

ORDINANCE NO. 2011-3

CITY OF ORCHARD GRASS HILLS, KENTUCKY

AN ORDINANCE PROHIBITING THE TEMPORARY OR SEASONAL  
SALE OF COMMERCIAL OR RETAIL PRODUCTS, INCLUDING FIREWORKS, WITHIN THE  
CITY LIMITS OF THE CITY OF ORCHARD GRASS HILLS, KENTUCKY

WHEREAS, the temporary or seasonal sale of certain retail and commercial products, such as fireworks, constitutes an inherent danger and a hazard because of the strong possibility of fire and injuries to the residents of, and visitors in, the City of Orchard Grass Hills, Kentucky;

WHEREAS, the temporary or seasonal sale of certain items or certain products, such as fireworks, Christmas trees, ornaments, and other items which generate traffic within the city limits that the City Council is unable to regulate and control; and

WHEREAS, the City Council of Orchard Grass Hills has determined that the best interest of the City of Orchard Grass Hills, a residential area, requires enactment of an ordinance prohibiting the temporary and seasonal sale of commercial or retail products and other merchandise which are more appropriately sold in planned commercial shopping centers and permanent commercial stores.

NOW, THEREFORE, BE IT ORDAINED BY THE ORCHARD GRASS HILLS CITY COUNCIL:

Section 1. The temporary and seasonal sale of commercial and retail merchandise is prohibited within the city limits of the City of Orchard Grass Hills, Kentucky. More specifically, the sales of fireworks, Christmas trees and other seasonal merchandise are prohibited.

Section 2. It shall be unlawful for any person, firm, corporation or other entity to offer for sale, expose for sale, sale at retail, keep or possess with the intent to sell fireworks within the City of Orchard Grass Hills, Kentucky.

Section 3. - Enforcement.

1. The City of Orchard Grass Hills, and/or the Oldham County Police, or their designated representative, are hereby determined to be the appropriate enforcement authority and authorized to enforce all sections of this Ordinance.

2. The enforcement authority may enter any property or premises covered by this Ordinance within the City of Orchard Grass Hills, Kentucky in the performance of duties imposed herein.

Section 4. - Penalties.

1. Any person, firm, corporation or other entity found to be in violation of this Ordinance by the City of Orchard Grass Hills may be assessed a civil penalty payable to the City of Orchard Grass Hills in an amount not less than \$50.00 nor more than \$500.00.

2. Violations of this Ordinance may be prosecuted in proceedings in the Oldham County Circuit Court, or, after due process is provided, by the City Council of the City of Orchard Grass Hills, Kentucky.

3. Enforcement authorities may immediately confiscate any fireworks or dangerous merchandise determined to be in violation of this Ordinance. Following due process proceedings and a hearing, if a violation is found to have occurred, the confiscated fireworks or other dangerous merchandise shall be destroyed by the appropriate authority. If no violation is found to have occurred, any confiscated fireworks or dangerous merchandise shall be returned by the enforcement authorities to the person, firm, corporation or other entity from whom they were obtained.

4. Any ordinance of the City of Orchard Grass Hills that is found to be in conflict with this Ordinance is hereby repealed.

This Ordinance shall take effect upon its enactment and publication.

Date of first reading: August 9, 2011

Date of second reading: October 11, 2011

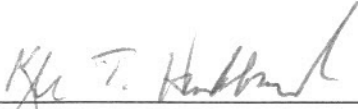
Passage: October 11, 2011

|                 | <u>FOR</u> | <u>AGAINST</u> | <u>ABSTAIN</u> |
|-----------------|------------|----------------|----------------|
| JAMI SPRINGER   | ✓          |                |                |
| JAMES WHITE     | ✓          |                |                |
| BOB DALTON      |            |                |                |
| CONNIE KIRCHNER | ✓          |                |                |
| DOUG LALLI      | ✓          |                |                |
| GAIL HORSLEY    | ✓          |                |                |

E. Darlene Yarberry  
E. DARLENE YARBERRY, MAYOR

ATTEST: Ruth Lemaster  
Ruth Lemaster, Clerk  
City of Orchard Grass Hills, Kentucky

THIS ORDINANCE PREPARED BY:



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KYLE T. HUBBARD

City Attorney

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