

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ABANDON. Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100(4))

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AT LARGE. Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

OWNER. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

§ 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon 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.

Penalty, see § 90.99

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

(A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a four legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing, any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This division shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purpose;

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows,

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject or other federal laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see KRS 525.125

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer, animal control officer, or any person authorized by the Board may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

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(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian, shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.

(KRS 257.100)

DOGS**§ 90.15 DEFINITION.**

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

DOG. Any member of the canine family, six months of age or over, male or female.

§ 90.16 LICENSE REQUIRED.

It shall be unlawful for any person to own or keep a dog or dogs in the city without first obtaining a license for each dog. This section and § 90.17 shall not apply to dogs whose owners are nonresidents temporarily within the city for a period less than 30 days.

Penalty, see § 90.99

§ 90.17 REGISTRATION AND ISSUANCE OF LICENSE.

All dogs kept in the city shall be registered with Nelson County. At the time of the registration the owner shall purchase a license tag for the dog at a veterinary office, and shall pay a fee as established by Nelson County for each dog.

Penalty, see § 90.99

§ 90.18 LICENSE TAG TO BE ATTACHED TO DOG.

The license tag shall be fastened to the collar of the dog and shall be worn continuously, and the failure to have the tag so attached shall subject the owner or keeper thereof to the penalties provided herein.

Penalty, see § 90.99

§ 90.19 DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or keeper of any dog, either licensed or unlicensed, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property.

Penalty, see § 90.99

§ 90.20 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.

Penalty, see § 90.99

§ 90.21 IMPOUNDMENT.

Every police officer, peace officer, or other authorized official shall have the authority to apprehend any dog running at large in violation of this chapter and any unlicensed dog in the city, and to impound such dog or have such dog impounded in the appropriate place.

§ 90.22 RECLAIMING IMPOUNDED DOG.

The owner of any dog so impounded may reclaim the dog upon the payment of all appropriate fees and after fulfilling any and all other requirements.

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day the violation exists shall constitute a separate offense.

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(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500. (KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

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- 91.02 Application and cash deposit
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
- 91.05 Warning lights

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- 91.30 Unloading on street or sidewalk
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- 91.45 Adoption of street numbering system by reference
- 91.46 Display of street numbers

- 91.99 Penalty

EXCAVATIONS AND CONSTRUCTION**§ 91.01 OPENING PERMIT REQUIRED.**

It shall be unlawful for any person, other than an authorized city official, to make any opening in any street, alley, sidewalk, or public way of the city unless approved in writing by the Public Works Supervisor.

Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the authorized city official. Application shall be made on a form prescribed by the legislative body, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the authorized city official, and in accordance with rules, regulations, and specifications approved by the legislative body.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make such fill and restoration and the deposit referred to in § 91.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it. If the amount of such services performed by the city should exceed the amount of the deposit, the Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 91.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 91.99

§ 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 91.99

ROAD AND BRIDGE PROJECTS**§ 91.15 PUBLIC HEARING REQUIRED.**

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes.

(KRS 174.100)

§ 91.16 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city. Notice of the hearing shall be given not less than seven days nor more than 21 days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.

(KRS 174.100(1))

§ 91.17 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

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

(KRS 174.100(2), (3))

§ 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

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

(KRS 174.100(4))

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

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

(KRS 174.100(5))

§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

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

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

(KRS 174.100(6), (7))

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

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

Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

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

Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

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

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see § 91.99

STREET NUMBERING**§ 91.45 ADOPTION OF STREET NUMBERING SYSTEM BY REFERENCE.**

The uniform street numbering system adopted by an ordinance passed April 10, 1989 and submitted to the United State Postal Service is hereby adopted by reference and incorporated into this code of ordinance as if fully set forth herein.

(Ord. passed 4-10-89)

§ 91.46 DISPLAY OF STREET NUMBERS.

All structures assigned a street number shall display the number in a visible location and shall consist of numbers no less than four inches in height.

(Ord. passed 4-10-89)

§ 91.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.

CHAPTER 92: NUISANCES

Section

- 92.01 Public nuisance prohibited
- 92.02 Certain conditions declared a nuisance
- 92.03 Abatement by city
- 92.04 Lien against property
- 92.05 Liability of owner

- 92.99 Penalty

Statutory reference:

Private nuisances, see KRS 411.500 - 411.570

§ 92.01 PUBLIC NUISANCE PROHIBITED.

It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish, the excessive growth of weeds or grass, or otherwise.

(Ord. passed 12-10-90; Am. Ord. 96-1, passed 4-8-96) Penalty, see § 92.99

§ 92.02 CERTAIN CONDITIONS DECLARED A NUISANCE.

The following conditions are declared to be public nuisances:

(A) A violation of any city ordinance;

(B) Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission in view and capable of being seen from streets, parking lots, sidewalks or other public ways of the city which injures, or endangers the comfort, repose, health or safety of others or which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

(C) The existence, without limitation, of any of the following conditions:

(1) *Trash covered premises.* Any premises containing trash or abandoned materials, except that kept in garbage cans or containers maintained for regular collection;

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(2) *Dangerous structures.* Any dangerous, decaying, unkempt, falling or damaged dwelling, fence, or other structure, which have any or all of the following defects:

(a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(b) Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering.

(c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(d) Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.

(e) Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin-infested, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein.

(f) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

(g) Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.

(h) Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants, the public and domestic or farm animals.

(3) *Potential vermin habitat or fire hazard.* Any accumulation of material on a property including, but not limited to ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles;

(4) *Junk vehicles.* Any wrecked, inoperable, abandoned or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled or extensively damaged vehicles. Evidence of inoperability and

damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing license plates; provided nothing herein shall prevent the keeping or storage of any vehicle on private property which is screened from view;

(5) *Attractive nuisances.* Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

(6) *Obstructions to the public right-of-way.* Use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this division shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the city. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property;

(7) *Trees, plants, shrubs or vegetation.* It is the city's purpose to eliminate and remove uncultivated vegetation that presents a menace to the public health, safety and welfare of the community and to prevent and exterminate to the extent possible noxious weeds. The following shall be prohibited:

(a) Trees, plants, shrubs or vegetation, or parts thereof which so overhang any sidewalk or street, or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public or obstruct the view of pedestrians or users of vehicles thereon or interfere with the wires, poles or fixtures lawfully maintained thereon.

(b) Grass, weeds, shrubs, bushes, refuse, trees or other types of plants or vegetation that is left growing in an unmaintained or uncontrolled manner or which left in a pile or piles or scattered about on any property and becomes a fire hazard or a gathering place for rodents, skunks, wasps, or other animals, pests or insects.

(c) Noxious weeds, meaning a plant or plants that when established are highly destructive, competitive or difficult to control by cultural or chemical practices, that are left growing uncontrolled or left growing where no action is taken to eliminate or eradicate the same, and as a result thereof, the noxious weeds have spread or are reasonably expected to spread to residential properties in the immediate vicinity.

(d) Rapidly growing deciduous shrubs and trees, including alder, birch, poplar and cottonwood, left unattended and not maintained or pruned on vacant property that exceed 20 feet in height that potentially shade, eliminate view corridors, and scatter leaves and debris on adjoining property.

(e) The disposal, dumping or placing of grass or lawn clippings, leaves, shrub and tree pruning or debris and other yard waste or debris on neighboring or adjacent property owned by another without the consent or permission of such neighboring or adjacent property owner.

(8) *Illegal dumping.* Dumping of any type by any person on public or private property not registered as a legal dump site; and

(9) *Dumping in waterways.* Dumping, depositing, placing or leaving of any garbage, debris, gravel, earth, rock, stone or other material upon the channels of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse.

(Ord. passed 12-10-90; Am. Ord. 96-1, passed 4-8-96; Am. Ord. 2011-74, passed 9-12-11)

§ 92.03 ABATEMENT BY CITY.

Whenever any of the conditions prohibited by §§ 92.01 and 92.02 of this chapter are discovered to exist, the Chief of Police, or his or her designee, or the individual then serving as enforcement officer for the Joint City-County Planning Commission of Nelson County, Kentucky, shall give five days' written notice to remedy the situation. The notice shall be mailed to the last known address of the property owner, as it appears on the current tax assessment role. Upon the failure of the owner of the property to comply with such order, the city, acting by and through its officers, agents, or designees, is authorized to send employees of the city upon the property to remedy the situation, and/or make such reasonable arrangements with independent contractors as may be deemed necessary or appropriate by the City Council to remedy such conditions.

(Ord. passed 12-10-90; Am. Ord. 96-1, passed 4-8-96)

§ 92.04 LIEN AGAINST PROPERTY.

The city shall have a lien against the subject real estate for the reasonable value of labor and materials used in remedying the situation and conditions prohibited by this chapter. The affidavit of the Mayor or his designee shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section, and shall be recorded in the office of the Nelson County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter at the rate of 12% per annum until paid, and may be enforced by judicial proceeding.

(Ord. passed 12-10-90; Am. Ord. 96-1, passed 4-8-96)

§ 92.05 LIABILITY OF OWNER.

In addition to the remedies prescribed in §§ 92.03 and 92.04 of this chapter, the penalties prescribed in § 92.99 of this chapter, or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this chapter shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges against the property, and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(Ord. passed 12-10-90; Am. Ord. 96-1, passed 4-8-96)

§ 92.99 PENALTY.

Any person, firm, corporation, or other entity found guilty of violating any of the provisions of this chapter shall, upon conviction, be fined not less than \$10 nor more than \$500. Each day that a violation of the provisions of this chapter is permitted to exist shall constitute and be deemed a separate offense.

(Ord. passed 12-10-90; Am. Ord. 96-1, passed 4-8-96)

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

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

Fire Prevention

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

- 93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) As used in KRS 227.700 to 227.750, ***FIREWORKS*** means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “consumer fireworks” as defined in division (B) or “display” fireworks as defined in division (D) and as set forth in the U.S. Department of Transportation’s (DOT) hazardous materials regulations.

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

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

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

(B) As used in KRS 227.700 through 227.750, **CONSUMER FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this subchapter. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. **CONSUMER FIREWORKS** are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts 1500 and 1507, are classified as Division 1.4G explosives by the U.S. Department of Transportation and include the following:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick-sparkler or wire sparkler. These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

(b) Cylindrical fountain. Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

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

(f) Ground spinner. Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

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

(2) Aerial devices.

(a) Sky rockets and bottle rockets. Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

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

(c) Helicopter, aerial spinner. A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) Roman candles. Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten “stars” (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

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

and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground.

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

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced.

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

(KRS 227.702)

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

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

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

(3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of

composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

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

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

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

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

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

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

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

(D) As used in KRS 227.700 through 227.750, **DISPLAY FIREWORKS** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as **CONSUMER FIREWORKS**. **DISPLAY FIREWORKS** are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.
(KRS 227.706)

(E) Legality of items.

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

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

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

(KRS 227.708)

(F) Age requirement. No person or business shall give, offer for sale, or sell any consumer fireworks listed in KRS 227.702 to any person under 18 years of age.

(KRS 227.715)

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

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

(A) (1) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals.

(2) Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person.

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

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

(5) Permits shall be filed with the State Fire Marshal at least 15 days in advance of the date of the display. After this privilege shall have been granted, sales, possession, use and distribution of

fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable. For the purpose of this section, ***PUBLIC DISPLAY OF FIREWORKS*** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

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

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

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

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

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

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

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

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

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency.

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

(KRS 227.710) Penalty, see § 93.99

§ 93.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in KRS 227.710, the consumer fireworks described in KRS 227.702 may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in KRS 227.702(1) shall register annually with the State Fire Marshal in accordance with KRS 227.715, and display its registration certificate in a conspicuous location at the site.

(C) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted addition).

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in KRS 227.702 to any person under 18 years of age.

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

(KRS 227.715(7) through (9)) Penalty, see § 93.99

§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

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

(KRS 227.720) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theatre, or for signal or ceremonial

purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.
(KRS 227.730)

§ 93.06 DESTRUCTION OF FIREWORKS.

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

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

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

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

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (C)(1) shall be held.

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

FIRE PREVENTION**§ 93.20 BLASTING PERMIT.**

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

Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

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

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

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

Penalty, see § 93.99

§ 93.99 PENALTY.

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

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

CHAPTER 94: LITTERING

Section

- 94.01 Throwing litter from vehicle
- 94.02 Tracking foreign matter on streets
- 94.03 Hauling loose material
- 94.04 Sweeping litter into gutters
- 94.05 Litter on private property

- 94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see § 94.99

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.

Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not. Penalty, see § 94.99

§ 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 95: PARKS AND RECREATION

Section

95.01 Fishing, swimming and boating in city parks and lakes

95.02 Trespassing in city park prohibited

95.99 Penalty

Cross-reference:

Joint City-County Park and Recreation Commission, see §§ 39.01 et seq.

§ 95.01 FISHING, SWIMMING AND BOATING IN CITY PARKS AND LAKES.

(A) It shall be unlawful for any person to swim in any lake or other body of water owned or operated by, or located within the boundaries of any park owned or operated by, the city.

(B) Fishing within the lakes or other bodies of water located within the boundaries of any park owned or operated by the city shall be permitted, provided that the same are conducted in all respects in accordance with all applicable laws, rules and regulations imposed by the Commonwealth of Kentucky. Provided further, that all such fishing and related activities shall be subject to such additional rules and regulations as may be adopted by the City Council of the City of Bloomfield.

(C) It shall be unlawful for any person to operate any boat, canoe, raft, or other similar water vessel on or in any lake or other body of water owned or operated by, or located within the boundaries of any park owned or operated by, the city.

(Ord. passed 8-1-77; Am. Ord. 2010-67, passed 3-8-10) Penalty, see § 95.99

§ 95.02 TRESPASSING IN CITY PARK PROHIBITED.

There shall be no trespassing after dark in the city park or on the lake in the city park.

(Ord. passed 8-1-77) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.