



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Text

File #: 1233-17, Version: 1

An Ordinance amending section 12-1(a) of the Code of Ordinances related to the Property Maintenance Code to delete the 1998 Edition and include the 2015 Edition of the International Property Maintenance Code; amending Section 12-1(b) of the Code of Ordinances related to the Property Maintenance Code to not incorporate the following sections of the 2015 Property Maintenance Code 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, 302.4, 304.17, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2, and 309.5, to include PM-102.3 application of other codes, to allow for delegation of enforcement in PM-103.1, to renumber PM-103.4 to PM-103.45, to allow for designation in PM-104.6, to revise the penalty schedule to include violations from 30 to 41 or above and add fines of \$600 to \$2,500 in PM-106.4.1(b), to delete the publication requirement and require posting of the property in PM-107.1 to include PM-107.6 transfer of ownership, to delete PM-108.1 utility removal and replace it with PM-108.1 general, to raise the administrative cost from \$75 to \$250 in PM-108.2, to include PM-108.2.1 disconnection of utility services, to include PM-108.5, prohibited occupancy, to include PM-108.5.1 occupying a condemned structure, to include PM-108.5.2 violation of PM-108.5, to delete PM-110.4, to include PM-112.4 failure to comply with an order, to include PM-201.3 related to other codes, to renumber PM-303.19 to PM-301.4 and revising the reference to KAR, to include PM-302.2.1 discharge of storm water, to include PM-304.3.1 unit identification, to renumber PM-304.15 to PM-304.14, creating PM-304.15 doors, creating PM-309.3 single occupancy, creating PM-309.4 multiple occupancy, creating PM-402.2 halls and stairways, creating PM-503.4 floor surfaces, deleting PM-504.4, deleting PM-602.2.1, deleting PM-602.2.2, creating PM-602.3 heat supply, renumbering PM-602.3 to PM-602.4 and changing from nonresidential structures to occupiable work spaces, renumbering PM-602.5 to PM-602.6, amending PM-605.2 to include ground fault interrupters, deleting PM-701.1, creating PM-702.4.1 means of escape, creating PM-704.2 smoke alarms, creating PM-704.2.1.5 smoke alarms, deleting PM-705.5.2, deleting PM-901.1, deleting PM-901.2, deleting PM-901.2.1, deleting PM-902.2, deleting PM-902.3, deleting PM-903.1, deleting PM-904.1, deleting PM-905.1, deleting PM-906.1; amending Section 12-2(a) of the Code of Ordinances related to nuisances to include definitions of ashes, debris, garbage, trash, and weed; amending Section 12-2(b) of the Code of Ordinances related to nuisances to delete the requirement of substantial diminution; amending Section 12-2(c)(1) of the Code of Ordinances related to nuisances to include non-licensed, improper licensed or inoperative vehicles, amending 12-2(c)(3) of the Code of Ordinances related to nuisances to include garbage, debris, ashes, trash or any other kind of waste; amending Section 12-2(c)(4)(a) of the Code of Ordinances to add a variety of weeds to this section including those classified by the United States Dept. of Agriculture; amending Section 12-2(c)(4)(b) of the Code of Ordinances related to nuisances to replace the 12 inch height requirement with 10 inches that does not apply to crops, trees, bushes, shrubs, flowers or ornamental plants; creating a new Section 12-2(c)(4)(d) of the Code of Ordinances related to nuisances to provide for maintenance of bushes, shrubs, plants, vines and other vegetation, creating Section 12-2(c)(4)(e) of the Code of Ordinances related to nuisances to renumber former Section 12-2(c)(4)(d) to 12-2(c)(4)(e), deleting Section 12-2(c)(5) of the Code of Ordinances related to nuisances; amending Section 12-2(c)(6) of the Code of Ordinances related to nuisances to renumber to 12-2(c)(5) to include other inoperable or demolished objects; deleting Section 12-2(c)(7) of the Code of Ordinances related to nuisances and

renumbering it as 12-2(c)(6) and to include the accumulation of mud, dirt and moss; amending the second Section 12-2(c) of the Code of Ordinances related to nuisances to include carports and decks and renumbering to 12-2(d); creating Section 12-2(e) of the Code of Ordinances related to nuisances to maintain compost piles; amending Section 12-2(d) of the Code of Ordinances related to nuisances to renumber the Section to 12-2(f); creating Section 12-2(g) of the Code of Ordinances related to nuisances to renumber former Section 12-2(e) to 12-2(g); creating Section 12-2(h) of the Code of Ordinances related to nuisances to renumber former Section 12-2(f) to 12-2(h); amending section 12-5(b) of the Code of Ordinances related to penalties to increase the period from 12 months to 24 months and to increase the maximum fine to \$1,500; amending Section 12-5(c) of the Code of Ordinances related to penalties to increase the period from 12 months to 24 months and to increase the maximum fine to \$1,500; amending Section 12-8.4(b) of the Code of Ordinances related to accumulation of snow as a nuisance to change the referenced section of the code from 12-7 to 12-3.
[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 of the Lexington-Fayette Urban County Government be and is hereby amended to 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, 2015 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 of this code are hereby revised to read as follows:

The following sections of the International Property Maintenance Code, 2015 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, 302.4, 304.17, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2, and 309.5.

PM-101.1

Title: These regulations shall be known as the International 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-103.45

Restriction of employees: All officials or employees, including the members of the board of appeals established under the provisions of section PM 111.0, 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-104.6

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-104.7

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-106.4.1

- (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 violat	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	\$1,000.00	\$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-107.1

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 section PM-108.3.

PM-107.2

Repealed by Ord. No. 220-2016.

PM-107.6

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-108.1

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-108.2

Closing of vacant structures: If the structure is vacant ~~and~~ 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-108.2.1

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-108.5

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-108.5.1

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-108.5.2

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

Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including an administrative cost not to exceed two hundred fifty dollars (\$250.00), by placing a lien against said property.

PM-110.1

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-110.3

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-111.2

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-112.4

Failure to comply: 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-201.3

Terms defined in other codes: Where terms are not defined in this code and are defined in the Kentucky Revised Statutes, Fayette-Lexington 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

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

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:

- 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.
- 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-702.4.1

Number of Means of Escape: The provisions of National Fire Prevention Association 101; Life Safety Code; 24.2.2 Number of Means of Escape; and 24.2.3 Arrangement of Means of Egress; shall apply to all existing one and two-family dwellings in accordance with the provision of KRS. 227.225 Status of single family dwellings.

PM-704.2

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 704.2 through 704.2.4.

PM-704.2.1.5

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:

- On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
- 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.
- 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 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and is hereby amended to read as follows:

Sec. 12-2. - Nuisances.

Violations of this chapter of the Code of Ordinances shall be enforced through a Code Enforcement Board created pursuant to KRS 65.8801 to KRS 65.8839, as further provided in, utilizing assigned hearing officer(s).

(a) The definitions provided section 2B-2 of the Code of Ordinances shall apply to this chapter unless otherwise stated below:

- (1) *Ashes* shall mean the residue from the burning of wood, coal, coke and other combustible materials in homes, stores, institutions and small industrial establishments for the purpose of heating, cooking and disposing of waste combustible material. Cinders that are produced in large quantities at steam-generating plants are not included within the meaning of the term.
- (2) *Debris* shall mean the remains of anything broken or destroyed; ruins, fragments and shall include, but not be limited to concrete blocks, concrete slabs, wood scraps and other material generated by construction activity
- (3) *Garbage* shall mean animal and vegetable waste resulting from the handling,

preparation, cooking and serving of foods, paper and other kitchen-type wastes generated from normal household activities. It is composed largely of putrescible organic matter and its natural moisture content. It includes a minimum amount of free liquids. Garbage originates primarily in home kitchens, and also may originate in stores, markets, restaurants, hotels and other places where food is stored, prepared or served.

(4) Trash shall mean a variety of both combustible and noncombustible solid waste from materials from homes, stores and institutions. Trash shall include, but is not limited to, brush, tree limbs, fallen trees, scrap lumber, scrap metal, scrap plastic, plastic bags, car parts, appliances, tires, rags, paper, general yard waste and the like.

(5) *Weed* shall mean any plant, bush, vine and other vegetation, whether classified as edible or not, that grows in an aggressive or invasive [manner](https://en.wikipedia.org/wiki/Invasive_species) and/or is unmaintained, undesirable, or may cause blight on the property.

(b) No owner of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner which may cause diminution in the value of the other property in the neighborhood in which such premises are located, and the owner shall not permit any structure upon his or her premises to become unfit and unsafe for human habitation, occupancy, or use or permit conditions to exist on the structure or premises which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the urban county.

(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. This section shall not apply to property for which a current riparian buffer area permit is in effect.

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. This section shall not apply to property for which a current riparian buffer area permit is in effect. 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 and

- meet all other requirements as outlined by Ordinance.
- 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.
- (5) Abandoned, discarded, inoperable, dilapidated, disassembled or demolished objects structures or equipment and shall include but not be limited to furniture, stoves, refrigerators, freezers, cans, containers, trailers, playsets, kennels, sheds, or above-ground swimming pools.
 - (6) The accumulation of mud, dirt, moss, trash, debris or other substance or item on the sidewalk which May endanger the public health and safety by preventing safe or reasonable flow of pedestrian traffic.
- (d) No owner of any premises shall allow the use or storage of furniture which is upholstered, or not designed or manufactured for outdoor use and equipment or appliances which are not designed for outdoor use, in an outdoor area such as a porch, carport, deck, patio or yard.
 - (e) Any compost pile located on a property must be maintained in a clearly definable area and out of ordinary public view. It shall not attract vermin, insects or animals nor shall it create a nuisance, health hazard, safety issue or Fire concern.
 - (f) It shall be unlawful for any person, whether in person or by his agent or employee or servant, to cast, throw, sweep, sift or deposit, in any manner, any ashes, debris, garbage, refuse or waste of any kind, whether liquid or solid, in or upon any public way, public place, river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the county government. Nor shall any person cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Urban County Government in such manner that it May be carried or deposited, in whole or in part, by the action of the sun, wind, rain or snow into any of the aforementioned places. This section shall not apply to the deposit of material under a permit authorized by any Ordinance of the Urban County Government; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two (2) hours after being so deposited; or to articles for things deposited in or conducted into the Urban County Government sewer system through lawful drains in accordance with the Ordinances of the Urban County Government.
 - (g) It shall be unlawful for any person, whether in person or by his agent or employee or servant, to use any vehicle to haul any ashes, debris, garbage, refuse or waste of any kind, whether liquid or solid, unless such vehicle is covered to prevent any part of its contents from spilling or escaping the vehicle at all times while such vehicle is in motion

on any street or alley in the urban county. However, the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material if such matter is securely lashed to such vehicle to prevent spilling or escaping the vehicle.

- (h) The provisions of subsection (c)(1), above shall not apply to:
 - (1) Junked, wrecked, or inoperative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a:
 - a. Licensed automotive recycling dealer as described in KRS 190.010(8);
 - b. Used motor vehicle dealer as defined in KRS 190.010(6): or
 - c. Motor vehicle auction dealer as defined in KRS 190.010(11);
 - (2) Junked, wrecked, or inoperative motor vehicles, including parts cars, stored on private premises by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means;
 - (3) Any motor vehicle as defined in KRS 281.010 that is owned, controlled, operated, managed, or leased by a motor carrier.
 - (4) Any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Urban County Government or any other public agency or entity.

Section 3 - That Section 12-5 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and is hereby amended to read as follows:

Sec. 12-5. - Penalties.

- (a) Every person failing to perform the duties required of him by or to comply with the provisions of section 12-2 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 owner who violates any provision of section 12-2 and has been previously issued at least one (1) nuisance citation for a violation or violations on the same property within a Twenty-four (24)-month period, May also be assessed civil fines of not less than one hundred dollars (\$100.00) no more than one thousand-five hundred dollars (\$1,500.00), pursuant to the civil fine guidelines as set forth herein.
- (c) Civil fines assessed for violations of section 12-2 shall be based on the number of citations issued within a Twenty-four (24)-month period, as follows:

	1	2	3	4	5+
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Number of Citations	\$100.00	\$250.00	\$500.00	\$1,000.00	\$1,500.00

Section 4 - That Section 12-8.4 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and is hereby amended to read as follows:

Sec. 12-8.4. - [Accumulation of snow as a nuisance.]

- (a) Accumulation of snow upon a sidewalk so as to endanger the public health and safety by preventing the safe and reasonable flow of pedestrian traffic is hereby declared a nuisance.
- (b) Any person who causes or maintains a nuisance in violation of subsection (a) of this section is subject to the abatement procedure provided in Section 12-3 of this Code subject to the following:
 - (1) The owner of property abutting any sidewalk shall clear the sidewalk after any snow event with an accumulation of four (4) or more inches.
 - (2) The owner of property on which a sidewalk abuts any street must have such sidewalk cleared within twenty-four (24) hours of the end of the snow event.
 - (3) The end of the snow event shall be indicated on the government's website, in public communications made by the government related to the end of the snow event and in any notice of violation.
- (c) The government shall not issue a notice of violation for a violation of this section if the street abutting the property has not been plowed.
- (d) In the event of the presence of extreme weather conditions, the Mayor or his designee may hold the enforcement of this section in abeyance until conditions improve.

Any such announcement will be made on the government's website and in all public communications made by the government during and immediately following the snow event.

Section 5 - That this Ordinance shall become effective on January 1, 2018.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

