

**CITY OF WINCHESTER, KENTUCKY**

**ORDINANCE NO. 1-2016**

**SUMMARY**

**AN ORDINANCE AMENDING SECTION 11-4 (c)(3) OF THE CODE OF ORDINANCES OF THE CITY OF WINCHESTER, KENTUCKY, REGULATING THE SALE AND DISCHARGE OF FIREWORKS**

An ordinance amending Section 11-4 (c)(3) of the Code of Ordinances of the City of Winchester, Kentucky, regulating the sale and discharge of firework to require all transient merchants and existing business to call KY 811-*Before you Dig* and obtain a BUD ticket number pursuant to KRS 367.4901 to KRS 367.4917, prior to the driving of stakes or the erection of a tent for the purpose of retail or commercial sale or distribution of fireworks

The entire ordinance is available for public review at the City Clerk's Office at City Hall, 32 Wall Street, Winchester, Kentucky.

I hereby certify that the foregoing is a true and accurate summary of the contents of the above-entitled ordinance.

  
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**William A. Dykeman, City Attorney**

**CITY OF WINCHESTER, KENTUCKY**

**ORDINANCE NO. 1-2016**

**AN ORDINANCE AMENDING SECTION 11-4 (c)(3) OF THE CODE OF ORDINANCES OF THE CITY OF WINCHESTER, KENTUCKY, REGULATING THE SALE AND DISCHARGE OF FIREWORKS**

**NOW, THEREFORE, BE IT ORDAINED** by the City of Winchester, Kentucky as follows:

**SECTION I.** That Section 11-4 Hunting of game, discharge of firearms and the use and sale of fireworks prohibited of the Code be and it is hereby amended to read in full as follows:

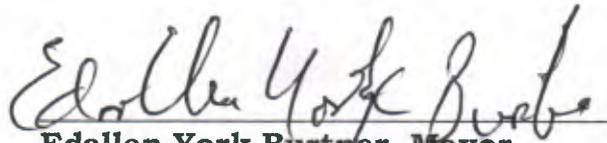
- (c) It shall be unlawful for any person to keep for sale or sell or to explode in the corporate limits of this city any kind of fireworks which make a report when fired or create a fire hazard, except:
- (1) The sale of fireworks from June 27 thru July 6 and December 30 thru January 1 from the hours of 10:00 am to 11:00 pm.
  - (2) All transient merchants and existing businesses purchasing a fireworks business license under subsections 9-57(M)(6)(a) and 9-57(F)(5) shall display the Kentucky State Fire Marshal registration placard and the City of Winchester fireworks business license.
  - (3) All transient merchants and existing businesses purchasing a fireworks business license under subsections 9-57(M)(6)(a) and 9-57(F)(5) shall display the City of Winchester temporary tent permit. **Further, all transient merchants and existing businesses must call KY 811-Before you Dig and obtain a BUD ticket number, pursuant to KRS 367.4901 to KRS 367.4917, prior to the driving of stakes or the erection of a tent for the purpose of retail or commercial sale or distribution of fireworks.**
  - (4) All transient merchants and existing businesses shall post at least one sign that reads as follows in letters at least 2 inches (51mm) high on a contrasting background, shall be conspicuously posted at the point of sale within 10 ft. (3.05m), as per KRS 227.715(11)(a)(b):
    - (a) YOU MUST BE 18 YEARS OF AGE TO PURCHASE AND/OR DISCHARGE FIREWORKS
    - (b) FIREWORKS CANNOT BE DISCHARGED WITHIN 200 FT. OF ANY STRUCTURE, VEHICLE, OR ANY OTHER PERSON WITHIN THE CITY LIMITS.
  - (5) All transient merchants or existing businesses purchasing a fireworks business license under subsections 9-57(M)(6)(a) and 9-57(F)(5) shall provide the local Fire Marshal the Kentucky State Storage Notification Report and a copy of all fireworks inventory.
  - (6) All applicable codes and requirements must be met by the seller and approved by the Fire Marshal before sales can begin.

- (7) If any transient merchant or existing business purchasing a fireworks business license under subsections 9-57(M)(6)(a) and 9-57(F)(5) is found in any violation of this ordinance, KAR 815 10:070E, KRS 227, or NFPA 1124, a fine of \$500.00 per occurrence/per day can be assessed and/or the immediate removal of the sale of fireworks from within the City of Winchester. If a fine is assessed, these funds will be designated to Fire Prevention. Appeal of the fine may be made to the Administrative Hearing Board.
- (8) Sale of Class C Consumer 1.4G, Type 2 & 3 fireworks, are not permitted to be sold in multi-tenant buildings (i.e., strip malls, multiple storied buildings).
- (9) Sale of Class C Consumer 1.4G, Type 2 & 3 fireworks, shall have 50 feet separation from adjacent buildings and structures.
- (d) The discharge of fireworks from the hours of 10:00 am to 11:00 pm on the previous dates listed.
- (e) The activities prohibited by subsections (a), (b), (c) and (d) hereof are hereby declared to constitute a public nuisance and a hazard to public safety or human health.
- (f) Any person violating this section shall, upon conviction, be subject to the penalty provided in section 1-7 of this code. (General penalty; continuing violations)

**SECTION IV.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION V.** All portions of this Ordinance amending the Code designate words and figures, which are deleted by including such words and figures stricken with dashed lines through the center. Words and figures added by the amendment are underlined with solid lines. The codifier is instructed to omit the words and figures deleted and the solid underlining when codifying this Ordinance.

**Introduced** and given first reading at a meeting of the Board of Commissioners of the City of Winchester, Kentucky held on January 19, 2016 and finally adopted, after second reading at a meeting of the said Board held on February 2, 2016.

  
**Edallen York Burtner, Mayor**

  
**Marilyn Rowe, City Clerk**

Reviewed by the William A. Dykeman, City Attorney on: January 15, 2016

1 **Underground Facility Damage Prevention (Revised 2015)**

2 **367.4901 Legislative declaration — Short title for KRS 367.4901 to**  
3 **367.4917.**

4 The General Assembly finds that the objective of underground facility  
5 damage prevention and the resulting benefits of public and workplace  
6 safety and protection of consumer services require an effective  
7 underground damage prevention procedure. KRS 367.4901 to 367.4917,  
8 which may be cited as the “Underground Facility Damage Prevention Act of  
9 1994,” are created to provide for this procedure and accomplish this  
10 objective.

11 **367.4903 Definitions for KRS 367.4903 to 367.4917.** As used in KRS  
12 367.4903 to 367.4917:

13 (1) “Underground facility” means an underground line or system used for  
14 producing, storing, conveying, transmitting, or distributing  
15 telecommunications, electricity, gas, petroleum, petroleum products, cable  
16 television, hazardous liquids, water, steam, or sewerage, including storm  
17 drainage;

18 (2) “Damage” means weakening of structural or lateral support or  
19 penetration of a facility coating, housing, or other protective device. It also  
20 means the partial or complete dislocation or severance of underground  
21 facilities or rendering any underground facility permanently inaccessible by  
22 the placement of a permanent structure having one (1) or more stories;

23 (3) “Demolition” means any operation by which a structure or mass of  
24 material is wrecked, razed, moved, or removed by means of mechanized  
25 equipment, or discharge of explosives;

26 (4) “Excavator” means any entity or individual, other than those exempted  
27 by KRS 367.4915, engaged in excavation, demolition, or timber harvesting  
28 using mechanized equipment;

29 (5) “Operator” means any entity or individual owning or operating  
30 underground facilities to serve the public;

31 (6) “Excavation” means any activity that results in the movement,  
32 placement, probing, boring, or removal of earth, rock, or other material in or  
33 on the ground by the use of any tools or equipment, by the discharge of

34 explosives, or by the harvesting of timber using mechanized equipment.  
35 Forms of excavating include but are not limited to auguring, backfilling,  
36 digging, ditching, drilling, driving, grading, piling, pulling-in, ripping,  
37 scraping, trenching, and tunneling. Driving wooden stakes by use of hand  
38 tools to a depth of six (6) inches or less below existing grade shall not  
39 constitute excavation;

40 (7) "Emergency" means there exists substantial likelihood that loss of life or  
41 property, the inability to restore interrupted utility service, an imminent  
42 danger to health or the environment, or the blockage of public  
43 transportation facilities will result before procedures required under KRS  
44 367.4909 to 367.4913 can be completed;

45 (8) "Protection notification center" means an operator-provided notification  
46 center through which an excavator can contact the operator to enable the  
47 operator to provide the excavator with the approximate location of  
48 underground facilities;

49 (9) "Kentucky Contact Center" means Kentucky Underground Protection,  
50 Inc., organized as a nonprofit corporation and a multimember protection  
51 notification center providing a single telephone contact number and  
52 designated by the Kentucky Public Service Commission to be the sole  
53 recipient of 811 dialed calls through which an excavator may contact all  
54 Kentucky Contact Center members and all affected operators may receive  
55 information to enable them to provide the excavator with the approximate  
56 location of underground facilities;

57 (10) "Routine road maintenance" means preservation, including road  
58 repairs and resurfacing, and the replacement of signs, posts, and  
59 guardrails at the exact same location when no additional penetration of  
60 existing grade is necessary, but does not include road construction,  
61 installation of signs, posts, and guardrails, or any activity that requires  
62 penetration of existing grade;

63 (11) "Approximate location," when referring to an underground facility,  
64 means: (a) For underground metallic facilities and underground  
65 nonmetallic facilities with metallic tracer wire, a distance not to exceed the  
66 combined width of the underground facility plus eighteen (18) inches  
67 measured from the outer edge of each side of the underground facility;  
68 or (b) For nonmetallic facilities without metallic tracer wire, the  
69 underground facility shall be located as accurately as possible from field  
70 location records;

71 (12) "Working day" means a twenty-four (24) hour period commencing from

72 the time of receipt of the notification by the Kentucky Contact Center except  
73 Saturday, Sunday, and holidays established by federal or state statute;

74 (13) "Nonintrusive excavating" means excavation using hand tools or  
75 equipment that uses air or water pressure as the direct means to break up  
76 soil for removal by hand tools or vacuum excavation;

77 (14) "Mechanized equipment" means mechanical power equipment,  
78 including trenchers, bulldozers, power shovels, augers, backhoes,  
79 scrapers, drills, cable and pipe plows, hydro-excavators, skidders, and  
80 yarders;

81 (15) "Normal excavation locate request" means a notification made to a  
82 protection notification center where a request for locating utility facilities is  
83 processed;

84 (16) "Emergency locate request" means a notification made to a protection  
85 notification center by an excavator to alert facility owners or operators of  
86 the need to begin immediate excavation in response to an emergency;  
87 and

88 (17) "Design information request" means a notification made to a protection  
89 notification center in preparation for bidding, preconstruction engineering,  
90 or other advance planning efforts. A design locate request may not be used  
91 for excavation purposes; and

92 (18) "Large project" means an area of excavation occurring on or after July  
93 1, 2016, measuring more than two thousand (2,000) feet in length.  
94 Multiple excavation notifications in an area may be considered together in  
95 determining if the excavations are part of a large project.

96 **367.4905 Permit not relieving person from complying with provisions**  
97 **of KRS 367.4905 to 367.4917.**

98 A permit issued pursuant to law authorizing excavation or demolition work  
99 shall not relieve a person from the responsibility for complying with KRS  
100 367.4905 to 367.4917.

101 **367.4907 Responsibility of persons engaging in nonemergency and**  
102 **emergency work. (Effective July 12, 2012)**

103 Every person who engages in nonemergency timber harvesting using  
104 mechanized equipment, excavation, or demolition work shall conform to  
105 KRS 367.4905 to 367.4917. Compliance with excavator and operator

106 notification requirements of KRS 367.4905 to 367.4917 shall not be  
107 required of authorized persons responding to emergency situations.  
108 However, these persons shall take every reasonable precaution to protect  
109 the public safety and underground facilities of others

110

111 **367.4909 Operator to provide protection notification center access to**  
112 **excavators – Color- coding for temporary underground facility**  
113 **markers — Operator’s inability to comply due to extraordinary**  
114 **circumstances — Underground facilities installed after January 1,**  
115 **2013. (Effective July 12, 2012)**

116 (1) Each operator shall provide protection notification center access to  
117 excavators.

118 (2) Voluntary operator membership in the Kentucky Contact Center shall  
119 satisfy the requirement of subsection (1) of this section.

120 (3) Each operator member of the Kentucky Contact Center shall provide  
121 and update as needed to the Kentucky Contact Center the general location  
122 of its underground facilities, the operator identity and business address,  
123 and emergency notification telephone numbers.

124 (4) An operator shall respond to facility locate requests as follows:

125 (a) To a normal excavation locate request within two (2) working days  
126 after receiving notification from an excavator.

127 (b) To an emergency locate request as quickly as possible but not to  
128 exceed forty-eight (48) hours after receiving notification from an  
129 excavator.

130 (c) Beginning one (1) year from July 12, 2012, to a design locate  
131 request within ten (10) working days after receiving notification from  
132 an excavator; and

133 (d) To a large project request within five (5) working days from the  
134 later of receiving notification from an excavator or the scheduled  
135 excavation start date for that location.

136 (5) An operator shall, upon receiving an emergency locate request or a  
137 normal excavation locate request:

138 (a) Inform the excavator of the approximate location and description  
139 of any of the operator’s facilities that may be damaged or pose a  
140 safety concern because of excavation or demolition;

141 (b) Inform the excavator of any other information that would assist in  
142 locating and avoiding contact with or damage to underground

143 facilities;

144 (c) Unless permanent facility markers are provided, provide  
145 temporary markings to inform the excavator of the ownership and  
146 approximate location of the underground facility; and

147 (d) Notify the requesting party if underground facilities are not in  
148 conflict with the excavation or demolition.

149 (6) Upon receiving a design information request, an operator shall contact  
150 the person making the request within the time period specified in  
151 subsection (4) of this section. The operator shall:

152 (a) Designate with temporary underground facility markers the  
153 location of all underground facilities owned by the operator within the  
154 area of the design information request as defined in KRS 367.4903;

155 (b) Provide the person making the design information request a  
156 description of all underground facilities owned by the operator in the  
157 area of the design information request and the location of the  
158 facilities, which may include drawings marked with a scale,  
159 dimensions, and reference points for underground utilities already  
160 built in the area or other facility records that are maintained by the  
161 operator; or

162 (c) Allow the person making the design information request or an  
163 authorized person to inspect the drawings or other records for all  
164 underground facilities within the proposed area of excavation at a  
165 location that is acceptable to the operator.

166 (7) An operator may reject a design information request based upon  
167 security considerations or if producing the information will place the  
168 operator at a competitive disadvantage, pending the operator obtaining  
169 additional information confirming the legitimacy of the notice. The operator  
170 shall notify the person making the design information request and may  
171 request additional information.

172 (8) Temporary underground facility markers shall consist of paint, chalk,  
173 flags, stakes, or any combination thereof and shall conform to the following  
174 standards of the American Public Works Association uniform color code:

175 (a) Electric power distribution and transmission Safety Red  
176 (b) Municipal electric systems Safety Red  
177 (c) Gas distribution and transmission High visibility safety yellow

- 178 (d) Oil distribution and transmission High visibility safety yellow  
179 (e) Dangerous materials, product lines High visibility safety yellow  
180 (f) Telecommunication systems and cable television Safety alert  
181 orange  
182 (g) Temporary survey markings Safety pink  
183 (h) Police and fire communications Safety alert orange  
184 (i) Water systems Safety precaution blue  
185 (j) Sewer and storm drainage systems Safety green  
186 (k) Proposed excavation or construction boundaries White  
187 (l) Reclaimed water, slurry, and irrigation facilities Purple

188

189 (9) If extraordinary circumstances exist, an operator shall notify the  
190 excavator of the operator's inability to comply with this section.  
191 Extraordinary circumstances include extreme weather conditions, force  
192 majeure, disasters, or civil unrest that make timely response difficult or  
193 impossible.

194 (10) All underground facilities installed after January 1, 2013, shall include  
195 a means to accurately identify and locate the underground facilities from  
196 the surface. This subsection does not apply to the repair of existing  
197 facilities.

198 **367.4911 Excavator to notify operator of work schedule —**  
199 **Responsibilities of excavator.**

200 (1) (a) Each excavator planning excavation or demolition work shall, not  
201 less than two (2) full working days nor more than ten (10) full working  
202 days prior to commencing work, notify each affected operator of the  
203 excavator's intended work and work schedule. Contacting the  
204 applicable protection notification centers shall satisfy this  
205 requirement.

206 (b) An excavator may commence work before the two (2) full working  
207 days provided for in paragraph (a) of this subsection have elapsed if  
208 all affected operators have notified the person that the location of all  
209 the affected operators' facilities have been marked or that they have  
210 no facilities in the area of the proposed excavation, demolition, or  
211 timber harvesting.

212 (2) Locate requests are valid for twenty-one (21) calendar days from the  
213 day of the initial request.

214 (3) Each excavator shall provide each applicable protection notification  
215 center with adequate information regarding:

216 (a) The name of the individual making the notification;

217 (b) The excavator's name, address, and a telephone number;

218 (c) The excavation or demolition site location or locations, each of  
219 which shall not exceed two thousand (2,000) feet in length unless the  
220 excavator and operator agree to a larger area, the city or community,  
221 county and street address, including the nearest cross street;

222 (d) The type and extent of excavation or demolition to be performed;

223 (e) A contact name and telephone number of the person responsible  
224 for the work to be performed.

225 (4) If more than one (1) excavator will operate at the same site, each  
226 excavator shall notify the protection notification centers individually.  
227 Notification by an excavator will serve as notification for any of that  
228 excavator's employees. Failure by an excavator to notify the protection  
229 notification center does not relieve individual employees of responsibility.

230 (5) The excavator shall inform and provide to excavation or demolition site  
231 employees:

232 (a) The underground facility location provided by each operator;

233 (b) Any related safety information provided by each operator; and

234 (c) The locate request identification number assigned by the  
235 protection notification center.

236 (6) The excavator shall protect and preserve temporary underground facility  
237 markers until the scheduled excavation or demolition is completed.

238 (7) If, after the two (2) day period provided by KRS 367.4909(4)(a), the  
239 excavator finds evidence of an unmarked underground facility at the site,  
240 he shall immediately notify the protection notification center.

241 (8) The excavator shall contact the protection notification center to request  
242 remarking two (2) working days in advance of the expiration of each  
243 twenty-one (21) day period while excavation or demolition continues or if:

244 (a) The markings of any underground facility have been removed or  
245 are no longer visible; or

246 (b) The excavator has changed the work plan or location previously  
247 filed.

248 (9)(a) Each excavator who conducts or is responsible for any excavation or  
249 demolition that results in underground facility damage shall cease  
250 excavation or demolition activities and notify all affected operators of the  
251 location and nature of the underground facility damage.

252 (b) If the underground facility damage causes concern for public or  
253 workplace safety, the excavator shall notify appropriate public safety  
254 agencies of the location and nature of the safety concern.

255 (c) If the underground facility damage results in the escape of any  
256 flammable, toxic, or corrosive gas or liquid, the excavator shall cease  
257 excavation or demolition activities and immediately report to the  
258 appropriate authorities by calling the 911 emergency telephone  
259 number.

260 (10) When excavation or demolition is necessary within the approximate  
261 location of the underground facility, the excavator shall hand-dig or use  
262 nonintrusive means to avoid damage to the underground facility.

263 (11) Upon request by an operator or when the proposed excavation  
264 location cannot be accurately identified, an excavator shall mark the  
265 boundaries of the location to be excavated using the procedure set forth in  
266 KRS 367.4909(8)(k). After marking the boundaries, the excavator shall  
267 contact the protection notification center or centers. The requirements of  
268 KRS 367.4909(4) to (10) are reestablished upon the operator receiving  
269 notification of this marking from the protection notification center or centers.  
270 This marking shall not alter, or relieve the excavator from complying with,  
271 the requirements of KRS 367.4905 to 367.4917.

272

273 **367.4913 Duties of protection notification center — Board of directors**  
274 **of Kentucky Contact Center — Kentucky Underground Protection, Inc.**  
275 **to serve all counties.**

276 (1) Each protection notification center shall:

277 (a) Operate the protection notification center during all working  
278 days;

279 (b) Provide a locate request identification number to the excavator for  
280 each excavation or demolition location request;

281 (c) Promptly after receiving an excavation or demolition work  
282 notification from an excavator, provide to each of its affected operator  
283 members the excavator information required by KRS 367.4911(3);

284 (d) Maintain a list of all its operator member's identities, business  
285 address and business and emergency telephone numbers and record  
286 this information in accordance with KRS 64.012 with the county clerk  
287 of each county where the operator member has underground  
288 facilities. The county clerk shall provide this information upon request  
289 for the actual cost of providing a copy, to be paid by the requesting  
290 party to the county clerk. The county clerk shall assume no liability  
291 associated with the receipt of this information from the protection  
292 notification center or for subsequent provision of this same  
293 information to the requesting party; and

294 (e) Make the operator members information list available to any  
295 person for inspection at its place of business without charge or  
296 provide a copy of the list to any person for any county upon request  
297 for a fee not to exceed the actual cost of providing a copy.

298 (2) The Kentucky Contact Center shall be governed by a board of directors  
299 composed of representatives of member operators who are elected by the  
300 membership. Board seats may be filled by representatives of the  
301 following:

302 (a) A natural gas provider;

303 (b) An electric provider;

304 (c) A telecommunications provider;

305 (d) A water/sewer provider;

306 (e) An interstate pipeline operator;

307 (f) A municipal utility operator; and

308 (g) An advisory, nonvoting representative of one (1) of the following:

309 1. Home Builders Association of Kentucky;

310 2. National Electrical Contractors Association;

311 3. Associated General Contractors of Kentucky; or

312 4. Kentucky Association of Plumbing, Heating-Cooling  
313 Contractors.

314 (3) The Kentucky Contact Center's board of directors shall establish the  
315 method to calculate the cost of service provided by the center.

316 (4) The Kentucky Contact Center shall serve all Kentucky counties.

317

318 **367.4915 Activities exempt from KRS 367.4905 to 367.4917. (Effective**  
319 **July 12, 2012)** The requirements of KRS 367.4905 to 367.4917 shall not  
320 apply to the following:

321 (1) Excavation by an operator on its own easement except where that  
322 easement is crossed by another operator's facilities;

323 (2) Routine road maintenance or railroad maintenance or repairs;

324 (3) Tilling of soil for agricultural purposes;

325 (4) Excavators excavating on private property, using non-mechanized  
326 equipment, if there is no encroachment on any operator's right-of-way or  
327 easement;

328 (5) The opening of a grave in a cemetery;

329 (6) A solid waste disposal site, which is properly permitted;

330 (7) Coal mining operations which are currently regulated under KRS  
331 Chapter 350;

332 (8) A utility operator or utility operator subcontractor performing emergency  
333 work as defined in KRS 367.4903;

334 (9) Leak migration testing using metal probes inserted by hand by an  
335 authorized representative of the operator; or

336 (10) Any nonintrusive excavating performed by an operator or his  
337 subcontractor to locate the operator's underground facilities in response to  
338 a notice of excavation from the notification center, if all reasonable  
339 precautions have been taken to protect the underground facilities.

340 **367.4917 Penalties — Payment and apportionment of fines. (Effective**  
341 **July 12, 2012)**

342 (1) An excavator who fails to comply with any provision of KRS 367.4911,  
343 or an operator who fails to comply with any provision of KRS 367.4909,  
344 shall be guilty of endangering underground facilities and may be subject to  
345 a fine of two hundred and fifty dollars (\$250) for the first offense, no more

346 than one thousand dollars (\$1,000) for the second offense within one (1)  
347 year, and no more than three thousand dollars (\$3,000) for the third and  
348 any subsequent offense.

349 (2) A protection notification center that fails to comply with any provision of  
350 KRS 367.4913 shall be subject to a fine of one thousand dollars (\$1,000)  
351 for each offense.

352 (3) A person that knowingly provides false notice to a utility notification  
353 center of an emergency as defined in KRS 367.4903 shall be subject to a  
354 fine of one thousand dollars (\$1,000) for each offense.

355 (4) Any person who violates any provision of the Underground Facility  
356 Damage Prevention Act of 1994, KRS 367.4901 to 367.4917, that involves  
357 damage to a facility containing any flammable, toxic, corrosive, or  
358 hazardous material or results in the release of any flammable, toxic,  
359 corrosive, or hazardous material shall be subject to a fine not to exceed  
360 one thousand dollars (\$1,000) for each offense. The penalties of this  
361 subsection are not in conflict with and are in addition to civil damages for  
362 personal injury or property damage.

363 (5)(a) All fines recovered for a violation of this section shall be paid to the  
364 general fund of the state, county, city, or fire protection agency that issued  
365 the citation.

366 (b) In the event that more than one (1) government agency was involved,  
367 the court shall direct an apportionment of the fines.

368 (c) Failure to comply with the provisions of the Underground Facility  
369 Damage Prevention Act of 1994, KRS 367.4901 to 367.4917, may be  
370 determined at the conclusion of an investigation and shall be based on  
371 evidence available to state, county, or city officials, law enforcement or fire  
372 protection agencies which issue the citation.