

# ORDINANCES ENFORCED BY THE CITATION OFFICER

## CHAPTER 90: ANIMALS

### § 90.02 ANIMALS RUNNING AT LARGE.

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

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

## CHAPTER 91: STREETS AND SIDEWALKS

### § 91.31 STREET AND SIDEWALK OBSTRUCTION.

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

### § 91.32 MATERIALS ON STREET OR SIDEWALK.

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

## CHAPTER 92: NUISANCES

### § 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

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

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

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

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

(D) Weeds and grass. The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, "EXCESSIVE" shall mean growth to a height of 12 inches or more. Exempted from this provision are flower gardens, plots of shrubbery, vegetable gardens, small grain plots and farmland under cultivation. Exemption under these terms cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.

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

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

(G) Keeping of animals or birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the city. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(H) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes. If the owner/occupant of the property considers the inoperative vehicle(s) a collector's item, it/they can be stored on the property in an enclosed private garage that conforms to standards set forth in the zoning ordinance and in such a manner that would not be obtrusive to the neighborhood. Any inoperative vehicle that is offered for sale in a complying auto sales lot will have the vehicle displayed in a manner that will not be a detriment to the surrounding neighborhood or create the appearance of an auto junk yard.

(I) Dilapidated Structure as above described herein.

The Ordinance declares: "DILAPIDATED STRUCTURE." Any vacant structure, which, for want of repairs, lack of sufficient fire escapes, deterioration, the accumulation of trash, garbage, or debris, being a haven for insects, rodents, or other vermin, is unsafe, unsanitary, especially, liable to fire loss, unfit for human habitation, occupancy, or use, or is dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.

(J) Electrified fence. The use, maintenance, or installation of electrified fences, regardless of the source of power, wattage, voltage or amperage. Exempted from this provision is the use of an electrified fence when used inside a primary fence.

(K) Garbage and refuse containers which are not fly-tight. All garbage and refuse must be fully enclosed in the container.

## **CHAPTER 95: CEMETERIES**

(Entire Ordinance is enforceable. The following are the most common sections enforced.)

### **§ 95.04 DIGGING OF GRAVES; MONUMENT REQUIREMENTS.**

(A) The digging of a grave shall be under the supervision of the funeral director. Any damage to any monument, tombstone, vault or any other memorial shall be immediately reported to City Hall. All damage is the responsibility of the grave digger and must be repaired as soon as possible at the digger's expense.

(B) When a casket or vault is placed in a grave, there shall be at least three feet from the top of the casket or vault to ground level after settlement.

(C) Only one body may be buried in a grave site, with the exception of the burial of two bodies within the same casket. If a grave site is to be used for the interment of cremation remains, a limit of no more than two cremation interments are permitted on a grave site in which there is also a vault. The total number of cremation remains in any one grave site shall not exceed three.

(D) Before placement of any marker, monument or memorial, a foundation permit must be obtained at City Hall. The permit shall cost \$50, and will state the requirements of placing a monument. The foundation permit fee is to cover the cost of inspection, marking, maintenance and placement, if necessary, of monuments in the cemetery.

(E) All interments shall be marked with a permanent marker within 120 days from the

burial date. The marker shall reflect, at a minimum, the full name of the deceased and the date of death. The funeral director shall collect and pay to the city the foundation permit fee prior to the burial.

(F) Before any marker, monument or memorial is placed in the cemetery, City Hall must be notified in order to mark the proper location where the marker, monument or memorial will be placed. Failure to notify the city before a marker, monument or memorial is placed will be subject to penalty under § 10.99.

(G) Any marker, monument or other memorial erected on any grave site in a city cemetery shall be erected on a poured concrete foundation of a depth of not less than ten inches below the surrounding soil surface.

(H) All markers, monuments or other memorials are to be constructed in such a manner as to permit mowing, trimming and other care of lawn and foliage in the cemetery.

## **CHAPTER 98: ADDRESS NUMBERING**

### **§ 98.02 DISPLAY OF NUMBERS.**

#### **(A) RESPONSIBILITY FOR DISPLAY OF ADDRESS NUMBERS.**

It shall be the responsibility of each and every property owner in the city to post and maintain, at all times, address numbers as required under this policy. All addresses shall be displayed in such a way that they are unobstructed and legible from the traveled roadway.

#### **(B) PLACEMENT OF ADDRESS NUMBERS.**

1. All principal structures in the city shall display the assigned address number horizontally or vertically within two (2) feet to the left, right, above or on the top half of the doorway facing the street. The address shall be composed of numbers that are not less than three (3) inches in height, "block type" and contrasting in color with the background on which they are affixed.

2. If the doorway does not face the street, or if the address is obstructed in any way by any form of landscape or other obstruction, it will be required that an address sign be displayed at the road, following the standards listed below for structures located more than one hundred (100) feet from the road.

3. Structures located more than one hundred (100) feet from the edge of the road shall comply with the previous requirements listed above and in addition shall display the assigned address number on a post or sign no farther than ten (10) feet back from the edge of both the traveled roadway and the entrance to the principal structure. The address shall be composed of numbers that are not less than three (3) inches in height. The post or sign shall be composed of reflective numbers on a contrasting background. The numbers shall be not less than two (2) feet and not more than five (5) feet above the ground.

4. For commercial and industrial structures, in lieu of the address displayed on a post or sign, the address may be displayed on a permanent business sign, so long as the sign is facing the street assigned to the principal structure, that numbers are not less than three (3) inches in height and on a contrasting background. The address must also be displayed in accordance with section 1 above.

5. If the doorway of a mobile home or manufactured home does not face the street, the address numbers shall be displayed on the side of the home facing the street with numbers at least three (3) inches in height and on a contrasting background. If the mobile home or manufactured home is more than one hundred (100) feet from the edge of the road, numbers shall also comply with section 3 above.

6. For multiple structures assigned to one address, each structure must visibly display the identifier on each structure. In addition, individual units or suites in each structure must display individual unit numbers in accordance with section 1 above.

## **CHAPTER 110: OCCUPATIONAL LICENSE TAXES**

(Entire Ordinance is enforceable. The following are the most common sections enforced.)

### § 110.02 OCCUPATIONAL LICENSE APPLICATION REQUIRED.

(A) Every person and business entity engaged in any business in the city shall be required to apply for and obtain a occupational license from the city, before the commencement of business or in the event of a change of business status.

(B) Licensees are required to notify the city of any changes in address, the cessation of business, or any other changes that render the information supplied to the city in the license application inaccurate.

### § 110.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in division (D) of this section, every person or business entity engaged in any business for profit, and any person or business entity that makes a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an annual occupational license tax for the privilege of engaging in such activities within the city.

(1) The occupational license tax shall be measured by 2.0% of all wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee.

(2) The occupational license tax shall be measured by 0.125% of the gross receipts from business conducted in the city by a resident or nonresident business entity.

(B) The minimum and maximum tax liability under this chapter shall be assessed as follows.

(1) For each employee, there is no maximum tax liability.

(2) For each business entity, there shall be a \$3,125 maximum liability, and a \$62.50 minimum liability for the portion of the occupational license tax that is measured by gross receipts, except that any business entity with gross receipts less than \$5,000 shall be exempt.

(C) The occupational license fee for any new business, as defined in § 110.01, that has never before procured an occupational license in the city may be prorated on a monthly basis, and any day of one month shall constitute an entire month for the purpose of proration, but in any event, the prorated minimum may not be less than \$25.

(D) The occupational license tax imposed in this section shall not apply to the following persons or business entities:

(1) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association, whether state or federally chartered;

(2) Any compensation received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training;

(3) Any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;

(4) Public service corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their gross receipts derived from the non-public service activities apportioned to the city;

(5) Persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their gross receipts derived from the manufacturing or trafficking in alcoholic beverages;

(6) Life insurance companies incorporating under the laws of and doing business in the Commonwealth of Kentucky.

## CHAPTER 114: YARD SALES

### § 114.01 PERMIT REQUIRED FOR CONDUCT OF YARD SALE.

(A) It shall be unlawful for any person to conduct, operate, or permit to be operated in the city any yard sale, sidewalk sale, or garage sale for any purpose whatever unless a permit has been first obtained from the City Clerk/Treasurer/Tax Collector. All permits shall be granted for two days only, unless otherwise specifically stated therein. There shall be a fee of \$10.00 charged for said permits. Any person to whom a permit has been issued under this section who abuses any condition set out in the permit or violates any limitations set forth therein shall subject the permit to immediate revocation.

(B) It is expressly declared to be the purpose of this chapter to limit yard sales, garage sales, or any type of rummage sales to two sales per year, per premises, and 48 hours per sale.

## CHAPTER 151: ZONING

(Entire Ordinance is enforceable, however the following are the most common violations.)

### § 10.10 ADMINISTRATION BY ZONING ADMINISTRATOR.

This chapter shall be enforced by the Elkton Zoning Administrator appointed by the City Council. **No land or structure shall be changed in use and no structure shall be erected, enlarged, or moved until the Zoning Administrator has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with the Zoning Ordinance codified herein.** No land or structures hereafter erected, moved, or altered in its use shall be used until the Building Inspector or Zoning Administrator shall have issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this chapter.

**NOTE: The city now issues a \$100 building permit late fee. The building permit late fee is in addition to the normal building permit fee. This fee is charged when any construction has begun on any structure without an approved building permit.**

### § 8.10 REGULATIONS OF SIGNS.

7. *Sign permits and fees.* **No sign, except as specifically exempted herein, shall be displayed, or erected, relocated or altered until a permit has been issued by the Zoning Administrator.** Application materials shall include, but shall not be limited to the following:

- a. A complete application form.
- b. A site plan showing the location of the proposed sign with setback from the right-of-way and property lines.
- c. A scale drawing of the sign showing the dimensions of the sign and total height. This should include a description of the type and method of illumination, type of construction and other relevant information.
- d. Development plans and building permits for new sites and building construction that have signs as a part of the development plans do not have to pay an additional fee for each sign. These signs are covered under the cost of the building permit fee or development plan fee providing they are submitted with the other required information for the building permit or development plan and are reviewed at the same time.

## PROPERTY MAINTENANCE CODE

### § 150.10 ADOPTION OF *INTERNATIONAL PROPERTY MAINTENANCE CODE*.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Elkton, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Elkton, in the State of Kentucky, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City of Elkton are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in § 150.11 of this code of ordinances.