

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. PARKS AND RECREATION**
- 92. HAZARDOUS MATERIALS**
- 93. PUBLIC NUISANCES**
- 94. OPEN DUMPING AND LITTERING**
- 95. STREETS AND PUBLIC WAYS**

CHAPTER 90: ANIMALS

Section

Dogs

- 90.01 Definitions
- 90.02 Dogs to be restrained; procedures and fines for running at large
- 90.03 Citation or criminal complaint
- 90.04 Confinement of dogs in heat
- 90.05 Dogs causing nuisance
- 90.06 Humane treatment of dogs
- 90.07 Placement of poisonous substance
- 90.08 Abandoning dogs or cats
- 90.09 Licensing of dogs
- 90.10 Conflict with state law

Vicious and Potentially Vicious Dogs

- 90.25 Definitions
- 90.26 Determination that a dog is potentially vicious or vicious
- 90.27 Exceptions to the definition of potentially vicious and vicious dogs
- 90.28 Actions to be taken if dog is determined to be potentially vicious or vicious
- 90.29 Registration of potentially vicious dogs and vicious dogs
- 90.30 Keeping and maintaining potentially vicious or vicious dogs within the county
- 90.31 Responsibilities of owners of potentially vicious and vicious dogs
- 90.32 Authority of the Animal Control Officer
- 90.33 Relief from determination that a dog is potentially vicious
- 90.34 Conflict with state law

- 90.99 Penalty

Cross-reference:

Animal nuisances; notice of violation, see § 93.03

DOGS**§ 90.01 DEFINITIONS.**

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

ANIMAL CONTROL OFFICER. The officer employed, appointed, and authorized by the Fiscal Court to primarily enforce the dog, animal, and livestock laws of the Commonwealth of Kentucky and this chapter.

ANIMAL SHELTER. Any premise designated and operated by the Fiscal Court.

AT LARGE.

(1) Off of the premises of the owner or keeper and not under the control of the owner or keeper or members of the owner or keeper's immediate family, or an agent of the owner or keeper.

(2) ***AT LARGE*** shall not include a hunting dog which, while not on a restraint, is subject to the master's command.

CONTROL. Power to manage and direct said dog and is not limited to the physical control of said dog.

COUNTY RESIDENTIAL PROPERTY OWNER. Any person owning, renting, or leasing real estate in Anderson County outside the corporate limits of the City of Lawrenceburg, Kentucky.

DOG. A member of the canine family.

HARBOR. A dog shall be deemed to be ***HARBORED*** if it is fed or sheltered for three consecutive days or more.

OWNER. Any person, partnership, or corporation that owns, keeps, or harbors a dog referred to herein.

RESTRAINT. A dog shall be deemed to be ***RESTRAINED*** if kept upon the premises of its owner or is accompanied by a responsible person off of the owner's premises and kept under that person's control. (Prior Code, § 90.01) (Ord. 94-014, passed 7-18-1994)

§ 90.02 DOGS TO BE RESTRAINED; PROCEDURES AND FINES FOR RUNNING AT LARGE.

(A) Every dog kept on the owner’s premises and control within the county, outside the corporate limits the City of Lawrenceburg, shall be restrained and/or controlled upon the owner’s premises.

(B) Fines for allowing dogs to run at large will be charged as set forth in division (H) below. The dog will be immediately returned to the owner rather than taken to the shelter (unless it is vicious), at which time a uniform citation will be issued. If the owner is known but cannot be located, a notice of impending fine will be posted and the whereabouts of the dog, if apprehended, will be posted on the owner’s door.

(C) Uncontrolled and/or unrestrained dogs may be taken by the Animal Control Officer or any other peace officer of this county to the county animal shelter, and there confined, in a humane manner, not less than seven days, exclusive of the date of seizure, unless sooner claimed by their owners, custodian, or person entitled to the possession thereof.

(D) If said dog is not claimed within seven days, the dog shall become the property of the county animal shelter for appropriate disposition.

(E) Before any impounded dog is released by the county animal shelter, any owner, custodian, or other person entitled to the possession of a dog taken up under this chapter may claim such animal upon proof that it has been or is licensed in accordance with state law, and proof that the dog has been inoculated against rabies. In order to claim such animal, a boarding charge as levied by the county animal shelter and a pick up fee as set forth in division (H) below for each impoundment, shall be paid to the county animal shelter, and payment for rabies inoculation and dog license fee, unless proof is shown otherwise.

(F) Any Animal Control Officer may sell and transfer title to any dog held after the legal detention period provided in the preceding section hereof above, has expired.

(G) Such owner may, upon reclaiming the impounded dog, be issued a citation for any violation of this chapter.

(H) The following rates shall be applicable for the provision of animal control services:

<i>Service</i>	<i>Charge</i>
Daily board fee	\$10
Daily board fee - cow	\$15
Daily board fee - goat	\$10

Anderson County - General Regulations

<i>Service</i>	<i>Charge</i>
Daily board fee - horse	\$15
Dog running at large - first offense within a 12-month period	\$25
Dog running at large - second offense within a 12-month period	\$45
Dog running at large - third offense within a 12-month period	\$65
Parvo - distemper shot	\$5
Pick up fee - cow	\$100
Pick up fee - dog running at large	\$20
Pick up fee - goat	\$25
Pick up fee - horse	\$100
Turn in cat	\$20
Turn in dog	\$20
Turn in kitten	\$10
Turn in puppy	\$10
Wormer	\$5

(Prior Code, § 90.02) (Ord. 94-014, passed 7-18-1994; Ord. 2008-3, passed 5-6-2008; Ord. 2020-01, passed 3-3-2020)

§ 90.03 CITATION OR CRIMINAL COMPLAINT.

The Animal Control Officer or any peace officer of the county shall issue to the owner of any dog found off its owner's premises, a citation or criminal complaint giving notice of the charge and violation of this chapter.

(Prior Code, § 90.03) (Ord. 94-014, passed 7-18-1994)

§ 90.04 CONFINEMENT OF DOGS IN HEAT.

Every female dog, in heat, shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog except for planned breeding.

(Prior Code, § 90.04) (Ord. 94-014, passed 7-18-1994) Penalty, see § 90.99

§ 90.05 DOGS CAUSING NUISANCE.

No owner shall fail to exercise proper care and control of a dog he or she keeps or harbors, so as to prevent the following action by them: chasing of vehicles; excessive, continuous or untimely barking, howling or yelping, so that the admitted sounds are unreasonably loud and disturbing and which are of such a character and testing duration as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual; molesting of passers-by; attacking other domestic animals; trespassing upon school grounds; trespassing upon private property; or damaging of property of any nature.

(Prior Code, § 90.05) (Ord. 94-014, passed 7-18-1994) Penalty, see § 90.99

§ 90.06 HUMANE TREATMENT OF DOGS.

(A) No owner shall fail to provide his or her dog with good and wholesome food and water; proper shelter and protection from the weather; veterinarian care when needed to prevent suffering; and humane care and treatment.

(B) If any dog is restrained by chain, leash, or similar restraint, such chain or restraint shall be designed to prevent the animal from choking or strangling itself.

(C) No person shall beat, cruelly mistreat or torment, overload, overwork, or otherwise chase any dog or cause or permit any dog fight or other combat between animals and dogs.

(D) No owner shall abandon a dog; abandonment consisting of leaving a dog for a period in excess of 24 hours without providing for someone to feed, water, and to check on the dog's condition. In the event a dog is found to be abandoned, such dog may be taken by the Animal Control Officer or other peace officer and impounded at the county animal shelter. Such dog, if taken from private property, shall be kept for not less than seven days with the same procedure otherwise to be followed as in § 90.02. In the event a dog is so abandoned, the owner, rather than the person, if any, who is charged with the animal's care, shall be liable for a citation or criminal complaint for violation of this section.

(E) No person shall crop a dog's ears, except by a licensed veterinarian.

(Prior Code, § 90.06) (Ord. 94-014, passed 7-18-1994) Penalty, see § 90.99

§ 90.07 PLACEMENT OF POISONOUS SUBSTANCE.

No person shall place any poisonous substance which may be harmful to a dog as described herein in any location where it may be readily found and eaten by any such dog.

(Prior Code, § 90.07) (Ord. 94-014, passed 7-18-1994) Penalty, see § 90.99

§ 90.08 ABANDONING DOGS OR CATS.

It shall be unlawful for any person to abandon any dog or cat upon any public place, including the right-of-way of a public highway or upon the property of another without provision of the care and sustenance of such animal.

(Prior Code, § 90.08) (Ord. 94-014, passed 7-18-1994) Penalty, see § 90.99

§ 90.09 LICENSING OF DOGS.

(A) The owner of all dogs or those who harbor or maintain dogs in the county shall license their dog(s) with Animal Control, in accordance with regulations established by the Fiscal Court. Licenses shall be issued by the county at the county animal shelter or any other site as designated by the Fiscal Court during regular operating hours.

(B) The license fees for dog(s) shall be \$5. The license for kennels shall be \$30 for ten or fewer dogs and \$50 for more than ten dogs.

(C) Upon payment, the owner shall be issued a license tag. Dog license tags must be attached to a collar and worn by the dog at all times, kennel license/certificate shall be posted in a prominent place.

(Prior Code, § 90.09) (Ord. 2004-08, passed 6-30-2004) Penalty, see § 90.99

§ 90.10 CONFLICT WITH STATE LAW.

In the event any section of this subchapter conflicts with existing state law, the conflicting section of this chapter shall be inapplicable to the extent with the conflict. The provisions of this subchapter shall be in addition to any existing state or local laws.

(Prior Code, § 90.10) (Ord. 94-014, passed 7-18-1994)

VICIOUS AND POTENTIALLY VICIOUS DOGS**§ 90.25 DEFINITIONS.**

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

ANIMAL CONTROL OFFICER. That individual and his or her designees, who have been appointed as the ***ANIMAL CONTROL OFFICER*** for the county by the Fiscal Court.

OWNER. Any person owning, keeping, harboring, or having a property interest in a dog in the county.

POTENTIALLY VICIOUS DOG. The following are considered **POTENTIALLY VICIOUS DOGS** under this chapter:

(1) A dog that has caused an injury to a person or domestic animal that is less severe than a serious injury as defined in this chapter; or

(2) Without provocation, chasing, or menacing a person or domestic animal in an aggressive manner.

PROPER ENCLOSURE. A secure confinement indoors or secure confinement in a locked enclosure at least seven feet high or a locked kennel run with a secured top. Any enclosure or kennel shall be so constructed as to prevent escape by the dog and entry of young children. It shall also provide protection from the elements for the dog and be a minimum of 100 square feet in area.

RESPONSIBLE PERSON. A person at least 18 years old who is familiar with the dog and is capable of keeping the dog under complete control at all times.

SERIOUS INJURY. Any physical injury that results in broken bones or lacerations that require sutures.

VICIOUS DOG. Any dog that:

(1) Has caused death or serious injury to a person engaged in a lawful activity, or has attacked or bitten without provocation a person engaged in a lawful activity;

(2) Has killed or seriously injured a domestic animal; or

(3) Has been declared to be vicious by the Animal Control Officer or an enforcement agent, taking into consideration the nature and severity of the incident and whether the dog has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal.

(Prior Code, § 90.25) (Ord. 2009-13, passed 2-2-2010)

§ 90.26 DETERMINATION THAT A DOG IS POTENTIALLY VICIOUS OR VICIOUS.

(A) Upon complaint or upon his or her own initiative, the Animal Control Officer shall determine whether a dog is potentially vicious or vicious based on the factors contained in § 90.25 of this subchapter and shall notify the owner of the dog, in writing, by hand-delivery or by certified mail of the determination.

Anderson County - General Regulations

(B) Following notice to the owner, if the Animal Control Officer has probable cause to believe that the dog is potentially vicious or vicious and poses a threat to public safety, he or she may, upon obtaining a warrant of impoundment from the County District Court, impound the dog pending disposition proceedings before the County District Court or until the dog owner has fulfilled the requirements of this subchapter. The owner of the dog shall be liable for costs and expenses incurred to impound the dog.

(C) The owner may, within seven days after impoundment of a dog, seek review of the determination that the dog is potentially vicious or vicious by bringing a petition in the County District Court.

(D) In no event shall a potentially vicious dog or a vicious dog be returned to its owner without an order directing its release from the County District Court or evidence satisfactory to the Animal Control Officer that the owner has complied with the requirements of this subchapter.

(E) A decision by the County District Court that a dog is not potentially vicious or vicious shall not affect the Animal Control Officer's right later to declare a dog potentially vicious or vicious or a threat to public safety as a result of the dog's subsequent behavior.

(Prior Code, § 90.26) (Ord. 2009-13, passed 2-2-2010)

§ 90.27 EXCEPTIONS TO THE DEFINITION OF POTENTIALLY VICIOUS AND VICIOUS DOGS.

No dog shall be declared a potentially vicious or vicious dog if:

(A) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(B) The threat, injury, or damage was sustained by a person who was:

(1) Committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(2) Provoking, tormenting, abusing, assaulting, or torturing the dog or who has repeatedly, in the past, provoked, tormented, abused, assaulted, or tortured the dog; or

(3) Who was committing or attempting to commit a crime.

(C) The dog was:

(1) Protecting itself or its offspring; or

(2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(Prior Code, § 90.27) (Ord. 2009-13, passed 2-2-2010)

§ 90.28 ACTIONS TO BE TAKEN IF DOG IS DETERMINED TO BE POTENTIALLY VICIOUS OR VICIOUS.

(A) If the Animal Control Officer determines that a dog is potentially vicious or vicious, the owner shall comply with the provisions of § 90.29 of this subchapter and any other special security or care requirements established by the Animal Control Officer unless and until such provisions and requirements are superseded by order of the County District Court.

(B) (1) The Animal Control Officer may impound a potentially vicious or vicious dog until its owner has satisfied all applicable requirements of this subchapter, which shall be met within 15 days of impoundment.

(2) If, after 15 days, the owner has not satisfied all applicable requirements of this subchapter, nor filed a petition in the County District Court seeking review of the determination, the dog may be humanely destroyed on the sixteenth day and its owner shall be liable for costs and expenses incurred to impound the dog and to destroy the dog.

(Prior Code, § 90.28) (Ord. 2009-13, passed 2-2-2010)

§ 90.29 REGISTRATION OF POTENTIALLY VICIOUS DOGS AND VICIOUS DOGS.

(A) The Animal Control Officer shall issue a certificate of registration to the owner of a potentially vicious dog if the owner establishes to the satisfaction of the Animal Control Officer that:

(1) The owner of the dog is at least 21 years old;

(2) The dog has been issued all licenses required by the City of Lawrenceburg and the county;

(3) The dog has proof of a current rabies vaccination;

(4) The owner has a proper enclosure as defined in § 90.25;

(5) The owner has paid an annual fee of \$100, in addition to regular dog licensing fees, to register the potentially vicious dog, which shall be transferable with notification through the County Animal Control Office and compliance with all other requirements;

(6) The dog has been implanted with a microchip containing owner identification information, which microchip has been registered with the Animal Control Officer; and

Anderson County - General Regulations

(7) The owner has presented a current insurance certificate showing coverage by an insurer licensed to do business in the state for liability arising from actions of the dog in an amount of not less than \$100,000, which certificate shall indicate that the Animal Control Officer is to receive ten days written notice in the event that the coverage is reduced or cancelled for any reason.

(B) The Animal Control Officer shall issue a certificate of registration to the owner of a vicious dog if the owner establishes to the satisfaction of the Animal Control Officer that:

- (1) The owner of the dog is at least 21 years old;
- (2) The dog has been issued all licenses required by the City of Lawrenceburg and the county;
- (3) The dog has proof of a current rabies vaccination;
- (4) The owner has a proper enclosure as defined in § 90.25;

(5) The owner has paid an annual fee of \$500, in addition to regular dog licensing fees, to register the vicious dog, which shall be transferable with notification through the County Animal Control Office and compliance with all other requirements;

(6) The dog has been implanted with a microchip containing owner identification information, which microchip has been registered with the Animal Control Officer;

(7) The dog has been spayed or neutered; and

(8) (a) The owner has presented a current insurance certificate showing coverage by an insurer licensed to do business in the state for liability arising from actions of the dog in an amount of not less than \$500,000.

(b) Such certificate shall indicate that the Animal Control Officer is to receive ten days written notice in the event that the coverage is reduced or cancelled for any reason.

(C) It shall be unlawful for any owner of a potentially vicious dog or a vicious dog in the county to fail to comply with the requirements and conditions set forth in this subchapter.

(1) In addition to the penalties described herein, a potentially vicious dog or a vicious dog found to be in violation of this subchapter shall be subject to immediate seizure and impoundment.

(2) In addition, failure to comply with this subchapter will result in the automatic revocation of the license of such dog.

(Prior Code, § 90.29) (Ord. 2009-13, passed 2-2-2010) Penalty, see § 90.99

§ 90.30 KEEPING AND MAINTAINING POTENTIALLY VICIOUS OR VICIOUS DOGS WITHIN THE COUNTY.*(A) Duties of owner.*

(1) *Secure egress.* The owner of a potentially vicious or vicious dog shall, when the dog is indoors, secure all means of egress so that the dog may not exit.

(2) *Leash and muzzle.* No person shall permit a potentially vicious or a vicious dog to go outside of its kennel, pen, or the owner's residence unless such dog is securely restrained with a leash or lead no longer than four feet in length and the leash or lead is physically controlled by a person 18 years of age or older who is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, and the like. In addition, all vicious dogs on a leash or lead outside of the dog's kennel, pen, or the owner's residence must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

(3) *Confine.* All potentially vicious and vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, if required, as provided in division (A)(2) above. Such enclosure shall be as provided in the definition in § 90.25. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such dogs must be locked with a key or combination lock when such dogs are within the structure. Such structure must also have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two feet. All structures erected to house such dogs must comply with all zoning and building regulations, and all such structures must be adequately lighted, ventilated, and be of appropriate size as stated herein, and must be kept in a clean and sanitary condition. The house or shelter for said dog shall be totally enclosed within the confinement structure.

(4) *Allow inspection.* All owners of potentially vicious dogs and vicious dogs shall allow animal control officers and enforcement agents the freedom to inspect the area as necessary to assure that the health and safety needs of the dogs and the public are being met.

(B) Conditions precedent to potentially vicious and vicious dogs being permitted to remain within the county's territorial limits. Potentially vicious dogs and vicious dogs shall not be permitted to remain within the county's territorial limits unless all of the following conditions, in addition to the requirements enumerated in division (A) above, are met:

(1) The dog is properly registered in the county and there exists proof of payment of a \$100 registration fee for each potentially vicious dog and payment of a \$500 registration fee for each vicious dog;

(2) The dog is at all times kept or maintained in a safe manner and is at all times confined securely so that the keeping of such dog will not constitute a danger to human life or personal property;

Anderson County - General Regulations

(3) Adequate safeguards are made to prevent unauthorized access to such dog;

(4) The health or well being of the dog is not in any way endangered by the manner of keeping or confinement;

(5) Keeping of such dog does not constitute a public nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

(6) Keeping of such dog will not create or cause offensive odors or constitute a danger to public health;

(7) The quarters in which such dog is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition; and

(8) A dangerous dog sign proscribed by the Animal Control Officer shall be posted at the entrance of the property.

(C) *Police dog exclusion.* It is not the intent of this section to prohibit the Police Department or any law enforcement agent from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with Police Department or law enforcement agency policy at all times.

(Prior Code, § 90.30) (Ord. 2009-13, passed 2-2-2010) Penalty, see § 90.99

§ 90.31 RESPONSIBILITIES OF OWNERS OF POTENTIALLY VICIOUS AND VICIOUS DOGS.

It shall be unlawful to:

(A) Keep a dog determined to be potentially vicious or vicious without a valid certificate of registration issued pursuant to this subchapter;

(B) Permit a potentially vicious dog outside a proper enclosure unless it is under the control of a responsible person, muzzled, and restrained by a lead not exceeding six feet in length;

(C) Fail to maintain a vicious dog exclusively on the owner's property except for medical treatment or examination at which times it shall be under the control of a responsible person, muzzled, and restrained by a lead not exceeding four feet in length;

(D) Fail to notify the Animal Control Officer:

(1) Immediately if a potentially vicious or vicious dog escapes or attacks another domestic animal or a person;

(2) Within five business days if the dog has died; or

(3) Within 24 hours of the name, address, and telephone number of the new owner of the dog if it has been sold or given away.

(E) Fail to surrender a potentially vicious or vicious dog to the Animal Control Officer for safe confinement pending disposition of the case when there is reason to believe the dog poses an imminent threat to public safety; or

(F) Fail to comply with any special security or care requirements the Animal Control Officer may have established pursuant to the finding that the dog was potentially vicious or vicious.
(Prior Code, § 90.31) (Ord. 2009-13, passed 2-2-2010) Penalty, see § 90.99

§ 90.32 AUTHORITY OF THE ANIMAL CONTROL OFFICER.

The Animal Control Officer may order the immediate impoundment or humane destruction of a vicious dog if the owner fails to abide by the conditions for registration or confinement of a vicious dog.
(Prior Code, § 90.32) (Ord. 2009-13, passed 2-2-2010)

§ 90.33 RELIEF FROM DETERMINATION THAT A DOG IS POTENTIALLY VICIOUS.

If any dog previously determined to be potentially vicious has not exhibited any of the behaviors specified in § 90.25 within 36 months since the date it was determined to be potentially vicious, the Animal Control Officer may, in his or her discretion, lift the requirements of § 90.29; provided however, that a determination by the Animal Control Officer to lift restrictions shall not affect the Animal Control Officer's right later to declare a dog potentially vicious or vicious or a threat to the public safety as a result of the dog's subsequent behavior.
(Prior Code, § 90.33) (Ord. 2009-13, passed 2-2-2010)

§ 90.34 CONFLICT WITH STATE LAW.

(A) In the event any section of this subchapter conflicts with existing state law, the conflicting section of this subchapter shall be inapplicable to the extent with the conflict.

(B) The provisions of this subchapter shall be in addition to any existing state or local law and any local county ordinance in conflict with the provisions of this subchapter shall be deemed repealed to the extent of the conflict.
(Prior Code, § 90.34) (Ord. 2009-13, passed 2-2-2010)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which a penalty is not otherwise herein provided shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by fine of not less than \$25, nor more than \$100, or to be imprisoned for not less than five days, nor more than 60 days, or both so fined and imprisoned. If any violation is continuing, each day's violation shall be deemed a separate violation.

(B) Any person failing to comply with the licensing requirements of § 90.09 shall, on a first offense, be fined not less than \$10, nor more than \$100; on a second or subsequent offense, shall be fined not less than \$50, nor more than \$250.

(C) Any person violating any provision of §§ 90.25 through 90.34 for which no other penalty is proscribed shall be punished by a fine of not less than \$100, nor more than \$250. Every day a violation continues shall constitute a separate offense.

(D) Any person found guilty of violating the provisions of §§ 90.25 through 90.34 concerning owning a potentially vicious or vicious dog shall be punished, for a first offense, by a fine of \$1,000, or be imprisoned in the county jail not less than 15 days, nor more than 90 days, or by both fine and imprisonment. For a second offense, punishment shall be by a fine of \$1,500, or by imprisonment in the county jail not less than 30 days, nor more than 180 days, or by both fine and imprisonment and, in addition to those penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized, if in the opinion of that Judge, the vicious dog is a threat to the safety of the community. The owner shall be required to pay for the cost to euthanize.

(Prior Code, § 90.99) (Ord. 94-014, passed 7-18-1994; Ord. 2004-08, passed 6-30-2004; Ord. 2009-13, passed 2-2-2010)

CHAPTER 91: PARKS AND RECREATION

Section

91.01 Fishing in the county park

91.99 Penalty

§ 91.01 FISHING IN THE COUNTY PARK.

(A) For a period of one week prior to and a period of four weeks following the annual Fishing Derby, it shall be unlawful for any person to catch and keep more than two catfish per person per day.

(B) The annual Fishing Derby shall be advertised in the *Anderson News* or a publication of county-wide circulation at least two times prior to the event and the date of the event shall be posted at the site of the pond, thereby providing notice to citizens of the dates of applicability of this section. (Prior Code, § 91.01) (Ord. 2006-08, passed 5-30-2006) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) Any person failing to comply with § 91.01 shall be fined \$50 per catfish. (Prior Code, § 91.99) (Ord. 2006-08, passed 5-30-2006)

CHAPTER 92: HAZARDOUS MATERIALS

Section

- 92.01 Definitions
- 92.02 Applicability
- 92.03 Administering agency
- 92.04 Duties of administering agency
- 92.05 Notification requirements
- 92.06 Local reportable quantities
- 92.07 Costs recovery
- 92.08 Hazardous waste clean-up guidelines
- 92.09 Fireworks
- 92.10 Conflicting provisions
- 92.11 Rules of construction
- 92.12 Notice of violation

- 92.99 Penalty

§ 92.01 DEFINITIONS.

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

ADMINISTERING AGENCY. The County Department of Public Safety.

APPENDIX A. The most current edition of the EPA Title III List of Lists: Consolidated list of chemicals subject to reporting under the Emergency Planning and Community Right to Know Act (Title III of the Superfund Amendments and Reauthorization Act of 1986, being 42 U.S.C. §§ 96.01 et seq.).

COSTS. Shall mean and include, but is not limited to those expenses that are extraordinary in nature, including those for which funds are not provided for in the county annual budget or the City of Lawrenceburg's annual budget:

Anderson County - General Regulations

(1) All costs incurred for response, containment, and/or removal and disposal of hazardous materials or remedial actions to include costs associated with transportation and temporary storage of hazardous materials;

(2) All costs incurred for ensuring the safety of the public to include cost incurred for actions taken on and off the site of the hazardous materials incident;

(3) Damages for injury to, destruction of, or loss of natural resources, as determined by the appropriate local, state, or federal agency, including the reasonable costs of assessing such injury, destruction, or loss resulting from a hazardous materials incident;

(4) Health care costs for persons or animals injured from a hazardous materials incident or costs of any health assessment or health effects study carried out as a necessity resulting from a hazardous material incident;

(5) Labor, including benefits, overtime, and administrative overload for government employees;

(6) The costs of operating, maintaining, leasing, repairing, and replacing equipment;

(7) Contract labor and equipment;

(8) Labor and equipment obtained by the county agencies or agents;

(9) Materials, including, but not limited to, absorbents, foams, dispersants, neutralization agents, overpack drums, or containers; and

(10) Specially trained, equipped, and licensed hazardous materials or hazardous waste clean up companies secured by the county to respond to, contain, clean-up, remove, remediate, and restore the local environment following a release of hazardous materials.

COUNTY. Anderson County, Kentucky which shall include the City of Lawrenceburg, Kentucky.

EMPLOYEE. Any person who works with or without compensation in a workplace.

EMPLOYER. Any person, firm, corporation, partnership, association, government agency, or other entity in a business or providing service that has employees.

ENVIRONMENT. Any blue line stream on a U.S. Geological Survey or topographical map, ground water supply, soil surface, storm sewer, whether politically or privately owned, water, and waste water treatment works (other than those handling only waste water generated at a facility) and the airspace within the boundaries of the county.

FACILITY. Any building, structure, equipment, installation, pipe, or pipeline (including any pipe or pipeline into a sewer, or publicly owned treatment works) well, pond, pit, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft or any site or area where a hazardous material has been disposed, stored, deposited, placed or otherwise come to be located, but does not include consumer use or any vessel.

HAZARDOUS MATERIAL.

- (1) Those materials listed in:
 - (a) 40 C.F.R. part 261 (Identification and Listing of Hazardous Waste);
 - (b) 40 C.F.R. part 302.4 (Designation of Hazard Substances);
 - (c) 40 C.F.R. part 355, Appendices A and B (List of Extremely Hazardous Substances); and
 - (d) 49 C.F.R. §§ 172.101 and 172.102 (Hazardous Materials Table).

(2) For the purposes of this chapter, ***HAZARDOUS MATERIAL*** shall also mean any solution, mixture, or formulation containing hazardous material, or any material which, due to its chemical or physical characteristics, is determined by the county to pose a substantial threat to the life, health, or safety of persons or property or to the environment. The term includes, but is not limited to, explosives, fireworks not packaged and authorized for legal sale by the Commonwealth of Kentucky for use by the general public, radioactive materials, petroleum products, gases, poisons, biologic agents, flammables, and corrosives.

HAZARDOUS MATERIALS INCIDENT. Actual or threatened release of hazardous substances or material, including hazardous waste, which pose an imminent threat to the environment and to the health, safety, or welfare of the population.

NATURAL RESOURCES. Land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources owned or managed by the county, special district, or the state.

PERSON. Any individual, trust, firm, company, society, corporation, partnership, consortium, joint venture, state, city, county, special district, or any other legal entity.

PETROLEUM PRODUCTS. Gasoline, diesel fuel, fuel oils, kerosene, propane, or motor oil which is spent or unspent.

RECOVERY. Restoration to pre-event conditions.

RELEASE. The accidental or intentional, sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant).

RESPONSE. The provision of emergency and nonemergency assistance during and following an incident and to reduce the likelihood of secondary damage.

RESPONSIBLE PARTY. The person(s) whose act or omission caused a release; or, the person(s) who owned or had custody or control of the hazardous material, substance, or waste at the time of such release without regard to fault or proximate cause; or, the person or persons who owned or had custody or control of the container which held the hazardous material, substance, or waste at the time or immediately prior to such release without regard to fault or proximate cause.

REPORTABLE QUANTITY. The “Final RQ” as set forth in the applicable Federal Code of Regulations as defined in “hazardous material” in this section.
(Prior Code, § 93.01) (Ord. 2002-10, passed 9-18-2002)

§ 92.02 APPLICABILITY.

The provisions of this chapter shall apply to all persons who use, manufacture, store, or transport hazardous materials including petroleum products within the county when a release of hazardous materials or substances occur that meets or exceeds the reportable quantity as set forth in the appropriate Federal Code of Regulations or meets or exceeds the local reportable quantity for petroleum products as set forth in this chapter.

(Prior Code, § 93.02) (Ord. 2002-10, passed 9-18-2002)

§ 92.03 ADMINISTERING AGENCY.

The Administering Agency for this chapter shall be the County Department of Public Safety. It is hereby ordered that the Local Emergency Planning Committee (SARA Title III) shall be assigned to the County Department of Public Safety for the purposes of coordinating the collection of information set forth in federal law for extremely hazardous substances and for planning for and responding to hazardous materials incidents when they occur in the county.

(Prior Code, § 93.03) (Ord. 2002-10, passed 9-18-2002)

§ 92.04 DUTIES OF ADMINISTERING AGENCY.

(A) The Administering Agency shall coordinate the local emergency management and local government response to hazardous materials incidents that occur in the county. The Administering Agency will represent the chief executive officers of the county at the scene of hazardous materials incidents and throughout the recovery of such incidents.

(B) The Administering Agency shall require responsible party of a hazardous materials or substance release to take all steps necessary to contain, control and recover the population and environment from the effects of a hazardous materials release.

(C) The Administering Agency shall have the authority to require the responsible party to select a

qualified firm to complete the recovery from a hazardous materials incident or, in the event that a responsible party cannot be found or the responsible party cannot or will not contact a qualified firm for the recovery activities within three hours of the incident occurring, the Administering Agency shall have the authority to select and call a qualified firm to complete recovery activities and the responsible party shall be responsible for all costs associated with the recovery.

(D) The Administering Agency shall maintain adequate records and reports on all hazardous materials incidents that occur in the county.

(E) The Administering Agency's primary role during a hazardous materials incident is to coordinate the local emergency management and local government response to the incident. The Administering Agency shall not engage in clean-up or recovery activities and the city or county assumes no responsibility in the containment, control, removal, or recovery from hazardous materials incidents unless the city or county is the responsible party.

(F) The Administering Agency shall have the authority to take steps necessary to protect the general population and environment from hazardous materials incidents which shall include, but not be limited to, ordering evacuations of specified areas, re-routing traffic flow, closing county roads or city streets to traffic flow, and the securing of qualified clean-up and recovery firms.

(G) The Administering Agency shall provide the necessary administrative support for the Local Emergency Planning Committee (SARA Title III).
(Prior Code, § 93.04) (Ord. 2002-10, passed 9-18-2002)

§ 92.05 NOTIFICATION REQUIREMENTS.

(A) Whenever there is a hazardous materials release in the county that meets or exceeds the reportable quantity, the responsible party shall notify the central dispatch of the county by immediately dialing either 911 or (502) 839-5125.

(B) The notification requirement in division (A) above shall not in any way be construed to forbid any person on or about the site of a hazardous materials release from using all diligence necessary to control such release prior to the notification of the local government especially if such efforts may result in the containment of the release or the abatement of an extreme hazard to the immediate population or to the local environment. Delays in reporting releases due to in house notification of off site personnel or supervisors is forbidden and may result in penalties set forth in this chapter.

(C) Upon notification of a hazardous materials incident, the local dispatcher shall notify the appropriate local emergency response agencies which shall include but, not be limited to, appropriate local and state police agencies, the fire department of appropriate jurisdiction, the Director of Public Works if the release is within the City of Lawrenceburg or has the potential to affect the local water or sewage treatment plants or the local water supply, and the Director of Public Safety or his or her designee.

(D) The responsible party of a hazardous materials incident has the sole responsibility to notify the appropriate local, state and federal agencies. The responsible party notifying the local government of a

hazardous materials incident does not fulfill the responsible party's responsibility of reporting such an incident to state and federal agencies.

(Prior Code, § 93.05) (Ord. 2002-10, passed 9-18-2002) Penalty, see § 92.99

§ 92.06 LOCAL REPORTABLE QUANTITIES.

(A) The reportable quantity as set forth in the Federal Code of Regulations for a hazardous material, waste, or substance shall be the local reportable quantity.

(B) For local notification, amounts of 20 gallons or more of petroleum products, as defined in this chapter, shall be the local reportable quantity. Not meeting the local reportable quantity for petroleum products shall not relieve a responsible party from notifying state and federal agencies as required by state or federal law or administrative regulation.

(Prior Code, § 93.06) (Ord. 2002-10, passed 9-18-2002)

§ 92.07 COSTS RECOVERY.

(A) All costs as defined in this chapter for a hazardous materials incident shall be the responsibility of the responsible party. Any responsible party who causes a hazardous materials incident shall be liable for the payment of all reasonable necessary extraordinary and unbudgeted costs incurred by the county or the City of Lawrenceburg or any special district of the county.

(B) The City of Lawrenceburg, the county or any special district of the county, will seek all available remedies at law, to include the provisions of this chapter, against any parties responsible for any hazardous materials event, to include those actions and remedies available under the U.S. Bankruptcy Code, being U.S.C. Title 11, relating to such matters.

(C) The City Treasurer or County Treasurer as appropriate, shall serve as the county's agent for collecting invoices and billing the responsible party for costs recoverable under the terms of this chapter. Agencies of local government, special districts, or firms or agencies responding at the request of the county are eligible to submit bills.

(D) An invoice identifying eligible costs under this chapter shall be submitted to the appropriate treasurer's office within a reasonable time after the cost was incurred or identified. Submitted invoices must include sufficient documentation for costs reimbursement (e.g., copies of time sheets for specific personnel, copies of bills for materials, equipment, and supplies procured or used, and the like). Accepting invoices from agencies outside the county shall not incur liability to the county to pay costs from such agencies until payment is received by the county from the responsible party.

(E) The appropriate local treasurer shall submit one or a series of consolidated invoices to the responsible party identifying local agencies or special districts and their specific costs or reimbursements. The responsible party shall issue a certified check made payable to each governmental entity that responded and submitted an invoice. The checks shall be sent to the appropriate treasurer within 60 days of receiving a consolidated invoice.

(F) The county may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative costs, attorney's fees, or for any relief that may be appropriate.

(G) This chapter shall not prohibit the county from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceedings, including injunction in a court of competent jurisdiction. Nor shall the recovery of expenses under this chapter in any way release the various parties, or limit them, from legal liability incurred as a result of hazardous material cleanup or abatement under any local, state, or federal rule or regulation.

(Prior Code, § 93.07) (Ord. 2002-10, passed 9-18-2002)

§ 92.08 HAZARDOUS WASTE CLEAN-UP GUIDELINES.

Persons or firms engaging in any hazardous waste cleanup activity (which shall include the removal of underground storage tanks) shall:

(A) Have on site the proper state and federal permits to carry out such work. A proof of insurance certificate of at least \$1,000,000 shall be maintained on site and produced upon request by any local authorized official;

(B) Obtain the appropriate jurisdiction's (city or county) local business license; and

(C) Report any threat to the public drinking water supply, sanitary sewer system, or the population to the local dispatch by dialing (502) 839-5125.

(Prior Code, § 93.08) (Ord. 2002-10, passed 9-18-2002) Penalty, see § 92.99

§ 92.09 FIREWORKS.

(A) The sale of fireworks other than those approved for retail sale by the state and listed on the most current list distributed by the State Fire Marshal shall be prohibited.

(B) Any law enforcement officer, local fire chief, Director of Public Safety, or their designee may inspect all fireworks establishments at any time during their operation and shall immediately confiscate any fireworks that are prohibited for sale to the general public under state law.

(C) Confiscated fireworks shall be turned over to the Department of Public Safety and shall be held pending an order from a court of competent jurisdiction outlining procedures for the destruction of such illegal fireworks by the Department of Public Safety.

(Prior Code, § 93.09) (Ord. 2002-10, passed 9-18-2002) Penalty, see § 92.99

§ 92.10 CONFLICTING PROVISIONS.

Whenever the requirements or provisions of this chapter are in conflict with the requirements or

provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply. Further, this chapter shall not restrict or replace cost recovery from funding sources available under any state or federal regulation.

(Prior Code, § 93.10) (Ord. 2002-10, passed 9-18-2002)

§ 92.11 RULES OF CONSTRUCTION.

The provisions of this chapter shall be liberally construed so as to effectively carry out its interest of public health, safety and welfare of the citizens and residents of the county.

(Prior Code, § 93.11) (Ord. 2002-10, passed 9-18-2002)

§ 92.12 NOTICE OF VIOLATION.

(A) The Director of Public Safety, fire chief of appropriate jurisdiction, Director of Public Works for the City of Lawrenceburg, or their authorized designee may issue a local “notice of violation” for any person violating the provisions of this chapter and require that remedial actions be taken in a specified manner and time frame to comply with the provisions of this chapter.

(B) If the person does not comply with the local notice of violation, the Director of Public Safety, or his or her designee, the Fire Chief of appropriate jurisdiction or, the Director of Public Works for the City of Lawrenceburg may seek a criminal summons for a hearing in a court of competent jurisdiction.

(C) Law enforcement personnel may issue a citation for violations of the provisions of this chapter or seek a criminal summons as appropriate.

(Prior Code, § 93.12) (Ord. 2002-10, passed 9-18-2002)

§ 92.99 PENALTY.

Persons violating any provision of this chapter shall be guilty of a Class B misdemeanor. Each day a violation continues may be held as a separate offense.

(Prior Code, § 93.99) (Ord. 2002-10, passed 9-18-2002)

CHAPTER 93: PUBLIC NUISANCES

Section

- 93.01 Conditions declared to be public nuisances
- 93.02 Administration and enforcement
- 93.03 Notice of violation

- 93.99 Penalty

§ 93.01 CONDITIONS DECLARED TO BE PUBLIC NUISANCES.

The following conditions are declared to be a public nuisance and shall be prohibited:

(A) The storage of the following deemed to be in an inoperative condition within 200 feet of any public roadway except on premises authorized by the state as a licensed salvage yard:

- (1) Wrecked, junked, partially dismantled, or discarded motor vehicles;
- (2) Boats; or
- (3) Recreational vehicles.

(B) There shall be a presumption that a motor vehicle, boat, or recreational vehicle is disabled and inoperative if it has been present and not moved for at least 30 days and is not properly and currently licensed as prescribed by applicable state law.

(C) This section shall not apply to the following:

- (1) Vehicles, boats, and recreational vehicles which are inoperable but are stored completely enclosed in a garage or other storage structure and out of sight of a county or state road;
- (2) Farm equipment; and
- (3) Historic vehicles in conformity with KRS 186.043.

(D) For the purposes of this section, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

(E) The storage of more than five vehicles, boats, or recreational vehicles deemed to be inoperative, even if those vehicles are within the distance requirements set forth in this section unless a valid permit is held by the owner of the property for a junk or salvage yard from the state and the owner has obtained a valid business license from the county.

(F) The discharge of human waste into a stream or waterway at any location in the county or any human waste discharge that may migrate into a waterway, creek, stream, or ground water source. This provision shall not apply to government or privately owned sanitary sewer systems or sewage treatment systems with appropriate state and local approved residential, commercial, or industrial sewage treatment and discharge permits.

(G) The existence of any abandoned mobile home on any lot or acreage in the county. Mobile home shall have the same meaning for this chapter as exists in the most current adopted version of the county zoning ordinance. A mobile home, for the purposes of this chapter, shall be deemed to be abandoned if human habitation has not existed within the past 120 days.

(H) The burning of solid waste which shall include, for the purposes of this chapter, grass, leaves, weeds, brush, tree trimmings, or tires, where the smoke migrates to adjoining property and creates a public health threat to other residents thereof or where such burning poses a potential threat of fire to other dwellings, residences, structures, or forested areas of the county. The fire chief of the appropriate jurisdiction shall have the authority to order such burning to cease, have the fire extinguished, and have the materials removed to an appropriate landfill or composting area at the expense of the violator.

(I) With the exception of farm ponds, lakes, and properly maintained swimming pools, the presence of large areas of pooling and/or stagnant water which allows actual or potential infestation of mosquitoes shall be prohibited.

(Prior Code, § 94.01) (Ord. 2002-12, passed 8-6-2002) Penalty, see § 93.99

§ 93.02 ADMINISTRATION AND ENFORCEMENT.

The administration and enforcement of the provisions of this chapter shall be carried out under the supervision of the County Judge/Executive. The Department of Public Safety shall serve as the primary administering agency for the provisions of this chapter.

(Prior Code, § 94.02) (Ord. 2002-12, passed 8-6-2002)

§ 93.03 NOTICE OF VIOLATION.

(A) Upon the discovery by a local official empowered to enforce the provisions of this chapter or based upon the complaint of any citizen to any authorized official, any authorized official may issue a notice of violation and outline conditions present that are creating the nuisance under the terms of this chapter. The notice of violation shall outline any suggested remedial measures that should be taken by the responsible party and the time period in which the suggested remedial actions should be completed.

(B) If, within the time period set forth in the notice of violation, remedial measures are not completed, the local official issuing the notice of violation may secure a criminal summons for persons violating the provisions of this chapter.

(C) Nuisance violations that pose an immediate threat to the public health and safety or to the local environment may be ordered by authorized officials of the Department of Public Safety or a fire chief of appropriate jurisdiction when a fire hazard or open burning violation is present, to be immediately eliminated by the responsible party. When the responsible party cannot, will not, or is incapable of eliminating the nuisance in a time frame which will ensure the protection of the public health or environment, the duly authorized officials may take or have taken any corrective action necessary to protect the public health, remedy a fire hazard, cease an open burning incident, or eliminate the threat to the environment. The responsible party shall be responsible for all costs incurred by the local government or any special district for such corrective actions.

(D) In addition to other remedies, local officials charged with the responsibility of enforcement of the provisions of this chapter shall have the power to seek injunctive relief in a court of competent jurisdiction in order to carry out all duties necessary for the protection of the public health and safety of all citizens and for the protection of the local environment when responsible parties can not be reached in a reasonable amount of time or the responsible party refuses to take the necessary actions to protect the public health and safety or the local environment.

(Prior Code, § 94.03) (Ord. 2002-12, passed 8-6-2002) Penalty, see § 93.99

§ 93.99 PENALTY.

Persons violating the provisions of this chapter shall be guilty of a Class B misdemeanor and each day the violation continues shall be a separate offense.

(Prior Code, § 94.99) (Ord. 2002-12, passed 8-6-2002)

CHAPTER 94: OPEN DUMPING AND LITTERING

Section

- 94.01 Definitions
- 94.02 Goal
- 94.03 Solid Waste Coordinator tasks
- 94.04 Fiscal Court tasks
- 94.05 Cleanup procedures for open dumps on private property
- 94.06 Cleanup procedures for open dumps on public property
- 94.07 Cost recovery
- 94.08 Open dumping prohibited

- 94.99 Penalty

§ 94.01 DEFINITIONS.

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

COUNTY. The County of Anderson, Kentucky, to include the City of Lawrenceburg, Kentucky.

DWELLING UNIT. Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating.

HAZARDOUS WASTE. Any waste or combination of wastes which is determined by the State Cabinet for Natural Resources and Environmental Protection because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

OCCUPANT. Any person who, alone, or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

OPEN DUMP. Any facility or site for the disposal of solid waste which does not meet the criteria for a sanitary landfill and is not a facility for disposal of hazardous waste.

PERSON. Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind or their legal representative, agent, or assigns.

SOLID WASTE. Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse, and overburden) and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges, or materials produced from normal agricultural operations where the products produced will remain on the property of the land owner for disposal or other agricultural or gardening purposes.

SOLID WASTE COORDINATOR. The Director of the Solid Waste Management Program of the county and implementer of the County Solid Waste Plan including educational programs to explain the need for solid waste collection and proper disposal, composting and recycling as well as enforcement of ordinances enacted by the Fiscal Court.

STORAGE. Keeping, maintaining, or storing solid waste from the time of its production until the time of its collection.

YARD WASTES. Grass clippings, leaves, and tree trimmings.
(Prior Code, § 95.01) (Ord. passed 8-25-1989)

§ 94.02 GOAL.

It is the goal of this chapter to reduce the number of illegal dumps in the county by 50% through cleanup operations and stepped-up enforcement over the next three years and to reduce the amount of criminal littering occurring in the county through strict enforcement of the Kentucky Revised Statutes Criminal Littering Statute, being KRS 512.070.

(Prior Code, § 95.02) (Ord. passed 8-25-1989)

§ 94.03 SOLID WASTE COORDINATOR TASKS.

The Solid Waste Coordinator shall, with the help of the Solid Waste Commission and under the supervision of the Fiscal Court:

(A) Conduct public information program through newspaper articles, county-wide mailings, and personal contact;

(B) Maintain a current inventory of as many open dumps as possible and advise the Fiscal Court on cleanup procedures including priorities for cleanup of such open dumps, therefore working to reduce the number of open dumps in the county and to prevent their reoccurrence;

(C) Notify responsible persons to prevent any further use of existing open dumps. Establish and publicize a local telephone number which residents may call to report illegal dumping;

(D) Contact civic groups and local businesses to solicit their support or contribution in cleaning up specified open dumps;

(E) Establish an educational program on solid waste management for use in the county school system; and

(F) Work toward county participation in the "Clean Community Program."
(Prior Code, § 95.03) (Ord. passed 8-25-1989)

§ 94.04 FISCAL COURT TASKS.

The Fiscal Court shall work towards the accomplishment of the following tasks:

(A) Establishing budget funds sufficient to meet manpower, fuel, and equipment requirements to clean up open dumps in the county under a priority system established by the Solid Waste Coordinator and approved by the Fiscal Court;

(B) Support the establishment of community and school educational programs that work toward educating the public as to the need for solid waste management in the county;

(C) Support the strict prosecution of individuals found in violation of the provisions of this chapter and of the Kentucky Revised Statutes Criminal Littering Section, being KRS 512.070;

(D) Work toward the expansion of garbage collection to areas of the county not presently covered by door to door garbage collection and to encourage persons who have such services now available to subscribe to such service as soon as possible;

(E) Post needed areas with signs reading, "NO DUMPING, OPEN DUMPING SUBJECT TO \$500.00 FINE." If possible, the Fiscal Court will work to physically block access to the site; and

(F) Publicize cleanup efforts of the county, city, civic groups, and/or businesses in the local paper.
(Prior Code, § 95.04) (Ord. passed 8-25-1989)

§ 94.05 CLEANUP PROCEDURES FOR OPEN DUMPS ON PRIVATE PROPERTY.

If an open dump is reported and or discovered on private property, the Solid Waste Coordinator shall:

(A) Identify the owner when a complaint is received;

(B) Encourage the owner to clean up the dump if he or she is responsible for the dump;

(C) With the approval of the Fiscal Court, provide help with equipment and personnel if the dump is caused by other people dumping without permission; and

(D) If no action is taken within 60 days, file a complaint with the County Attorney.
(Prior Code, § 95.05) (Ord. passed 8-25-1989)

§ 94.06 CLEANUP PROCEDURES FOR OPEN DUMPS ON PUBLIC PROPERTY.

(A) If an open dump is reported and or discovered on public property, the Solid Waste Coordinator shall:

(1) Determine if the open dump extends onto private property and if so, who owns the property;

(2) Determine if there is a rat or other vector population and exterminate if necessary; and

(3) Determine if there is an environmental threat such as to pose a threat to a stream or other water source and if so, authorize the use of county equipment to eliminate the public health threat. A complete inventory of costs shall be kept and reported to the Fiscal Court.

(B) If cleanup can be accomplished with existing funds and equipment, with the approval of the Fiscal Court, the open dump may be cleaned up and the solid waste hauled by county or privately owned trucks to a sanitary landfill.

(Prior Code, § 95.06) (Ord. passed 8-25-1989)

§ 94.07 COST RECOVERY.

(A) (1) When the local government must clean up and remove an open dump in order to ensure the public health and the responsible party can be identified, the local government shall require that the responsible party reimburse the local government for the costs of the cleanup and proper disposal of the solid waste.

(2) The Solid Waste Coordinator, with the approval of the Fiscal Court, may seek such reimbursement of local funds by legal means should other means of collection prove ineffective after a 90-day period of time from the date such cleanup project is completed.

(B) Such cost recovery shall not apply to property owners who are the victim of illegal dumping of solid waste without their permission and beyond their reasonable control.
(Prior Code, § 95.07) (Ord. passed 8-25-1989)

§ 94.08 OPEN DUMPING PROHIBITED.

(A) No person shall operate or knowingly allow open dumping on their property by any person.

(B) No person shall knowingly dispose of solid waste as defined in § 94.01 at any location in the county, other than at an approved sanitary landfill or through the use of a commercial garbage pickup service which disposes of such solid waste at an approved landfill.

(C) Any person found to be knowingly operating or allowing an open dump on his or her property shall be served with written notice from the Solid Waste Commission and delivered by a law enforcement agency a “NOTICE OF REQUIRED CLEANUP” and given a reasonable amount of time as determined by the Solid Waste Commission to properly dispose of the open dump.

(D) (1) Should the person refuse to comply with the written notice then the Solid Waste Commission may petition the Fiscal Court to clean up the open dump and recover costs under § 94.07 of this chapter.

(2) In addition, the Solid Waste Commission acting through the Solid Waste Coordinator may file a complaint for criminal action with the County Attorney’s office.

(E) Any person found disposing of solid waste at any site other than an approved landfill shall be required to remove the improperly disposed solid waste at his or her own cost to an approved landfill and shall be subject to the provisions of § 94.99.

(F) Yard wastes as defined in § 94.01, may be disposed of as allowed under state law upon the property of the land owner that produced the yard waste or used for other agricultural and/or gardening purposes upon the landowner’s property.

(G) Yard wastes produced upon one’s property may not be disposed of upon the property of another person unless the other property is licensed by the state for such purposes.
(Prior Code, § 95.08) (Ord. passed 10-13-1989) Penalty, see § 94.99

§ 94.99 PENALTY.

Any person violating any of the provisions of this chapter, upon conviction, shall be punished by a fine of \$500 and the court may require the defendant to perform community service of cleaning up the dump site; provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of this chapter may be issued a citation by any law enforcement officer.
(Prior Code, § 95.99) (Ord. passed 8-25-1989)

CHAPTER 95: STREETS AND PUBLIC WAYS

Section

- 95.01 Minimum standards of construction for county road system
- 95.02 Repair of county roads when damaged by underground construction

- 95.99 Penalty

§ 95.01 MINIMUM STANDARDS OF CONSTRUCTION FOR COUNTY ROAD SYSTEM.

(A) *Acceptance of gravel roads.* No gravel road will be considered for acceptance as a part of the county road system, nor shall any county funds be expended for future maintenance thereof, unless said road meets, fulfills, or exceeds the requirements and conditions contained herein.

(B) *Structural requirements.*

- (1) Road must be at least 14 feet wide.
- (2) Road must have at least ten inches of dense grade aggregate placed on it and compacted under the supervision of the County Road Supervisor.
- (3) At least one property owner must deed a 10,000 square foot (100 x 100) bus turnaround approved by the County Road Supervisor and Board of Education representative.
- (4) Drainage improvements must be made (if necessary) prior to acceptance of road at discretion of Road Supervisor and Transportation Committee.
- (5) Proper signage will be placed by the County Road Department before acceptance of the road as part of the county road system.
- (6) Distance of county maintenance for the county road map must be approved by the Fiscal Court.

(C) *Right-of-way.* A minimum right-of-way of 30 feet shall be conveyed by the adjoining property owners to the county. Said right-of-way shall be cleared, graded, and sloped to provide an adequate width for the roadway, adequate drainage, and site distances, all to be approved by the County Road Supervisor.

(D) *County maintenance.* **COUNTY MAINTENANCE** as used herein, shall mean maintaining the surface in-kind (the condition said road is in at the time the county assumes maintenance thereon), right-of-way mowing, and maintaining proper drainage to protect the roadway surface only.

(E) *Application of section.* This section shall pertain to all gravel roads existing at the time of the passage of this section, that at some point in the past have been a county maintained road and that service residential areas which are located in the county, outside of the corporate limits of the City of Lawrenceburg, and which are not presently being maintained by any governmental entity.

(F) *Other provisions.*

(1) This section does not apply to and shall not supersede any of the subdivision regulations of the county or any subdivision road.

(2) Each road shall be considered for acceptance by the Fiscal Court independently.
(Prior Code, § 96.01) (Ord. 2013-7, passed 12-3-2013)

§ 95.02 REPAIR OF COUNTY ROADS WHEN DAMAGED BY UNDERGROUND CONSTRUCTION.

(A) *Purpose.* The purpose of this section is to provide for and ensure repair of county roads and rights-of-way when damaged by construction of underground utilities.

(B) *Permit and bond required.*

(1) All persons, partnerships, firms, corporations, or other entities who shall hereafter erect or construct underground utilities or other structures which are expected to damage county roads or rights-of-way, shall before erecting same, exhibit to the county satisfactory evidence of the anticipated damage and projected cost of repair thereof and shall obtain a permit from the office of the County Judge/Executive.

(2) Prior to issuing such a permit, the County Judge/Executive may require a bond to be provided in an amount which is reasonably expected to cover the cost of the projected damage.
(Prior Code, § 95.02) (Ord. passed 3-27-1987) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person, partnership, firm, corporation, or other entity violating the provisions of § 95.02 shall, upon conviction, be fined not more than \$500. Each day that such violation continues may be considered a separate offense.

(Prior Code, § 96.99) (Ord. passed 3-27-1987)

