

CITY OF FRANKLIN, KENTUCKY

ORDINANCE NO. 620.5-09-2011

**AN ORDINANCE PROHIBITING PLAYING SPORTS AND/OR ATHLETIC GAMES  
AND/OR PLACING ENCROACHMENTS ON OR ALONGSIDE PUBLIC STREETS**

WHEREAS, it has been determined that in the interest of public safety it is advisable that the City of Franklin regulate playing and athletic games of any kind in the public streets and/or regulating encroachments on or along public streets in the City of Franklin including, but not limited to basketball goals; and,

WHEREAS, the City Commission desires to adopt an ordinance regulating these matters.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky, as follows:

1. No person, firm, or corporation shall erect or maintain any obstruction across or upon any street, alley, sidewalk, or public right-of-way of the City without the consent and written approval of the City Manager. For the purposes of this section, obstructions shall include, but not be limited to, any house, fence, wall, building, structure of any kind, or any post, rail, basketball goal, or other fixed, portable, or temporary object that may in any way obstruct, either totally or partially, any street, alley, sidewalk, or public right-of-way.

This section shall also not prohibit canopies and building overhangs, provided that such canopies and overhangs are attached to a principal building and are not freestanding or require an independent support structure, and comply with the zoning ordinances and regulations of the city. Retaining walls may be permitted pursuant to this section if, in the opinion of the City Manager or code enforcement officer, such retaining wall is necessary to either protect the safety of persons or to preserve private property rights, provided that the placement or replacement of any retaining wall or structure is carried out in accordance with the zoning ordinances and regulations of the City. Nothing in this section shall prevent the reasonable use of the streets, alleys or sidewalks for the purpose of receiving, shipping or delivering goods or merchandise or other articles for family use.

2. No person or entity shall engage in play or athletic games on or abutting public streets or rights-of-way within the City of Franklin in such manner as to impede or obstruct vehicular traffic.

3. Any person, firm, or corporation found to be in violation of this section shall be given a written notification of the violation that exists and be given ten (10) calendar days to correct any and all violations cited. If the violation continues to exist after the expiration of the notification period, the City may remove the obstructions and may charge the property owner for the number of hours involved in eliminating the obstructions at a charge per hour consistent with the amounts charged per hour to remedy code violations of this type. The City may, at its option, choose not to remove any obstructions and cause a citation to be issued to the property owner for violating this section of the code, with these charges to be heard in Simpson District Court. Any person or entity found to be in violation of this ordinance shall be subject to a fine in an amount of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) per day that the obstruction occurs or continues.

4. Any person, firm, or corporation given notice pursuant to this ordinance by any official of the City may file an appeal within the ten (10) day time period established in this section with the City Manager citing the reason or reasons that this section of the code should not be enforced. The City Manager shall issue a final determination in writing to the person, firm or corporation filing such an appeal, and the decision of the City Manager shall be final.

If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

AUG 22, 2011 FIRST READING

SEP 12, 2011 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on September 12, 2011, on motion made by Commissioner Henry Stone and seconded by Commissioner Larry Dixon, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON

YES JAMIE POWELL

YES MASON BARNES

YES HENRY STONE

YES RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor  
City of Franklin Kentucky

ATTEST:

  
Kathy Stradtner, City Clerk  
City of Franklin, Kentucky