

NUISANCE CODE



CITY OF CYNTHIANA

Effective: _____

By the Board of City Commissioners

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CHAPTER 1

ADMINISTRATION

SECTION 101: GENERAL

101.1 Title: These regulations shall be known as the Nuisance Code of the City of Cynthiana, hereinafter referred to as "this code."

101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

101.3 Intent: This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Referenced standards: The standards referenced in this code and listed in Chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and referenced standards, the provisions of this code shall apply. Where in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

101.5 Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

101.6 Workmanship: All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

101.7 Application of other codes: Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in Chapter 8. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the adopted zoning regulations.

101.8 Source: This code is an amended version of the International Property Maintenance Code, 2015 edition.

101.9 Other Laws: The provisions of this code shall not be deemed to nullify any provision of local, state or federal laws.

101.10 Governmental owned property: The provisions of this code shall not be mandatory for existing governmental buildings or structures or properties that are designated as governmentally owned.

SECTION 102: VALIDITY

102.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

102.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION 103: MAINTENANCE

103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

SECTION 104: APPROVAL

104.1 Approved materials and equipment: All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

104.2 Modifications: Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

104.3 Material and equipment reuse: The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, and placed in good and proper working condition and approved by the code official.

104.4 Alternative materials and equipment: The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.4.1 Research and investigations: Sufficient technical data shall be submitted to substantiate the proposed installation of any alternative material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

SECTION 105: DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General: The code official is hereby authorized and directed to enforce all provisions of this code, make inspections, and accept reports of inspections by approved agencies or staff. The code official shall have the authority as necessary in the interest of public health, safety and general welfare, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Notices of violation, citations and compliance orders: The code official shall issue all necessary notices, citations and orders to ensure compliance with this code.

105.3 Right of Entry: Where it is necessary to make inspections to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused or not obtained, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 Identification: The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Organization: The Mayor, with the approval of the City Commission, shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the City Commission.

105.6 Relief from personal liability: The code official, members of the Code Enforcement Board, code officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law ordinance, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties to the extent permissible by law.

105.7 Department records: The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 106: VIOLATIONS AND ENFORCEMENT

106.1 Definitions:

Abatement Costs means a city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve public health, safety and welfare in accordance with any city ordinance.

Code Enforcement Board means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.

Code Enforcement Officer means a city police officer, safety officer, citation officer, building inspector or other public law enforcement officer with the authority to issue a citation.

Final Order means any order:

1. Issued by the code enforcement board following a hearing in accordance with Sec. 106.9 of this ordinance;
2. Created because a violator neither paid nor contested the citation within seven (7) days as provided in Sec. 106.8 of this ordinance; or
3. Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Sec. 106.9 of this ordinance.

Imminent Danger means a condition which is likely to cause serious or life threatening injury or death at any time.

Ordinance means an official action of the local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body with embodies all or part of an ordinance.

Owner means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

Premises means a lot, plot or parcel of land, including any structures upon it.

106.2 Creation and membership: There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within the city, a Code Enforcement Board which shall be composed of five members, all of whom shall be residents of the city for a period of at least one (1) year prior to appointment and shall reside there throughout the term in office.

106.3 Enforcement powers:

- a) The code enforcement board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.
- b) The code enforcement board shall not have the authority to enforce any provision of the Kentucky Penal Code or any moving motor vehicle offense.
- c) The code enforcement board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which provide for code board enforcement.

106.4: Appointment of members; term of office; removal from office; oath; and compensation:

- a) Members of the code enforcement board shall be appointed by the executive authority of the city, subject to the approval of the legislative body.
- b) The initial appointments to the code enforcement board shall be as follows:
 - 1. One (1) member appointed to a one (1) year term.
 - 2. Two (2) members appointed to a two (2) year term.
 - 3. Two (2) members appointed to a three (3) year term.

All subsequent appointments shall be for a term of three (3) years. A member may be reappointed, subject to the approval of the legislative body.

- c) The executive authority may appoint, subject to the approval of the legislative body, two (2) alternate members to serve on the code enforcement board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the code enforcement board. Alternate members shall serve a term of three (3) years and may be reappointed subject to approval of the legislative body.
- d) Any vacancy on the board shall be filled by the executive authority, subject to approval of the legislative body within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining code board members shall fill the vacancy.
- e) A code board member may be removed from office by the executive authority for misconduct, inefficiency or willful neglect of duty. The executive authority must submit a written statement to the member and the legislative body setting forth the reasons for removal.
- f) All members of the code enforcement board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- g) Board members shall not receive salary or compensation but may be reimbursed for any actual expenses incurred in the performance of their duties.
- h) No member of the code enforcement board may hold any elected or nonelected office, paid or unpaid, or any position of employment with the city.

106.5 Organization of board; meetings; and quorum:

- a) The board shall annually elect a chair and vice-chair from among its members. The chairman shall be the presiding officer and a full voting member of the board. The vice-chairman shall perform the duties of the chairman in the chairman's absence.
- b) Regular meetings of the code enforcement board shall be held quarterly on the second Thursday in January, April, July, and October of each year. Regular meetings shall commence at 7 p.m. and shall take place at the old courthouse at 111

South Main Street in the fiscal courtroom on the 2nd floor. Meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act.

- c) All meetings and hearings of the code enforcement board shall be held in accordance with the requirements of KRS 65.8845(5) and the Kentucky Open Meetings Act.
- d) The presence of three (3) or more members or alternate members shall constitute a quorum necessary for any official action to be taken.
- e) The affirmative vote of a majority of a quorum of the board shall be necessary for any official action to be taken.
- f) Minutes shall be kept for all proceedings of the code enforcement board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

106.6 Conflict of interest: Any member of the code enforcement board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

106.7 Powers of the code enforcement board: The City of Cynthiana Code Enforcement Board shall have the following powers and duties:

- a) To adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance.
- b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the code enforcement board may be served by any code enforcement officer.
- d) To take testimony under oath. The chairman shall have the authority to administer oaths for the purpose of taking testimony.
- e) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance of code provision which the board is authorized to enforce.
- f) To impose civil fines, as authorized, on any person found to have violated any ordinance over which the board has jurisdiction.

106.8 Enforcement proceedings: The following requirements shall govern all enforcement proceedings before the board:

- a) Enforcement proceedings before the code enforcement board shall only be initiated by the issuance of a citation by a code enforcement officer.
- b) Except as provided in subsection (c) below, if a code enforcement officer believes, based on his personal observation or investigation, that a person has violated a city ordinance over which the board has jurisdiction, he shall issue a Notice of Violation to the offender allowing the offender a specified period of time to remedy the violation without a fine. If the offender fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.
- c) Nothing in this ordinance shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.
- d) The citation issued by the code enforcement officer shall contain the following information:
 - 1. The date and time of issuance;
 - 2. The name and address of the person to whom the citation is issued;
 - 3. The date and time the offense was committed or discovered;
 - 4. The physical address of the premises where the violation occurred;
 - 5. The facts constituting the offense;
 - 6. The section of the code or the number of the ordinance violated;
 - 7. The name of the code enforcement officer;
 - 8. The civil fine that will be imposed for the violation if the person does not contest the citation;
 - 9. The maximum civil fine that may be imposed if the person elects to contest the citation;
 - 10. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
 - 11. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the code enforcement board to contest the citation and that the determination that the violation was committed shall be final; and that the

citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and that the person shall be deemed to have waived the right to appeal the final order to the District Court.

- e) After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering a copy of the citation to the City Clerk, with a copy to the Chairman or Vice-Chairman.
- f) The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the code enforcement board to contest the citation. The request for a hearing shall be delivered to the City Clerk's Office. The request shall include the name and address of the person requesting the hearing and must be signed. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.
- g) If the alleged violator does not contest the citation within the time prescribed, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.
- h) Notice of a final order shall be provided to the violator by regular first class mail or by certified mail, return receipt requested or by personal delivery or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice or order.

106.9 Hearing; notice; and final order:

- a) When a hearing has been requested, the code enforcement board shall schedule a hearing.
- b) Not less than seven (7) days before the date of the hearing, the code enforcement board shall notify the requester of the date, time, and place of the hearing. The notice may be given by regular first class mail, certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
- c) Any person requesting a hearing before the code enforcement board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court. Notice and a copy of the final order shall be served upon the violator in the manner set out in subsection (b) above.
- d) All testimony shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator, and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- e) The code enforcement board shall, based on the evidence, determine whether a violation was committed. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both.
- f) Every final order of the code enforcement board shall be reduced to writing which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in subsection (b) above.

106.10 Presentation of cases: Each case before the code enforcement board shall be presented by a code enforcement officer for the city. The city attorney may act as counsel to the code enforcement board but shall not present cases before the code enforcement board. The city attorney may represent the board in any appeal before the District or Circuit Court. In complicated cases, if the code enforcement officer needs assistance in the presentation of his case to the board, he may ask the City Commission to select and pay an attorney to provide such assistance on a case by case basis.

106.11 Appeals; final judgment:

- a) An appeal from any final order of the code enforcement board may be made to the Harrison County District Court within (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the code enforcement board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The Code Enforcement Board shall be named as a party to any appeal.

b) If no appeal from a final order of the code enforcement board is filed within the time period set in subsection (a) above, the code enforcement board's order shall be deemed final for all purposes.

106.12 Ordinance fine schedule: Violations of ordinances that are enforced by the city code enforcement board shall be subject to the following schedule of civil fines unless the ordinance being enforced clearly provides another civil penalty or fine:

a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the civil penalties set forth in this subsection shall apply; however, the board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the board determines that such waiver will promote compliance with the ordinance in issue.

<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
\$25.00	\$50.00	\$100.00

b) If the citation is contested and a hearing before the code board is required, the following civil penalties may be imposed at the discretion of the code enforcement board:

<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
\$50.00 up to the maximum of \$250.00	\$100.00 up to the maximum of \$500.00	\$200.00 up to the maximum of \$1,000.00

c) Each section of a code or ordinance violated shall be considered a separate finable offense. If two or more sections of a code or ordinance are violated, the fines shall be cumulative and may be enforced under the same citation. Each day a violation exists shall be considered a separate offense upon issuance of a separate citation or issuance of a citation which recites the specific days the violation continued to occur.

106.13 Lien; fines; charges; and fees:

a) The city shall possess a lien on property owned by the person found by a final, non-appealable order as defined in Sec. 106.1 or by a final judgment of the court, to have committed a violation of a city ordinance for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including administrative hearing costs at \$75.00 per hearing requested or held and all abatement costs and attorney's fees. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.

b) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the legal judgment rate until paid.

c) The lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

d) In addition to the remedy prescribed in subsection (a), the person found to have committed the violation shall be personally responsible for the amount of all fines and costs assessed for the violation and for all charges, costs and fees incurred by the city in connection with the enforcement of the ordinance and including abatement costs and reasonable attorney's fees. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

106.13.1 Lienholder notification system: The City shall obtain and maintain priority over previously filed liens as provided in Section 106.13 of this ordinance, in accordance with the following provisions;

a) Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders entered pursuant to this ordinance.

b) In order to receive the notification, the registrant shall submit the following information to the city clerk:

1. Name;
2. Mailing address;
3. Phone number; and
4. Electronic mailing address

c) A registrant may use the electronic form provided on the city Web site to submit the information required by

subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The city shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

d) Once per month, the city shall send electronic notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the city code enforcement database located on the city Web site. The database shall include the following information regarding each final order.

1. The name of the person charged with a violation;
2. The physical address of the premises where the violation occurred;
3. The last known mailing address for the owner of the premises where the violation occurred;
4. A copy of the full citation;
5. A copy of the full final order; and
6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.

e) If an appeal is filed on a final order pursuant to this ordinance, the city shall send electronic mail notification to all registrants.

f.) Within ten (10) days of the issuance of a final order pursuant to this ordinance, the city shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (d) of this Section containing an updated link to the code enforcement database on the city Web site.

g) The city shall maintain the records created under this Section for ten (10) years following their issuance.

106.13.2 Liens:

a) A lienholder of record who has registered pursuant to Section 106.13.1 of this ordinance may, within forty-five (45) days from the date of the issuance of notification under Sec. 106.13.1 of this ordinance:

1. Correct the violation, if it has not already been abated; or
2. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the ordinance, including abatement costs.

b) Nothing in this Section shall prohibit the city from taking immediate action if necessary under Section 106.14 of this ordinance.

c) The lien provided by Section 106.13 of this ordinance shall not take precedence over previously recorded liens if:

1. The city failed to comply with the requirements of Section 106.13.1 of this ordinance for notification of the final order; or
2. A prior lienholder complied with subsection (a) of this Section.

d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

e) The city may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

f.) Failure of the city to comply with Sections 106.13.1 and 106.13.2 of this ordinance, or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies the city has against the property or violator.

106.14 Other civil remedies: In addition to the imposition of a lien, the city may institute other civil action and seek an injunction and/or monetary damages to enforce its ordinances and collect the debts arising from the fines and costs imposed by the board. Nothing in this ordinance shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effect of the violation will be irreparable or irreversible.

106.15 State statutes adopted by reference: All of the terms, conditions and procedures of KRS 65.8801 to 65.8839 relating to the organization and powers of the board, enforcement, procedure, appeals and other matters are hereby adopted by the city and incorporated herein by reference, as if fully rewritten.

SECTION 107: UNSAFE STRUCTURES AND EQUIPMENT

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

107.1.1 Unsafe structure: An unsafe structure is one that is found to be dangerous to life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

107.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.1.3 Structure unfit for human occupancy: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

107.1.4 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

107.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has one or more of the following shall be considered Dangerous.

- A. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn, or otherwise unsafe as to not provide safe and adequate means of egress.
- B. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- C. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy, or is determined to be a threat to life or health.
- D. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- E. Any building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, or otherwise, is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- F. Any portion of a building which remains on a site after the demolition or destruction of the building or

structure; or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

107.2 Closing/boarding/securing of vacant structures: If the structure is vacant and unfit for human habitation and occupancy or otherwise determined as an abandoned property, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up and secured so as not to be an attractive nuisance or allow further decay from exterior elements. An owner so ordered shall:

A) Repair all windows, doors, and any other openings within the exterior walls or roof; or

B) Board up all windows by installing cut to fit, half inch minimum thick plywood and painted to match the trim of the structure, secure all doors, and secure all other openings within the exterior walls or roof, owner may also choose to board up the windows and doors with an alternative material obtained through SecureView[™].

Upon failure of the owner to secure the premises within the time specified, which shall not exceed sixty (60) days, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. All other sections of this code remain applicable to closed, vacant structures.

107.2.1 Time Limit for secured/boarded structures. When property is ordered to be closed as specified in 107.2, and the owner or city has chosen option B of 107.2 above, the boarding of such structure shall be limited to not more than 12 consecutive months. All doors, windows and any other openings within the exterior walls or roof shall be properly repaired and the structure shall be inspected for occupancy and determined no longer in violation of Section 107 within the 12 months of being boarded up.

107.2.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate and immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the servicing utility and whenever possible, the owner and occupant of the building, structures or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, written notification shall be done as soon as practical thereafter.

107.3 Notice: Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person(s) responsible for the structure or equipment in accordance with Section 106.2.

107.4 Placarding: Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

107.5 Prohibited occupancy: Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

107.6 Removal of placard: The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the criminal penalties provided by this code.

107.7 Abatement methods. The owner, operator, or occupant of a building, premises, or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation,

demolition or other approved corrective action.

SECTION 108: EMERGENCY MEASURES

108.1 Imminent danger: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part thereof has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, gases or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

108.2 Temporary safeguards: Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done to secure the structure to provide the minimum safeguard from imminent danger, including the boarding up of openings, within seven (7) days to render such structure temporarily safe, whether or not the legal procedure described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

108.3 Closing streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

108.4 reserved

108.5 Emergency repairs: For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible to secure the structure in effort to provide the minimum safeguards from imminent danger.

108.6 Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The cost of such repairs shall be the responsibility of the owner and shall be a lien upon such real estate if unpaid. Civil penalties/charges relating to Section 107, 108, or 109 of this code shall be processed through the Code Enforcement Board.

108.7 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any person so ordered shall thereafter, upon petition directed to the Code Enforcement Board, be afforded a hearing as described in this code (Section 106.9).

SECTION 109: DEMOLITION

109.1 General: The code official shall order the owner of any property containing any structure, which in the code official's judgment is so deteriorated or dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to raze and remove such structure within 60 days. Furthermore, if the official determines there has been a cessation of normal construction of any structure for a period of more than 12 months and such structure is determined as dangerous, unsafe, unsanitary, or a public nuisance and otherwise unfit for occupancy, the inspector shall order the owner to raze and remove such uncompleted structure or to board and secure the structure in accordance with Section 107.2. NOTE: Boarding the building up for future repair/construction shall not extend beyond one year and shall follow the requirements of Section 107.

109.1.1 Section intentionally reserved

109.2 Failure to comply: If the owner of a premises fails to comply with a demolition order from the Code Enforcement Board within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Any action taken by the City to raze a structure that an owner has failed to comply with an order by the Code Enforcement Board to raze a structure; shall occur only after the approval to raze such structure has been granted by the City Commission.

109.3 Restraining actions: Anyone affected by any such demolition order by the Code Enforcement Board shall within thirty (30) days after service of such demolition order, apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the demolition order of the code official is reasonable and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances require.

109.4 Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

109.5 Nothing in this ordinance shall preclude or prohibit the City of Cynthiana from proceeding directly to Circuit Court seeking temporary or permanent injunctive relief or an order of demolition relating to any property the City Commission believes to represent an immediate threat to public health or safety.

SECTION 110: Reserved

110.1 Reserved

SECTION 111: STOP WORK ORDER

111.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

111.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply. Any person who shall continue any work after having been serviced with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be charged as a criminal offense as identified in Section 106.4.2.

Chapter 2

DEFINITIONS

SECTION 201: GENERAL

201.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

201.3 Terms Defined in Other Codes: Where terms are not defined in this code and are defined in the other codes adopted by the city, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms Not Defined: Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts: Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202: GENERAL DEFINITIONS

Anchored. Secured in a manner that provides positive connection.

Approved: Approved or acceptable by the code official.

Basement: That portion of a building which is partly or completely below grade.

Bathroom: A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

Building Code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

Building Official: A building inspector certified by the *Department* in accordance with 815 KAR 7:070 and designated by the *Department* or by a local government as an enforcement official for the Kentucky Building Code pursuant to KRS Chapter 198B.

Code Official: The official or any duly authorized representative, who is charged with the administration and enforcement of this code.

Condemn: To adjudge unfit for occupancy.

Construction Documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary, for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Costs of demolition or emergency repairs: the costs shall include the actual costs of the demolition or repair of the

structure. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the assessment of imminent danger, demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailings; posting; recording; and attorney fees expended for recovering of the cost of emergency repairs or demolition or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

Design Professional: An architect, engineer, landscape architect, certified interior designer, or land surveyor registered or licensed and recognized to practice their relevant profession as defined by the requirements of the Kentucky Revised Statutes and Kentucky Administrative Regulations.

Deterioration: to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Disrepair: Mechanically inoperable motor vehicles or those which have been wrecked, or do not have all inflated tires, window glass or major body components, or does not run or idle on its own power.

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equipment support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load, and operation load between the equipment and the structure.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage: The animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hotel: Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes of guests.

Household Appliances: Major appliances used for housekeeping/domestic purposes, such as washing machines, clothes dryers, cooking ranges, refrigerators, freezers and dishwashers. Also known as white goods.

Infestation: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Illegally Parked: Motor vehicles parked or stored in violation of this code or other city codes.

Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time.

Inoperable Motor Vehicle. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, incapable of being moved under its own power, has one or more flat tires, it resting upon jacks or other device; or a vehicle used as a storage unit of personal items that would prevent the safe operation of the vehicle.

Inoperable boat or vessel: a boat or vessel that is abandoned; does not have current registrations; is in a state of disrepair or wrecked; or stored off of a suitable trailer. This does not include kayak, canoe, or similar non-licensed vessels.

Inspection Certificate: An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicated that the product or material has been inspected and evaluated by an approved agency.

Labeled. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Lawn Grass(es): Varieties of grass(es) that are commonly recognized for their benefit in creating and maintaining a lawn.

Let for Occupancy or Let: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Motor Vehicle: Every motorized vehicle, including major parts thereof, in, on, or by which any person or property may be transported. This does not include devices designed to be pulled, drawn, or towed by a motor vehicle.

Neglect. The lack of proper maintenance for a building or structure.

Non-outdoor furniture: Furniture that is typically found indoors and is not weather protected or designed, such as any mattress, bed frames, daybed, recliner, sofa, dresser, chest of drawers, or similar furniture.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any person living or sleeping in a building; or having possession of a space within a building.

One-Family Dwelling: A building containing one dwelling unit with not more than five unrelated lodgers or boarders.

Openable Area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Paved area: a paved area shall be either a driveway or parking lot. Shall consist of complete pavers, brick, poured concrete, or asphalt from the public right-of-way to all areas intended for vehicle placement and/or movement on private property.

Person: An individual, corporation, partnership or any other group acting as a unit.

Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom: or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot or parcel of land including any structures thereon.

Private Property: Any real property in the city which is privately owned.

Public Nuisance includes the following:

1. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children or adults, including, but not limited to, abandoned wells, shafts, swimming pools, ponds, basements, excavations, and unsafe fences or structures, as well as the keeping, placing or storage of any refrigerator, ice-box, ice-chest or other similar device or appliance, accessible to children on the exterior premises or in any common hallway, public area or premises; or
2. Any premises which has unsanitary sewage, plumbing facilities, or storm drainage; or
3. Any premises designated as unsafe for human habitation or use; or
4. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or
5. Any premises from which the plumbing, heating and/or facilities required by this code, have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; except in times of repair and renovation by management; or
6. Any premises that is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds or contains vehicles in violation of this code; or
7. Any tree which is in danger of collapse or which poses a danger of contamination because of disease, decay, injury, infestation, or damage; or
8. Any structure, building or exterior storage that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter and/or in danger of collapse or failure and dangerous to anyone on or near the premises.
9. Any structure that is boarded up (partially or completely) for 12 or more consecutive months.
10. Any inoperable motor vehicle or inoperable motor boat/vessel that is not within an enclosed building.
11. Keeping within the City limits any animal except dogs, cats and other ordinary household pets except in areas zoned for agricultural use.

Public Way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Responsible Local Agent: A person residing in Harrison County who represents the absentee property owner for the

purpose of maintaining the property in accordance with this code.

Rooming House: A building arranged or occupied for lodging with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

Rooming Unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. The organized storage of such shall not be construed as an exception if such materials constitute a public nuisance.

Strict Liability Offense: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally require to do.

Structure: That which is built or constructed or a portion thereof.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

Trailer: Any vehicular structure on inflated wheels designed to be towed or hauled by another vehicle for the transportation of equipment, goods, livestock, etc.

Two-Family Dwelling: A building containing two dwelling units with not more than five unrelated lodgers or boarders per family.

Vacant. A structure or premise, which is not legally occupied, or legally in use.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Weed(s): Any and all plants that are noxious regardless of height. Uncultivated and spontaneous plants, vines, and other vegetation that exceed 8 inches in height.

Workmanlike: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard: An open space on the same lot with a structure.

Chapter 3

GENERAL REQUIREMENTS

SECTION 301: GENERAL

301.1 Scope: The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in Section 306 and 307. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

301.3 Vacant structures and land: All vacant structures and premises thereof of vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety, or constitute a public nuisance. Furthermore, any vacant structure shall be required to repair all windows, doors, or openings, or board-up by cut to fit, half inch minimum thick plywood and painted to match the trim of the structure. Any vacant land shall not contain foundation material, abandoned construction debris or excess fill material; and shall be graded and contain seed or sod (with the exception of existing non-residential parking lots) unless waived by the Nuisance Board for historical reasons or other good cause. Failure to meet these requirements for vacant structures and land shall be a violation of this code.

301.4 Certificate of occupancy required: It shall be unlawful for any person, firm, corporation, or other entity to operate or cause to be rented either as owner, lessor, agent or manager within the city limits of the City of Cynthiaiana, any rental housing used for human habitation without having first obtained a license to do so as provided in this Ordinance. This Ordinance shall not apply to any rental dwellings which are subject to state or federal licensing requirements regarding the safety of the users, patients or tenants. All rental dwelling unit owners or legal agent must complete the rental housing license form prior to unit occupation. The property owner or legal agent is responsible for obtaining and completing the rental housing license form and complying with the seven (7) health and safety requirements. (See Appendix A: Seven Health and Safety Requirements)

301.4.1 Issuance of License:

A) Application for license: Every owner of rental housing within the City of Cynthiaiana is required to obtain an annual rental license from the City Clerk or designee prior to leasing, subleasing, renting or allowing the occupancy of such dwelling to another natural person or other natural persons, whether or not for consideration. In the case of multiple owners of any such dwelling unit, it shall be sufficient for any one of the owners to have obtained a license on the unit. The application shall be in writing and on a form provided by the City. Such annual license shall be valid from January 1 through December 31 of each year and shall be issued and not revoked if:

1. An annual licensing fee in accordance with the schedule set out in Section 301.4.7 is paid.
2. The applicant and the applicant's property are not in violation of this Ordinance.
3. The applicant provided the correct street address for all dwellings covered by this Ordinance.
4. The Code Enforcement Officer finds that the use of the dwelling as a rental dwelling is consistent with all City Ordinances and regulations and that there exist no uncured verified violations at the dwelling.

B) Late Fees: The City shall bill each applicant or holder of a rental license for the annual fee, once the City Clerk or designee determines that all requirements for the license have been met. The initial license shall not be issued until the fee is paid. Thereafter, if payment is not received within 30 days of the due date, an additional fee equal to the full amount of the license fee shall be due and payable. If the rental fee has not been paid within 60 days of the due date the rental license shall be revoked and the property owner shall be subject to civil fines and penalties pursuant to this Ordinance and the City of Cynthiaiana Code Enforcement Ordinance, Ordinance No. 1386.

C) Failure to apply for permit: If the Code Enforcement Officer or designee has reasonable cause to believe that a dwelling unit is being leased, subleased, rented or occupied without a license in violation of this article, the owner of the property shall be given notice that license is required and that an application must be filed with the City within 30 days of the notice. If an application (or evidence that a license is not required) is not received by the due date, an additional penalty fee shall be charged for the license. Said fee shall be two times the amount of the initial license fee and the property owner shall be subject to daily fines as determined by the Cod Enforcement Board. Failure to apply or provide evidence that a license is not required within the time frames specified shall subject the owner to proceedings before the Code Enforcement Board and fines pursuant to City Ordinance No. 1386. Cost of enforcement, court cost, attorney's fees and any other administrative costs shall be assessed in addition to fees listed herein.

301.4.2 Change of Ownership of Property: A license issued hereunder is transferable, for a fee of \$5.00, to any person who has acquired ownership of a licensed rental dwelling for the unexpired portions of the one year term for which it was issued or reissued, provided that the application to transfer such license is filed with the City Clerk or their designee for change of ownership and the licensed dwelling is in compliance with the requirements of this section. A license shall terminate upon failure to apply for its transfer within thirty days of the date of sale or transfer of ownership of a rental dwelling.

301.4.3 Inspection: The Code Enforcement Officer or their designee shall have the right to inspect any rental dwelling covered by this Ordinance upon forty-eight hours' notice. Refusal to provide access to the premises for inspection shall be grounds for revocation of the rental license. The property owner as a condition to approval for a license consents to inspection. Inspection of rental premises may occur anytime the Code Enforcement Officer or their designee finds probable cause for violation of any section of the Code of Ordinance for the City of Cynthiana. For purposes of this section probable cause includes but is not limited to a complaint of code violation by any citizen or direction observation of a code violation by a City employee, law enforcement officer or inspector having a contractual relationship with the City.

301.4.4 Requirements of Licensee:

A) Any owner who resides outside of Harrison County either at the time of procuring a license or after having procured a license shall appoint an agent who resides within the county for the purpose of receiving notices from the City concerning the license. The owner shall notify the City in writing of the name, address and telephone number of the agent. If the owner fails to appoint an agent or notify the City, the license shall be presumed to have agreed to constructive notice by posting the property and/or regular U.S. Main to last recorded address of the property owner.

B) The licensee and appointed agent, if any, shall maintain a list of the names of tenants in each dwelling. Such lists shall be available to the City upon reasonable notice.

C) Rental units where there are repeated verified violations constitute a public nuisance. To this end, repeated verified violations at a dwelling regulated by this article shall be grounds for the commencement of permit revocation proceedings pursuant to Section 301.4.5.

301.4.5 Revocation: The license may be revoked by the City's Code Enforcement Board after open hearing conducted pursuant to the procedures established in City Ordinance No. 1386 upon: a) failure of the license holder to take corrective action within thirty days of notification of the issuance of a verified citation or two (2) verified uncorrected violations within a twelve (12) month period with respect to the dwelling. The property owner may apply for a new rental license after a revocation upon showing that the violation(s) resulting in the revocation have been corrected or that the cause of disturbance has been removed. Issuance of a new license after revocation shall be subject to a payment of the full amount of applicable license and inspection fees.

301.4.6 Availability: Licenses issued under this section shall be produced on the request of a tenant or prospective tenant, and shall be available at reasonable times for inspection by an authorized inspector from the City or the Code Enforcement Officer of the City.

301.4.7 Schedule of Fees: At the time of application for the license or for license renewal required by this section, the City Clerk shall collect the appropriate license fee in the amount of \$10.00 per unit. The above listed fees shall be tendered with the initial application for first issuance of license and with each renewal application. These fees shall be renewed from time to time by the City Clerk or their designee and modifications to fees shall be recommended to the City Commission as needed. Modification shall be by resolution of the City Commission. No refund of license or inspection fee shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed property to another person.

301.4.8 Non-Liability of City: The license and any inspection required by or conducted pursuant to this article are not a representation, guarantee or warranty of any kind by the City of the fitness of a dwelling for which the rental license was issued nor is it a representation, warranty or guarantee of any kind by the City that such dwelling is in compliance with City Codes and Ordinances. No person shall rely on the rental license as a representation of the condition of such dwelling. A statement substantially in this form shall appear on each Rental License issued by the City.

301.4.9 Applicability of Codes and Laws: The provisions of this article do not relieve any person from the requirements of obtaining a certificate of occupancy or any requirements of this Ordinance, the City's Building Code or any other applicable local or state law.

301.4.10 Certificates of Occupancy: The City of Cynthiana shall be responsible for the issuance of Certificates of Occupancy, which permit the use and occupancy of a building and certifies compliance with the applicable laws of this jurisdiction.

301.4.11 Rental Housing License Fee Established: The rental housing fee shall be ten dollars (\$10.00) per unit. Re-inspection or follow up inspection required before rental property is cleared for occupancy shall be at the rate of ten dollars (\$10.00) each. The penalty for failure to complete and comply with the rental housing license form shall be the responsibility of the property owner or legal agent.

301.4.12 Identification of Responsible Local Agent for property owners not residing in Harrison County: All owners who do not reside in Harrison County but who own rental property in the City of Cynthiana must submit to the Department for approved authorization for a person residing in Harrison County to serve as the responsible local agent for the purpose of maintaining the property in accordance with this code. The owner shall notify the City Clerk in writing of any changes in the information not less than ten (10) days after such changes have occurred.

301.4.12.1 Authorization for a responsible local agent shall be submitted on a notarized form, as provided by the Department, and include: the owner's name, address and phone number; the agent's name, address and phone number; and the name and telephone number of 24 hours/7 days a week maintenance and emergency repair service company. The approved notarized authorization shall be on file with the city. Failure of the owner to comply with this section shall be a violation of this code.

SECTION 302: EXTERIOR PROPERTY AREAS

302.1 Sanitation: All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition, which is neither odiferous nor attractive to insects or vermin. This includes garden ponds that are not maintained.

302.2 Grading and Drainage: All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

- **Exception:** Water retention areas and reservoirs approved by the code official.

302.3.1 Private Sidewalks and Driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall also comply with the requirements of Sections 304.10 and 702.9.

302.4 Weeds: All premises and exterior property shall be maintained free from weeds in excess of 8 inches. All common varieties of lawn grasses shall be maintained at a height not to exceed 8 inches. All noxious weeds shall be controlled or eradicated so as not to become a threat to public health. Maintained cultivated plantings such as flowers, gardens, ornamental plantings, ornamental grasses, trees, bamboo, and shrubs, shall be permitted and may exceed 8 inches in height.

1. Whenever a condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent seven (7) days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.

2. If, after seven (7) days the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials used in remedying the situation as determined by the Director of Public Works. If payment is not received within forty-five (45) days after an invoice is provided, a lien against the property for the invoice amount shall be filed in the Harrison County Clerk's office bearing an interest at 12% per annum thereafter until paid, all pursuant to KRS 381.770.

302.5 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust Vents: Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Storage of household appliances or non-outdoor furniture: No such appliances or non-outdoor furniture as defined in chapter 2 shall be placed or stored in any exterior property area, excluding within enclosed structures, Appliances, furniture, or other objects that block or restrict ingress and egress to or from a structure are prohibited. Storage and/or accumulation of furniture, household appliances, boxed materials, or trip hazards shall be prohibited on front porches and exterior (non-enclosed) premises.

- a) Whenever a condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent **thirty (30)** days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.
- b) If, after **thirty (30)** days the violation has not been brought into compliance, the city may send employees or other contracted workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials used in remedying the situation as determined by the Director of Public Works. If payment is not received within forty-five (45) days after an invoice is provided, a lien against the property for the invoice amount.

302.9 Storage of Trailers. Trailers of any kind or type shall not be parked or stored on the grass in the front yard areas of any property used for residential purposes, this includes both front yard areas fronting a public street for corner lots. Such items may be located on a paved surface within the front yard setback area or in an enclosed building. However, the following limited exemptions apply: (1) trailers may be parked anywhere on residential premises for a time not to exceed twenty-four (24) hours; during loading or unloading; and (2) trailers may be parked

or stored on grass on rear yard areas.

- a) Whenever a condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent **thirty (30)** days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.
- b) If, after **thirty (30)** days the violation has not been brought into compliance, the city may have the trailer removed and impounded. The property owner shall be liable for any recovery fees.

302.10 Motor Vehicles: Every motor vehicle located on private property shall be either stored inside a garage or enclosed trailer, or shall have an evident current registration license if the vehicle is stored or parked outside an enclosed building or trailer. Parking or storage of motor vehicles on unpaved yard areas shall be prohibited; provided that previously existing graveled parking areas may continue to be used, so long as they are maintained with a minimum of 1" thick layer of gravel. No motor vehicle may be used as a storage unit. Painting of vehicles is prohibited unless conducted inside an approved spray booth. No vehicle without an evident current registration license shall be parked or stored on any privately-owned property within the City, not properly licensed and zoned for such use. Furthermore, no vehicle shall be at any time in a state of major disassembly or deemed as inoperable or in a state of disrepair; nor shall it be in the process of being stripped or dismantled; nor shall it undergo major overhaul, including body work, on any private property within the City, however, this section shall not apply to a motor vehicle on the premises of a business enterprise involved solely in the repair, renovation or servicing of motor vehicles; a vehicle in an approved storage place maintained by the City; or a motor vehicle inside a fully enclosed structure or enclosed trailer. The Code Official shall have jurisdiction of motor vehicles on any private property.

- a) Whenever a condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent **thirty (30)** days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.
- b) If, after **thirty (30)** days the violation has not been brought into compliance, the city may have the vehicle removed and impounded. The property owner shall be liable for any recovery fees.

302.11 Public Nuisance: no exterior property area shall contain a public nuisance.

302.12 Portable Storage Units: Portable storage units, also referred to as POD's, shall be placed entirely upon an existing driveway or paved surface. These type of storage units shall not be located on a property for more than 90 consecutive days, and shall not be placed back onto the same property within 90 days of removal. Those within a right-of-way shall obtain a right-of-way encroachment permit from the City Public Works Department or KDOT as applicable.

302.13 Motor boats or vessels: All registered boat(s) or vessel(s) are to be stored upon a suitable trailer or within an enclosed structure. Furthermore, when not enclosed within a structure, no boat or vessel shall be at any time abandoned; stored off of a trailer; in a state of major disassembly; determined as inoperable; in the process of being stripped or dismantled; nor shall it undergo major overhaul, including hull work, on any private property within the City; however, this section shall not apply to premises of a business enterprise involved in the repair, renovation or servicing of motor boats or vessels. The Code Official shall have jurisdiction of motor vehicles on any private property. This section does not apply to non-licensed vessels such as a kayak or canoe.

- a) Whenever a condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent **thirty (30)** days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.
- b) If, after **thirty (30)** days the violation has not been brought into compliance, the city may have the vehicle removed and impounded. The property owner shall be liable for any recovery fees.

SECTION 303: SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, installed or existing for more than 15 consecutive days and designed to contain water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gate post. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions: spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this Section.

SECTION 304: EXTERIOR STRUCTURE

304.1 General: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. It is the responsibility of the owner to restore any exterior surface that has been defaced by any marking, carving or graffiti.

304.1.1 Unsafe conditions: the following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the adopted building codes.

- A. structures or components thereof that have reached their limit state.
- B. the anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- C. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

304.2 Exterior Painting: All wood and metal surfaces including but not limited to, siding, walls, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted if more than 15% of total surface area is in this condition.

304.3 Street Numbers: Each structure and each unit of a multi-tenant structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way.

Numbers shall contrast with their background so as to be easily distinguished. All numbers shall be in Arabic numerals at least 3 inches high and 1/2 inch stroke.

304.4 Structural Members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation Walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats. Structures that are not built with a permanent perimeter foundation, shall have either 1) material installed to resemble the exterior walls (siding) or 2) materials installed to give the appearance of a permanent perimeter foundation such as brick, stone, or concrete block. Flood zone property are allowed to maintain any required open areas.

304.6 Exterior Walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and Drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto adjacent property or in a manner that creates a public nuisance.

304.8 Decorative Features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang Extensions: All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stair and Walking Surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 702.9.

304.11 Stairways, Decks, Porches, and Balconies: Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.12 Chimneys and Towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.14 Window, Skylight and Door Frames: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.14.1 Glazing: All glazing materials shall be maintained free from cracks and holes.

304.14.2 Openable Windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

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

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

304.16 Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

304.17 Basement hatchways: Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

304.18 Guards for Basement Windows: Every basement window that is openable shall be supplied with rat proof shields, storm windows or other approved protection against the entry of rats.

304.18.1. Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.19 Public Nuisance: no exterior of a structure shall contain a public nuisance.

SECTION 305: INTERIOR STRUCTURE

305.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions: the following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the adopted building codes.

- A. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- B. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- C. Structures or components thereof that have reached their limit state.

305.2 Structural Members: All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior Surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. All interior doors shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacture of the hardware.

305.4 Reserved

305.5 Stairs and Railings: All interior stairs and railings shall be maintained in sound condition and good repair.

305.6 Stairs and Walking Surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 702.9.

305.7 Handrails and Guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Any open portion of a stair, landing, balcony, porch deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have a guard. Stair (interior and exterior) shall have a railing of 30 inches to not more than 42 inches Exception – if the building codes exempts certain areas than as indicated above, such shall be exempted.

305.8 Public Nuisance: no interior of a structure shall contain a public nuisance.

SECTION 306: RUBBISH AND GARBAGE

306.1 Accumulation of rubbish or garbage: All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

306.2 Disposal of Rubbish and Garbage: Every occupant of a structure shall dispose of all rubbish and garbage in a

clean and sanitary manner by placing such waste in covered outdoor containers. Garbage may also be disposed of by a mechanical food waste grinder. The owner of the premises shall be responsible for the regular removal of rubbish and garbage from the property.

- a) Whenever an exterior condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent fifteen (15) days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.

SECTION 307: EXTERMINATION

307.1 Infestation: All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

307.2 Owner: The owner of any structure shall be responsible for any needed extermination within the structure prior to renting or leasing the structure.

307.3 Single Occupant: The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

307.4 Multiple Occupancy: The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

307.5 Occupant: The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure, and if the occupant fails to maintain the rodent- and pest-free condition, the cost of extermination shall be the responsibility of the occupant.

- **Exception:** Where rat infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Chapter 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401: GENERAL

401.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility: The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy any premises that does not comply with the requirements of this chapter.

401.3 Alternative devices: In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code listed in Chapter 8 shall be permitted.

SECTION 402: LIGHT

402.1 Habitable spaces: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the building code listed in Chapter 8. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

402.2 Common halls and stairways: Every common hall and stairway, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

402.3 Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403: VENTILATION

403.1 Habitable spaces: Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 403.1

403.2 Bathrooms and toilet rooms: Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 404.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

403.3 Cooking facilities: Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in rooming unit or dormitory unit.

- **Exception:** Where specifically approved in writing by the code official.

403.4 Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION 404: OCCUPANCY LIMITATIONS

404.1 Privacy: Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and shall be separate from other adjoining spaces.

404.2 Access from sleeping rooms: Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces.

- **Exception:** Dwelling units that contain fewer than two bedrooms.

404.3 Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

404.4 Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

404.5 Overcrowding: Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

404.6 Combined spaces: Combined living room and dining room spaces shall comply with the requirements of Table 405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.7 Prohibited occupancy: Kitchens, non-habitable spaces and interior public areas shall not be occupied for sleeping purposes.

404.8 Minimum ceiling heights: Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

• **Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

Table 404.5 MINIMUM AREA REQUIREMENTS			
	Minimum Area in Square Feet		
Space	1-2 occupants	3-5 occupants	6 or more
Living Room	120	120	150
Dining Room	No requirement	80	100
Bedrooms	Shall comply with Section 404.3		
For S1: 1 square foot = 0.029 m²			

404.9 Minimum room widths: A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

404.10 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.11 Food preparation: All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Chapter 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501: GENERAL

501.1 Scope: The provisions of this chapter shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

501.2 Responsibility: The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502: REQUIRED FACILITIES

502.1 Dwelling units: Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

502.2 Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities: A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities: Drinking facilities shall be a drinking fountain, water cooler, bottled, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503: TOILET ROOMS

503.1 Privacy: Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

503.2 Location: Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities: Toilet facilities shall have access from within the employee's regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or public customer facilities.

• **Exception:** Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employee's regular working area to the facilities.

SECTION 504: PLUMBING FIXTURES

504.1 General: All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances: Plumbing fixtures shall have adequate clearances for usage and cleaning.

SECTION 505: WATER SYSTEM

505.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

505.2 Contamination: The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply: The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

505.4 Water heating facilities: Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506: SANITARY DRAINAGE SYSTEM

See Chapter 20 of the Code of Ordinances of the City of Cynthiana.

SECTION 507: STORM DRAINAGE

See Chapter 20 of the Code of Ordinances of the City of Cynthiana.

Chapter 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601: GENERAL

601.1 Scope: The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602: HEATING FACILITIES

602.1 Facilities required: Heating facilities shall be provided in structures as required by this section.

602.2 Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms.

602.2.1 Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October to May to maintain the room temperatures specified in Section 602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

602.2.2 Room temperature exception: When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

602.3 Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October to May to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

• **Exceptions:**

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

602.4 Room temperature measurement: The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

SECTION 603: MECHANICAL EQUIPMENT

603.1 Mechanical equipment: All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Equipment access: Access to outdoor mechanical equipment shall be maintained under all weather conditions.

603.3 Cooking and heating equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

603.4 Flue: All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

- **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

603.5 Clearances: All required clearances to combustible materials shall be maintained.

603.6 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.7 Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

603.8 Energy conservation devices: Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604: ELECTRICAL FACILITIES

604.1 Facilities required: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service: The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

604.3 Electrical system hazards: Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605: ELECTRICAL EQUIPMENT

605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Lighting fixtures: Every public hall, interior stairway, water closet component, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

SECTION 606: ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General: Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

606.2 Elevators: In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

- **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Chapter 7

FIRE SAFETY REQUIREMENTS

SECTION 701: GENERAL

701.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. **Use Groups referenced herein shall be as defined by the building code listed in chapter 8.**

701.2 Responsibility: The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 702: MEANS OF EGRESS

702.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

702.2 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code listed in chapter 8.

702.3 Reserved:

702.4 Arrangement: Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

702.5 Exit signs: All means of egress shall be indicated with approved "Exit" signs where required by the building code listed in chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

702.6 Corridor enclosure: All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

• Exceptions:

1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance the fire prevention code listed in chapter 8, are not required to be self-closing.
3. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance the fire prevention code listed in chapter 8, are not required to be self-closing.
4. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
5. Corridors are in compliance with the building code listed in chapter 8.

702.7 Dead-end travel distance: All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet where the building is equipped throughout with an automatic sprinkler system.

702.8 Aisles: Arrangements of chairs and/or tables shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the building code listed in chapter 8. In all other occupancies, aisles shall have a minimum required width of 44 inches where serving an occupant load greater than 50, and 36 inches where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

702.9 Stairways, handrails and guards:

Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

702.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code listed in chapter 8.

- **Exception:** The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the building code listed in Chapter 8.

702.11 Locked doors: All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section 702.11.1.

702.11.1 Locks permitted: Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
2. In problem security areas, special purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface molded flush bolts are prohibited.
3. In any other instances in which the door hardware explicitly conforms to the building code listed in Chapter 8.

702.12 Emergency escape: Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

- **Exception:** Buildings equipped throughout with an automatic fire suppression system.

702.12.1 Security: Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

SECTION 703: ACCUMULATION AND STORAGE

703.1 Accumulation: Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

703.2 Hazardous material: Combustible, flammable, explosive or other hazardous materials, such as paints, volatile

oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Chapter 8.

SECTION 704: FIRE RESISTANCE RATINGS

704.1 General: The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

704.2 Maintenance: All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION 705: FIRE PROTECTION SYSTEMS

705.1 General: All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

705.2 Fire suppression system: Fire suppression systems shall be in proper operating condition at all times.

705.2.1 Valves: Control valves shall be in the fully open position.

705.2.2 Sprinklers: Sprinklers shall be clean and free from corrosion, paint and damage. Stock shall be at least 18 inches below sprinkler deflectors.

705.2.3 Piping: Piping shall be properly supported and shall not support other loads.

705.3 Standpipe systems: Standpipe systems shall be in proper operating condition at all times.

705.3.1 Valves: Water supply control valves shall be in the fully open position.

705.3.2 Hose connections: Hose connections shall be identified and have ready access thereto.

705.3.3 Hose: Where provided, the hose shall be properly packed, dry and free from deterioration.

705.4 Fire Extinguishers: All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

705.5 Smoke detectors: A minimum of one approved single-station or multiple station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

705.5.1 Installation: All detectors shall be installed in accordance with the building code listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

705.5.2 Power source: The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

705.5.3 Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

705.6 Fire alarm systems: Fire alarm systems shall be in proper operating condition at all times.

705.6.1 Control panel: The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

705.6.2 Manual fire alarm boxes: All manual fire alarm boxes shall be operational and unobstructed.

705.6.3 Automatic fire detectors: All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

705.7 Records: A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

SECTION 706: ELEVATOR RECALL

706.1 Required: All elevators having a travel distance of 25 feet or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

SECTION 707: MECHANICAL EQUIPMENT CONTROL

707.1 Smoke and heat detection: Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

Chapter 8

REFERENCED STANDARDS

2018 Kentucky Building Code (Based on the 2015 International Building Code with Kentucky Amendments)

2018 Kentucky Residential Code (Based on the 2015 International Building Code with Kentucky Amendments)

2015 International Mechanical Code

2012 International Fire Code (New construction projects, only when specifically referenced by the body of KBC)

2012 International Energy Conservation Code (for use with the Kentucky Residential Code and Group R-2, R-3, and R-4 construction)

2009 International Energy Conservation Code (for use with the Kentucky Residential Code and Group R-2, R-3, and R-4 buildings in Kentucky Building Code only)

2009 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities

Kentucky State Plumbing Law, Regulations & Code (KRS Chapter 318 and 815 KAR Chapter 20)

State Boiler Regulation (KRS Chapter 236, 815 KAR Chapter 15)

2012 NFPA 1 – Fire Prevention Code (as directed by 815 KAR 10:60 Kentucky Standards of Safety)

2010 NFPA 13 – Installation of Sprinkler Systems

2010 NFPA 13D – Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

2010 NFPA 13R – Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height

2010 NFPA 14 – Installation of Standpipe and Hose Systems

2009 NFPA 54 – National Fuel Gas Code

2018 NFPA 70 – National Electrical Code

2017 NFPA 72 – National Fire Alarm and Signaling Code

2012 NFPA 101 – Life Safety Code (Health Care Facilities)

GB-03-01 Structural Engineers Association of Kentucky – Special Inspection Guidelines, Third Edition, March 2007

The above is for reference only and is only representative of the many codes and standards currently used in Kentucky. For specific applications not listed above, contact the Department of Housing, Buildings and Construction, Division of Building Codes Enforcement at (502) 573-0373

