24-1992; Am. Ord. 1999-8, passed 5-25-1999) Penalty, see § 10.99

#### **§ 91.11 TITLE TO REMAIN IN CITY.**

Title to any lot shall remain in the city, subject to the deed of easement.

(Prior Code, § 5-11)

#### **§ 91.12 PROCEEDS FROM SALE OF LOTS.**

All proceeds from the sale of lots in the cemetery shall be kept by the Treasurer in a fund known as the Cemetery Fund and shall be used by the city to curtail the indebtedness on the cemeteries and for the upkeep thereof.

(Prior Code, § 5-12)

#### **§ 91.13 PURCHASE AND TRANSFER OF LOTS.**

(A) A person desiring to purchase all or a portion of a lot from the present lot owner shall apply to the Treasurer, and upon the payment of the transfer fee, the Treasurer shall issue a certificate of transfer designating the lot or portion purchased, granting the right of burial and use of the lot or portion thereof to the transferee. The lot owner shall then be authorized to transfer the designated portion of the lot by a deed of easement similar to that made by the city; but no such purchase will be recognized by the city and no burial permitted by the Sexton until the certificate of transfer is made at the office of the Treasurer. Deeds of easement for the use of lot owners are obtainable at the City Hall.

(B) All records of Spring Hill Cemetery or Maple Grove Cemetery pertaining to lots, lot sales, transfer of lots or portion thereof, interments, and removals shall be kept at the Treasurer's office in books provided therefor; from the interment statistical report received by the Sexton from each officiating undertaker and turned over by him or her to the Treasurer, there shall be proper entry made on the books by the Treasurer, and from the report an interment card for each burial shall be made out in duplicate, 1 copy for the city files and 1 for the Sexton's files. Sales of lots or transfers thereof shall be recorded on the books, and a lot card likewise made out in duplicate, 1 for the city files and 1 for the Sexton's files.

(C) Not lot or portion thereof shall be reserved or withheld from sale to the public or sold on installments. (Prior Code, § 5-13) (Am. Ord. 1999-8, passed 5-25-1999)

#### **§ 91.14 DEFAULT IN PAYMENT OF LOT CARE.**

Costs of filling and sodding of sunken graves and grass cutting, when unpaid for a period of 2 years by any owner of a lot or portion thereof, shall be construed as an abandonment of the lot and the lot or portion thereof shall revert to the possession and ownership of the city. The Treasurer shall notify the owner or persons in charge of the lot who shall have the right to redeem same

by payment of all fees in arrears within 60 days from the date of notification. From the lots or portions thereof coming into its possession, the city shall have the right to sell and give deed for any remaining grave space thereon, provided same has not been redeemed within the time set out in this section.

(Prior Code, § 5-14)

#### **§ 91.15 PERPETUAL MAINTENANCE TRUST.**

(A) The Treasurer shall be required and is hereby authorized to receive, in trust for and on behalf of the city, sums of money from persons or estates for the perpetual maintenance and upkeep of cemetery lots. Funds so received shall be credited to the account of the lot designated by the donor on the books of the city and shall perpetually be held in trust for the maintenance and upkeep of the lot or lots and shall be segregated and kept separate and apart from other funds of the city in an account hereby designated as “cemetery trust funds”. No graves or lots shall be sold or transferred on the city’s records unless the funds described herein have been paid to the city.

(B) For all lots not covered by the perpetual maintenance trust fund there shall be an annual charge as determined by the City Commission and fixed by ordinance or resolution. The annual funds so received shall be credited to the account of the lot designated by the donor, on the books of the city at the usual and prevailing charges for the maintenance and upkeep of all the lots.

(C) All perpetual maintenance trust funds received shall be invested and reinvested by the Treasurer, by and with the advice and consent of the City Commission, in securities which are approved in the state statutes as investments for trust funds, and the income therefrom shall likewise be so credited. Out of the income and, in the event the donor shall in writing permit, out of the principal, there shall be paid annually or as may be fixed by ordinance the usual and prevailing charges for the maintenance and upkeep of the lot or lots, but in no event shall the city be liable for interest on any funds not so invested.

(D) The bond of the Treasurer, as provided by ordinance, shall be made to cover funds received under this amendment, and the receipt given thereof by the Treasurer shall state that the funds are received

impressed with a trust for the perpetual maintenance and upkeep of the lot designated by the donor. Nothing herein shall be construed as obligating the city to maintain the lot perpetually after the funds shall have been exhausted by the charges made as aforesaid, and the city reserves the right to increase or decrease by ordinance or resolution the charges made for the maintenance and upkeep of the lots from time to time.

(Prior Code, § 5-15) (Ord. 1982-3, passed 1-26-1982)

*Statutory reference:*

*Care of burial grounds by owners, see KRS 381.700*

#### **§ 91.16 SEXTON RESPONSIBLE FOR TOOLS.**

The city shall furnish and maintain all tools and equipment, and the Sexton shall be held responsible for the safekeeping and care of the tools and equipment beyond ordinary wear and tear.

(Prior Code, § 5-16)

#### **§ 91.17 ADDITIONAL REGULATIONS.**

The City Commission shall from time to time make rules and regulations in regard to the use of the cemeteries for burial purposes. The right is reserved to transfer and employ additional help as necessary and to make additional regulations as is deemed proper.

(Prior Code, § 5-17)

#### **§ 91.18 GRAVE EXCAVATION COSTS.**

The City Commission shall, by resolution, establish a schedule of service fees and excavation charges to be effective in the city cemeteries. The City Treasurer shall keep a permanent copy of the cemetery rates and be responsible for the collection of same. However, work fees may be collected by the section, but must be immediately paid to the Treasurer.

(Prior Code, § 5-18)

#### **§ 91.19 NO PETS ARE ALLOWED IN CITY CEMETERIES.**

No pets are allowed in city cemeteries. This section shall be effective upon its passage, approval, and publication as required by law.

(Ord. 2005-17, passed 8-8-2005) Penalty, see § 10.99

## CHAPTER 92: STREETS AND SIDEWALKS

### Section

- 92.01 Street requirements before acceptance
- 92.02 Public ways may be closed for work
- 92.03 Cellar openings to be enclosed
- 92.04 Public improvements and assessments
- 92.05 Sidewalks to be kept clean and safe
- 92.06 Sidewalks, streets, and drains not to be obstructed
- 92.07 Projections over curb line
- 92.08 Signs above sidewalks
- 92.09 Signs on utility poles and structures
- 92.10 Injuring sidewalk or curb
- 92.11 Restoration of streets
- 92.12 Construction of city sidewalks
- 92.13 Owner failing to construct
- 92.14 Notice to construct
- 92.15 Construction lien
- 92.16 Maximum weights on streets
- 92.17 Blocking streets and the like
- 92.18 Pavement specifications for streets
- 92.19 Permit for installation of service lines

#### **Statutory reference:**

*Municipal improvements, see KRS Ch. 107*  
*State and federal highways, see KRS Ch. 177*

### **§ 92.01 STREET REQUIREMENTS BEFORE ACCEPTANCE.**

No new streets shall be accepted by the city unless they comply with zoning and subdivision requirements. (Prior Code, § 14-1)

### **§ 92.02 PUBLIC WAYS MAY BE CLOSED FOR WORK.**

(A) At any time when work of any kind is being done on any of the streets or public ways of the city, it shall be the duty of the superintendent of the work to cause the street or public way to be closed to public

travel during the work and until the time as is suitable for travel.

(B) When any portion of any street or public way is so closed it shall be indicated by placing a pole, plank, or other barrier across the same at either end of the closed portion, and it shall be unlawful for any person to travel on or walk over any portion so closed or to take down or remove any barrier so erected.

(Prior Code, § 14-2) Penalty, see § 10.99

### **§ 92.03 CELLAR OPENINGS TO BE ENCLOSED.**

Any person who has a cellar opening on any street, alley, or sidewalk of the city shall be required to enclose the opening by a substantial, solid metal door or grating level with the pavement, and constructed to admit safe passage over it. Any failure after notice to conform with this requirement shall be punished by a fine of \$20 per day after reasonable time to make the necessary construction.

(Prior Code, § 14-3) Penalty, see § 10.99

### **§ 92.04 PUBLIC IMPROVEMENTS AND ASSESSMENTS.**

For the repair, construction, or maintenance of city streets, sidewalks, curbs, railroad crossings, or any other public improvements, the City Commission may proceed pursuant to KRS 91A.200 *et seq.* and may levy assessments for expenses of construction as provided therein.

(Prior Code, § 14-4)

#### **Statutory reference:**

*Improvements, special assessments, see*  
*KRS 91A.200*

*Municipal improvements, alternate methods, see*  
*KRS Ch. 107*

**§ 92.05 SIDEWALKS TO BE KEPT CLEAN AND SAFE.**

The owner, occupant, or tenant of premises fronting upon any pavement or sidewalk, whether concrete, brick, cinder, or other material, shall keep the same and the gutter or curb in front thereof, clean and free of mud, dirt, grass, weeds, trash, ashes, glass, nails, leaves, snow, ice, or any other substance or matter and shall maintain the same in a reasonably safe condition for use of the public.

(Prior Code, § 14-5) Penalty, see § 10.99

**§ 92.06 SIDEWALKS, STREETS, AND DRAINS NOT TO BE OBSTRUCTED.**

No person shall deposit or throw, or cause to be deposited or thrown, any mud, dirt, grass, weeds, trash, ashes, glass, nails, leaves, snow, ice, or any other substance or matter upon, or in any manner or by any means obstruct any sidewalk, curb, gutter, street, alley, creek, drain, storm water, or other public way or place.

(Prior Code, § 14-6) Penalty, see § 10.99

**§ 92.07 PROJECTIONS OVER CURB LINE.**

No property owner shall build or maintain a sidewalk, entrance pipe, or ramp that projects over or beyond the back side of the curb line on any city street. Any householder who violates this section, after having received 10-days notice in writing, shall be subject to the fine set out in § 10.99.

(Prior Code, § 14-7) Penalty, see § 10.99

**§ 92.08 SIGNS ABOVE SIDEWALKS.**

(A) No signposts of any description shall be allowed to remain in or upon the sidewalks of the city, and no overhead or swinging sign or awning shall be allowed to extend over any sidewalk unless securely and permanently fastened, and the lower part or edge thereof shall be not less than 8 feet above the level of the sidewalk.

(B) No sign or placard of any kind, other than official signs of the city or highway markers of the state,

shall be fastened to any municipal pole or to any city property.

(Prior Code, § 14-8) Penalty, see § 10.99

**§ 92.09 SIGNS ON UTILITY POLES AND STRUCTURES.**

(A) No person, corporation, or organization shall post or attach any political signs, posters, or advertisements of any nature to any utility poles or other structures belonging to any utility company or upon any property or any pole, sign or other structure belonging to the City of Harrodsburg.

(B) No person, corporation, or organization shall erect or place any sign or banner across any street or sidewalk without the written permission of the City Commission.

(C) Violations of this chapter are punishable by the penalties provided in § 10.99.

(Prior Code, § 14-8.1) (Ord. 1987-22, passed 12-22-1987; Am. Ord. 1996-10, passed 9-10-1996)

**§ 92.10 INJURING SIDEWALK OR CURB.**

It shall be unlawful for any person to dig, break, or injure, in any manner, any street, sidewalk, pavement, or curbing, except in making improvements to adjoining lots for public purposes which shall be done in accordance with § 92.11.

(Prior Code, § 14-9) Penalty, see § 10.99

**§ 92.11 RESTORATION OF STREETS.**

Any person, public utility, or other excavator prior to removal or altering of any portion of a public street in the city for any purpose shall obtain a permit from City Hall after posting a cash bond in an amount sufficient to indemnify the city for the restoration and repair of same. The amount of the cash bond shall be determined by the Public Works Superintendent and approved by the Mayor. Immediately upon completion of the work, the person, public utility, or excavator shall immediately fill the ditch to the surface with densely graded rock and restore the original type surface to the street, according

to state specifications, within a period of 48 hours, and thereafter upon approval of the Public Works Superintendent the bond will be refunded. (Prior Code, § 14-10) (Ord. passed 4-25-1972; Am. Ord. 2014-29, passed 1-12-2015) Penalty, see § 10.99

**§ 92.12 CONSTRUCTION OF CITY SIDEWALKS.**

All sidewalks constructed in the city shall be done under the supervision of the city and shall be at the cost of the owners of the lots or parts of lots fronting, abutting, or bordering on the street, lane, alley, or other thoroughfare so improved. The work shall be done in a good, substantial, workmanlike manner, and unless otherwise provided in the specific ordinance directing it to be done, shall be constructed as provided in this chapter. (Prior Code, § 14-11)

**§ 92.13 OWNER FAILING TO CONSTRUCT.**

(A) The owner of the property in front of which sidewalks are to be built may construct same; provided the work is done as ordered in this chapter and under the supervision of the city representative.

(B) If the work is not completed by the owner or his or her agent on or before the first day of the following month succeeding the meeting of the Commission at which it is ordered, then the same shall be let out by the Commission to the lowest and best bidder. The letting shall be done in separate contracts for each sidewalk. Letting shall be advertised in a city newspaper for at least 1 week.

(C) The cost of construction shall be paid by the owner of the lot in front of whose property it is built. Should the pavement in any case extend beyond the line of 1 owner and in front of the property of 2 or more owners, it shall be apportioned among the owners according to the number of front feet abutting the street where construction is done. (Prior Code, § 14-12) Penalty, see § 10.99

**§ 92.14 NOTICE TO CONSTRUCT.**

(A) The City Clerk shall prepare written notice and a copy thereof shall be directed to each person ordered

to construct sidewalks, setting out what he or she is to do under this chapter and the time and manner in which it is to be done, and he or she shall deliver same to the Chief of Police.

(B) The Chief of Police will give to each of the property owners, in front of whose premises pavements are ordered to be constructed, a copy of the notice. But if the owner cannot be found in the city, he or she will give it to the person occupying the property, or to the agent of the owner. The Chief of Police, after serving the copies as above directed, will return the original notice to the Clerk with his or her endorsement and affidavit as to how he or she served the same. (Prior Code, § 14-13)

**§ 92.15 CONSTRUCTION LIEN.**

A lien shall exist for the cost of construction and for 10% per annum interest thereon from date of the passage of the ordinance directing the work to be done. The lien shall be against the respective lots or parts of lots fronting, abutting, or bordering upon the sidewalks and shall be superior to all other liens and may be enforced as provided by law. (Prior Code, § 14-14)

**§ 92.16 MAXIMUM WEIGHTS ON STREETS.**

The Street Commissioners will designate maximum weights for each street in the city. The weight limit will be posted in a conspicuous place on the street and the owner and driver of a vehicle whose weight should exceed the maximum weight shall be subject to a fine as set out in § 10.99, and shall also be civilly liable to the city for the damage done to the street and the costs of the repairs. (Prior Code, § 14-15) Penalty, see § 10.99

**§ 92.17 BLOCKING STREETS AND THE LIKE.**

(A) It shall be unlawful for any person to in any way cause to be placed across any sidewalk, street, street crossing, alley, highway used by the public or railroad crossing, any blockade or obstruction of any kind whatsoever and permit the blockade or obstruction across the same to remain thereon for a greater length of time than 5 minutes.

(B) It shall be unlawful for any person to erect or maintain any building or other structure on any portion of a public right-of-way or to enclose any portion of a public right-of-way with a fence or wall or in any manner whatsoever, except as provided in division (D) through (H).

(C) It shall be unlawful for any person to obstruct any portion of the public right-of-way by placing or depositing thereon or causing to be placed or deposited thereon any vehicles, barrels, boxes, shelves, stands, merchandise, cross-ties, concrete blocks, spikes, basketball goals, decorative tree wells or other articles of any kind, except as provided in division (D) through (H).

(D) Any person engaged in constructing a building, sidewalk, or other structure shall be permitted, upon obtaining a right-of-way blockage permit from the Harrodsburg-Mercer County Building Inspector, to use that portion of the sidewalk or street as may be reasonably necessary for the deposit of materials to be used in such work; however, a sufficient portion of the sidewalk or street shall be unobstructed so as to permit the free passage of pedestrians and vehicles; and further, the space so occupied shall at no time exceed half the sidewalk unless a safe temporary walk is provided in the street. If the blockage is within the area between the pavement edge and the property line, a blockage permit must be obtained from the Harrodsburg-Mercer County Building Inspector. If the blockage is within the street, the blockage permit must be obtained from the Harrodsburg-Mercer County Building Inspector.

(E) Materials shall not be deposited so that they will obstruct any gutter; and it shall be the duty of the person having such work done, and the contractor performing the same, to place signals at both ends of such deposit of materials and to keep the same lighted at dusk and during the night.

(F) The deposit of materials and the use of the sidewalks and streets as herein provided shall be subject to the supervision of the building inspector, who may require such materials to be surrounded by a fence or other enclosure.

(G) Within 3 days after the completion of the construction work, all remaining materials and rubbish shall be removed from the sidewalk and street; and if

any injury or damage has been done to the sidewalk or street, it shall at once be repaired by the owner and the contractor to the satisfaction of the building inspector.

(H) In loading or unloading goods, materials and other such articles on the sidewalks or streets, such goods, materials and other such articles shall not be permitted to remain thereon for a longer period than is absolutely necessary for the purpose of receiving and delivering the same; and no more of the sidewalk or street shall be occupied than is absolutely necessary; and a sufficient passageway for pedestrians and vehicles shall always be kept open and clear of obstruction.

(I) Penalty. Any person violating any of the provisions of divisions (A) through (H) shall be fined not less than \$25 nor more than \$100 dollars, and each day's continuance of a violation shall be a separate offense. (Prior Code, § 14-16) (Ord. 1985-16, passed 12-26-1985; Am. Ord. 2011-13, passed 7-11-2011) Penalty, see § 10.99

#### **§ 92.18 PAVEMENT SPECIFICATIONS FOR STREETS.**

(A) The subdivider shall provide street pavements which shall be designed to carry the expected traffic loads and which as a minimum, have an 8-inch, waterbound, compacted DGA base, 2-inch asphalted base course, and 1-1/2 inch asphalted finish coarse. Kentucky DOT, Class I specifications shall be followed for paving.

(B) This section shall become effective upon its passage, approval, and publication as required by law. (Ord. 2005-7, passed 5-9-2005)

#### **§ 92.19 PERMIT FOR INSTALLATION OF SERVICE LINES.**

(A) Before any digging or cutting across or under any part of a city street, the individual or company must first obtain a permit and post a bond in the amount of \$2,500, payable to the City of Harrodsburg, with the City Clerk. The amount of the bond may be increased or decreased by the Mayor, depending on the area of the street or road being affected by the digging or cutting. Before the bond shall be returned to the applicant, the



Public Works Supervisor for the city shall inspect the location of the street or road affected by the cuts. The applicant shall repair the road to meet the requirements of Public Works Supervisor and the Pavement Management Plan for the city. If the repairs to the street or road are satisfactory, the Public Works Supervisor shall file a report to the Commissioner of Public Works (Street Commissioner), who shall inform the City Clerk to return the bond money posted. If the repairs to the street or road are not approved by the Public Works Supervisor, the applicant shall be informed of same and be given ten days to make the necessary corrections. If not corrected within that time frame, the posted bond shall be forfeited to the city.

(B) It is further required that all installation of service lines shall be encased, and inspected by the Public Works Supervisor.

(C) In the event anyone attempts to dig or cut a city street without complying with this process, they shall be fined not less than \$250, nor more than \$500, plus the cost of repairing the roadway to its original condition prior to the unlawful digging and/or cutting through the road, alley or city street.

(D) Further, as part of this section, the city shall adopt and approve the Pavement Management Plan for the City of Harrodsburg, Kentucky, dated May, 2004, for the implementation for maintaining city streets. The Plan is incorporated herein by reference.  
(Ord. 2012-16, passed 7-23-2012)



## CHAPTER 93: TREES

### Section

93.01	Definitions
93.02	Street tree species to be planted
93.03	Spacing
93.04	Distance from curb and sidewalk
93.05	Distance from street corners and fireplugs
93.06	Public tree care
93.07	Tree topping
93.08	Pruning; corner clearance
93.09	Dead or diseased tree removal on private property
93.10	Interference with City Tree Board
93.11	Arborist's license and bond
93.12	Review by City Commission
93.99	Penalty

### § 93.01 DEFINITIONS.

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

**CEMETERY TREES.** Trees, shrubs, bushes, and all other woody vegetation on city-owned cemetery grounds.

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

**STREET TREES.** Trees, shrubs, bushes, and all other woody vegetation on land lying on public property or rights-of-way of all streets, avenues, or ways within the city.  
(Prior Code, § 14-31) (Ord. 1993-14, passed 6-8-1993)

### § 93.02 STREET TREE SPECIES TO BE PLANTED.

The Tree Board will formulate an official street tree species list for the city. The list of allowable species shall be broken down into categories of small, medium, and large trees. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board.  
(Prior Code, § 14-32) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

### § 93.03 SPACING.

The spacing of street trees will be in accordance with the 3 species classes referred to in § 93.02, and no trees may be planted closer together than the following:

- (A) Small trees, 30 feet;
- (B) Medium trees, 40 feet; and
- (C) Large trees, 50 feet;

except in special plantings designed or approved by a landscape architect and with written permission by the City Tree Board.  
(Prior Code, § 14-33) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

### § 93.04 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the 3 species size classes listed in § 93.02, and no trees may be planted closer to any curb or sidewalk than the following:

(A) Small trees, 2 feet;

(B) Medium trees, 3 feet; and

(C) Large trees, 4 feet.

(Prior Code, § 14-34) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

#### **§ 93.05 DISTANCE FROM STREET CORNERS AND FIREPLUGS.**

No street tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet of any fireplug.

(Prior Code, § 14-35) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

#### **§ 93.06 PUBLIC TREE CARE.**

(A) The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds.

(B) The City Tree Board may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric powerlines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

(C) This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees is in accordance with §§ 93.02 through 93.06.

(Prior Code, § 14-36) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

#### **§ 93.07 TREE TOPPING.**

(A) It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property.

(B) Topping is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(C) Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this chapter at the written determination of the City Tree Board.

(Prior Code, § 14-37) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

#### **§ 93.08 PRUNING; CORNER CLEARANCE.**

(A) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the street or sidewalk.

(B) Owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

(C) The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Prior Code, § 14-38) (Ord. 1993-14, passed 6-8-1993)  
Penalty, see § 93.99

#### **§ 93.09 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

(A) The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when the trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.

(B) The City Tree Board will notify, in writing, the owners of the trees.

(C) Removal shall be done by the owners at their own expense within 60 days after the date of service of notice.

(D) In the event of failure of owners to comply with the provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice. (Prior Code, § 14-39) (Ord. 1993-14, passed 6-8-1993) Penalty, see § 93.99

### **§ 93.10 INTERFERENCE WITH CITY TREE BOARD.**

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park trees, cemetery trees, or trees on private grounds, as authorized in this chapter. (Prior Code, § 14-40) (Ord. 1993-14, passed 6-8-1993) Penalty, see § 93.99

### **§ 93.11 ARBORIST'S LICENSE AND BOND.**

(A) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street, cemetery, or park trees within the city without first applying for and procuring a business license obtained from City Hall.

(B) The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing the work in the pursuit of their public service endeavors.

(C) Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of the endeavors as herein described. (Prior Code, § 14-41) (Ord. 1993-14, passed 6-8-1993) Penalty, see § 93.99

### **§ 93.12 REVIEW BY CITY COMMISSION.**

The City Commission shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Commission who may hear the matter and make the final decision. (Prior Code, § 14-42) (Ord. 1993-14, passed 6-8-1993)

### **§ 93.99 PENALTY.**

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500. (Prior Code, § 14-43) (Ord. 1993-14, passed 6-8-1993)



## CHAPTER 94: ANIMALS

### Section

#### *General Provisions*

94.01 Animals as prizes prohibition

#### *Dogs*

94.15 Restraint required

94.16 Impoundment

94.17 Animal shelter

94.18 Animal Control Officer

94.19 Barking dogs

94.99 Penalty

#### *Statutory reference:*

*Agriculture and animals, see KRS Ch. 246 et seq.*

*Cruelty to animals, see KRS 525.125 and 525.130*

### **GENERAL PROVISIONS**

#### **§ 94.01 ANIMALS AS PRIZES PROHIBITION.**

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

**ANIMAL.** Includes every living creature, domestic or wild, except a human being.

**MEMBER.** One having membership rights in an organization in accordance with the provisions of its articles of incorporation or bylaws.

(B) It shall be unlawful within any area of the city for any person, firm, or corporation to give away any live animal as a prize, reward, or award in connection

with any raffle, protest, demonstration, promotion, or as an inducement to enter any game, contest, or other competition, except animals given away to members of organizations dedicated to animal education.

(C) Nothing in this section shall be construed to prohibit the auction or sale of animals. (Prior Code, § 3-14) (Ord. 1992-10, passed 7-14-1992) Penalty, see § 94.99

### **DOGS**

#### **§ 94.15 RESTRAINT REQUIRED.**

Every owner, custodian, possessor, or harbinger of a dog in the city shall, at all times, keep the dog either confined on his or her own premises within an enclosure or firmly secured by means of a collar or chain and leash or other device so that it cannot stray from the premises on which it is secured or from its owner, custodian, possessor, or harbinger, or be accompanied by the owner, custodian, possessor, or harbinger, and under his or her immediate control. For the purpose of this section, **IMMEDIATE CONTROL** means accompanying the dog and having the power to manage and direct the dog. For the purpose of determining if a citation should be issued, the dog warden shall have complete discretion as whether the person has immediate control.

(Prior Code, § 3-16) (Ord. 1980-9, passed 5-27-1980; Am. Ord. 1981-1, passed 1-27-1981) Penalty, see § 94.99

#### *Statutory reference:*

*Confinement and control of dogs at night, see KRS 258.265*

*Vicious dogs not to run at large, see KRS 258.235*

**§ 94.16 IMPOUNDMENT.**

Any dog found running at large within the city limits not confined in the manner prescribed in § 94.15, whether licensed or unlicensed, shall be taken up by persons designated by the city and confined in accordance with applicable regulations of any animal shelter so designated by the city, including the final act of destroying the animal if not claimed.

(Prior Code, § 3-17) (Ord. 1980-9, passed 5-27-1980; Am. Ord. 1981-1, passed 1-27-1981)

**§ 94.17 ANIMAL SHELTER.**

The Mercer County Animal Shelter, operated by the Mercer County Fiscal Court, located at 896 Moberly Road, Harrodsburg, Kentucky, is hereby designated as the Animal Shelter for the city.

(Prior Code, § 3-18) (Ord. 1980-9, passed 5-27-1980; Am. Ord. 1981-1, passed 1-27-1981; Am. Ord. 2011-12, passed 7-11-2011)

**Statutory reference:**

*Establishment and maintenance of pounds, see KRS 258.195*

**§ 94.18 ANIMAL CONTROL OFFICER.**

The city designates the Mercer County Animal Control Officer as its Animal Control Officer, pursuant to the Inter-Local Agreement entered into between Mercer County Fiscal Court and the city, to enforce all the Animal Control Statutes set out in KRS Ch. 258 and all other applicable Kentucky Statutes and local ordinances pertaining to Animal Control.

(Prior Code, § 3-19) (Ord. 1980-9, passed 5-27-1980; Am. Ord. 1981-1, passed 1-27-1981; Am. Ord. 2011-12, passed 7-11-2011)

**Statutory reference:**

*Employment of dog wardens, see KRS 258.195*

**§ 94.19 BARKING DOGS.**

No person shall keep or harbor within the city any dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10 minutes or barks intermittently for ½ hour or more to the disturbance at any person at any time of the day or

night regardless of whether the dog is physically situated in or upon private property; provided, however, that at the time the dog is barking or making any other noise, a person is not trespassing or threatening to trespass upon private property in or upon which the dog is situated or any other legitimate cause which teased or provoked the dog.

(Prior Code, § 3-21) (Ord. 1987-18, passed 10-27-1987) Penalty, see § 94.99

**§ 94.99 PENALTY.**

(A) Any person, firm, or corporation who shall violate § 94.01 shall, upon conviction thereof, be subject to the penalties set out in § 10.99.

(Prior Code, § 3-14) (Ord. 1992-10, passed 7-14-1992)

(B) Any owner, custodian, possessor, or harbinger of any dog who violates § 94.15, which results in the dog being impounded, shall:

(1) For the first violation during any 12-month period, the violator shall pay to the animal shelter for the return of the dog, the normal pick-up fee of \$10 plus city commissioning and other normally charged incidental expenses pertaining to the particular dog and shall be entitled to the return of the dog, if desired;

(2) For each additional violation during any 12-month period, the violator shall pay to the animal shelter a \$15 pick-up fee plus city commissioning and other normally charged incidental expenses pertaining to the particular dog and shall be entitled to the return of the dog, if desired; and

(3) For any violations exceeding 2 during any 12-month period, the violator shall be cited into Mercer County District Court and, upon conviction, be fined not less than \$5 nor more than \$50.

(C) Any owner, custodian, possessor, or harbinger of any dog who violates § 94.15, which does not result in the dog being impounded, shall be referred to the County Attorney and upon complaint to the County Attorney that § 94.15 is being violated and the dog is not impounded, a summons may be issued against the owner, custodian, possessor, or harbinger of the dog and the fine shall be:



(1) First offense not less than \$5, nor more than \$25;

(2) Second offense not less than \$10, nor more than \$50; and

(3) Third offense not less than \$25, nor more than \$100.

(Prior Code, § 3-20) (Ord. 1980-9, passed 5-27-1980; Am. Ord. 1981-1, passed 1-27-1981)



## CHAPTER 95: FAIR HOUSING

### Section

- 95.01 Policy
- 95.02 Duties of Mayor
- 95.03 Dissemination of information
- 95.04 Enforcement; complaints
- 95.05 Investigations; subpoenas; giving of evidence
- 95.06 Enforcement by private persons
- 95.07 Interference, coercion, or intimidation
- 95.08 Prevention of intimidation in fair housing cases

#### **Statutory reference:**

- Authority of cities to prohibit discrimination, see KRS 344.300*
- Unlawful housing practices, see KRS 344.360 et seq.*

### **§ 95.01 POLICY.**

It is the public policy of the city to promote fair treatment and equal opportunity in housing for all persons regardless of race, color, religion, national origin, sex, or disability.  
(Prior Code, § 6-16) (Ord. 1980-10, passed 6-24-1980)

### **§ 95.02 DUTIES OF MAYOR.**

The Mayor or his or her designee shall have and perform the following duties:

(A) Obtain information concerning discrimination in housing or in the operation of the HUD Community Development Block Grant program, against any persons on account of race, color, religion, national origin, sex, or disability; and

(B) Assist any person alleging discrimination in preparing a complaint and referring it to the State Commission on Human Rights for all necessary

investigation, conciliation, hearing, or enforcement, in accordance with state and federal law.  
(Prior Code, § 6-17) (Ord. 1980-10, passed 6-24-1980)

### **§ 95.03 DISSEMINATION OF INFORMATION.**

The text of this chapter shall be disseminated through public hearing notices as required in the citizen participation process of the HUD Block Grant program.  
(Prior Code, § 6-18) (Ord. 1980-10, passed 6-24-1980)

### **§ 95.04 ENFORCEMENT; COMPLAINTS.**

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Mayor. Complaints shall be in writing and shall contain the information and be in the form as the Mayor requires. Upon receipt of such a complaint, the Mayor shall furnish a copy of the same to the person who allegedly committed or is about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the Mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he or she intends to resolve it. If the Mayor decides to resolve the complaints, he or she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of the informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the city who shall make public any information in violation of this provision shall be deemed

guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than 1 year.

(B) A complaint under division (A) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him or her, and with the leave of the Mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his or her answer at any time. Both complaints and answers shall be verified.

(C) If within 30 days after a complaint is filed with the Mayor, the Mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Mayor will assist in this filing.

(D) If the Mayor has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in the practice or order the affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the Mayor shall immediately terminate all efforts to obtain voluntary compliance.  
(Prior Code, § 6-19) (Ord. 1985-13, passed - -)

#### **§ 95.05 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.**

(A) In conducting an investigation the Mayor shall have access at all reasonable times to premises, records,

documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of the persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the Mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures.

(B) The Mayor may issue subpoenas to compel his or her access to or the production of the materials, or the appearance of the persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Mayor may administer oaths.

(C) Upon written application to the Mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Mayor to the same extent and subject to the same limitations as subpoenas issued by the Mayor himself or herself. Subpoenas issued at the request of a respondent shall show on their face the name and address of the respondent and shall state that they were issued at his or her request.

(D) Witnesses summoned by subpoena of the Mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him or her.

(E) Within 5 days after service of a subpoena upon any person, the person may petition the Mayor to revoke or modify the subpoena. The Mayor shall grant the petition if he or she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production for evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(F) In case of contumacy or refusal to obey a subpoena, the Mayor or other person at whose request it was issued may petition for its enforcement in the state court for the district in which the person to whom the

subpoena was addressed resides, was served, or transacts business.

(G) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his or her power to do so, in obedience to the subpoena or lawful order of the Mayor shall be fined not more than \$1,000 or imprisoned not more than 1 year or both. Any person who, with intent thereby to mislead the Mayor, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Mayor pursuant to his or her subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in the reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than 1 year or both.

(H) The City Attorney shall conduct all litigation in which the Mayor participates as a party or as amicus pursuant to this chapter.  
(Prior Code, § 6-20) (Ord. 1985-13 passed - -)

#### **§ 95.06 ENFORCEMENT BY PRIVATE PERSONS.**

(A) The rights granted by this chapter may be enforced by civil actions in a state court of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred. However, the court shall continue the civil case brought pursuant to this section from time to time before bringing it to trial if the court believes that the conciliation efforts of the Mayor are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Mayor and which practice forms the basis for the action in court. And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, and may

award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees.  
(Prior Code, § 6-21) (Ord. 1985-13, passed - -)

#### **§ 95.07 INTERFERENCE, COERCION, OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter. This section may be enforced by appropriate civil action.  
(Prior Code, § 6-22) (Ord. 1985-13, passed - -)  
Penalty, see § 10.99

#### **§ 95.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with:

(A) Any person because of his or her race, color, religion, or disability, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, disability, or national origin, in any of the activities, services, organizations, or facilities described in this chapter; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he or she is or has been or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, disability, or national origin, in any of the activities, services, organizations, or facilities described in KRS 344.360 and KRS 344.362, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both; and if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Prior Code, § 6-23) (Ord. 1985-13, passed - -)

## CHAPTER 96: FIRE PREVENTION AND PROTECTION

### Section

- 96.01 Standards of Safety adopted by reference
- 96.02 Fire Chief
- 96.03 Uniform allowance
- 96.04 Enforcement
- 96.05 Open burning

- 96.99 Penalty

#### **Statutory reference:**

*Fire prevention and protection, see KRS Ch. 227*  
*Record of fires required, see KRS 227.370(2)*  
*Rights and duties of police and firefighters, see KRS 95.015*

#### **§ 96.01 STANDARDS OF SAFETY ADOPTED BY REFERENCE.**

The Standards of Safety as promulgated by the Commissioner of the State Department of Housing, Buildings, and Construction and published in Title 815, Chapter 10, of the Kentucky Administrative Regulations, a copy of which is on file in the office of the City Clerk, is hereby adopted in full as if set out in words and figures herein.

(Prior Code, § 7-1)

#### **§ 96.02 FIRE CHIEF.**

(A) The City Commission shall appoint a Fire Chief who shall have full control of the Fire Department and apparatus, under the direction of the Department's Commissioner.

(B) The Chief shall assign the duties to the members as he or she may deem expedient.

(C) The Fire Chief and the members of the Department, shall be vested with full police authority in all matters pertaining to the Department and the exercise of its duties.

(D) The Fire Chief:

(1) May enter all premises where there is reason to believe a fire hazard exists and shall cause the same to be abated as provided by ordinance or statute;

(2) Shall report from time to time the condition of the fire apparatus, hydrants, and equipment; and

(3) Shall report annually at the first meeting in January the number of fares, estimated value of property endangered, estimated loss, and amount of insurance.

(E) In the absence of the Chief, the Assistant Chief shall be vested with his or her authority and perform his or her duties.

(Prior Code, § 7-2)

#### **§ 96.03 UNIFORM ALLOWANCE.**

Members of the Fire Department shall be paid a yearly uniform allowance in an amount to be designated by the City Commission.

(Prior Code, § 7-3)

#### **§ 96.04 ENFORCEMENT.**

The Chief of the Fire Department, along with all other officers of the city, is hereby vested with the duty

to enforce the provisions of the standards of safety adopted in § 96.01.

(Prior Code, § 7-4)

**Statutory reference:**

*Enforcement of safety standards by city, see  
KRS 227.320*

**§ 96.05 OPEN BURNING.**

(A) The provisions of this section are applicable to all open burning within the limits of the city.

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

**OPEN BURNING.** The burning of any matter in other than an incinerator approved by the Harrodsburg Fire Chief.

(C) No person shall cause, suffer, or allow any open burning, except as follows:

(1) Fires for cooking of food for human consumption; and/or

(2) Small fires by workers for comfort heating purposes, providing excessive or unusual smoke is not created.

(D) Before and until any person causes, suffers, or allows any open burning, except as set forth in division (C) above, he or she shall first obtain written permission from the Harrodsburg Fire Department Chief and provide, in writing, the assurances as the city deems necessary to protect and hold the city and its employees harmless.

(E) (1) Any person violating any provision of this section shall, upon conviction, be fined according to § 10.99.

(2) In addition to the penalties provided for in division (E)(1) above any condition which constitutes a violation of this chapter may be abated by the city, and the reasonable costs of the abatement may be charged against the offender.

(3) Any person or persons violating any provision of this section which results in damage to any other property or properties by participating in any form of open burning, whether prohibited by this chapter or authorized by the Harrodsburg Fire Department Chief, shall be held liable for all resulting damages. In no event shall the City of Harrodsburg Fire Department or any officers and members of the Department nor the City of Harrodsburg or its officials or employees be held responsible.

(F) If any section, sentence, clause, or portion of this section is for any reason declared illegal, unconstitutional, or otherwise invalid, the declaration shall not affect the remaining portions hereof, except if divisions (D) and (E)(3) are so declared the entire section shall be considered void.

(Prior Code, § 7-5) (Ord. 1989-2, passed 3-28-1989)

**§ 96.99 PENALTY.**

Any person violating any provision of this chapter shall, upon conviction, be fined according to § 10.99 and each 10 days that prohibited conditions are maintained shall constitute a separate offense. Imposition of the above penalties shall not preclude the city from instituting an action proceeding to prevent, restrain, correct, or abate a violation of this chapter.

(Prior Code, § 7-6)



## CHAPTER 97: REGISTRATION OF VACANT RESIDENTIAL PROPERTIES

### Section

97.01	Purpose
97.02	Definitions
97.03	Registration
97.04	Maintenance
97.05	Enforcement

vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.  
(Ord. 2011-09, passed 5-23-2011)

### § 97.01 PURPOSE.

It is the purpose and intent of this chapter to establish a vacant residential property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property as a result of the vacancy.  
(Ord. 2011-09, passed 5-23-2011)

### § 97.02 DEFINITIONS.

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

**CREDITOR.** A federal or state chartered bank, savings bank, savings and loan association, or credit union, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

**RESIDENTIAL PROPERTY.** Real property with 1 to 4 dwelling units.

**VACANT.** A residential property with no legal resident or tenant. Evidence of vacancy includes any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead

### § 97.03 REGISTRATION.

(A) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential property located in the city, a creditor shall inspect the property to determine whether the property is vacant. If the property is vacant, the creditor shall, on the same day the complaint of foreclosure is filed or the deed in lieu of foreclosure is executed, register the property as a vacant property with the Clerk of the city in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy.

(B) If a residential property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, but prior to vesting of title in the creditor or a third party, the creditor shall, within 10 business days after obtaining knowledge of the vacancy, register the property as a vacant property with the city.  
(Ord. 2011-09, passed 5-23-2011)

### § 97.04 MAINTENANCE.

(A) Registration of a residential property as a vacant property shall include the address of the property and the name and contact information of a person located within the commonwealth who is authorized to accept service on behalf of the creditor.

(B) If a residential property becomes or remains vacant as provided in § 97.03, but prior to vesting of title

in the creditor or any third party, and the city determines the property is in violation of any ordinance regulating a nuisance, the city may notify the creditor of the violation by providing notice of the violation by certified mail, return receipt requested, to the person identified in division (A), and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.

(C) A notice of violation shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than 20 days from the creditor's receipt of the notice for the creditor to remedy the violation.

(Ord. 2011-09, passed 5-23-2011)

#### **§ 97.05 ENFORCEMENT.**

(A) If the creditor fails to remedy the violation within the stated period, the city may issue a citation and impose penalties against the creditor for violation of any ordinance regulating a nuisance.

(B) Any creditor that fails to register vacant residential property with the city shall be subject to a civil fine of \$100 payable to the city for each day of delinquency.

(Ord. 2011-09, passed 5-23-2011)