

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS
- 151. FLOOD DAMAGE PREVENTION
- 152. HOUSING CODE
- 153. RENTAL PROPERTY
- 154. ZONING

CHAPTER 150: BUILDING REGULATIONS

Section

- 150.01 Adoption of Kentucky Building Code; application to single-family dwellings
- 150.02 Adoption of Standards of Safety; enforcement officer; permits and fees; appeals
- 150.03 Building permits and fees
- 150.04 Building and Zoning Inspector
- 150.05 Civil liability of Building and Zoning Inspector and other city employees
- 150.06 Inspection of property and buildings; days and times permitted

- 150.99 Penalty

' 150.01 ADOPTION OF KENTUCKY BUILDING CODE; APPLICATION TO SINGLE-FAMILY DWELLINGS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations; and, to the extent they are not in conflict with the above mentioned Kentucky Codes, the latest editions of the Southern Standard Housing Code, Southern Standard Building Code, and Southern Standard Gas Code, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the Office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) The Council may, when allowed by state law, make deletions and additions to the codes adopted in division (A) above, which deletions or additions shall be made by ordinance. Unless additions or deletions to the codes are made, each of the codes, including all penalty provisions thereof and including any amendments thereto, shall be in force throughout the city.

(C) The application of the Kentucky Building Code is hereby extended to all single-family dwellings in the city. (Ord. 3-2-80, passed - -80)

' 150.02 ADOPTION OF STANDARDS OF SAFETY; ENFORCEMENT OFFICER; PERMITS AND FEES; APPEALS.

(A) Adoption of Standards of Safety. The Kentucky Standards of Safety (Fire Prevention Code) as promulgated in 815 KAR 10:040 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshal, is hereby adopted in full as an ordinance of the city. Copies of the code book are available through the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

(B) Enforcement officer. The Fire Chief and Assistant Fire Chief of the city shall be designated as the local enforcement agent/agency for the Standards of Safety as appointed by the fiscal court or city.

(C) Permits and fees. The requirements for permits and required fees shall be as provided for in the schedule attached to Ordinance 7-1-91.

(D) Appeal process. All final decisions of the fire code official of the city shall be appealable to a local appeals board pursuant to the procedures adopted by the City Council.
(Ord. 7-1-91, passed 9-7-91)

' 150.03 BUILDING PERMITS AND FEES.

(A) In order to obtain a building permit as required in this chapter, the applicant shall contact the City Clerk and provide him with the necessary papers, plans, and information. The City Clerk shall in turn, submit the plans and specifications to the Building and Zoning Inspector for his approval if they satisfy appropriate city ordinances. The papers will then be transferred to the Chairman of the Planning and Zoning Commission, who shall also note his approval thereon in writing if the plans meet appropriate city ordinances. Upon said approvals, the City Clerk shall issue the permit to the applicant, and shall collect from the applicant for the permit the following rates: For the first \$1,000 valuation or part thereof, a minimum fee of \$5 and for each additional \$1,000 valuation or part thereof, the sum of \$5.

(B) No applicant shall be required to wait longer than 48 hours for either an approval or disapproval for his application for a building permit. In the absence of the City Clerk, Building and Zoning Inspector, or Chairman of the Planning and Zoning Commission, the appropriate member of City Council may be substituted for any one or for all of the administrative positions. In such cases of substitution, the City Councilmember shall sign the approval in the name of the Building and Zoning Inspector or the Chairman of the Planning and Zoning Commission.
('77 Code, ' 3-210)

' 150.04 BUILDING AND ZONING INSPECTOR.

The administrative agent who has responsibility for enforcement of building regulations within this city under this chapter and other provisions of this code shall be known as the Building and Zoning Inspector.

(A) Appointment, term, compensation.

(1) The Building and Zoning Inspector shall be appointed by the Mayor, with approval of City Council, and is subject to removal at the pleasure of the Mayor.

(2) The person appointed as Building and Zoning Inspector may be an existing employee of the city. The Inspector designated by the Mayor shall have authority to employ assistants or representatives to act for him to the extent that funds are available to him for this purpose.

(3) The compensation of the Building and Zoning Inspector shall be set by appropriate ordinance of the City Council.
('77 Code, ' 3-100)

(B) Powers and duties.

(1) The Building and Zoning Inspector shall devote his time to the duties of his office. He shall receive applications required by this chapter, issue permits, and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(2) Inspections required under the provisions of the Building Code shall be made by the Building and Zoning Inspector or his duly-appointed assistant. The Building and Zoning Inspector may accept reports of inspectors or recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer or such service.

(3) The Building and Zoning Inspector shall keep comprehensive records of applications, permits, or certificates issued, inspections made, reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(4) All such records shall be open to public inspection in accordance with the requirements set forth in Chapter 35 of this code at the stated office hours, but shall not be removed from the office of the Building and Zoning Inspector without his written consent.
('77 Code, ' 3-110)

(C) Right of entry. The Building and Zoning Inspector, in the discharge of his official duties and upon proper identification, shall have the authority to enter any building, structure, or premises at any reasonable hour. ('77 Code, ' 3-120)

(D) Cooperation of other city officials. The Building and Zoning Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the city. ('77 Code, ' 3-130)

Cross-reference:

Duties as to flood damage prevention, see ' 151.45

Duties as to enforcement of Housing Code, see ' 152.26 through 152.30

' 150.05 CIVIL LIABILITY OF BUILDING AND ZONING INSPECTOR AND OTHER CITY EMPLOYEES.

Any suit brought against the Building and Zoning Inspector or employee because of any act or omission performed by him in the enforcement of any provisions of this chapter, shall be defended by the City Attorney until final termination of the proceedings. ('77 Code, ' 3-225)

' 150.06 INSPECTION OF PROPERTY AND BUILDINGS; DAYS AND TIMES PERMITTED.

Any and all inspections of real property or structures or buildings thereon within the city for which the Building or Zoning Inspector is empowered, permitted or authorized to conduct shall be performed during the hours of 9:00 a.m. to 5:00 p.m. on Monday through Friday, unless an emergency exists or upon agreement with the Building Inspector. All persons with any interest in real estate or buildings or structures thereon within the city shall, upon reasonable notice, make the premises available for inspection during those times set forth in this section.

(Ord. 6-3-93, passed 7-3-93) Penalty, see ' 150.99

' 150.99 PENALTY.

Any person with any interest in real estate or buildings or structures thereon within the city who fails to permit inspection after reasonable notice at the times stated in ' 150.06 shall be guilty of a misdemeanor offense, and be subject to a fine not to exceed \$500.

(Ord. 6-3-93, passed 7-3-93)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 151.01 Statutory authorization
- 151.02 Findings of fact
- 151.03 Purpose and objectives
- 151.04 Definitions
- 151.05 Application; jurisdiction
- 151.06 Basis for establishing areas of special flood hazard
- 151.07 Compliance
- 151.08 Abrogation and greater restrictions
- 151.09 Interpretation
- 151.10 Warning and disclaimer of liability

Permits

- 151.20 Development permit required; application

Flood Hazard Reduction

- 151.30 General standards
- 151.31 Specific standards
- 151.32 Standards for streams without established base flood elevation and/or floodways
- 151.33 Standards for subdivision proposals
- 151.34 Standards for areas of shallow flooding (AO Zones)

Administration

- 151.45 Designation of local administrator; duties and responsibilities
- 151.46 Variance procedures
- 151.99 Penalty

GENERAL PROVISIONS

' 151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of Kentucky has in KRS Ch. 100 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city does ordain the following chapter.
(Ord. 9-1-92, passed 10-13-92)

' 151.02 FINDINGS OF FACT.

- (A) The flood hazard areas of the city are subject to periodic

inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages. (Ord. 9-1-92, passed 10-13-92)

' 151.03 PURPOSE AND OBJECTIVES.

(A) Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(B) Objectives. The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and

(7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. 9-1-92, passed 10-13-92)

' 151.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AADDITION (TO AN EXISTING BUILDING).@ Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

AAPPEAL.@ A request for a review of the Zoning and Building Inspector interpretation of any provision of this chapter or a request for a variance.

AAREA OF SHALLOW FLOODING.@ A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AAREA OF SPECIAL FLOOD HAZARD.@ The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

ABASE FLOOD.@ The flood having a 1% of being equaled or exceeded in any given year.

ABASEMENT.@ The portion of a building having its floor subgrade (below ground level) on all sides.

ABREAKAWAY WALL.@ A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

ABUILDING.@ A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

ADEVELOPMENT.@ Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

AELEVATED BUILDING.@ A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

AEXISTING CONSTRUCTION.@ Any structure for which the ASTART OF CONSTRUCTION@ commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS effective before that date. AEXISTING CONSTRUCTION@ may also be referred to as Aexisting structures@.

AEXISTING MANUFACTURED HOME PARK@ or ASUBDIVISION.@ The construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the city based on specific technical base flood elevation data which established the area of special flood hazards.

AEXPANSION TO AN EXISTING MANUFACTURED HOME PARK@ or ASUBDIVISION.@ The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

AFLOOD@ or AFLOODING.@ A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

AFLOOD HAZARD/BOUNDARY MAP (FHBM).@ An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

AFLOOD INSURANCE RATE MAP (FIRM).@ An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

AFLOOD INSURANCE STUDY.@ The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

AFLOODWAY.@ The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

AFLOOR.@ The top surface of an enclosed area in a building (including basement), such as, top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

AFUNCTIONALLY DEPENDENT FACILITY.@ A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

AHIGHEST ADJACENT GRADE.@ The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

AHISTORIC STRUCTURE.@ Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

ALOWEST FLOOR.@ The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the

structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

AMANUFACTURED HOME.@ A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

AMEAN SEA LEVEL.@ The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

ANATIONAL GEODETIC VERTICAL DATUM (NGVD).@ As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

ANEW CONSTRUCTION.@ Structures for which the ASTART OF CONSTRUCTION@ commenced on or after the effective date of the city's floodplain management regulations and includes any subsequent improvements to such structures.

ANEW MANUFACTURED HOME PARK@ or ASUBDIVISION.@ A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the city's floodplain management regulations.

A100-YEAR FLOOD.@ See ABASE FLOOD.@

ARECREATIONAL VEHICLE.@ A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

ASTART OF CONSTRUCTION.@ Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first

placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual ASTART OF CONSTRUCTION@ means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

ASTRUCTURE.@ A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

ASUBSTANTIAL DAMAGE.@ Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

ASUBSTANTIAL IMPROVEMENT.@ Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of the market value of the building. The market value of the building should be the appraised value of the building prior to the start of the initial repair or improvement, or in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred ASUBSTANTIAL DAMAGE,@ regardless of the actual repair work performed. For the purposes of this definition, ASUBSTANTIAL IMPROVEMENT@ is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions or any alteration of a AHISTORIC STRUCTURE,@ provided that the alteration will not preclude the structure's continued designation as a AHISTORIC STRUCTURE.@

ASUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS@ or ASUBDIVISIONS.@ Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

AVARIANCE.@ A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. 9-1-92, passed 10-13-92)

' 151.05 APPLICATION; JURISDICTION.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Ord. 9-1-92, passed 10-13-92)

' 151.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its most recently completed Flood Insurance Study with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(Ord. 9-1-92, passed 10-13-92)

' 151.07 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

' 151.08 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 9-1-92, passed 10-13-92)

' 151.09 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 9-1-92, passed 10-13-92)

' 151.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create

liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 9-1-92, passed 10-13-92)

PERMITS

' 151.20 DEVELOPMENT PERMIT REQUIRED; APPLICATION.

(A) Establishment of development permit. A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities.

(B) Application. Application for a development permit shall be made to the Zoning and Building Inspector on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing, specifically, the following information is required:

(1) Application stage.

(a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;

(b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;

(c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in ' 151.31 of this chapter; and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction it means, it shall be the duty of the permit holder to submit to the Zoning and Building Inspector a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Zoning and Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be

corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be cause to issue a stop-work order for the project.
(Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

FLOOD HAZARD REDUCTION

' 151.30 GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(D) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this chapter, shall meet the requirements of ANEW CONSTRUCTION@ as contained in this chapter.

(J) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this chapter

shall be undertaken only if the non-conformity is not furthered, extended, or replaced.

(Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

' 151.31 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in ' 151.06 or 151.45(B) of this chapter, the following provisions are required:

(A) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated ____ feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of division (C) of this section.

(B) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated ____ feet above the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this division (B) are satisfied. Such certification shall be provided to the official as set forth in ' 151.45(B)(7) of this chapter.

(C) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(D) Standards for manufactured homes and recreational vehicles.

(1) All manufactured homes placed or substantially improved outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred ASUBSTANTIAL DAMAGE@ as the result of a flood, must meet all the requirements for new constructions including elevation and anchoring.

(2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) The lowest floor of the manufactured home is elevated to or above the level of the base flood elevation;

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;

(c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred Asubstantial damage@ as the result of a flood, and manufactured home placed or substantially improved must meet the standards of subdivisions (D)(2)(a) and (c).

(3) (a) All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements for new construction, including anchoring and elevation requirements for AMANUFACTURED HOMES.@

(b) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(E) Floodways. Located within areas of special flood hazard established in ' 151.06 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;

(2) If subdivision (D)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subchapter. (Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

' 151.32 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in ' 151.06 of this chapter, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one floor at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with ' 151.45(B) of this chapter. (Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

' 151.33 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of 50 lots or five acres.

(Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

' 151.34 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in ' 151.06 of this chapter, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(A) All new construction and substantial improvements or residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the city's FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or

(2) Together with attendant utilities and sanitary facilities be completely flood-proofed to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. 9-1-92, passed 10-13-92) Penalty, see ' 151.99

ADMINISTRATION

' 151.45 DESIGNATION OF LOCAL ADMINISTRATOR; DUTIES AND RESPONSIBILITIES.

(A) Designation of local administrator. The Zoning and Building Inspector is hereby appointed to administer and implement the provisions of this chapter.

(B) Duties and responsibilities. The duties of the Zoning and Building Inspector shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this chapter have been satisfied;

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

(3) Notify adjacent communities and the Kentucky Division of Water prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

(4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with ' 151.20(B)(2) of this chapter;

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with ' 151.20(B)(2) of this chapter;

(7) When flood-proofing is utilized for a particular building, the Zoning and Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with ' 151.31(B) of this chapter;

(8) Where interpretation is needed as to the exact location of boundaries of the areas special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning and Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this subchapter;

(9) When base flood elevation data or floodway data have not been provided in accordance with ' 151.06 of this chapter, then the Zoning and Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of ' 151.30 through 151.34 of this chapter;

(10) All records pertaining to the provisions of this chapter shall be maintained in the office of the Zoning and Building Inspector and shall be open for public inspection.
(Ord. 9-1-92, passed 10-13-92)

' 151.46 VARIANCE PROCEDURES.

(A) The Board of Adjustment as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning and Building Inspector in the enforcement or administration of this chapter.

(C) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the circuit court, as provided in Kentucky Revised Statutes.

(D) Variances may be issued for the repair or rehabilitation of historic structures (see definition in ' 151.04 of this chapter) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(E) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(F) Upon consideration of the factors listed above, and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(G) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(H) Conditions for variances.

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(2) Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The Zoning and Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. 9-1-92, passed 10-13-92)

' 151.99 PENALTY.

Violation of the provision of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall,

upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this chapter shall prevent the city from taking such other lawful actions as is necessary to prevent or remedy any violation.
(Ord. 9-1-92, passed 10-13-92)

CHAPTER 152: HOUSING CODE

Section

General Provisions

152.01 Definitions

Housing Standards

152.10 Minimum standards for basic equipment and facilities
152.11 Minimum standards for light, ventilation, and heating
152.12 General requirements relating to safe and sanitary maintenance
152.13 Minimum space, use, and location requirements
152.14 Rooming house requirements
152.15 Responsibilities of owners and occupants
152.16 Designation of unfit dwellings and legal procedure of condemnation

Enforcement

152.25 Board of Housing Appeals
152.26 Enforcement by Building and Zoning Inspector; Police Authority
152.27 Rules and regulations adopted for enforcement of Housing Code
152.28 Vacancy of rental property to be reported to Building and Zoning Inspector
152.29 Violations; hearing procedure
152.30 Emergency conditions

152.98 Violations; enforcement system
152.99 Penalty

GENERAL PROVISIONS

' 152.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABASEMENT.@ A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

ACELLAR.@ A portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

ADWELLING.@ Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. ATEMPORARY HOUSING@ as hereinafter defined shall not be regarded as a ADWELLING.@ ADWELLING@ shall be construed as though followed by the words Aor any part thereof.@"

ADWELLING UNIT.@ Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

ADWELLING UNIT@ shall be construed as though followed by the words Aor any part thereof.@"

AEXTERMINATION.@ The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Building and Zoning Inspector.

AGARBAGE.@ The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

AHABITABLE ROOM.@ A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

AINFESTATION.@ The presence, within or around a dwelling of any insects, rodents, or other pests in concentrations that constitute health hazards.

AINSPECTOR.@ The Building and Zoning Inspector designated to administer this chapter as prescribed in ' 152.25.

AMULTIPLE DWELLING.@ Any dwelling containing more than two dwelling units.

AOCCUPANT.@ Any person over one year of age, living, sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.

AOPERATOR.@ Any person who has charge, care, or control of a building or part thereof in which units or rooming units are let.

AORDINARY MINIMUM WINTER CONDITIONS.@ The temperature of 10°F.

AOWNER.@ Any person who, alone or jointly or severally with others, his or their agent or agents who shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.

APLUMBING.@ All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

APREMISES.@ Construed as though followed by the words Aor any part thereof.@

AROOMING HOUSE.@ Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons. AROOMING HOUSE@ shall be construed as though followed by the words Aor any part thereof.@

AROOMING UNIT.@ Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes. AROOMING UNIT@ shall be construed as though followed by the words Aor any part thereof.@

ARUBBISH.@ Combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

ASUPPLIED.@ Paid for, furnished, or provided by or under the control of, the owner or operator, or tenant.

ATEMPORARY HOUSING.@ Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days, except in approved mobile home parks.
('77 Code, ' 3-600)

HOUSING STANDARDS

' 152.10 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(A) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Building and Zoning Inspector.

(B) Every dwelling unit (except as otherwise permitted under division (D) below) shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Building and Zoning Inspector.

(C) Every dwelling unit (except as otherwise permitted under division (D) below) shall contain, within a room which affords privacy to a person within the room, a bathtub or shower in good working

condition and properly connected to a water and sewer system approved by the Building and Zoning Inspector.

(D) The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:

(1) Neither of the two dwelling units contains more than two rooms. For the purposes of this division, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room.

(2) The habitable area of each of the dwelling units shall equal not more than 250 square feet of floor area.

(3) The water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the Building and Zoning Inspector.

(E) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of divisions (A) through (D) above shall be properly connected with both hot and cold water lines.

(F) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the Building and Zoning Inspector.

(G) Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the Building and Zoning Inspector.

(H) Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of division (E) above, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F. Such supplied water-heating facilities shall be capable of meeting the requirements of this division at all seasons of the year.

(I) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state.

('77 Code, ' 3-620) Penalty, see ' 152.99

' 152.11 MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(A) Every habitable room shall have at least one window or

skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room. Whenever walls or other portions of structures face a window of any such room and the light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of the room.

(B) Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type size, as required in division (A) above, except where there is supplied some other device affording adequate ventilation and approved by the Building and Zoning Inspector.

(C) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in divisions (A) and (B) above, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation during periods of use and approved by the Building and Zoning Inspector. Exception may be made when it is determined that such spaces that existed at the time of adoption of this chapter do not constitute hazards of health.

(D) Every habitable room of the dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner: provided the dwelling is within 300 feet of an available power line.

(E) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70°F, at a distance three feet above floor level, when the outside temperature is minus 5°F.

(F) Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time light.

(G) During that portion of each year when the Inspector deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(H) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
('77 Code, ' 3-625) Penalty, see ' 152.99

' 152.12 GENERAL REQUIREMENTS RELATING TO SAFE AND SANITARY MAINTENANCE.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(A) Every foundation, floor, wall, ceiling, and roof shall be reasonably weather-tight, water-tight, and rodent-proof; shall be capable of affording privacy; and shall be kept in good repair.

(B) Every window, exterior door, and easement hatchway shall be reasonably weather-tight, water-tight, and rodent-proof, and shall be kept in sound working condition and good repair.

(C) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(D) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(E) Every water closet compartment floor surface and the bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(G) No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from or shut off from or discontinued for an occupied dwelling let or occupied by him except for such temporary interruption as may be necessary while actual repairs or alterations are in

process, or during temporary emergencies, when discontinuance of service is approved by the Building and Zoning Inspector.
('77 Code, ' 3-630) Penalty, see ' 152.99

' 152.13 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(A) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(B) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 30 square feet of floor space for each occupant thereof.

(C) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; no room arrangements shall be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(D) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(E) No cellar space shall be used as a habitable room or dwelling unit.

(F) No basement space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness;

(2) The total of window area in each room is equal to at least the minimum window area sizes as required in ' 152.11(A);

(3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(4) The total of openable window area in each room is equal to at least the minimum as required under ' 152.11(B), except where there is supplied some other device affording adequate ventilation and approved by the Building and Zoning Inspector.
('77 Code, ' 3-635) Penalty, see ' 152.99

' 152.14 ROOMING HOUSE REQUIREMENTS.

(A) No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter, except the provisions of ' 152.10 and 152.15.

(B) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Building and Zoning Inspector in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the Building and Zoning Inspector for such permit which shall be issued upon compliance by the operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such permit shall give notice in writing to the Building and Zoning Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. The notice shall include the name and address of the person succeeding to the ownership or control of the rooming house. Every rooming house permit shall expire at the end of two years following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(C) Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the City Council, under the procedure provided by ' 152.29.

(D) Whenever upon inspection of any rooming house the Building and Zoning Inspector finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Inspector shall give notice in writing to the operator of the rooming house that unless such conditions or practices are corrected within a 60-day period, the operator's rooming house permit will be suspended. At the end of such period the Building and Zoning Inspector shall re-inspect the rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, the operator shall immediately cease operation of the rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein until a new permit is issued.

(E) Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Building and Zoning Inspector that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the City Council under the procedure provided by ' 152.29; provided, that if no petition for such hearing is filed within ten days following the day on which the permit was suspended, the permit shall be deemed to have been automatically revoked.

(F) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Inspector and in good working condition, shall be supplied for each eight persons or fraction thereof, residing within a rooming house, including members of the operator's family whenever they share the use of the facilities; provided that, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(G) The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(H) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 30 square feet of floor space for each occupant thereof.

(I) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state.

(J) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(K) Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provisions may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.
('77 Code, ' 3-645) Penalty, see ' 152.99

' 152.15 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

(B) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit, and premises thereof which he occupies and controls.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by ' 152.10(G).

(D) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by ' 152.10(G). It shall be the responsibility of the occupant to supply such containers.

(E) Every occupant of a dwelling or dwelling unit shall be responsible for handling all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

(F) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(G) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

('77 Code, ' 3-640) Penalty, see ' 152.99

' 152.16 DESIGNATION OF UNFIT DWELLING AND LEGAL PROCEDURE OF CONDEMNATION.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of

such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

(A) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the public.

(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.

(B) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building and Zoning Inspector shall be vacated within 60 days from date of placarding.

(C) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Building and Zoning Inspector. The Building and Zoning Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(D) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in division (C) above.

(E) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the City Council, under the procedure set forth in ' 152.29.

('77 Code, ' 3-650) Penalty, see ' 152.99

ENFORCEMENT

' 152.25 BOARD OF HOUSING APPEALS.

(A) In accordance with KRS 198B.070, a Board of Housing Appeals is hereby established consisting of five technically qualified persons with professional experience relating to the building industry. No more than two members may be employees of the city.

(B) The Board of Housing Appeals is designated as the agency of the city to which decisions of the Building and Zoning Inspector may be appealed.

(C) Appeals from the decisions of the Building and Zoning Inspector shall be made as described in ' 152.29.

(D) Any person aggrieved by any decision rendered by the Board of Housing Appeals may appeal such decision to any court of competent jurisdiction.

('77 Code, ' 3-610(1) - (4))

' 152.26 ENFORCEMENT BY BUILDING AND ZONING INSPECTOR; POLICE AUTHORITY.

(A) The Building and Zoning Inspector is responsible for the enforcement of this chapter.

(B) The Building and Zoning Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the city when there is any evidence that violation of this chapter exists, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the Building and Zoning Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises.

(1) The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Building and Zoning Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

(2) Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

('77 Code, ' 3-605)

(C) In addition to enforcement by the Building Inspector, violations of the provisions of the Housing Code which are in plan view of the general public may be enforced by any member of the Dixie Police Authority, who may order any owner or occupant to remedy any such violation within a reasonable period of time. The provisions of ' 152.29 of this chapter shall be followed by the Police Authority in enforcement of this section. (Ord. 11-4-88, passed 12-6-88)

' 152.27 RULES AND REGULATIONS ADOPTED FOR ENFORCEMENT OF HOUSING CODE.

The Building and Zoning Inspector may recommend to the Mayor the adoption of such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this chapter. Any rules and regulations concerning the enforcement of the provisions of this chapter which may be promulgated by the Mayor shall be subject to the approval of the City Council in accordance with KRS 83A.130(4) and shall only be adopted after a public hearing has been held in accordance with the laws governing the conduct of public hearings by the City Council. Such rules and regulations shall not be in conflict with the provisions of this chapter. A certified copy of all rules and regulations which may be adopted pursuant to this section shall be filed with the City Clerk. Such rules and regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter, as provided in ' 152.99. ('77 Code, ' 3-615)

' 152.28 VACANCY OF RENTAL PROPERTY TO BE REPORTED TO BUILDING AND ZONING INSPECTOR.

(A) It is hereby mandatory that upon rental property located within the corporate limits of the city becoming vacant, it is the duty, charge, and responsibility under penalty of ' 152.99 for the owner of the rental property to duly and timely notify the Building and Zoning Inspector of the vacancy so that an inspection in conformity with ' 152.26 may be made by him. There shall be a fee assessed for the inspection in conformity with division (B) below to be paid before any permit may be issued.

(B) The owner shall pay into the General Fund of the city a fee as determined by the Building and Zoning Inspector. The fee shall be \$5 per dwelling unit. Fees shall be paid before any permit may be issued.

('77 Code, ' 3-610(5), (6)) Penalty, see ' 152.99

' 152.29 VIOLATIONS; HEARING PROCEDURE.

(A) Whenever the Building and Zoning Inspector determines that there is evidence indicating that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

(1) Be put in writing;

(2) Include a statement of the reasons why it is being issued;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, agent, or occupant, if a copy thereof is served upon him personally; if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice;

(5) Contain specific remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(B) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Housing Appeals, provided that person files with the Board a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of such petition, the Board shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board may postpone the date of the hearing for a reasonable time beyond the 30-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(C) After the hearing, the Building and Zoning Inspector shall sustain, modify, or withdraw the notice, depending upon the Board's findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building and Zoning Inspector sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to division (A) above shall automatically become an order if a written petition for a hearing is not filed with the Board within ten days after the notice is served. After a hearing in the case of any notice suspending any permit required by this chapter or by any rule or regulation adopted pursuant thereto when the notice has been sustained by the Board, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed in the office of the Board within ten days after the notice is served.

(D) The proceedings at such hearing, including the findings and decisions of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Board. The record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

('77 Code, ' 3-610(7) - (10))

' 152.30 EMERGENCY CONDITIONS.

Whenever the Building and Zoning Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, the order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Building and Zoning Inspector, shall be afforded a hearing in accordance with ' 152.29 as soon as possible. After the hearing, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the order shall continue in effect, be modified, or be revoked.
('77 Code, ' 3-610(11))

' 152.98 VIOLATIONS; ENFORCEMENT SYSTEM.

In arriving at realistic penalties for violations of provisions contained in this chapter, the primary objective has been to establish them as part of the simplest possible enforcement system. The system has three features.

(A) A mail-in ticket which:

(1) Identifies the violator.

(2) Lists and identifies violations of the ordinance provisions by section numbers.

(3) States the prescribed fine beside each violation listed.

(4) Provides simple instructions on where the ticket is to be mailed with a check or money order in the amount of the stipulated fine.

(5) States a simple procedure to follow if the violator elects to appear in court to plead his case rather than mail in the fine.

(B) Use of the above ticket by all department and city personnel authorized to enforce this section.

(C) Use for particularly flagrant violations (those nuisances which are dangerous or unhealthful or which are detrimental to the health, safety and welfare of the citizens and visitors of the city). This would be in the form of a direct summons to court, with penalty range substantially above those on the mail-in ticket.

(Ord. 6-1-92, passed 7-14-92)

' 152.99 PENALTY.

The schedule of penalties for violations of this chapter as follows:

(A) Whoever violates any of the provisions of this chapter shall be guilty of a violation and shall be punished by a fine of \$25 for the first offense, and \$50 for the second offense, and \$75 for each subsequent offense.

(B) The fine provided in division (A) of this section shall be doubled if not paid within five business days after the issuance of a citation. If the fine is not paid within ten business days after the issuance of a citation, the violator may be cited to appear before the district court and all court costs shall be borne by the violator in addition to and fine imposed by the court.

(C) Any person found guilty of violating any provision of this chapter in district court shall be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500 for each offense. Each day that a violation continues shall constitute a separate offense. (Ord. 1988-21, passed 7-11-88; Am. Ord. 1991-7, passed 6-24-91; Am. Ord. 6-1-92, passed 7-14-92)

CHAPTER 153: RENTAL PROPERTY

Section

General Provisions

- 153.01 Landlord-Tenant Act adopted by reference
 - Ownng and Leasing of Property; Licensing
 - 153.15 Definitions
 - 153.16 License required
 - 153.17 Expiration date
 - 153.18 Issuance and renewal; procedures
 - 153.19 Display and transfer of license
 - 153.20 Violations; suspension of license; hearing
 - 153.21 Reinstatement of license
 - 153.22 Date of compliance; penalty for failure to comply
 - 153.23 Use of proceeds
- 153.99 Penalty

GENERAL PROVISIONS

' 153.01 LANDLORD-TENANT ACT ADOPTED BY REFERENCE.

Pursuant to KRS 383.500, the provisions of KRS 383.505 through 383.705, inclusive, be and are hereby enacted as the Landlord-Tenant Act to be applied to the rental, letting or leasing of any real property in the confines of the city, and the provisions of the sections of the Kentucky Revised Statutes be and are hereby incorporated by reference herein as if fully set forth. A copy of the Landlord-Tenant Act is attached to Ordinance 7-1-94. (Ord. 7-1-94, passed 8-6-94)

OWNING AND LEASING PROPERTY; LICENSING

' 153.15 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUILDING CODE.@ The Building Code and Blight Ordinance of the city and all amendments thereto.

ABUILDING INSPECTOR.@ The Building Inspector of the city or any of his designees, including but not limited to the Building Inspector, Housing Inspector, Fire Inspector, or all other persons authorized by statute or city ordinance to enforce the city Zoning, Building, Housing, or Fire Codes.

ADWELLING UNIT.@ Any enclosed space wholly or partly used for or intended to be used for living and sleeping, whether or not cooking and eating facilities are provided.

AFIRE CODE.@ The Fire Code presently in effect for the city as provided for by city ordinance or state statute.

AHOUSING CODE.@ The ordinances of the city pertaining to the maintenance and use of housing in the city and all amendments thereto.

AOWNER.@ Any person who, alone or jointly or severally with others, as of January 1 of each calendar year, beginning with January 1, 1990:

(1) Shall have legal title to any premises, building or dwelling unit with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any premises, dwelling unit, as owner or agent of the owner, or any executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant hereto, to the same extent as if you were the owner.

AZONING CODE.@ The zoning ordinance of the city and all amendments thereto.
(Ord. 3-1-90, passed 4-7-90)

' 153.16 LICENSE REQUIRED.

No person shall rent or offer for rent a dwelling unit unless the dwelling unit is covered by a current, unrevoked license, as provided in this chapter.
(Ord. 3-1-90, passed 4-7-90) Penalty, see ' 153.99

' 153.17 EXPIRATION DATE.

Every such license shall expire on June 30 of each year.
(Ord. 3-1-90, passed 4-7-90)

' 153.18 ISSUANCE AND RENEWAL; PROCEDURES.

(A) The City Clerk shall issue licenses and renewals in the names of the applicant owners of residential rental property.

(B) No license shall be issued or renewed unless the applicant owner has first made application therefor on an application form provided by the city. The form shall contain a blank for the owner to indicate the most convenient times for inspections, and the application shall be signed by the owner, and shall contain the full text of ' 152.28 of the code of ordinances.

(C) No license shall be issued or renewed unless the completed application form is accompanied by the payment of a license fee in the amount of \$40 per dwelling unit.

(D) No license shall be issued or renewed for an applicant not residing in the county, unless such applicant designates in writing to the Chief of Police the name and address of his agent in the county for the receipt of any notices regarding any violation of the city or the Commonwealth of Kentucky with reference to the maintenance, use, ownership, and possession of real property, and for service of process pursuant to this chapter.

(E) No license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of notices of violations of the provisions of this chapter, or any other ordinance of the city, or statute or requirement of the Commonwealth of Kentucky, with reference to the ownership, maintenance, use and possession of real estate, and for service of process pursuant to this chapter, when the applicant is absent from the city for 30 or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person residing in the county, or having an office in the county as his agent for this purpose.

(Ord. 3-1-90, passed 4-7-90; Am. Ord. 10-1-93, passed 11-6-93; Am. Ord. 6-1-08, passed 7-2-08) Penalty, see ' 153.99

' 153.19 DISPLAY AND TRANSFER OF LICENSE.

Each license shall be displayed in a conspicuous place within the common ways of the dwelling unit or any other conspicuous place thereon. No license shall be transferable to another person or to another residential rental property/unit. Every person holding a license shall give notice in writing to the Chief of Police within seven days after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall include the name and address of the person succeeding to the ownership thereof.

(Ord. 3-1-90, passed 4-7-90) Penalty, see ' 153.99

' 153.20 VIOLATIONS; SUSPENSION OF LICENSE; HEARING.

(A) Whenever, upon inspection of the licensed dwelling, the Building Inspector finds that conditions or practices exist which are in violation of the zoning code, housing code, building code, or fire code of the city or Commonwealth of Kentucky, the Building Inspector may serve the owner or his designee with notice of such violation in the manner provided in this chapter. Such notice shall state that unless the violations cited are corrected within a reasonable time, the license may be suspended.

(B) At the end of the time allowed for correction of any violation cited, the Building Inspector shall reinspect the dwelling, and if he determines that conditions have not been corrected, the Building Inspector shall notify the Chief of Police in writing for an

order to issue to suspend the license. The Building Inspector shall notify the owner or his designee at the time he notifies the Chief of Police. The notice shall state that the owner or his designee may request a hearing in writing within ten days.

(C) Any person whose license to rent a dwelling unit has been suspended and who has been notified as provided in this chapter shall be entitled to a hearing in the manner provided by ' 152.29(B),(C),(D) of the code of ordinances. Any license which has been previously suspended pursuant to this chapter for failure to correct violations will be considered in effect until final action is taken by the Hearing Board.

(Ord. 3-1-90, passed 4-7-90)

' 153.21 REINSTATEMENT OF LICENSE.

If, upon reinspection, the Building Inspector finds that the dwelling in connection with which the notice was issued is now in compliance with the applicable code or statute, he shall immediately request the Chief of Police in writing to reinstate the license.

(Ord. 3-1-90, passed 4-7-90)

' 153.22 DATE OF COMPLIANCE; PENALTY FOR FAILURE TO COMPLY.

(A) Date of compliance. All persons owning residential rental property must obtain the license required by this chapter no later than July 1 of each year.

(B) Penalty for failure to comply. Any person who fails to obtain the license by July 1 shall pay a penalty of \$5 per residential dwelling unit, plus interest at the rate of 1% per month until the license is obtained, and in addition, any violation of any provision of this chapter is a civil violation subject to the authority of the Code Enforcement Board.

(Ord. 3-1-90, passed 4-7-90; Am. Ord. 4-1-10, passed 5-5-10)

' 153.23 USE OF PROCEEDS.

All funds paid to the city pursuant to this chapter shall be deposited in the General Fund of the city for General Fund expenditures, including the cost of implementation of this chapter and the cost of inspections and enforcement procedures in this chapter.

(Ord. 3-1-90, passed 4-7-90)

' 153.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a violation and shall be subject to a fine not to exceed \$250. In addition, any violation of any provision of this chapter is a civil violation subject to the authority of the Code Enforcement Board.

(B) In addition to other provisions of this section, it shall be a civil offense for any person to violate the provisions of this chapter, including failing to obtain or maintain a rental property license. Citations for same may be issued by the Building Inspector or police department. Civil offenses arising under this chapter shall be enforced by the Code Enforcement Board pursuant to ' 37.06 of this chapter, and penalties for violations shall be as set forth in ' 37.06(H).

(Am. Ord. 12-1-05, passed 1-4-06; Am. Ord. 4-1-10, passed 5-5-10)

CHAPTER 154: ZONING

Section

154.01 Adoption by reference

' 154.01 ADOPTION BY REFERENCE.

(A) The zoning code of the city and all amendments thereto are hereby adopted by reference and made a part of this code as if set out in full herein.

(B) This zoning code shall be available for public inspection in the office of the City Clerk.

(Ord. 10-1-85, passed 11-5-85; Am. Ord. 10-1-98, passed 11-7-98; Am. Ord. 10-2-98, passed 2-6-99; Am. Ord. 8-2-03, passed 9-3-03)

