

# ***NUISANCE CODE***



# ***CITY OF FRANKFORT***

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Amended:

By the Board of City Commissioners

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## CHAPTER 1

### ADMINISTRATION

#### SECTION 101: GENERAL

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

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

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

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

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

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

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

**101.8 Source:** This code is an amended version of the International Property Maintenance Code, 2012 edition.

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

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

#### SECTION 102: VALIDITY

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

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

### **SECTION 103: MAINTENANCE**

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

### **SECTION 104: APPROVAL**

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

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

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

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

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

### **SECTION 105: DUTIES AND POWERS OF THE CODE OFFICIAL**

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

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

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

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

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

**105.6 Relief from personal liability:** The code official, members of the Nuisance Board, code officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed 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 Frankfort until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department responsible for administration of this code.

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

## **SECTION 106: VIOLATIONS AND ENFORCEMENT**

**106.1 Unlawful acts:** It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the Nuisance Board, or code official, or to remove or deface a placard or notice posted under the provisions of this code.

**106.1.1 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate actions 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, business, or utilization of the building, structure or premises.

**106.2. Notice to Owner or to Person(s) Responsible:** Whenever the code official determines that there has been a violation of this code, or has grounds to believe that a code violation has occurred, the code official shall issue and serve a Notice of Violation and/or a Code Citation, and or an order consistent with the provisions of this code. Notice for condemnation procedures shall also comply with Section 107. Furthermore, when any citation has been issued under this code, staff shall post the subject property with a public notice sign indicating that a citation has been issued for the violations.

**106.2.1 Form:** Such notice prescribed in Section 106.2 shall be in writing, shall include the date and time of issuance, shall include a description of the real estate sufficient for identification, shall name the code enforcement officer issuing the Notice of Violation, shall state the section of the code or the number of the ordinance violated, shall inform the property owner of the right to appeal, include a statement of the right to file a lien, and shall include a correction order allowing a specified time within which the repairs or improvements required to bring the property into compliance with the provisions of this code must be completed. This time period shall not exceed thirty (30) days. However, only one 30

day extension of the time to complete the necessary repairs or improvements may be granted by the code official upon the request of the owner and a showing of extraordinary conditions justifying the extension.

**106.2.2 Method of Service:** The Notice of Violation, order, and/or citation shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified mail with return request requested and by first class mail, addressed to the owner at the last known address or address listed in the PVA records; or (c) the Notice of Violation posted at the property. Service of such notice in the foregoing manner upon the responsible local agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**106.3. Transfer of Ownership:** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order, Nuisance Code Hearing Board order, code citation or criminal citation or upon whom a Notice of Violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the enforcement process is completed or until the provisions of the compliance order or Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any such order, citation, or Notice of Violation and shall furnish the code official a signed and notarized statement from the grantor, transferee, mortgagee or lessee, acknowledging the receipt of such order, citation or Notice of Violation and fully accepting the responsibility without condition for making the corrections or repairs required.

**106.4 Penalties:** Violation of any provision of the Nuisance Code or failure to comply with a Nuisance Code Hearing Board Order shall constitute a criminal offense subject to the penalties provided in 106.4.2, provided, however, that the City may elect to prosecute any such violation as a civil offense under the provision of the Nuisance Code Hearing Board ordinance and section 106.4.1. below, including subsequent amendments to that ordinance.

**106.4.1 Civil Penalties:** A person receiving their first citation for a violation of this code at a specific address may pay a civil penalty, if uncontested, without appearing before the Nuisance Code Hearing Board by paying fifty percent 50% of the established penalty within ten (10) days of the issuance of the code citation. A person receiving his second or third citation for a violation of this code within two (2) years, for that specific address may pay a civil penalty, if uncontested, without appearing before the Nuisance Code Hearing Board by paying ninety percent 90% of the established penalty within such ten (10) days of the issuance of the subsequent citation. A person receiving four or more citations for a violation of this code (excluding failure to comply with a Nuisance Code Hearing Board Order), within a two (2) year period, may pay a civil penalty, if uncontested, without appearing before the Nuisance Code Hearing Board by paying 100% of the established penalty within ten (10) days of the issuance of the subsequent citation. The established civil penalties are listed in the following table and text. The maximum civil penalty is \$1000.

- (a) Failure of a property owner to request and obtain a certificate of occupancy prior to allowing a tenant to occupy a person's rental unit shall require payment of a civil penalty of \$100 per unit and offense. Any property owner who is issued two or more citations for the same rental unit within two (2) years shall be subject to the civil penalty section identified in the table below.
- (b) Required emergency demolitions due to an owner's negligence in maintaining his property shall require payment of a civil penalty of \$1000, plus costs incurred by the City.
- (c) Required emergency demolitions not caused by act(s) of the owner(s) (i.e. fire, storm, accident, etc.) shall not be subject to any civil penalties, but shall be subject to cost incurred by the City.
- (d) Any property owner who fails to adhere to an order of the Nuisance Code Hearing Board shall be issued a second citation and ordered to appear to the Nuisance Code Hearing Board for violation of the Board Order, which shall be processed as an additional and separate violation to any remaining violations on the property, and processed as a civil penalty.
- (e) Any property owner who fails to adhere to two (2) consecutive orders of the Nuisance Code Hearing Board shall be issued a third citation and processed with a criminal penalty and shall not qualify as a civil penalty, thus resulting in the filing of a misdemeanor offense with the Franklin District Court (see Section 106.4.2 below).
- (f) With respect to citations issued due to the location or condition of a motor vehicle, the specific motor vehicle involved rather than the property address may be used to determine whether to treat the violation as an additional violation for purposes of determining the amount of the penalty due.

	Number of Citations For Same Address			
Number of violations listed on citation	1 <sup>st</sup> citation	2 <sup>nd</sup> citation	3 <sup>rd</sup> citation	4 <sup>th</sup> citation or more
1-5	\$200	\$500	\$800	\$1000
6 or more	\$400	\$800	\$1000	\$1000

**106.4.2 Criminal Penalties:** The criminal penalty for violation of the Nuisance Code or for failing to comply with two consecutive Nuisance Code Hearing Board Orders shall be a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500) or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court, for each offense. Each day that a violation continues past the Nuisance Code Hearing Board Order date of compliance shall be deemed a separate offense. A Criminal violation of the Nuisance Code is a misdemeanor.

**106.5 Prosecution:** In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. Also, the code official or his legal representative shall proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

- 1) to restrain, correct or remove the violation or refrain from any further execution of work;
- 2) to restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- 3) to require the removal of work or structure in violation; or
- 4) to prevent the occupancy of the structure that is not in compliance with the provisions of this code.

**106.6 Means of Appeal:** See Section 110 of this Code.

**SECTION 107: UNSAFE STRUCTURES AND EQUIPMENT**

**107.1 General:** When a structure or equipment is found by the code official to be unsafe, or when a dwelling is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code. Properties within a national or local historic district that are found in violation of this section, the inspector or staff is to inform the Architectural Review Board Chairperson of such notices of violations.

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

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

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

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

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

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

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

- A) Repair all windows, doors, and any other openings within the exterior walls or roof; or
- B) Board up all windows by installing cut to fit, half inch minimum thick plywood and painted to match the trim of the structure, secure all doors, and secure all other openings within the exterior walls or roof .

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

**107.2.1 Time Limit for secured/boarded structures.** When property is ordered to be closed as specified in 107.2, and the owner or city has chosen option B of 107.2 above, the boarding of such structure shall be limited to not more than 12 consecutive months. All doors, windows and any other openings within the exterior walls or roof shall be properly repaired and the structure shall be inspected for occupancy and determined no longer in violation of Section 107 within the 12 months of being boarded up. Exceptions: 1) owners of such boarded property may request the property be inspected for occupancy and given an additional 6 months (for a total of 18 months from time the structure was secured) when the code inspector has determined that adequate progress has been made to rehab the structure 2) for property that is located within a national or local historic district, owners may request an additional 12 month extension by requesting



the property be inspected by a code inspector, submits a written application and fee for an extension of the boarded/secured structure by the Architectural Review Board, and the Architectural Review Board determines the property has been both adequately maintained in a closed/secured manner and adequate progress of either renovations has occurred or the property has been listed with a realtor and remains listed for sale, then an additional 12 months (for a total 30 months from time the structure was secured) may be granted.

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

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

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

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

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

**107.7 Abatement methods.** The owner, operator, or occupant of a building, premises, or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. Demolition is not the desired abatement method for structures within the national or local historic districts. Requests for demolition within such historic districts based on Section 107, shall follow the procedures of demolition requests found in Article 17 of the City's Zoning Regulations prior to any demolition of structures within the local historic zoning districts.

## **SECTION 108: EMERGENCY MEASURES**

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

**108.2 Temporary safeguards:** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done

to secure the structure to provide the minimum safeguard from imminent danger, including the boarding up of openings, within seven (7) days to render such structure temporarily safe, whether or not the legal procedure described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency. Demolition is not the desired abatement method for structures within the national or local historic districts, however, if it is determined that demolition is the minimum safeguard from imminent danger, then the demolition order shall be issued and the site is to be rendered safe within (7) days. City shall notify the Chairperson of the Architectural Review Board of any such emergency orders as soon as practical. No formal review by the Architectural Review Board is required for imminent danger structures, whether demolished by the city or by the owner in accordance to the demolition order.

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

#### **108.4 reserved**

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

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

**108.7 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any person so ordered shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code (Section 110).

### **SECTION 109: DEMOLITION**

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

**109.1.1 Structure of historical significance:** Any citation issued for a structure listed on the National Register of Historic Places, within a National Historic District, or within any local historic zoning district of the City shall be reviewed by the Nuisance Board before demolition proceeds and the Architectural Review Board members shall be notified of the meeting date and provided a copy of the report prepared for the meeting.

The Nuisance Board may order other remedial action short of demolition for a structure of historical significance. However, if the Nuisance Board determines that demolition is the best course of action for structures within any local historic zoning district, the owner shall be ordered to submit an application of Certificate of Appropriateness for demolition to the Architectural Review Board within 30 days of such finding.

Exception: no Architectural Review Board review shall be required for any accessory structures or for any demolition order in accordance with section 108 Emergency Measures.

**109.2 Failure to comply:** If the owner of a premises fails to comply with a demolition order from the Nuisance Code Hearing Board within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Any action taken by the City to raze a structure that an owner has failed to comply with an order by the Nuisance Code Hearing Board to raze a structure; shall occur only after the approval to raze such structure has been granted by the City Commission. For structures within any Local Historic Zoning District, the city staff shall submit the request to the Architectural Review Board (without the requirement of satisfying section 17. 12.A of the Zoning Regulations) for review and recommendation, prior to sending the abatement request of demolition to the City Commission for final approval. The Architectural Review Board may recommend the preservation of significant features.

Exceptions shall only be for those listed under Section 108 Emergency Measures and accessory structures.

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

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

## **SECTION 110: APPEALS**

**110.1 Application for Appeal.** Any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Nuisance Code Hearing Board provided that a written application for appeal is filed within thirty (30) days after the day of the decision, notice, or order was served, with exception to Section 108 – Emergency Measures. Service shall be made as set forth in Section 106.2.2. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not apply. Appeal fees for notices of violation shall be assessed the same fee as appeals filed under the Board of Zoning Adjustment.

**110.1.1 Application for Appeal of Citation.** Any person directly affected by an issued citation from a Code Official, shall have the right to appeal to the Nuisance Code Hearing Board provided that a written form for appeal is filed within ten (10) days after the day of the citation was served, with exception to Section 108 – Emergency Measures. Service shall be made as set forth in Section 106.2.2. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or the requirements of this code are adequately satisfied by other means. No fee is required for this type of appeal, however the Board may assess fines relating to such citations.

**110.1.2 Application for Appeal of Code official relating to Section 108 – Emergency Measures.** Any person directly affected by a decision of the code official issued under Section 108 – Emergency Measures of this code, shall have the right to appeal to the City Manager, provided that a written application for appeal is filed within seven (7) days after the day of the decision, notice, or order was served. Service shall be made as set forth in Section 106.2.2. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or the requirements of this code are adequately satisfied by other means. Appeal fees relating to Section 108, shall be assessed the same fee as appeals filed under the Board of Zoning Adjustment.

**110.1.3 Application for Appeal of Nuisance Board determination and Order.** Any party of the appeal shall have the right to appeal the decision of the Nuisance Code Hearing Board to the Franklin District Court to correct errors of law.

Any appeal from the decision of the Nuisance Board shall be filed with the Franklin District Court within thirty (30) days from the date that the written decision of the Nuisance Code Hearing Board is rendered. See section 36.024 of the adopted Code of Ordinances. No City fee is required for appeals under this subsection.

**110.2 Membership of Board.** The Nuisance Code Hearing Board shall consist of five (5) members. The board shall be appointed by the Mayor, approved by the Board of Commissioners and shall serve staggered and overlapping terms as described in section 36.017 of the Code of Ordinances adopted by the City.

**110.2.1 Chairperson.** The Nuisance Code Hearing Board shall annually select one of its members to serve as chairperson.

**110.3 Notice of Meeting.** The Nuisance Code Hearing Board shall meet upon notice from the chairperson within twenty (20) days of the filing of an appeal, or at stated periodic meetings. See section 36.023 of the adopted Code of Ordinances.

**110.4 Open Hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a simple majority of the board membership.

**110.4.1 Procedure.** The Nuisance Code Hearing Board shall adopt and make available to the public 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. See section 36.022 of the adopted Code of Ordinances.

**110.5 Board Decision.** The Nuisance Code Hearing Board shall modify or reverse the decision of the code official only by a concurring vote of a majority vote of the board members present.

**110.5.1 Records and Copies.** The decision of the Nuisance Code Hearing Board shall be issued in writing. Copies of the written decision shall be furnished to the appellant and to the code official.

**110.5.2 Administration.** The code official shall take immediate action in accordance with the decision of the Nuisance Code Hearing Board.

**110.6 Stays of Enforcement.** Appeals of notices, citations, and orders (other than Imminent Danger notices – Section 108) shall stay the enforcement of the notice and order until the appeal is heard by the appropriate official, Board, or Agency.

## **SECTION 111: STOP WORK ORDER**

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

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

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

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

## DEFINITIONS

### SECTION 201: GENERAL

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

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

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

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

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

### SECTION 202: GENERAL DEFINITIONS

**Anchored.** Secured in a manner that provides positive connection.

**Approved:** Approved by the code official.

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

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

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

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

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

**Condemn:** To adjudge unfit for occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Inoperable Motor Vehicle.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Public Nuisance** includes the following:

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

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

**Responsible Local Agent:** A person residing in Franklin County who represents the absentee property owner for the purpose of maintaining the property in accordance with this code.

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

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

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

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



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

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

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

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

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

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

**Weed(s):** Any and all plants that are noxious regardless of height. Uncultivated and spontaneous plants, vines, and other vegetation that exceed 10 inches in height.

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

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

## Chapter 3

### GENERAL REQUIREMENTS

#### SECTION 301: GENERAL

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

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

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

**301.4 Certificate of occupancy required:** All rental dwelling units must have a housing inspection completed and a corresponding certificate of occupancy granted by the Planning and Building Codes Department prior to unit occupation. The property owner or legal agent is responsible for obtaining the inspection and certificate of occupancy. A new inspection and certificate of occupancy is required for each new rental agreement. (See Appendix A for a sample home inspector's checklist.)

**301.4.1 Certificates of Occupancy:** The code official shall be responsible for the issuance of Certificates of Occupancy, which permit the use and occupancy of a building and certifies compliance with the applicable laws of this jurisdiction.

**301.4.2 Certificates of Occupancy fee established:** The fee for Certificates of Occupancy shall be ten dollars (\$10.00) per unit. Re-inspection or follow up inspection required before the issuance of a Certificate of Occupancy shall be at the rate of ten dollars (\$10.00) each. The penalty for failure to obtain a Certificate of Occupancy shall be the responsibility of the property owner.

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

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

## **SECTION 302: EXTERIOR PROPERTY AREAS**

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

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

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

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

**302.4 Weeds:** All premises and exterior property shall be maintained free from weeds in excess of 10 inches. All common varieties of lawn grasses shall be maintained at a height not to exceed 10 inches. All noxious weeds shall be controlled or eradicated so as not to become a threat to public health. Maintained cultivated plantings such as flowers, gardens, ornamental plantings, ornamental grasses, trees, bamboo, and shrubs, shall be permitted and may exceed 10 inches in height.

1. Whenever a condition is identified that is in violation of this section, the code official shall issue a Notice of Violation giving the property owner or the property owner's agent five (5) days to remedy the situation. Notices shall be issued consistent with the requirements for providing legal notice under this code.
2. If, after five (5) days the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials used in remedying the situation as determined by the Director of Planning and Building Codes. If payment is not received within forty-five (45) days after an invoice is provided, a lien against the property for the invoice amount shall be filed in the Franklin County Clerk's office bearing an interest at 18% per annum thereafter until paid, all pursuant to KRS 381.770.

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

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

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

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

**302.9 Storage of Trailers.** Trailers of any kind or type shall not be parked or stored on the grass in the front yard setback areas of any property used for residential purposes. Such items may be located on a paved surface within the front yard setback area or in an enclosed building. However, the following limited exemptions apply: (1) trailers may be parked anywhere on residential premises for a time not to exceed twenty-four (24) hours; during loading or unloading; and (2) they may be parked on the grass for no more than 30 days within a 12 month period, if such trailer is posted for sale by owner; and (3) trailers may be parked or stored on grass on the side and rear yard areas.

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

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

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

### **SECTION 303: SWIMMING POOLS, SPAS AND HOT TUBS**

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

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, installed or existing for more than 15 consecutive days and containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gate post. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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

### **SECTION 304: EXTERIOR STRUCTURE**

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

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

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

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

**304.3 Street Numbers:** Each structure and each unit of a multi-tenant structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. Numbers shall contrast with their background so as to be easily distinguished. All numbers shall be in Arabic numerals at least 3 inches high and 1/2 inch stroke.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION 305: INTERIOR STRUCTURE**

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

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

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

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

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

**305.4 Lead-based paint:** Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

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

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

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

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

## **SECTION 306: RUBBISH AND GARBAGE**

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

**306.2 Disposal of Rubbish and Garbage:** Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such waste in covered outdoor containers. Garbage may also be disposed of by a mechanical food waste grinder. The owner of the premises shall be responsible for the regular removal of rubbish and garbage from the property.

## **SECTION 307: EXTERMINATION**

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

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

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

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

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

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

## Chapter 4

### LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### SECTION 401: GENERAL

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

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

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

#### SECTION 402: LIGHT

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

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

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

#### SECTION 403: VENTILATION

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

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

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



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

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

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

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

## **SECTION 404: OCCUPANCY LIMITATIONS**

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

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

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

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

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

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

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

**404.7 Prohibited occupancy:** Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

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

• **Exceptions:**

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

**Table 404.5****MINIMUM AREA REQUIREMENTS**

SPACE	Minimum Area in Square Feet		
	1-2 Occupants	3-5 Occupants	6 or more
Living Room	No Requirements	120	150
Dining Room	No Requirements	80	100
Kitchen	50	50	60
Bedrooms	70, if one occupant; 50 per occupant if more than one		
Note a — See Section 404.6 for combined living room/dining room spaces Note b — 1 square foot = 0.0093 m <sup>2</sup>			

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

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

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

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

## Chapter 5

### PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

#### SECTION 501: GENERAL

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

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

#### SECTION 502: REQUIRED FACILITIES

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

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

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

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

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

#### SECTION 503: TOILET ROOMS

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

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

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

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

## **SECTION 504: PLUMBING FIXTURES**

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

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

## **SECTION 505: WATER SYSTEM**

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

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

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

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

## **SECTION 506: SANITARY DRAINAGE SYSTEM**

**506.1 General:** All plumbing fixtures shall be properly connected to either a public system or to an approved private sewage disposal system.

**506.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## **SECTION 507: STORM DRAINAGE**

**507.1 General:** Drainage of roofs and paved areas, yards and courts and other open areas on the premises shall not be discharged directly onto adjacent properties or in a manner which creates a public nuisance.

## Chapter 6

### MECHANICAL AND ELECTRICAL REQUIREMENTS

#### SECTION 601: GENERAL

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

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

#### SECTION 602: HEATING FACILITIES

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

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

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

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

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

**• Exceptions:**

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

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

#### SECTION 603: MECHANICAL EQUIPMENT

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

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

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

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

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

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

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

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

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

## **SECTION 604: ELECTRICAL FACILITIES**

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

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

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

## **SECTION 605: ELECTRICAL EQUIPMENT**

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

**605.2 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one receptacle.

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

## **SECTION 606: ELEVATORS, ESCALATORS AND DUMBWAITERS**

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

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

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

## Chapter 7

### FIRE SAFETY REQUIREMENTS

#### SECTION 701: GENERAL

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

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

#### SECTION 702: MEANS OF EGRESS

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

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

**702.3 Number of exits:** In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

• **Exception:** A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code in chapter 8 is provided in addition to the single exit.
4. Where permitted by the building code listed in chapter 8.

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

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

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

• **Exceptions:**

1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.

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

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

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

**702.9 Stairways, handrails and guards:**

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

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

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

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

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

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

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

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

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



## **SECTION 703: ACCUMULATION AND STORAGE**

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

**703.2 Hazardous material:** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Chapter 8.

## **SECTION 704: FIRE RESISTANCE RATINGS**

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

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

## **SECTION 705 : FIRE PROTECTION SYSTEMS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION 706: ELEVATOR RECALL**

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

## **SECTION 707: MECHANICAL EQUIPMENT CONTROL**

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

## Chapter 8

### REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title. The application of the referenced standards shall be as specified in Section 101.4.

<b>ASME</b> American Society of Mechanical Engineers	
<b>Standard Reference Number</b>	<b>Title</b>
<b>A.12.1-93</b>	<b>Safety Code for Elevators and Escalators — with 1994 Addenda (A17.1a)</b>

<b>CODES</b>	
<b>Standard Reference Number</b>	<b>Title</b>
<b>KBC-97 BNFPC-96 IMC-96 IPC-95</b>	<b>Kentucky Building Code BOCA National Fire Prevention Code ICC International Mechanical Code ICC International Plumbing Code</b>
<i>All BOCA and ICC publications are available from BOCA (Building Officials and Code Administrators International Inc.</i>	

<b>National Fire Protection Association</b>	
<b>Standard Reference Number</b>	<b>Title</b>
<b>70-96</b>	<b>National Electric Code</b>

# CITY OF FRANKFORT

Unit Occupied?  Yes  No

## HOUSING INSPECTION REPORT

Insp. # RH \_\_\_\_\_

Address \_\_\_\_\_ Apt. #. \_\_\_\_\_

Date of Inspection: \_\_\_\_\_ Time: \_\_\_\_\_ AM / PM

Owner \_\_\_\_\_ Phone \_\_\_\_\_

Billing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Exterior Property Area

- No evidence of Public Nuisance. 304.19, 305.8
- Exterior area is free of rubbish and garbage, tall weeds, and motor vehicles. 306.1, 302.4, 302.10, 302.1
- Sidewalks and driveways are in good repair and free of hazardous conditions. 302.3.1
- Accessory structures are in good condition. 302.7

### Exterior Structure

- Exterior Painted surfaces are free of defective conditions such as excessive peeling. 304.2
- Assigned street numbers are visible from the street & each unit of a multi-tenant structure. 304.3
- Structural members are in sound condition including decorative features and overhangs. 304.4, 304.8, 304.9, 304.11
- Foundation walls are free of open cracks and appear to be in sound condition. 304.5
- Siding is free of holes, breaks, and loose or rotten materials. 304.6
- Roof is in sound condition and does not appear to be leaking. 304.7
- Exterior stairs, decks, porches, and balconies are free of hazardous conditions and are structurally sound. 304.11
- Window and door frames are in good condition and weather-tight. 304.14
- Glazing is free of cracks and holes. 304.14.1
- Openable windows are operable and will hold open positions. 304.14.2
- Insect screens are provided for all habitable rooms. 304.15 (required during insect season only)
- Doors and hardware are in good condition and operate easily. 304.16

### Interior Structure

- Surfaces are demand in good condition (no peeling paint, loose plaster, holes, and tears in floor covering). 305.3
- Unit has minimum plumbing facilities in good working order, properly connected to an approved water supply & sewage system.
- (bathtub or shower, lavatory, kitchen sink, and water heater). 502.1, 505.4, 505.1, 506.1
- Heating facilities are in good working order and properly vented if gas appliance. 6022.1
- Unit has minimum electrical facilities, maintained in a safe operating condition. (2 outlets per room, 1-laundry, 1-bathroom 605.2)
- Light fixtures installed properly and where required. 605.3
- Exit way is unobstructed and provides a safe passage to the exterior. 702.1
- Handrails are installed on stairs with more than 4 risers and guard rails on surfaces more than 30 inches above finished floor/grade and in sound condition. 305.7 interior exterior
- Smoke detectors are installed in the immediate vicinity of the sleeping areas and one per floor, including basements. 705.5
- Smoke detectors tested and working properly. 705.6
- Unit appears to be free of insect and / or rodent infestation. 307.1
- Unit complies with minimum area per occupant requirements of Table 404.5

Items marked are in compliance.

**Items NOT marked are in violation and need to be corrected prior to rental**

DISAPPROVED ON \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

APPROVED ON \_\_\_\_\_

Once approved by the Code Enforcement Officer, this shall be considered a "Certificate of Occupancy"

Comments: \_\_\_\_\_