

# CODE ENFORCEMENT AMENDED ORDINANCES PROPOSAL

*General Government and Social Services Committee*

*August 16, 2022*

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*Director of Code Enforcement*



**LEXINGTON**



## Authority and Scope

- Code of Ordinances
  - Chapter 12-1.
    - Update from the 2015 International Property Maintenance Code (IPMC) to the 2021 IPMC
    - Revised *Code Violations Library* addendum
  - Chapter 12-2. Nuisances
    - New exceptions to mowing/overgrowth rules
  - Chapter 12-3. Abatement of Nuisance
    - Reflects move to new Department of Housing Advocacy and Community Development
  - Chapter 17-162. Definitions
    - Change 125% Area Median Income (AMI) to 80% AMI poverty guidelines



## Objective

Modernize and implement a realistic approach to the updating of the provisions and enforcement of property maintenance issues.

- Intent
- Priorities
- Practicality
- Objectivity
- Impact



## The Issues

- The strict enforcement of the tall grass and weed violations is not feasible on certain types of lots, currently not exempt.
- Responsibility for maintaining abandoned parcels.
- Codes need to be regularly reviewed and updated to stay in alignment with the Statewide mandated Codes.
- The Violations Library is archaic, contains redundancies and scopes beyond the intent of minimum standards.

# Example Parcel

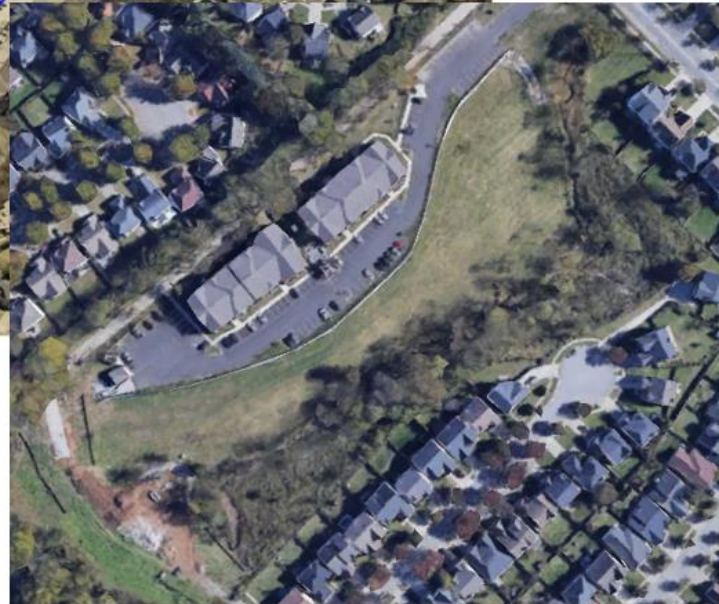


Parcel Number	38242830
Location Address	475 WAVELAND MUSEUM LN LEXINGTON KY 40514
Tax District	District 02
Tax Rate	1.0996
Acres	1.672
Legal Description	N-784 SUNNY SLOPE FARM UNIT 1-H LOT 44
Property Class	R - RESIDENTIAL
PVA Neighborhood	253 - SUNNY SLOPE FARM
Land Use Code	(700) HOA, RET. BASIN, OPEN SPACE, GREENWAY
USA/RSA Map	55
Map Block	018
Lot	44
Subdivision	SUNNY SLOPE FARM UNIT 1-H
Cabinet/Slide	N-784
ND-1 Zone	
Overlay	
PDR	
Map Scale	200
Block	
LFUCG Zoning	R-3 - PLANNED NBHD RESIDENTIAL
Deeded SqFt	72,832
Frontage / Out of	202.9 / 11-OUT OF 350 WVLND MUSEUM LN #38103590

# Example Parcel



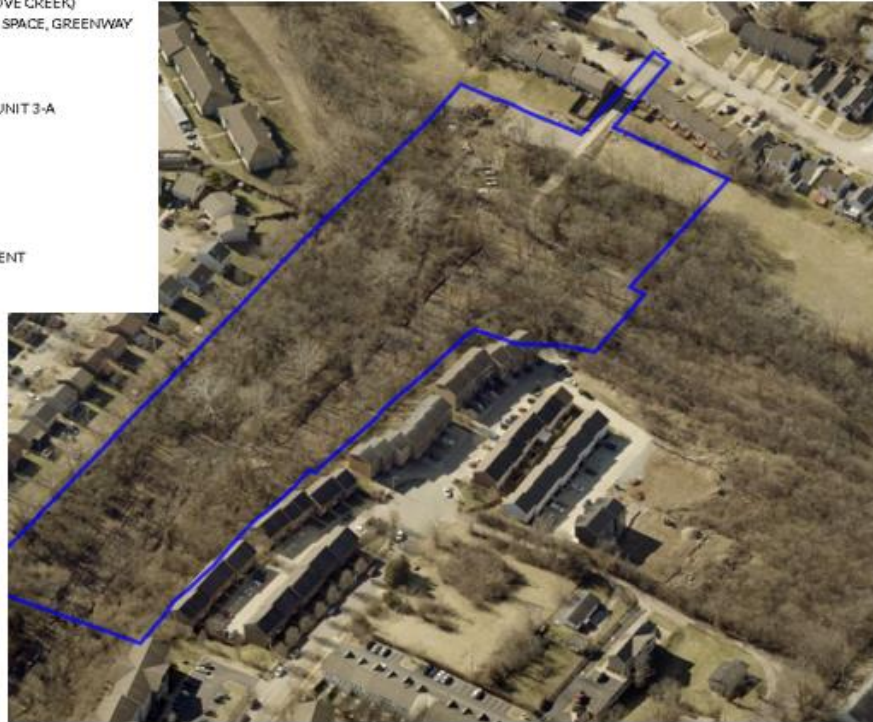
Parcel Number	38277820
Location Address	3775 EVERETTS DALE LEXINGTON KY 40514
Tax District	District 01
Tax Rate	1.2727
Acres	6.64
Legal Description	M-6 SUNNY SLOPE FARM LOT 1
Property Class	C - COMMERCIAL
PVA Neighborhood	715 - HARRODSBURG
Land Use Code	(400) C - COMMERCIAL VACANT LAND
USA/RSA Map	55
Map Block	018
Lot	2
Subdivision	SUNNY SLOPE FARM UNIT 1A SEC 2
Cabinet/Slide	R-810
ND-1 Zone	
Overlay	
PDR	
Map Scale	200
Block	
LFUCG Zoning	R-3 - PLANNED NBHD RESIDENTIAL
Deeded SqFt	289,238
Frontage / Out of	50 / 18-OUT OF 3765 WINTHROP DR #38103570





# Example Parcel

Parcel Number	38083440
Location Address	1121 APPIAN CROSSING WAY LEXINGTON KY 40517
Tax District	District.01
Tax Rate	1.2727
Acres	7.139
Legal Description	L-713 GLEN CREEK (DOVE CREEK) UNIT 3-A LOT 123
Property Class	R - RESIDENTIAL
PVA Neighborhood	497 - GLEN CREEK UNIT 4 (DOVE CREEK)
Land Use Code	(700) HOA, RET. BASIN, OPEN SPACE, GREENWAY
USA/RSA Map	57
Map Block	023
Lot	123
Subdivision	GLEN CREEK (DOVE CREEK) UNIT 3-A
Cabinet/Slide	L-713
ND-1 Zone	
Overlay	
PDR	
Map Scale	200
Block	
LFUCG Zoning	R-4 - HIGH DENSITY APARTMENT
Deeded SqFt	310,975
Frontage / Out of	0/





## Changes to Chapter 12-1. (a), (b)

- *(a) Adopted; filed.* The International Code Council, Inc., International Property Maintenance Code, [2015] 2021 Edition (hereinafter referred to as "this code"), with the revisions and deletions shown in paragraph (b) and herein, is hereby approved and adopted as the existing structures code of the urban county government. A copy of said code is incorporated herein by reference and filed with the urban county council clerk as a part of the public records of this government. This code is adopted pursuant to KRS 65.8801 to KRS 65.8839 and unless otherwise provided shall be interpreted in accordance with the provisions of chapter 2B of the Code of Ordinances.

(b) [~~Revisions~~] Certain sections not incorporated. [~~Certain sections of this code are hereby revised as follows:~~] The following sections of the International Property Maintenance Code, [2015] 2021 Edition, shall not be incorporated in the [International] Property Maintenance Code of Lexington-Fayette Urban County: [~~111.1, 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2, 111.7, 111.8,~~] 107.1, 107.2, 107.3, 107.4, 113.4, 302.4, 304.17, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2, and 309.





## Changes to 12-1

- Sections have been renumbered to correspond to correct code references of the International Property Code. PM 105.5 – 111.8.1 ~~PM-108.5.2~~ 111.8.2
- Violation of PM-111.8.1: Any person, who knowingly enters or remains in a condemned structure, not including the exception outlined in PM-108.5, shall be considered in violation of Kentucky Revised Statute 511.080 regardless of their intent or relationship to the premises.
- ~~PM-109.5~~ 112.5
- *Costs of emergency work*: Costs incurred in the performance of emergency work shall be paid ~~[from the treasury of the jurisdiction]~~ using Lexington-Fayette Urban County Government funds ~~[on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate]~~ and legal action may be instituted against the owner of the premises ~~[where the unsafe structure is or was located]~~ for the recovery of ~~[such]~~ all costs ~~[including]~~ expended, which may also include ~~[an]~~ administrative costs in an amount not to exceed two hundred fifty dollars (\$250.00) ~~[, by placing a lien against said]~~ This may be initiated through the recording of a lien on the owner's property.



## Changes 12-1

- Renumbered sections PM 113.1- PM 801.1 as needed.
- Delete PM 702.4.1 Number of Means of Escape per NFPA 101, Life Safety Code requiring two means of egress from a single family dwelling.



## Change to 12-2. (4)-a.

- (4) The excessive growth of weeds, grass and other vegetation as follows:
  - Any weeds such as thistle, jimson, burdock, ragweed, cocklebur, poison ivy, poison oak, pokeweed, poison sumac, and poison hemlock and any other weed, plant or shrub, or other weed of a like kind classified by the United States Department of Agriculture as a noxious weed is prohibited and unlawful. Notwithstanding the above, any property known to be a remnant, non-buildable or undevelopable regardless of zoning that is greater than one (1) acre in size shall only be required to have a minimum eight (8) foot buffer maintained in accordance with this section in all areas adjacent to developed properties or within two hundred (200) feet of a structure. This section shall not apply to property for which a current riparian buffer area permit is in effect or lands designated as Environmentally Sensitive, Conservation Areas, Tree Protection Areas, Greenways and Woodlots.



## Change to 12-2 (4) b.

- It shall be unlawful for the owner to permit any weeds, or grass, edible or not, to grow to a height exceeding ten (10) inches anywhere on such premises, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such premises are crossed by a sidewalk, ditch, pathway, private roadway, fence or other natural or manmade boundary or divider, including those portions thereof between such boundary or divider and the edge of the thoroughfare; any such weeds or grass exceeding such height are hereby declared to be a nuisance. Notwithstanding the above, any property known to be a remnant, non-buildable or undevelopable regardless of zoning that is greater than one (1) acre in size shall only be required to have a minimum eight (8) foot buffer maintained in accordance with this section in all areas adjacent to developed properties or within two hundred (200) feet of a structure. This section shall not apply to property for which a current riparian buffer area permit is in effect or lands designated as Environmentally Sensitive, Conservation Areas, Tree Protection Areas, Greenways and Woodlots. This section shall also not apply to any crops, trees, bushes, shrubs, flowers or other ornamental plants or flowers which are maintained in a clearly definable fashion. This section shall also not apply to native plantings for the purpose of intentional naturalization, which includes plantings used for food or fiber, for aesthetic purposes, to attract or promote pollinators, to offset and control soil loss or erosion, to promote storm water control or water conservation, or to improve the soil. Naturalization does not include vegetation abandonment which is defined as the lack of premise management. Management activities include but are not limited to site preparation, planting, and maintenance. Naturalized gardens shall not contain plant species that are categorized as a level one threat by the Kentucky Exotic Pest Council.



## Add 12-2(4) f.

- Special provisions shall be applied to lots known to be remnants, non-buildable or undevelopable regardless of zoning that are greater than one (1) acre in size that provision a. and b .shall maintain an minimum eight (8) foot buffer along adjacent developed properties or within two hundred (200) feet of a structure in accordance with the provisions above.





## Sec 12-3, Abatement of Nuisance

- (a) *Notice of violation and citation.* It shall be the duty of the commissioner of ~~[planning, preservation, and development]~~ housing advocacy and community development, citation officers as specifically authorized by ordinance, or others authorized by ordinance to act as code enforcement officers to serve or cause to be served a notice of violation or citation upon the owner of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter. If issued, such notice of violation shall describe the nuisance so maintained and shall demand abatement of such nuisance within a prescribed time. The notice of violation shall carry no penalty and shall be non-appealable. Should the owner of the premises fail to abate the nuisance within the time set by the notice of violation, a citation may be issued for the violation in accordance with chapter 2B of the Code of Ordinances. In addition to prescribing any civil fine authorized by the ordinance violated, the citation may demand that the violation be abated within a prescribed time. If the violation is not abated within the prescribed time, the urban county government may proceed to abate the nuisance at the expense of the owner, keeping an account of the expense of the abatement; and such expense, including an administrative fee, if any, shall be charged to and paid by the owner.



## Article VI. Sec. 17-162, Definitions

- (a) *Qualified property owner* means any person owning residential property who meets the assets test and has an annual income equal to or less than [~~one hundred twenty-five (125)~~] eighty (80) percent of the poverty income levels set forth in the poverty guidelines chart established by the Community Services Administration, annually published in the Federal Register, in effect at the time of application. However, income itself shall be measured by the definition contained in subsection (b) of this section. Any person having a beneficial interest in benefited property may qualify for the sidewalk replacement financial assistance program.



## The Violations Library

- Currently has 315 listed violations
  - 98 already exist in IPMC
- New proposed library has 121 listed violations to supplement the IPMC. Results in net reduction of 96.
- Consolidated/eliminated redundant violation types, i.e. appliances, fenestrations, cleanliness of private spaces.
- Potential financial impact on revenue, via collected fees, est. 12K – 40K annually.

# Violations

*New v. Old*



# Questions?

