



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #:	0900-22	Version:	1	Name:	Approval of August 16, 2022 Committee Summary
Type:	Ordinance	Status:		Status:	Approved
File created:	9/1/2022	In control:		In control:	Urban County Council
On agenda:	9/22/2022	Final action:		Final action:	9/22/2022
Enactment date:	9/22/2022	Enactment #:		Enactment #:	O-101-2022

Title: An Ordinance amending and reenacting the following sections of Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances pertaining to housing and property maintenance standards: Section 12-1 related to the Property Maintenance Code to adopt and incorporate the 2021 Edition of the International Property Maintenance Code with certain deletions, revisions, and additions including matters related to its scope and administration, definitions, general requirements, light, ventilation and occupancy limitations, plumbing facilities and fixture requirements, mechanical and electrical requirements, Fire safety requirements, other codes, penalties, violations and the Violations library; Section 12-2(c) related to nuisances to create certain exemptions and special provisions related to the excessive growth of weeds, grass and other vegetation; Section 12-3 related to abatement of nuisance to reassign certain duties from the Commissioner of Planning, Preservation, and Development to the Commissioner of Housing Advocacy and Community Development; and Section 17-162(a) related to sidewalk replacement financial assistance to reduce the annual income threshold in the definition of “qualified property owner”; all effective on January 1, 2023. [Council Office, Maynard]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Approval of August 16, 2022 Committee Summary, 2. 00764746.pdf, 3. O-101-2022, 4. Contract # 331-2022

Date	Ver.	Action By	Action	Result
9/22/2022	1	Urban County Council	Approved	Pass
9/8/2022	1	Urban County Council	Received First Reading	
9/6/2022	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

An Ordinance amending and reenacting the following sections of Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances pertaining to housing and property maintenance standards: Section 12-1 related to the Property Maintenance Code to adopt and incorporate the 2021 Edition of the International Property Maintenance Code with certain deletions, revisions, and additions including matters related to its scope and administration, definitions, general requirements, light, ventilation and occupancy limitations, plumbing facilities and fixture requirements, mechanical and electrical requirements, Fire safety requirements, other codes, penalties, violations and the Violations library; Section 12-2(c) related to nuisances to create certain exemptions and special provisions related to the excessive growth of weeds, grass and other vegetation; Section 12-3 related to abatement of nuisance to reassign certain duties from the Commissioner of Planning, Preservation, and Development to the Commissioner of Housing Advocacy and Community Development; and Section 17-162(a) related to sidewalk replacement financial assistance to reduce the annual income threshold in the definition of “qualified property owner”; all effective on January 1, 2023. [Council Office, Maynard]

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 12-1 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

Chapter 12 - HOUSING

ARTICLE I. - IN GENERAL

Sec. 12-1. - Property maintenance code.

- (a) *Adopted; filed.* The International Code Council, Inc., International Property Maintenance Code, 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) Certain sections not incorporated. The following sections of the International Property Maintenance Code, 2021 Edition, shall not be incorporated in the Property Maintenance Code of Lexington-Fayette Urban County: 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 309.5.
- (c) Revisions. Certain sections of this code are hereby revised to read as follows:

PM-101.1

Title: These regulations shall be known as the Property Maintenance Code of Lexington-Fayette Urban County, hereinafter referred to as "this code".

PM-102.3

Application of other codes: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Kentucky Residential Code, Kentucky Building Code, International Energy Conservation Code (with Kentucky Amendments), Kentucky Fire Standards of Safety, Fire Prevention Code-NFPA 101; National Fuel Gas Code-NFPA 54, International Mechanical Code, Kentucky Plumbing Code and the National Electrical Code- NFPA 70.*

PM-103.1

General: The director of the Div. of Code Enforcement shall be the code official and shall enforce or delegate the enforcement of all the provisions of this code.

PM-103.2

Appointment: The code official shall be employed in conformance with KRS 67A.230 through 67A.350 and Chapter 21 of the Code of Ordinances.

PM-105.5

Notice and orders: The code official or his designee May issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with the requirements of this code for the safety, health, and general welfare of the public.

PM-105.6

Official records: An official record shall be kept of all business and activities of the Dept. specified in the provisions of this code, and such records shall be open subject to KRS 61.870 et seq.

PM-105.8

Restriction of employees: All officials or employees, including the members of the board of appeals established under the provisions of section PM 108.1, are subject to article 16 of the Urban County Charter-Code of Ethics and chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances-Ethics Act.

PM-108.1

Appeals board: The administrative hearing board established in section 12-6 of the Code of Ordinances shall be responsible for enforcing the provisions of this code in accordance with the procedures of chapter 2B of the Code of Ordinances through the use of assigned hearing Officer(s).

PM-109.4.1

Violation penalties:

- (a) Every person, firm, or corporation failing to perform the duties required of them by or to comply with the provisions of section 12-1 shall for every offense be fined not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), and each day's continuance of any such violation shall be a separate offense.
- (b) As an alternative remedy to subsection (a), any person, firm or corporation who violates any provision of this code May be subject to civil fines of not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00) per parcel of real property for each separate instance in which civil fines are imposed. Such fines May be assessed on each separate structure or dwelling unit located on a parcel of real property, pursuant to the civil fine guidelines as set forth below. In addition, the Urban County Government May assess the administrative cost involved with any inspection(s), in an amount not to exceed two hundred fifty dollars (\$250.00). Each day that a violation continues after due notice has been served, as provided herein, shall be deemed a separate offense. All such civil fines shall be issued through citations in conformity with section 2B-6 of the Code.

Number of citations

Number of violation	1	2	3	4	5+
1-5	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00
6-10	\$200.00	\$300.00	\$400.00	\$500.00	\$750.00
11-15	\$300.00	\$400.00	\$500.00	\$750.00	\$1,000.00
16-20	\$400.00	\$500.00	\$750.00	\$1,000.00	\$1,500.00
21-30	\$500.00	\$750.00	\$1,000.00	\$1,500.00	\$2,000.00
31-40	\$600.00	\$850.00	\$1,250.00	\$1,750.00	\$2,250.00
41+	\$700.00	\$1,000.00	\$1,500.00	\$2,000.00	\$2,500.00

PM-110.4

Failure to comply with an order. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$500.00 dollars per each day of continued violation of the stop work order.

PM-111.1

General: When a structure or equipment is found by the code official to be unsafe, or when the structure is found unfit for human occupancy, or is found unlawful, such structure May be condemned pursuant to the provisions of this code.

PM-111.2

Closing of vacant structures: If the structure is vacant or unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to place a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by Contract or arrangement with private persons and the cost thereof, including an administrative cost not to exceed \$250.00 shall be charged against the real estate upon which the structure is located and if not paid within the time allocated, shall become a lien upon such real estate.

PM-111.2.1

Authority to disconnect service utilities: The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval or when the structure has been placed under a condemnation or demolition order. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service

system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

PM-111.4

Notice to owner or to person or persons responsible: Whenever a code enforcement Officer determines that there has been a violation of this section, the official May issue a preliminary notice of violation, which carries no penalty and is non-appealable. Should the owner of the premises fail to correct the violation, a code official shall issue a citation containing the information and in the manner required by Section 2B-6 of the Code of Ordinances. If the owner of the property cannot be ascertained from the tax rolls in the exercise of reasonable diligence, the serving of such notice or citation upon such owners May be made by posting a copy of the notice and/or citation in a conspicuous place on the property. If the property owner employs or utilizes a management Co. or other agent for the maintenance of the property, the owner May designate in writing, on a form provided by and filed with the Div. of Code Enforcement, the name and address of the Co. or agent to which said notices shall also be provided; however, it shall remain the responsibility of the property owner to comply with the provisions of this code. The property owner shall be responsible for updating any such information filed with the Div. of Code Enforcement as necessary. Notices for condemnation procedures shall also comply with this section.

PM-111.6

Transfer of Ownership: It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the Grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed statement from the Grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

PM-111.8

Prohibited occupancy: Any occupied structure condemned by the code official shall be vacated as ordered by the code official. Any person who shall occupy a condemned premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall allow any person or animal occupy a condemned premises or operate placarded equipment shall be liable for the penalties provided by this code.

Exception: This section shall not apply to the owner or the owner's agent when they are actively working to address the status of the property and/or violations of this code, but only when such work is being conducted between the hours of 7:00am EDT and 10:00pm EDT or authorized otherwise by the code official.

PM-111.8.1

Occupying a Condemned Structure: Any property owner who wantonly or intentionally permits any person(s) or animal(s) to inhabit a structure which has been condemned May

be issued a civil penalty in the amount of \$250.00 per day. Each day of inhabitation will be considered a separate violation and will only apply after the initial time allotted to vacate the structure has expired.

PM-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-112.5

Costs of emergency work: Costs incurred in the performance of emergency work shall be paid using Lexington-Fayette Urban County Government funds and legal action May be instituted against the owner of the premises for the recovery of all costs expended, which May also include administrative costs in an amount not to exceed two hundred fifty dollars (\$250.00). This May be initiated through the recording of a lien on the owner's property.

PM-113.1

General: The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one (1) year, to raze and remove such structure or part thereof.

PM-113.3

Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, or otherwise disposed of, as deemed appropriate, either through an available public agency or by Contract or arrangement with private persons, and the cost of such razing and removal, including an administrative cost not to exceed two hundred fifty dollars (\$250.00), shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-201.3

Terms defined in other codes: Where terms are not defined in this code and are defined in the *Kentucky Revised Statutes, Lexington-Fayette Zoning Ordinance, Kentucky Residential Code, Kentucky Building Code, International Energy Conservation Code (with Kentucky Amendments), International Fire Code (only when specifically referenced), Kentucky Standards of Safety, Fire Prevention Code-NFPA 1; National Fuel Gas Code-NFPA 54, International Mechanical Code, Kentucky Plumbing Code and the National Electrical Code-NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

PM-202.0

The following definition shall be added to this section: **GRAFFITI:** Any inscription, word,

figure, or design marked, etched, scratched, drawn or painted on any surface that damages, mutilates or defaces such surface.

PM-301.4

Manufactured homes: All manufactured homes, mobile homes or house trailers that are occupied or are let for occupancy within the urban county shall meet the standards enumerated in this code and shall be installed and anchored in accordance with the provisions of American National Standards Institute (ANSI) A225.1 as provided in 815 KAR 25.020 through 25.100. Transient recreational vehicles parked in a campground, state or Local Park are exempted from this requirement.

PM-302.2.1

Discharging of Storm Water: Installing a storm drain, downspout or sump discharge to effectively or intentionally direct water onto a neighboring property or across a public way shall be declared a nuisance. The downspout or sump discharge point shall be so located that it discharges a minimum of ten (10) feet from all neighboring properties and public ways. Whenever the minimum distance cannot be met the discharge point shall be so located as to direct discharge of storm water away from downslope structures to the maximum practical extent.

PM-302.8

Motor Vehicles: The keeping, parking or storing of vehicles on any premises shall conform with and be subject to section 12-2 of the Code of Ordinances.

PM-304.3.1

Unit Identification: Every dwelling unit(s) shall have the unit number placed in a position to be plainly legible and visible from the entrance to the unit.

PM-304.14

Insect screens: During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

PM-304.15

Doors: All exterior doors, door assemblies, operator systems, and hardware shall be maintained in good condition. Doors and frames installed in exterior openings shall be designed for and intended to be used for that purpose. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

PM-309.3

Single occupant: The *occupant* of a detached single family dwelling or a single tenant non-residential structure shall be responsible for pest elimination on the *premises*.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

PM-309.4

Multiple occupancy: The *owner* of a structure containing any Group R occupancy shall be responsible for pest elimination of the structure and *exterior property*.

PM-402.2

Common halls and stairways: Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a not less than a light of sufficient brightness to illuminate the floors, landings and threads to provide safe passage or use.

PM-503.4

Floor surface: Every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

PM-602.2

Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, *bathrooms* and *toilet rooms* based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

PM-602.3

Heat supply: Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to May 1 to maintain a minimum temperature of 65°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below 10°F (-12°C), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
2. When the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

PM-602.4

Occupiable Work Spaces: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 1 to maintain a temperature of not

less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

PM-602.6

Climate control: When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

PM-605.2

Receptacles: Every habitable space in a dwelling unit and every guest room shall contain at least two (2) separate and remote receptacle outlets. Every bathroom shall contain at least one (1) receptacle outlet, and all receptacle outlets in the bathrooms shall be a ground-fault circuit interrupter (GFCI). Every laundry room and kitchen shall contain at least one (1) grounded receptacle outlet or a tamper resistant ground-fault circuit interrupter (GFCI). Any receptacle outlet located within six (6) feet of an uncovered water receptacle, such as a sink, wherever located, shall be a ground-fault circuit interrupter (GFCI). Any accessible outlet located on the exterior of a structure shall be a ground-fault circuit interrupter (GFCI).

PM-704.6

Single- and multiple-station smoke alarms: Single- and multiple-station smoke alarms shall be installed in existing one-and-two family dwellings and Group 1-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

PM-704.6.1.5

Single- or multiple-station smoke alarms: Single- station smoke alarms shall be installed and maintained in all one-and-two-family dwellings and dwelling units regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
3. In each room used for sleeping purposes where required at the time of construction.

PM-801.1

Violations library: The Div. of Code Enforcement shall prepare and maintain a comprehensive list for existing structure violations to be known as the violations library. A

copy of the violations library is incorporated herein by reference and shall be filed with the Urban County Council clerk as a part of the public records of this government.

Section 2 - That Section 12-2(c) of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

Sec. 12-2. - Nuisances.

- (c) Except as provided in subsection (h) of this section, it shall be unlawful for the owner, occupant, or person having control or management of any premises within the urban county to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation or presence of:
- (1) Junked, wrecked, non-licensed, improperly licensed or inoperative automobiles, vehicles, or machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;
 - (2) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or inoperative and which are not inhabited;
 - (3) Rubbish, garbage, debris, ashes, trash, or waste of any kind, whether liquid or solid;
 - (4) The excessive growth of weeds, grass and other vegetation as follows:
 - a. 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.
 - 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, Rd., alley or other thoroughfare, and in the event such premises are crossed by a sidewalk, ditch, pathway, private Rd.way, 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 Plant Pest Council.

- c. It shall be unlawful for the owner or occupant of any premises to permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or vehicular traffic within the public right-of-way.
- d. All bushes, shrubs, plants, vines and other vegetation, whether classified as edible or not, must be maintained in a way to prevent the possible collection of trash, refuse, rubbish, garbage or debris and must not present a public safety risk and/or Fire risk to the property or adjoining properties. Failure to maintain vegetation as indicated May result in its required removal.
- e. There is hereby exempted from the scope of the provisions of subsections a. and b. above property within the urban county zoned for agricultural uses, except that such exemption shall not apply when the property has been planned for development and a subdiv. plat has been filed of record in the office of the county clerk reflecting the property as residential.
- 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.

Section 3 - That Section 12-3 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

Sec. 12-3. - Abatement of nuisance.

- (a) *Notice of violation and citation.* It shall be the duty of the commissioner of 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.

Section 4 - That Section 17-162(a) of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

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 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.

Section 5 - That this Ordinance shall become effective on January 1, 2023.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

Published:

0900-22:EAB:X:\Cases\CODE\22-LE0003\LEG\00764746.DOCX