

# **THE PROPERTY MAINTENANCE CODE**

of the

## **City of Jeffersontown**

**Jeffersontown, Kentucky**

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# CHAPTER 1

## GENERAL PROVISIONS

### Section 101. Title

**101.1** This code shall be known as the Property Maintenance Code of the City of Jeffersontown, hereinafter referred to as the existing structure code or “this code.” This code shall also be known as the Nuisance Code of the City of Jeffersontown.

### Section 102. Scope

**102.1** Except as provided in Section 208 (“Public Nuisance”), the provisions of this code shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipments, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing and premises, and for administration; enforcement and penalties. These requirements and standards shall also be applied to the exterior of occupied and non-residential structures.

### Section 103. Intent

**103.1** 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.

### Section 104. Applicability

**104.1. General:** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 102. Where, in a specific case, different sections of the code specify different requirements, the most restrictive shall govern.

**104.2. Maintenance:** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. 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.

**104.3. Application of Other Codes:** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the codes and regulations listed herein. Nothing in this code shall be construed to cancel, modify or set aside any provision of the “Land Development

Code For All Of Jefferson County” as adopted by the City of Jeffersontown Ordinance #1185, Series 2004, As Amended.

**104.4. 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 repair, removal or demolition of any structure, which is dangerous, unsafe and unsanitary.

**104.5. Workmanship:** 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. When required, a permit shall be obtained by the person, persons, or corporation doing the work. See Appendix B “Fee Schedule.”

**104.6. Historic Buildings:** The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Enforcement Officer to be safe and in the public interest of health, safety and welfare.

**104.7. Referenced Codes and Standards:** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**104.8. Requirements Not Covered By Code:** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Enforcement Officer.

**104.9. Existing Buildings:** A building facility, or portion thereof, which was constructed and approved prior to the effective date of this code and its administrative regulations, shall be maintained as previously permitted. A change to the construction of the building in excess of that required by the codes at the time of construction shall not be required if the building is used and maintained as originally approved.

## **Section 105. Definitions**

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

**105.2. 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.

**105.3. Terms Defined in Other Codes:** Where terms are not defined in this code or referenced herein and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, ASME A17.1 or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

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

**105.5. Parts:** Whenever the words *Dwelling Unit, Dwelling, Premises, Building, Rooming House, Rooming House, Rooming Unit or Story* are stated in this code, they shall be construed as through they were followed by the words “or any part thereof.”

**Approved:** Approved by the Code Enforcement Officer.

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

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

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

**City Block:** An area of land bounded on all sides by streets as that term is defined, language and definitions, of the “Land Development Code For All Of Jefferson County”, but excluding alleys as that term is defined, language and definitions, of the LDC.

**Code Enforcement Officer:** The official, or his/her designee, who is charged with the administration and enforcement of this code, or any duly authorized representative.

**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.

**Exterior Property:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

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

**Guard:** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**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.

**Highway:** See Street

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

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

**Kentucky Building Code or KBC:** The current edition of the commercial/multi-family building code as adopted by the Kentucky Board of Housing, Buildings and Construction.

**Kentucky Residential Code or KRC:** The current edition of the one- and two-family building code as adopted by the Kentucky Board of Housing, Buildings and Construction.

**Kentucky State Plumbing Code:** The current edition of the plumbing code as adopted by the Kentucky Board of Housing, Buildings and Construction.

**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.

**LDC:** The “Land Development Code For All Of Jefferson County” as adopted by the City of Jeffersontown.

**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:** See Truck or Vehicle

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

**Occupant:** Any individual living or sleeping in a building, or having possession of a space within a building.

**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 the 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.

**Parking Area or Space:** A surfaced area connected to the street right of way via a surfaced driveway.

**Paving:** A hard and durable surface. Asphalt, brick, concrete paving, interlocking blocks, including semi-pervious systems that retain space for vegetation and gravel are acceptable paving materials,

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

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

**Property:** Property shall mean any real property within the City which is not a street or highway.

**Public Nuisance:** Includes the following:

**a.** Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, 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 without first removing the doors; **or**

**b.** Any premises which has unsanitary sewerage, plumbing facilities, or storm drainage; **or**

- c. Any premises designated as unsafe for human habitation or use; **or**
- d. 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**
- e. 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 or renovation by management; **or**
- f. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds or contains vehicles in violation of Section 203.8; **or**
- g. Any tree which is in danger of collapse or which poses a danger of contamination because of disease, decay, injury, infestation, or damage; **or**
- h. Any structure or building 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; **or**
- i. The disposal or accumulation of any foul, decaying, or putrescent substances or other offensive materials dangerous to public health in or on any premises which shall by reason of offensive odors become injurious to the health of any person.

**Rooming House:** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a One- or 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, but is not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**Surfaced:** See Paving

**Street:** Street or highway shall mean the entire width of the pavement between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**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 required 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.

**Trailer, Accessory Recreational Vehicle:** A vehicle designed to be pulled by a motorized vehicle which is used to carry accessory recreational vehicles, and include but are not limited to vehicles designed for off-street use such as off-road vehicles, all terrain vehicles (ATVs), dune buggies, and recreational boats. Accessory recreational vehicle trailers less than or equal to twenty-five (25) feet in length shall be regulated as medium trucks. Accessory recreational vehicle trailers in excess of twenty-five (25) feet in length shall be regulated as heavy trucks.

**Trailer, Utility:** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of sixteen (16) feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the “tongue”.

**Truck:** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than 10 persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes, and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration. Trucks are divided into three (3) categories as follows:

**a. Light Truck:** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

**b. Medium Truck:** Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

**c. Heavy Truck:** Heavy trucks are trucks, including truck tractors and similar vehicles with two or more rear axles.

**Unsafe:** To adjudge unfit for occupancy

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

**Vehicle:** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicles include motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.

**Vehicle, Disabled or Inoperative:** Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets or which is unlicensed or has a license which has been expired for a period in excess of thirty (30) days.

**Vehicle, Passenger:** A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicles also include motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicles include vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs) and jeeps. A passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

**Vehicle, Recreational:** A vehicle with or without motive power, which is designed for sport, social activities or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicles include but are not limited to trailers, motor coaches, motor homes, fifth-wheels, campers, camper shells camper trailers and are divided into 3 categories as follows:



**a. Motor Home:** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

**b. Accessory Recreational Vehicle:** An accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicles also include vehicles designed for off-street use such as off-road vehicles, all terrain vehicles (ATVs), dune buggies, recreational boats, and trailers used to haul these vehicles.

**c. Boats:** Boats and boats on trailers less than twenty-five feet in length, excluding the tongue, shall be regulated as light trucks. Boats and trailers used to haul them twenty-five (25) or longer, excluding the tongue, shall be regulated as heavy trucks.

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

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

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

**Yard, Front:** A yard extending across the front of a lot, between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the principal building or any projections thereof other than the projections of unenclosed steps, unenclosed balconies or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street on which the lot has its least dimension.

**Yard, Rear:** A yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of unenclosed steps, unenclosed balconies or unenclosed porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

**Yard, Side:** An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Yard, Street Side:** A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of unenclosed steps, unenclosed balconies or unenclosed porches, to the right-of-way line.

# CHAPTER 2

## REQUIREMENTS

### Section 201. Generally

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

**201.2. Responsibility:** The owner of the premises shall maintain the structures and exterior property in compliance with these regulations, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary condition that part of the dwelling unit or premises, which they occupy.

**201.3. Vacant Structure and Land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### Section 202. Responsibility Of Persons

**202.1. General:** The provisions of this subchapter shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof. Every owner and occupant must fully comply with all the provisions of the Louisville-Jefferson County Uniform Landlord Tenant Act. The occupant shall fully notify the owner of any deficiencies and violations of this code. All premises shall be kept and maintained free of any public nuisance.

#### 202.2. Sanitary Conditions:

**202.2.1. Cleanliness:** Every occupant of a structure or part thereof shall keep that part of the structure or premises which that occupant occupies, controls, or uses in a clean and sanitary condition, and in the case of a single-family structure, the occupant, shall keep the premises free of all weeds and prohibited plant growth, as defined in Section 203.4, to the center line of such street, easement or alley as are adjacent to or abut the premises. Every owner of a dwelling containing two or more dwelling units shall maintain, in a clean, safe and sanitary condition, and free of all weeds and prohibited plant growth, as defined in Section 203.4, the shared or public areas of the dwelling and premises thereof to the center line of such street, easement or alley as are adjacent to or abut the premises. Any plant growth exceeding 10 inches in height on land of three acres or more that abuts residential property, other than crops, trees, bushes, flowers or other ornamental plants, shall be at least 50 feet from the property line or street abutting the developed neighborhood.

**202.2.2. Disposal of Rubbish:** Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in a leak proof approved container, as required by Section 206.

**202.2.3. Disposal of Garbage:** Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by securely wrapping such garbage and placing it in leak proof approved containers, as required by Section 206.

**202.2.4. Garbage Storage Facilities:** Every dwelling unit shall be supplied with an approved garbage disposal facility, which shall be any adequate mechanical food waste grinder in each dwelling unit or leak proof approved containers, as required Section 206.5. Such facilities shall be sufficient to meet the needs of the occupants.

**202.2.5. Rubbish Storage Facilities:** Every dwelling unit shall be supplied with leak proof approved containers as required by Section 206.5 for storage of rubbish and the occupant shall be responsible for the removal of such rubbish.

**202.2.6. Food Preparation:** All spaces used or intended to be used for food preparation shall contain suitable space and approved equipment to store, prepare and serve food 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 when necessary. Approved equipment shall consist of:

**202.2.6.1.** A listed or approved cooking stove or similar device designed for cooking food, properly installed with all necessary connections for safe, sanitary and efficient operation, and in proper working condition, to be supplied by the owner: provided, however, the owner may specify that this shall be the responsibility of the occupant if sufficient space and adequate connections are provided.

**202.2.6.2.** A refrigerator or similar device capable of the safe storage of food at temperatures less than 50°F, but more than 3°F, under ordinary maximum summer conditions, properly installed with all necessary connections for safe, sanitary and efficient operation, and in proper working condition, to be supplied by the owner; provided, however, the owner may specify that this shall be the responsibility of the occupant if sufficient space and adequate connections are provided.

**202.2.6.3.** Cabinets or shelves of sound construction and easily cleanable, to be furnished by the owner, for the storage of eating, drinking and cooking equipment and utensils, and of food that does not under ordinary summer conditions require refrigeration for safe keeping, to be supplied by the owner.

**202.2.7. Supplied Fixtures & Equipment:** The owner or occupant of a structure or part thereof shall keep all equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation. The owner shall maintain the supplied equipment and fixtures in good and proper operating condition.

**202.2.8. Furnished by Occupant:** The equipment and fixtures furnished by the occupant of a structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free from defects, leaks or obstructions.

## **Section 203. Exterior Property Areas**

**203.1. 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.

**203.2. Grading & 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. Water retention areas and/or reservoirs approved by the City Of Jeffersontown's Department of Public Works, the Metropolitan Sewer District, or the Metro Louisville Department of Planning and Design are exempted.

**203.3. Sidewalks & 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.

**203.4. Grass/Weeds:** All premises shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Any plant growth exceeding 10 inches in height on land of more than 3 acres that abuts residential property, other than crops, trees, bushes, flowers or other ornamental plants, shall be at least 50 feet from the property line abutting the developed neighborhood.

**203.4.1.** Whenever such a situation is discovered, the Code Enforcement Officer shall give five (5) days written notice to remedy such situation. The said notice shall be mailed to the last known address of the owner of said property, as it appears on the current tax assessment roll or by posting on the front door of the main building of the property. Upon failure of the said property owner to comply, the Code Enforcement Officer shall notify Jeffersontown Public Works who is authorized to remedy the situation. Nothing in this section shall prevent the Code Enforcement Officer from issuing a citation under Section 712.

**203.5. 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 reinfestation. Information to alleviate and prevent the infestation of insects, mosquitoes, flies, rats and other vermin may be obtained from the Louisville/Jefferson County Health Department.

**203.6. 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.

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

**203.7.1. Gates:** Gates which are required to be self-closing and self-latching in accordance with the Kentucky Building Code, the Kentucky Residential Code, or the LDC shall be maintained such that the gate will positively close and latch when released from a still position of six inches (152 mm) from the gatepost.

**203.7.2. Swimming pools, Spas, Hot Tubs, etc:** Swimming pools, spas, hot tubs and etc., shall be maintained in a clean and sanitary condition, and in good repair and comport with Louisville/Jefferson County Health Department regulations.

**203.7.3. Fences:** All fences contained on any premises shall satisfy the height and location requirements as set forth in the LDC.

**203.8. Motor Vehicles:** Except as provided for in other sections of this Code, no inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. All motor vehicles on any premises, other than agricultural land, as defined in the LDC, must be parked on a hard and durable surface, such as asphalt or concrete, which limits or precludes particulate air pollution. In addition, motor vehicles may only be parked on those portions of the premises, which the LDC allows as permissible parking areas.

**203.8.1. Parking of Passenger Vehicles and Light Trucks:** Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the following:

**203.8.1.1.** On lots less than 6,000 square feet in area: No more than 3 vehicles owned or leased by a resident may be parked outdoors.

**203.8.1.2.** On lots between 6,000 and 20,000 square feet in area: No more than 4 vehicles owned or leased by a resident may be parked outdoors.

**203.8.1.3** On lots of more than 20,000 square feet in area: No more than 5 vehicles owned or leased by a resident may be parked outdoors.

**203.8.2. Parking of Medium Trucks:** The parking of medium trucks is regulated as follows:

**203.8.2.1.** The parking of medium trucks shall count against the maximum number of vehicles allowed in section 203.8.1 and shall be permitted as follows:

**203.8.2.2.** No more than one medium truck per dwelling unit may be parked outdoors on a lot that is less than 20,000 square feet in area.

**203.8.2.3.** No more than two medium trucks per dwelling unit may be parked outdoors on a lot that is greater than or equal to 20,000 square feet in area.

**203.8.3. Parking Heavy Trucks:** The parking of heavy trucks and equipment is prohibited.

**203.8.4. Parking of Buses, Utility and Heavy Trailers:** Buses, utility trailers, and heavy trailers used to haul accessory recreational vehicles may be parked in a required parking space, but shall not be parked between the street and façade of the principal structure on the lot. These vehicles shall count toward the maximum number of vehicles permitted on a lot. For purposes of this regulation an accessory recreational vehicle on a trailer shall be considered as one vehicle.

**203.8.5.** Vehicles parked in garages or carports with at least three sides enclosed are not to be counted against the maximum allowed on any lot or parcel.

**203.8.6.** Those vehicle located within multi-family developments that consist of six (6) or more apartment units shall be parked in areas set aside for such parking and shall be screened using a continuous vegetative hedge at least three (3) feet in height.

**203.8.7. Abandoned, Discarded, Non-Operating, Wrecked Vehicles.**

**203.8.7.1. Abandonment of Vehicles.** No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

**203.8.7.2. Leaving of Wrecked, Non-Operating Vehicles on Street.** No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the City.

**203.8.7.3. Disposition of Wrecked or Discarded Vehicles.** No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled,

non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than seven (7) days; and no person shall leave any such vehicle on any property within the City for a longer time than seven (7) days; except that this Code shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; except no business enterprise shall store partially dismantled, non-operating, wrecked, junked, or discarded vehicles for a period in excess of thirty (30) days unless said vehicle is in an enclosed storage place not visible from any street sidewalk, alleyway, or abutting property.

**203.8.7.4.** For the purpose of this section “discarded vehicles” shall be defined to include any vehicle as defined in Section 105 which is unlicensed or has a license which has been expired for a period in excess of thirty (30) days.

#### **203.8.8. Motor Homes and Recreational Vehicles:**

**203.8.8.1.** It shall be unlawful and a violation of this code for any person, corporation, company or other entity to park or leave on any street, alley, or highway within the City of Jeffersontown, any boat, whether attached to a vehicle or unattached, motor-home, camper trailer, trailer coach or recreational vehicle whether self-propelled or attached to another vehicle.

**203.8.8.2.** It shall be unlawful and a violation of this code for any person, corporation, company or other entity to park, or leave standing, any boat, whether attached to a vehicle or unattached, motor-home, camper trailer, trailer coach or recreational vehicle whether self-propelled or attached, on the residential front yard or street side yard, as defined herein for a period in excess of seventy-two (72) hours in any thirty (30) day period. Acceptable conditions for parking of such vehicles shall be as follows;

**203.8.8.2.1.** A trailer coach, travel or camper trailer, recreational vehicle may be parked or stored in an approved enclosed garage or accessory building, provided such is not occupied for dwelling or business.

**203.8.8.2.2.** Trailer coaches, travel or camper trailers, or recreational vehicles not to exceed forty (40) feet in length total including bumpers and hitches, duly licensed under the provisions of Kentucky Revised Statutes Chapter 187 as camping or travel trailers may be parked or stored in a rear or side yard of any residential lot not beyond the front building line of such lot.

**203.8.8.3. NON-CONFORMING USE:** Any owner of a recreational vehicle as defined herein, no larger than forty (40) feet in length including bumpers and hitches, and who has owned said vehicle for a period in excess of thirty (30) days next preceding the publication of this code, and who does not have access to the rear or side yard of their primary residence located within the City of Jeffersontown, and who so registers said recreational vehicle with the Jeffersontown Police Department on or before thirty (30) days next following the adoption of this ordinance, shall be exempt herefrom so long as they own the registered recreational vehicle and maintain their primary residence at the registered address.

**203.8.8.4.** Nothing herein, shall operate to permit any encroachment of any part of a recreation vehicle in, upon or onto any public rights-of-way.

**203.8.8.5.** This section shall not apply to any lot properly zoned for conducting businesses relating to such trailers, provided such businesses are properly licensed under laws of the City of Jeffersontown, Kentucky, and no such trailer is occupied for dwelling purposes.

**203.8.8.6.** Nothing in this code shall be construed as prohibiting the right of any religious, charitable, or eleemosynary organization or association from the use of a trailer coach, travel or camper trailer or recreational

vehicle in connection with their religious, charitable, or eleemosynary operation provided that the use by such religious, charitable, or eleemosynary association or organization shall be for purposes other than a dwelling.

**203.8.8.7.** Any person, corporation or other entity served with a citation shall promptly remove the offending vehicle, boat trailer or motor home within twenty-four (24) hours of said citation, or the city Code Enforcement Officer may cause said offending vehicle, boat, trailer or mobile home to be towed at the owner's expense. In the event no abutting property owner expresses an ownership interest in the vehicle parked upon a City street, it shall be cited and impounded, if not removed within forty-eight (48) hours next following said citation, at the expense of the owner.

**203.8.8.8. Special Situation Permit:** Upon proper application being made, the City Code Enforcement Officer may issue a "Special Situation Permit" for a period not to exceed ten (10) days during any three hundred and sixty-five (365) day period granting abatement of this code, and permitting parking in the defined "front yard" area. The City Council finds and deems the following to be "Special Situations" within the purview of this code:

**203.8.8.8.1.** Out of town guests who are anticipated to be operating motor homes or hauling boats or trailers; or

**203.8.8.8.2.** Driveways re-surfacing, sealing or other home improvements which require a resident to park in the defined "front yard" area.

**203.8.8.9. Impounding.** The Chief of the Jeffersontown Police Department or any member of his Department designated by him or any Code Enforcement Officer is hereby authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this Code or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the provisions of K.R.S. 376.275.

**203.8.8.10. Penalties.** Any person violating any of the provisions of this Chapter shall be deemed guilty of a violation and shall be punishable as such hereunder.

**203.8.9. Exceptions:** Motor vehicles, except those specifically otherwise addressed by City of Jeffersontown Ordinance #1176, Series 2003 may only be parked on those portions of the premises and in the number, allowed by the LDC.

**203.8.10. Location of Parking on Lot:** Parking for single-family residential uses and duplexes is permitted in the required front or street side yard only on a hard surface or approved semi-pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard.

**203.8.11: Vehicle Service and Repair.** Service and repair of vehicles not owned or leased by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired provided that the conditions listed in either 1 and 2 or 3 and 4, below, are met..

1. The vehicles are owned or leased by and registered to residents of the site; **and**
2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air driven power tools.

**OR**

3. The vehicles are owned or leased by and registered to residents of the site; and
4. All work occurs within a completely enclosed structure.
5. No work allowable by this Section shall occur between the hours of 11pm and 7am local time unless adequately insulated for sound.

**203.8.12:** It shall be unlawful and a violation of this ordinance for any person, corporation, company or other entity to park or leave on any residential street, any boat, whether attached to a vehicle or unattached, motor-home or trailer, whether self-propelled or attached to another vehicle.

**203.8.13.** Except as provided for in other sections of this Code, any vehicle so offending for a period of time in excess of twenty-four (24) hours, or, cited on more than two (2) occasions during any thirty (30) day period; or cited on more than three (3) occasions during any calendar year, shall, in addition to being cited, be towed at the owner's expense.

**203.9. Defacement of Property:** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**203.10. Firewood, Lumber, Etc:** Firewood, lumber and similar organic material shall be stacked at least four (4) inches above the ground.

**203.11. Refrigerators:**

**203.11.1.** It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure under his, her, or its control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device, without first removing said door or lid.

**203.11.2.** Upon a finding by the Code Enforcement Officer, or any other authorized City Official, that no responsible adult is available to immediately secure, and/or remove said icebox, refrigerator or other container which has an airtight door or lid, said Code Enforcement Officer, or other authorized City Official shall forthwith declare an emergency and attend said icebox, refrigerator or other container which has an airtight door or lid until same is removed by the Department of Public Works.

**203.11.3.** Any icebox, refrigerator or other container which has an airtight door or lid, so removed by the Department of Public Works, shall be held for a period not to exceed thirty (30) days, at which time it will be discarded.

**203.11.4.** The owner of the property where said icebox, refrigerator or other container which has an airtight door or lid shall be responsible for the cost of removing and disposing of said icebox, refrigerator or other container which has an airtight door or lid, in addition to any other penalty contained herein, and said expense of removal shall constitute a lien against the property whereon it was discovered.

**203.12. Portable Storage Units:** Portable storage units or other devices, e.g. containers and trash dumpsters, shall be not allowed on residentially zoned or used property unless a permit has been issued by the Code Enforcement Officer. Said permit, or permits, shall be for a period of time not to exceed thirty (30) days within any twelve (12) month period. The aforementioned portable storage units must be placed on an approved hard



surface, e.g. concrete or blacktop driveway, and cannot be on the public right of way, unless otherwise approved by the Code Enforcement Officer. See Appendix B for a fee schedule.

**203.13. Vision Clearance:** On corner lots (where street intersects with another street) in all districts where setbacks are required along the street frontage, no fence, wall, freestanding sign, structure, shrubbery, or planting shall be permitted that is over two (2) feet in height above the established elevation of the curb level or that is not clear of branches in the case of plant material, from two (2) to six (6) feet above the established elevation for a distance equal to the respective required yard, not to exceed thirty (30) feet, measured from the point of intersection of the intersecting lot lines and within the triangle formed by connecting the ends of the respective distances.

**203.14. Easement:** The erection of any permanent structure or plantings on any easement or to otherwise interfere with the flow or maintenance of any easement shall be prohibited. It shall be a violation of this code to change or in any manner alter the drainage grade, or to plant shrubs, trees, flowers, or other material or to erect a structure on any portion of a street right of way without first obtaining an Encroachment Cut Permit or Driveway Connection Permit from the Jeffersontown Department of Public Works.

**Exception:** Structures used for the collection or delivery of mail and/or newspapers.

**203.15. Dumpsters, Large Trash Containers, etc.:** Large trash containers, trash dumpsters, etc., shall not be allowed on residentially zoned or used property unless a permit has been issued by the Department of Permitting and Enforcement. Said permit shall be for a period of time not exceeding one hundred and eighty (180) days within any twelve (12) month period or seven (7) days beyond the final inspection related to a permitted renovation or alteration activity, whichever is less. The aforementioned units must be placed on an approved hard surface, e.g. a concrete or blacktop driveway, and cannot be on the public right of way, unless otherwise approved by the Code Enforcement Officer. See Appendix B for a fee schedule.

## Section 204. Exterior Structure

**204.1. 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.

**204.2. Protective Treatment:** All exterior surfaces, including but not limited to windows, doors, door and window frames, cornices, porches, trim, balconies, decks, sheds, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains and mold shall be removed from exterior surfaces. Surfaces designed for stabilization of oxidation are exempt from this requirement.

**204.2.1. Lead-based paint:** The owner must comply with federal and state statutes and standards and local statutes and standards for the abatement of existing lead base paint and the application of lead base paint.

**204.3. Premises Identification:** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabet letters, at least three (3) inches high and

two (2) inches wide and legible from the affronting street or road. All existing premises properly identified in accordance to the identification standards in effect at the passage of this code shall be allowed to keep such identification until they are replaced, and then shall comply with this section.

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

**204.5. 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 rodents and other pests.

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

**204.7. Roofs & Drainage:** The roof and flashing shall be sound, tight and not have defects that admit water/moisture. Roof drainage shall be adequate to prevent dampness or deterioration in the wall 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 in a manner that creates a public nuisance.

**204.8. 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.

**204.9. Signs, Marquees & Awnings:** All canopies, marquees, signs, metal awnings, stairways, fire escapes, exhaust ducts and similar overhang extensions of residential structures and vacant structures shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective equipment.

**204.10. Overhang Extensions:** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts 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.

**204.11. Stairways, Decks, Porches & Balconies:** Every exterior stairway, deck, porch, and balcony, and all such appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any alteration, modification, addition or replacement of a stairways, decks, porches & balconies shall be in conformity with the current edition of the Kentucky Residential Code. A building permit may be required. See Appendix B for permit fees.

**204.12. Chimneys & 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.

**204.13. Handrails & Guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Any alteration, modification, addition or replacement of a handrail or guard shall be in conformity with the current edition of the Kentucky Residential Code. Every exterior flight of stairs having more than 4 risers, and every open portion of a stair, landing or balcony, which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) and no more than 38 inches (965.2 mm) high, measured vertically

above the nosing of the tread or above the finished floor of the landing, walking surfaces or grade. Guards shall not be less than 36 inches (914.4 mm) high above the floor of the landing, balcony or grade. A building permit may be required. See Appendix B for permit fees.

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

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

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

#### **204.15. Doors:**

**204.15.1.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 204.15.2 and 602.

**204.15.2. Double Cylinder Locks:** Double cylinder dead bolt locks requiring a key operation on both sides are prohibited on required means of egress. Key operation is permitted from a dwelling unit provided the key cannot be removed when the door is locked from the side from which egress is to be made.

**204.16. Basement Hatchways:** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. This section does not apply to basement apartments as long as they are in full compliance with all other sections of this code.

**204.17. Guards for Basement Windows:** Every basement window that is openable shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents. This section does not apply to basement apartments as long as they are in full compliance with all other sections of this code.

**204.18. Insect Screens:** During the period from April 1st to October 31st, every door, window and other outside opening required for ventilation of 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 (25 mm) and every swinging door shall have a self-closing device in good working order. Screens doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**Exception:** Homes and or rooms with properly operating air conditioning equipment.

## **Section 205. Interior Structure**

**205.1. General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, 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.

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

**205.3. Interior Surfaces:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**205.3.1. Lead Based Paint:** The owner must comply with federal and state statutes and standards and local statutes and standards for the abatement of existing lead base paint and the application of lead base paint.

**205.3.2. Bathroom & Kitchen Floors & Walls:** Every toilet room, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition. Every toilet, bathroom and kitchen floor surface shall be composed of approved water-resistant materials and shall be substantially impervious to water damage; however, carpet will be allowed as a floor covering in these areas if areas were originally designed and approved for this type of floor covering and this floor covering has been used and maintained as to not cause a health or safety problem for the users of these areas. Bathtub and shower floors and walls above bathtubs with installed shower heads and shower compartments shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than six (6) feet.

**205.3.3. Free from Dampness:** In every building basements and crawl spaces shall be maintained to prevent conditions conducive to decay or deterioration of the structure.

**205.4. Stairs & Walking Surfaces:** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**205.5. Handrails & Guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony, which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) or more than 38 inches (965.2 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing, walking surfaces or grade. Guards shall not be less than 36 inches (914.4 mm) high above the floor of the landing, balcony or grade. The replacement of handrails or guards shall be replaced per the Kentucky Residential Code.

**205.6. Interior Doors:** Every interior door 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 manufacturer of the attachment hardware.

## **Section 206. Rubbish and Garbage**

**206.1. 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.

**206.2. Disposal of Rubbish:** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**206.3. Rubbish Storage Facilities:** The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**206.4. Disposal of Garbage:** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

## **206.5. Rubbish Containers and Garbage Facilities:**

**206.5.1. Multifamily Properties Containing Nine or More Units:** It shall be the duty of every owner of such property to provide bulk containers of sufficient volume for the frequency of collection and storage of garbage and household solid waste.

**206.5.2. Multifamily Properties Containing Eight or Fewer Units:** It shall be the duty of every owner of such property to provide a sufficient number of trash containers to meet the demand of each unit of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity for the collection and storage of garbage and household solid waste. The waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The tenant shall be responsible for maintaining the trash container(s) supplied by the owner during their tenancy. The tenant shall also be responsible for placing their trash container(s) at the designated place and time for trash pick up. Refuse bags, provided by the occupants, made of paper or plastic used for collection must be placed inside waste containers for collection. Multifamily property owners of eight or fewer units who receive three citations in a six month period shall be required to provide a bulk container of sufficient volume for the frequency of collection and storage.

**206.5.3. Single-family Properties:** If trash containers are needed by the occupants in addition to those provided by the City of Jeffersontown, it shall be the duty of every single family property owner to provide container(s) of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity for the collection and storage of garbage and household solid waste. The waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. Refuse bags made of paper or plastic used for collection must be placed inside containers for collection.

**206.5.4. Closed Containers Required:** No household waste shall be placed out of doors awaiting pick-up in any container except in a closed container or facility with a tight fitting lid; and all waste containers and bulk containers shall be kept in a clean and sanitary condition.

**206.5.4.1. Container Storage:** Trash Containers shall not be stored in a front yard or street side yard.

**206.5.5. Times:** The rubbish containers not be placed at the street for collection prior to 4 PM the evening prior to the regularly scheduled collection day and must be removed from the street within twelve (12) hours after collection.

## **Section 207. Extermination**

**207.1. Infestation:** Every reasonable precaution available should be taken to keep all structures from insect and rodent infestation. All structures in which insects or rodents 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.

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

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

**207.4. 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 occupant shall be responsible for extermination.

**207.5. Occupant:** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure except where the infestations are caused by defects in the structure, and then, the owner shall be responsible for extermination.

## **Section 208. Public Nuisance**

### **208.1. Criminal Activity as a Public Nuisance:**

**208.1.1. Definitions:** For the purpose of this section, *Public Nuisance* shall mean any premises or place where law enforcement officers have, on more than one occasion in the preceding 12 month period, criminally cited or arrested persons or executed court issued search warrants for violations of the law governing prostitution, controlled substances, alcohol or gambling.

**208.1.2. Unlawful Use of Property:** No owner of residential, non-residential or vacant property located in the City of Jeffersontown shall allow his/her property to be used as the site for any public nuisance after having received notice pursuant to this Section that the property has been used for the commission of a public nuisance. A legal or equitable owner of such property is deemed to have knowledge of such activity upon receipt of the notice as set forth in this Section.

**208.1.2.1.** No person or owner shall destroy, remove or deface any order or notice posted by the Code Enforcement Officer.

**208.1.2.2.** No person or owner shall disobey any order issued by the Code Enforcement Officer, or use or occupy or permit any other person to use or occupy any premises ordered closed by the Code Enforcement Officer.

**208.1.3. Duty of Police Department:** The Jeffersontown Police Department shall as soon as possible but not less than thirty (30) days after criminally citing or arresting persons or executing court issued search warrants for violations of the law governing prostitution, controlled substances, alcohol or gambling, notify the Code Enforcement Officer in writing of the specific violation investigated, the address of the property on or in which the violations occurred, and the circumstances of the violation.

**208.1.4. Notice:** Whenever the Code Enforcement Officer receives information that a public nuisance exists in or upon residential, non-residential or vacant property, he shall notify the owner that the property is a public nuisance and that the public nuisance must be abated. Such notice shall be provided as set forth in this Section. Provided, however, that when notice is mailed, it shall be mailed by certified mail, return receipt requested.

**208.1.5. Abatement:** Should the public nuisance not be abated at the time stated in the notice, or any extension granted by the hearing officer(s), the Code Enforcement Officer shall be authorized at any time thereafter to issue an order closing and vacating the premises to the extent necessary to abate the public nuisance. Such closing and vacating shall be for such period as the Code Enforcement Officer reasonably may direct, but in no event shall the closing and vacating be for a period of more than one year from the date of the closing. A closing and vacating order by the Code Enforcement Officer pursuant to this Section is not an act of possession,

ownership or control by the City of Jeffersontown. A close and vacate order of the Code Enforcement Officer will be rescinded within 14 days of an abatement.

**208.1.5.1.** If the premises consist of multi-unit dwellings or mixed uses and the public nuisance has occurred solely within a unit or units, the authority to close and vacate is restricted to the unit or units in which the public nuisance has occurred, and does not extend to any other unit in the premises.

**208.1.5.2.** Upon the issuance of any order provided for in this section, a copy of the order shall be served on the owner of the property in the same manner as the notice provided for in this Section, and a copy shall be conspicuously posted on the property.

**208.1.5.3.** If any person or owner fails to comply with an order to close and vacate issued pursuant to this subsection, the Code Enforcement Officer may:

**208.1.5.3.1.** Discontinue the furnishing of utility service to the premises at which the nuisance exists;

**208.1.5.3.2.** Prohibit the furnishing of utility service, to include but not limited to gas, electric, water, and heating oil, to the premises by any public utility holding a franchise to use the streets and public ways of Metro Government and/or the City of Jeffersontown.

**208.1.5.3.3.** Revoke the certificate of occupancy of the premises; or

**208.1.5.3.4.** Use any other legal remedy available under the laws of the state of Kentucky.

**208.1.5.4.** Pursuant to the provisions of KRS 381.770 the City of Jeffersontown shall possess a lien against the property for all fines, penalties, charges and fees imposed and for the reasonable value of labor and materials used to abate the public nuisance. The lien shall be superior to and have priority over all other liens on the property except state, City of Jeffersontown taxes, Metro Government, school board and Metro Government taxes, and may be enforced by judicial proceeding.

**208.1.6.** Eviction as a Defense.

**208.1.6.1.** It shall be a defense to a violation of this section if the owner has instituted an eviction proceeding within 30 days against the offending tenant and all occupants of the premises, and completes the eviction within 75 days of commencement or as soon thereafter as court procedures allow. In the event that judicial or quasi-judicial proceedings prohibit an owner from proceeding with an eviction, abatement of the public nuisance by eviction will be stayed until the judicial or quasi-judicial proceeding is resolved.

**208.1.6.2.** In the case of multi-unit dwellings, the only parties necessary to name in an eviction proceeding are the occupants of the actual unit involved with the activity suspected, or the occupant suspected of the activity described in the notice.

**208.1.7. Relief from Order:** The Code Enforcement Officer may vacate or suspend the provisions of an order to close and vacate upon a showing by clear and convincing evidence that the public nuisance has been abated and will not be maintained or permitted in any unit of the premises.

**208.1.8. Abatement Actions Not in Violation of Law:** Actions taken by an owner to abate a public nuisance as defined in this section shall not be deemed to be violations of Fair Housing or Landlord-Tenant laws.

## **Section 209. Portable Signs**

**209.1.** All premises, which have signs that are regulated by City of Jeffersontown Ordinance #1229, Series 2007, and any amendments thereof, shall have all necessary permits and be in conformity with the standard and guidelines as set forth in said ordinance.



## CHAPTER 3

# LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### Section 301. Generally

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

**301.2. 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 do not comply with the requirements of this code.

**301.3. Alternative Devices:** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Kentucky Building Code or the Kentucky Residential Code.

### Section 302. Light

**302.1. 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 glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) 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. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**302.2. Common Halls and Stairways:** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot candle (11 lux) at floors, landings and treads.

**302.3. Other spaces:** All other spaces shall be provided with natural or artificial light sufficient, per applicable standards, to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliance, equipment and fixtures.

### Section 303. Ventilation

**303.1. 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% of the minimum glazed area required in Section 302.1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the

unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**303.2. Bathrooms and Toilet Rooms:** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required above, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge directly to the outdoors and shall not be recirculated or shall be an appliance with a listing from nationally recognized testing laboratory. The minimum exhaust fan ventilation rates shall be fifty (50) cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation.

**303.3. 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 a rooming unit or dormitory unit except where specifically approved in writing by the Code Enforcement Officer.

**303.4. 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.

**303.5. Clothes Dryer-Exhaust:** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instruction.

## Section 304. Occupancy Limitations

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

**304.2. Minimum Room Widths:** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimensions. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**304.3. 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 (2134 mm) except for the following:

**304.3.1.** In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height of 7 feet;

**304.3.2.** Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposed, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

**304.3.3.** 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 (2134 mm) over not less than one-third (1/3) 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 (1524 mm) or more shall be included.

**304.4. Bedroom Requirements:** Every bedroom shall comply with the following requirements:

**304.4.1. Area for Sleeping:** Every bedroom occupied by one or two persons shall contain at least 70 square feet (6.5 sq m) of floor area, and every bedroom occupied by more than two persons shall contain at least 50 square feet (4.6 sq m) of floor area for each additional occupant thereof.

**304.4.2. Access from Bedrooms:** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces except in units that contain fewer than two bedrooms.

**304.4.3. Water Closet Accessibility:** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and one lavatory located in the same story as the bedroom or an adjacent story.

**304.4.4. Prohibited Occupancy:** No person shall use any kitchen, nonhabitable or public space for sleeping purposes, nor shall food be prepared or cooked in any room used for sleeping purposes, except in an efficiency apartment. In an efficiency apartment, that portion of the room designated for sleeping purposes shall not be within ten feet of that portion of the room designated for cooking purposes. The ten feet shall be calculated as the shortest straight line distance between the sleeping area and the stove. The ten feet requirement shall not be a violation when the ten feet distance is separated by a permanent divider wall of a height of at least 50% of the height of the room.

**304.4.5. Other Requirements:** Bedrooms shall comply with the applicable provisions of this chapter including, but not limited to, the light, ventilation, room area, ceiling height and room with requirements of this code, the plumbing facilities and water heating facilities requirements of this code; the heating facilities and electrical receptacle requirements of this code; and the smoke detector and emergency escape requirements of this code.

**304.5. Overcrowding:** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 304.

<b>TABLE 304</b>			
<b>Space</b>	<b>1 to 2 Occupants</b>	<b>3 to 5 Occupants</b>	<b>6 or More Occupants</b>
Living Room (a & b)	No Requirements	120 Square Feet	150 Square Feet
Dining Room (a & b)	No Requirements	80 Square Feet	100 Square Feet
Kitchen (b)	50 Square Feet	50 Square Feet	60 Square Feet

For SI: 1 square foot equals 0.093 square meters  
A. See Section 304.5.2 for combined living room/dining room spaces.  
b. See Section 304.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**304.5.1. Sleeping Area:** The minimum occupancy area required by Table 304 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 304.4.

**304.5.2. Combined Spaces:** Combined living rooms and dining room spaces shall comply with the requirements of Table 304 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.

**304.6. Efficiency Unit:** Nothing in this section shall prohibit an efficiency living unit from meeting the following:

**304.6.1.** A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by sections 304.6.2 and 304.6.3.

**304.6.2.** 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.

**304.6.3.** The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

**304.6.4.** The maximum number of occupants shall be three.

**304.7. 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 4

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### Section 401. Generally

**401.1. Scope:** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**401.2. 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 402. Required Facilities

**402.1. 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. A kitchen sink shall not be used as a substitute for the required lavatory.

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

**402.3. 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.

### Section 403. Toilet Rooms

**403.1. 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. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**403.2. 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.

### Section 404. Plumbing Systems And Fixtures

**404.1. 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.

**404.2. Plumbing System Hazards:** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.

## Section 405. Water Systems

**405.1. 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 in accordance with the current edition of the Kentucky Plumbing Code.

**405.2. Contamination:** The water supply shall be maintained free from contamination in an approved manner as identified by the Louisville/Jefferson County Department of Health, 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.

**405.3. 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.

**405.4. 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 120°F (49 °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 406. Sanitary Drainage System

**406.1. General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either the public sewer system or to an approved private sewage disposal system which shall meet the requirements of the Louisville/Jefferson County Department of Health.

**406.2. Maintenance:** Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstruction, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Kentucky Building Code, the Kentucky Residential Code, or the Kentucky State Plumbing Code. Repairs to on-site sewage systems must be permitted and approved by the Louisville/Jefferson County Department of Health.

## Section 407. Storm Drainage

**407.1 Drainage of Roofs, Paved Areas, Yards, Courts and Open Spaces:** Drainage of roofs and paved areas, yards and courts, and other open areas or drainage from a sump pump on the premises shall not be discharged in a manner that creates a public nuisance and/or adversely affects adjoining property.

# CHAPTER 5: MECHANICAL AND ELECTRICAL REQUIREMENTS

## Section 501. Generally

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

**501.2. 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 502. Heating Facilities

**502.1. Facilities Required:** Heating facilities shall be provided in structures as required by this section.

**502.2. Residential Occupancies:** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**502.3. Heat Supply:** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms except in circumstances when the exterior temperature falls below 0°F (-18°C) and the heating system is operating at its full capacity, a minimum room temperature of 60°F (16°C) shall be maintained at all times.

**502.4. Room Temperature Measurement:** The required room temperature shall be measure three feet (914 mm) above the floor near the center of the room and two feet inward from the center of each exterior wall.

## Section 503. Mechanical Equipment

**503.1. Mechanical Appliances:** All required appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Such equipment shall be listed and/or labeled by the manufacturer or an approved testing laboratory or agency.

**503.2. Removal of Combustion Products:** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent except that fuel-burning equipment and those appliances, which are labeled for unvented operation.

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

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

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

**503.6. Energy Conservation Devices:** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply 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 504. Electrical Facilities

**504.1. Facilities Required:** Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and Section 505.

**504.2. Service:** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the NFPA #70 National Electrical Code. Dwelling units shall be served by a 3-wire, 120/240 volt, and single-phase electrical service having a rating of not less than 60 amperes.

**504.3. 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/inadequate over-current protection, insufficient receptacle and lighting outlets, improper or unsafe-wiring or installation, makeshift wiring or improper/inappropriate use of electrical extension cords, deterioration or damage, or for similar reasons, the Electrical Inspector shall require the defects to be corrected to eliminate the hazard.

## Section 505. Electrical Equipment

**505.1. Installation:** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner as per current edition of the National Electrical Code.

**505.2. 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 or replaced bathroom, receptacle outlet shall have ground fault circuit interrupter protection.

**505.3. Lighting Fixtures:** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

## Section 506. DUCT SYSTEMS

**506.1 Duct Systems:** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.



## CHAPTER 6

# FIRE SAFETY REQUIREMENTS

### Section 601. Generally

**601.1. 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.

**601.2. 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 do not comply with the requirements of this chapter.

**601.3. Flammable Matter:** Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage. Highly flammable or explosive matter or arid combustible refuse, in reasonable quantities, shall be properly stored in containers and in such manner so as not to come in contact with or be adversely affected by mechanical equipment or heat-producing appliances or fixtures.

### Section 602. Means Of Egress

**602.1. General:** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

**602.2. Dual Egress:** Every residential building exceeding two stories in height above ground, not including basements, shall be provided with not less than two approved independent exits from each floor above the second floor, fully accessible to each occupant on the floor. This section shall not apply to one- and two-family dwellings.

**602.3. 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 where the door hardware conforms to that permitted by the Kentucky Building Code or the Kentucky Residential Code.

**602.4. Emergency Escape Openings:** Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Kentucky Building Code or the Kentucky Residential Code and such 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 escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 604.

**602.5. Accumulation and Storage:** Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passage ways, doors, windows, fire escapes, or other means of egress.

## Section 603. Fire-Resistance Ratings

**603.1. Fire-Resistance-Rated Assemblies:** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**603.2. Opening Protectives:** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## Section 604. Fire Protection Systems

### 604.1. Smoke Detectors Required; Type and Placement:

**604.2.1.** In all dwelling units, smoke detectors powered by a hard wire AC primary power source with battery backup or a self-monitored, non-removal 10-year lithium battery shall be installed and maintained after the effective date of this code. Single station detectors presently installed utilizing standard batteries may continue to be used as long as the units remain operational. Should an inspection of the concerned properties reveal one or more of these units out of service due to a low or no battery, it will be cause to replace the affected unit(s) with at least smoke detectors powered by a hard wire AC primary power source with battery backup or a self-monitored, non-removal 10-year lithium battery.

**604.2.2.** In order to comply with this section, only ionization or photoelectric type detectors listed by a nationally recognized testing laboratory shall be installed.

**604.2.3.** Smoke detectors shall be installed in accordance with applicable NFPA Standards. Detectors may be ceiling or wall mounted, provided that they shall be mounted at a minimum of 4 inches and a maximum of 12 inches from the ceiling, and not closer than 4 inches from the point at which the ceiling and wall meet.

**Exception:** Smoke detector installed according to the manufacturer's recommendations.

**604.2.4.** In a dwelling unit, which contains a well-defined sleeping room separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area. In a rooming unit the detector shall be centrally located.

**604.2.5.** In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit, detectors shall be placed in centrally located common areas so that smoke detectors will adequately service all sleeping areas.

### 604.3. Installation and Maintenance:

**604.3.1.** The owner of a dwelling shall be responsible for supplying and installing in an operable condition, the required detectors and for providing the manufacturer's maintenance and testing instructions to the tenant.

**604.3.2.** The owner of a dwelling shall be responsible for maintenance and testing of detectors, in accordance with manufacturer's instructions, which are located in common areas and/or detectors in rooming units where the tenant usually has period of occupancy less than 30 continuous days, such as hotels, motels, tourist homes.

**604.3.3.** The tenant shall be responsible for maintaining and testing the detectors, in accordance with the manufacturer's instructions, which are within his or her exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when detectors become inoperable, and the owner shall have no more than 10 days after receipt of such written notice in which to replace or repair the detectors in an operable condition. Battery replacement will not be allowed in existing single station, battery-operated smoke detectors. In the event existing detectors with standard batteries are found inoperable, the units shall be replaced with smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal 10-year lithium battery.

**604.3.4.** At every change of tenancy in all multi-family residential units and dormitories, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in operable condition, and if not, the owner shall be responsible for placing them in operable condition. Further, in the event existing detectors with standard batteries are found inoperable, the owner shall be responsible for replacing such detectors with at least smoke detectors powered by a hardwire AC primary power source with battery backup or a self-monitored, non-removal 10-year lithium battery. [A log of smoke detector inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request.](#)

**604.3.5.** In all hotels, motels, rooming houses or tourist homes it shall be the duty of the owner to test such detectors on a regular basis in accordance with manufacturer's instructions, and the owner shall be responsible for maintaining such units in an operable condition. A log of smoke detector inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request.

**604.3.6.** It shall be the responsibility of the property owner to install at least smoke detectors powered by a hardwired AC primary power source with a battery backup or a self-monitored, non-removal 10 year lithium battery before transfer of the property to a new party. A signed affidavit of the property owner, given to the purchaser, seller, and real estate agent before transfer will suffice in meeting this requirement.

**604.3.7.** Where AC powered detectors have been installed and maintained in accordance with previous ordinances, they shall continue to be used in accordance with the manufacturer's installation and maintenance guidelines. Such smoke detectors that are found to be non-operational, damaged, or missing shall be replaced with a hard wire AC powered smoke detector with a battery backup.

#### **604.4. Enforcement:**

**604.4.1.** The Chief of the Fire Department, Fire District, or Code Enforcement Officer or any of their designated representatives, are hereby authorized and directed to enforce all provisions of this coded and the final determination concerning compliance herewith shall be the sole discretion of the Authority Having Jurisdiction. Upon the presentation of official credentials, an authorized inspector of the Fire Department, Fire District or the Code Enforcement Officer, may enter with consent any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

**604.4.2.** The source of authority to issue orders as described in Section 604.1 shall include, but not be limited to, any authority granted under KRS 227 and 815 KAR 10:060.

## **CHAPTER 7**

# **ADMINISTRATION AND ENFORCEMENT**

### **Section 701. Department Of Permitting And Enforcement**

**701.1. General:** The Department of Permitting & Enforcement is responsible for the enforcement of this Code.

**701.2. Restriction of Employees:** An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Code Enforcement Board, established under City of Jeffersontown Ordinance #1105, Series 1997 As Amended shall not be engaged in, or directly connected with, the furnishing of labor, materials or appliances for the construction, alternation, or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building, nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

### **Section 702. Code Enforcement Officer: Duties and Powers**

**702.1. General:** The Code Enforcement Officer shall enforce the provisions of this code.

**702.2. Rule-making Authority:** The Code Enforcement Officer shall have the authority as necessary in the interest of public health, safety and general welfare, to adopt procedures; to interpret and implement the provisions of this code, to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or violating accepted engineering methods involving public safety.

**702.3. Inspections:** The Code Enforcement Officer shall make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**702.4. Right of Entry:** The Code Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Enforcement Officer is authorized to pursue recourse as provided by law.

**702.5. Identification:** The Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**702.6. Citations, Notices and Orders:** The Code Enforcement Officer shall issue all necessary citations, notices or orders to ensure compliance with this code.

**702.7. Department Records:** An official record shall be kept of all business and activities of the Department of Permitting and Enforcement specified in the provisions of this code, and all such records shall be open to public inspection in accordance with the Kentucky Open Records Act, and under reasonable regulations established by the Director of the Department of Permitting and Enforcement to maintain the integrity and security of such records.

**702.8. Coordination of Inspection:** Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one Code Enforcement Officer of the jurisdiction is involved, it shall be the duty of the Department Director involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction.

## **Section 703. Code Enforcement Board**

**703.1** The Code Enforcement Board of The City of Jeffersontown, as established by City of Jeffersontown Ordinance #1105, Series 1997, As Amended, is hereby empowered with the enforcement of this section.

## **Section 704. Compliance With Code; Approval**

**704.1. Modifications:** Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Code Enforcement Officer 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.

**704.2. Alternative Materials, Methods and Equipment:** The provisions of this code are not intended to prevent the installation of any material or to prohibit any 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 where the Code Enforcement Officer 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.

**704.3. Required Testing:** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Officer shall have the authority to require test to be made as evidence of compliance at no expense to the City of Jeffersontown.

**704.4. Test Methods:** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Enforcement Officer shall approve the testing procedures.

**704.4.1.** All tests shall be preformed by an approved agency.

**704.4.2.** Reports of tests shall be retained by the Code Enforcement Officer for the period required for retention of public records.

**704.5. Material and Equipment Reuse:** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition.

## **Section 705. Notices; Orders**

**705.1.** All notices, orders for correction, and citations issued under this Ordinance shall be as prescribed in City of Jeffersontown Ordinance #1105, Series 1997, As Amended.

## **Section 706. Unsafe Structures & Equipment; Condemnation & Closing of:**

**706.1. Condemnation:** When a structure or part thereof is found by the Code Enforcement Officer to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it shall be condemned pursuant to the provisions of this code and shall be placarded and vacated. If condition only involved one dwelling unit in a structure; only that unit will be affected. It shall not be reoccupied without approval of the Code Enforcement Officer. Unsafe equipment which is determined by the Code Enforcement Officer to be repairable shall be placarded and immediately placed out of service. Illegal, unapproved or defective equipment which is determined by the Code Enforcement Officer to be irreparable shall be immediately confiscated and/or destroyed.

**706.1.1. Unsafe Structure:** An unsafe premises is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants by not providing minimum safeguards for protection from fire or because it contains unsafe equipment or it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible, or because of the existence of a public nuisance, as defined herein.

**706.1.2. Unsafe Equipment:** Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in disrepair or condition that is a hazard to life, health, property or safety of the public or occupants of the premises or structure, or is not approved for use by the Code Enforcement Officer.

**706.1.3. Structure Unfit For Human Occupancy:** A structure is unfit for human occupancy or use whenever the Code Enforcement Officer finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, 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 its location constitutes a hazard to its occupants or to the public.

**706.1.4. 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.

**706.2. Closing of Vacant Structures:** If the structure or part thereof is vacant and open to unauthorized entry, the Code Enforcement Officer shall issue a notice to remedy the violation by instructing the owner of such premises to cover or secure each door, window or other opening that is located within ten (10) feet of grade or accessible from grade by stairs or roofs within ten (10) feet of grade. If condition only involved one dwelling unit in a structure, only that unit will be affected. Upon failure of the owner to remedy the violation in accordance with the notice, the Code Enforcement Officer shall issue a citation.

**706.2.1.** At his or her own discretion or on a recommendation in writing from the appropriate Fire District, the Jeffersontown Police Department, or Jefferson County Health Department that an emergency exists, the Code Enforcement Officer may secure a structure without prior notice to the owner. An “emergency” exists for purposes herein when the boarding or securing of the structure is necessary to protect and preserve the health,

safety, or property of the owner, tenants, or the public. In addition, the Code Enforcement Officer, on his or her own motion may board or secure a structure without prior notice to the owner when the structure has been ordered vacated pursuant to this code to protect and preserve the health, safety or property of the owner, tenants, or the public, or after service of a warrant executed pursuant to this code the Code Enforcement Officer shall provide written notice to the owner and tenants of the structure of the execution of an order to secure as soon as possible.

**706.2.2.** The Code Enforcement Officer or the Electrical Inspector may cause the utility service to be discontinued from a structure after it has been unoccupied for a period of six (6) months and does not meet the vacant building maintenance standards and is not in the process of being rehabilitated as indicated by a valid building permit.

**706.3. Notice:** Whenever the Code Enforcement Officer has condemned a structure or equipment under the provisions of this code, 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 or persons responsible for the structure or equipment in accordance with Section 705. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 705.

**706.4. Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Enforcement Officer 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.

**706.5. Placard Removal:** The Code Enforcement Officer 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 Enforcement Officer shall be subject to the penalties provided by this code.

**706.6. Prohibited Use:** Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise shall be liable for the penalties provided by this code.

## **Section 707. Emergency Measures**

**707.1. Imminent Danger:** When, in the opinion of the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure 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 proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment or service, the Code Enforcement Officer may, without notice or hearing, order that such action be taken, including, but not limited to: repair of or immediate evacuation of any effected dwelling or dwelling unit, repair, replace, replacement or immediate confiscation and/or destruction of any defective, illegal or unapproved equipment, as may be reasonably necessary to meet the emergency; confiscation of any refrigerator, ice-box, ice-chest or other similar device or appliance determined to be a public nuisance; demolition or partial demolition of any structure that is in imminent danger of failure, collapse, endangering life or is unable to be secured in accordance to Section 706.

**707.2.**

**707.2.1.** Notwithstanding any other provision of this code, such an order shall be effective immediately. If the owner fails to correct the emergency, and fails to immediately comply with the order, the Code Enforcement Officer may, without further notice to the owner, cause the emergency to be corrected by repair, replacement, or removal, confiscation, immediate evacuation, discontinuance of utilities, or demolition.

**707.2.2.** After the repairs are made, or the removal of the defective, illegal or unapproved equipment has been effected, or the confiscation of the refrigerator, ice-box, ice-chest, or other similar device or appliance determined to be a public nuisance has been effected, the owner shall be afforded a hearing thereon, if requested as soon as possible.

**707.2.3.** The amount of the costs of any repairs, replacement, or removal, confiscation, immediate evacuation, discontinuance of utilities, or demolition carried out by the City of Jeffersontown pursuant to this section, including all costs for labor, materials, travel and filing, and administrative costs of 15% if the above, shall be charged against the owner of the real estate upon which the premises is located.

**707.2.4.** Upon failure of the owner to effect payment of such costs, a lien to bear interest at the rate of 18% per annum, from the date of such lien until paid, shall be placed by the City of Jeffersontown against the real estate upon which the structure is located. In addition to the aforesaid remedy or any other remedy authorized by law, pursuant to KRS 381.770(6), the owner of the property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges and the City of Jeffersontown may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

**707.2.5.** Any person to whom such order is directed shall comply therewith. Such person shall thereafter, upon petition directed to the Code Enforcement Officer or the Code Enforcement Officer's authorized representative, his designee, be afforded a hearing as prescribed in this chapter.

## **Section 708. Appeals and Procedures**

**708.1. Application For Appeal:** Any person directly affected by a decision of the Code Enforcement Officer or a notice or order issued under this code shall have the right to appeal to the Code Enforcement Board, provided that a written application for appeal is filed within seven (7) days after the day the decision, notice, order, or citation was served. An application for appeal shall be based on a claim that the true intent of this code of the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirement of this code would cause an undue hardship.

**708.2. Failure to Appeal:** The notice of violation shall represent a determination that the violation has been committed, and that determination shall be final unless an appeal is taken.

**708.3. Open Hearing:** All hearings before the Code Enforcement Board shall be open to the public. The appellant, the appellant's representative, the Code Enforcement Officer and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of more than one half of the Code Enforcement Board membership.

**708.4. Procedure:** The Code Enforcement Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.



**708.5. Postponed Hearing:** When the full Code Enforcement Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**708.6. Board Decision:** The Code Enforcement Board shall modify or reverse the decision of the Code Enforcement Officer only by a concurring vote of a majority of the total number of appointed Board members.

**708.6.1. Records and Copies:** The decision of the Code Enforcement Board shall be recorded. Copies shall be furnished to the appellant and to the Code Enforcement Officer.

**708.6.2. Administration:** The Code Enforcement Officer shall take immediate action in accordance with the decision of the Code Enforcement Board.

**708.7. Court Review:** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to appeal any errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision.

**708.8. Stays of Enforcement:** Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Code Enforcement Board.

**708.9. Effective Date:** All appeals of notices, citations and orders written or issued within thirty (30) days of the effective date of this code shall continue to be heard by the Code Enforcement Board in accordance with Section 708.1 through 708.8 of this section. All appeals of notices, citations, and order written or issued thirty (30) days after date of this subchapter shall be heard by the Code Enforcement Board in accordance with the hearing procedure set forth in City of Jeffersontown Ordinance #1105, Series 1997, As Amended.

## **Section 709. Limited Liability**

**709.1.** The Code Enforcement Officer, officer or employee charged with the enforcement of this code, while acting for the City of Jeffersontown, 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 an act required or permitted in the discharge of official duties.

**709.2.** Any suit instituted against any officer or employee because of an act preformed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City of Jeffersontown until the final termination of the proceedings. The Code Enforcement Officer or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Department of Permitting and Enforcement, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or mission in the performance of official duties in connection therewith.

## **Section 710. Severability**

**710.1.** If any provisions of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

## Section 711. Violations and Remedies

**711.1. Unlawful Acts:** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code or be in conflict with or in violation of any of the provisions of this code.

**711.2. Citation; Notice of Violation:** The Code Enforcement Officer shall serve a citation, notice of violation or order in accordance with Section 705.

**711.3. Prosecution of Violation:** Any person failing to comply with a notice of violation or order served in accordance with Section 705, as determined by a site re-inspection performed by the Code Enforcement Officer or his or her designee, shall be cited in accordance with Section 705 in order and the violation shall be deemed a strict liability offense to exact the penalty provided in Section 705.

### **711.4. Other Remedies:**

**711.4.1.** The City of Jeffersontown shall possess a lien for all fines assessed for the violation of this code and for all charges and fees incurred by the City of Jeffersontown in connection with the enforcement of this code.

**711.4.2.** In addition to the remedy prescribed in Section 711.4.1, above, the person found to have committed the violation of this code shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City of Jeffersontown in connection with the enforcement of this code. The City of Jeffersontown may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

**711.5. Abatement of Violation:** The imposition of the penalties herein prescribed shall not preclude the City of Jeffersontown from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct of business or utilization of the building, structure or premises.

## Section 712. Penalty

**712.1.** Any person, firm, or corporation who shall violate Section 208.1.2 shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit A. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven (7) days from the date of issuance or request a hearing such penalty to the Code Enforcement Board in the City of Jeffersontown Ordinance #1105, Series 1997, As Amended. If the person fails to respond to the citation within seven (7) days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Code Enforcement Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

**712.2.** Any person, firm or corporation who shall violate Section 208.1.2.1 or 208.1.2.2 shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit B. Any person cited pursuant to this subsection (712.2) may pay the minimum civil penalty within seven (7) days from the date of issuance or request a hearing regarding such penalty to the Code Enforcement Board in the City of

Jeffersontown Ordinance #1105, Series 1997, As Amended. If the person fails to respond to the citation within seven (7) days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued shall be deemed a separate offense.

### **712.3.**

**712.3.1.** Any person, firm or corporation violating any of the provisions of Section 604, or neglecting to comply with any order issued pursuant to Section 604, shall be guilty of a misdemeanor and shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), or be imprisoned for not more than sixty (60) days, or both. Each day's violation shall constitute a separate offense.

**712.3.2.** Any person, firm or corporation, who shall violate any provision of Section 604 shall be subject to a civil penalty of not less than One Hundred Dollars (\$100.00) no more than One Thousand Dollars (\$1,000.00). Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

**712.4.** Any person, firm or corporation, who shall violate any provision of this code, other than as set forth in Sections 712.1, 721.2 and 712.3, above, shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit C. Any person cited pursuant to this subsection (712.4) may pay the minimum civil penalty within seven (7) days from the date of issuance or request a hearing regarding such penalty to the Code Enforcement Board in the City of Jeffersontown Ordinance #1105, Series 1997, As Amended. If the person fails to respond to the citation within seven (7) days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

**712.5.** The City of Jeffersontown shall possess a lien on property for all fines, penalties, charges and fees imposed pursuant to this chapter in accordance with Section 711.4.1. The lien shall be superior to and have priority over all other subsequent liens on the property except state, School Board and Metro Government taxes.

**712.6.** Notwithstanding Section 712.3 above, any person, firm or corporation who violates any provision of this code shall be subject to criminal proceedings and upon conviction thereof shall be subject to a fine of not more than Two Hundred & Fifty Dollars (\$250.00) if committed by a person, not more that Five Hundred Dollars (\$500.00) of committed by a corporation, or imprisonment for a term not to exceed fifty (50) days, or both. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

# APPENDIX A: CIVIL PENALTIES

<b>EXHIBIT A</b>					
<b>PUBLIC NUISANCE VIOLATION</b>					
Number of Citations, Arrests and Search Warrants within a 12 month period					
		1	2	3	4
		<b>AMOUNT OF CIVIL PENALTY</b>			
Code Section		(Arrests, Citations, Search Warrants)			
208.1.2.	No Contest	NN*	NV*	\$400	\$4,000 and Order to Vacate
208.1.2.	Contested	-	-	\$500	\$5,000 and Order to Vacate

\*NN = No Notice Sent

\*NV = Notice of Violation Sent

<b>EXHIBIT B</b>				
<b>PUBLIC NUISANCE VIOLATION</b>				
Number of Times Section(s) Violated while Property is a Public Nuisance within a 12 month period				
		1	2	3
		<b>AMOUNT OF CIVIL PENALTY</b>		
Code Section		(Destroy, Remove, Deface or Disobey Order Notice)		
208.1.2.1. & 208.1.2.2.	No Contest	\$250	\$300	\$400
208.1.2.1. & 208.1.2.2.	Contested	\$350	\$400	\$500

<b>EXHIBIT C</b>							
<b>CIVIL PENALTY SCHEDULE</b>							
Number of Inspections During any 24 Month Period of Time in which the Property Contains Violations							
	1	2	3	4	5	6+	
Number of Uncorrected Violations	Amount of Civil Penalty Not Contested*						
1	\$100**	\$200**	\$300**	\$400**	\$500**	\$600**	
2	\$200**	\$300**	\$400**	\$500**	\$600**	\$700**	
3	\$300**	\$400**	\$500**	\$600**	\$700**	\$800**	
4	\$400**	\$500**	\$600**	\$700**	\$800**	\$900**	
5	\$500**	\$600**	\$700**	\$800**	\$900**	\$1000**	
6	\$600**	\$700**	\$800**	\$900**	\$1000**	\$1100**	
7	\$700**	\$800**	\$900**	\$1000**	\$1100**	\$1200**	
8	\$800**	\$900**	\$1000**	\$1100**	\$1200**	\$1300**	
9	\$900**	\$1000**	\$1100**	\$1200**	\$1300**	\$1400**	
10 or more	\$1000**	\$1100**	\$1200**	\$1300**	\$1400**	\$1500**	

\* If contested, add \$100

\*\* This schedule is to be used for all sections/provisions of The Property Maintenance Code except Sections 208.1.2, 208.1.2.1 & 208.1.2.2 and whenever the Code Enforcement Officer determines there has been a violation of such sections, the Code Enforcement Officer may issue a citation in accordance with City of Jeffersontown Ordinance 1105. Series 1997, As Amended.

## APPENDIX B: Permit Fee Schedule

Portable Storage Units	\$25.00
Dumpsters	\$25.00
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