

CHAPTER 150: CONSTRUCTION REQUIREMENTS

Section

General Provisions

- 150.01 The National Building Code adopted by reference
- 150.02 The Kentucky Model Housing Code adopted by reference
- 150.03 The Housing and Unsafe Building Code adopted by reference
- 150.04 The Kentucky State Plumbing Law adopted by reference
- 150.05 The National Electric Code adopted by reference

Construction of Public Buildings to Accommodate the Handicapped

- 150.10 Definitions
- 150.11 Regulations
- 150.12 Vehicular parking; identification decal or plate
- 150.13 Violations

Unfit Structures

- 150.20 Filing of petition of complaint
- 150.21 Notice to repair, alter, or demolish
- 150.22 Failure to comply; placarding of structure
- 150.23 Costs of repair or demolition to constitute a lien
- 150.24 Determination of unfit condition
- 150.25 Eviction
- 150.26 Complaints or orders to be made by certified mail or publication
- 150.27 Petition for restraining injunction; hearing

GENERAL PROVISIONS

§ 150.01 THE NATIONAL BUILDING CODE ADOPTED BY REFERENCE.

The 1967 Edition of the National Building Code is adopted and enacted by reference and the provisions thereof are incorporated herein by reference as fully, to all intents and purposes, as if copied at length herein. A copy so identified shall be on file in the City Clerk's office. (Ord. passed 5-14-68)

§ 150.02 THE KENTUCKY MODEL HOUSING CODE ADOPTED BY REFERENCE.

The Kentucky Model Housing Code (101) is adopted and enacted by reference and the provisions thereof are incorporated herein by reference as fully, to all intents and purposes, as if copied at length herein. A copy so identified shall be on file in the City Clerk's office. (Ord. passed 2-9-65)

§ 150.03 THE HOUSING AND UNSAFE BUILDING CODE ADOPTED BY REFERENCE.

The Suggested Housing and Unsafe Building Code for Kentucky Communities, Model Ordinance No. 101A, 1966 edition is adopted and

enacted by reference and the provisions thereof are incorporated herein by reference as fully, to all intents and purposes, as if copied at length herein. A copy so identified shall be on file in the City Clerk's office. (Ord. passed 2-14-67)

§ 150.04 THE KENTUCKY STATE PLUMBING LAW ADOPTED BY REFERENCE.

The Kentucky State Plumbing Law, Regulations and Code 1970, on file with the City Clerk is adopted and enacted by reference and the provisions thereof are incorporated herein by reference as fully, to all intents and purposes, as if copied at length herein. (Ord. 122, passed 7-14-70)

§ 150.05 THE NATIONAL ELECTRIC CODE ADOPTED BY REFERENCE.

The 1978 Edition of the National Electric Code is approved by the City Council and filed by the City Clerk and is made a part of the public records of the city. The provisions thereof are incorporated by reference as fully to all intents and purposes, as if copied in its length herein, and any additions, revisions, alterations, or modifications of the National Electric Code are hereby adopted by reference when and if any take place. (Ord. 28, passed 9-8-70; Am. Ord. 175, passed 6-12-79)

CONSTRUCTION OF PUBLIC BUILDINGS TO
ACCOMMODATE THE HANDICAPPED

§ 150.10 DEFINITIONS.

For purposes of §§150.11 through 150.13 the following words and phrases shall have the following meanings ascribed them respectively.

"HANDICAPPED PERSON." Any person who has lost the use of a leg, or both legs or an arm or both arms or any combination thereof, or any person who is blind. (Ord. 112, passed 7-8-75)

§ 150.11 REGULATIONS.

In order to enable handicapped persons, traveling in wheelchairs and otherwise, to travel freely and without assistance into and within public buildings and upon streets and sidewalks, under the control and jurisdiction of the city, the following regulations shall be applicable in their construction and/or reconstruction:

(A) Public building. Ramps with non-slip surface shall be built at entrances and interior of such buildings where change of common levels exists; if such buildings shall consist of two or more levels making ramp construction not practical, then a lift or elevator shall be installed, which shall be in addition to any required stairways.

(B) Streets and sidewalks. Ramps with non-slip surface shall be built into the curb so that sidewalk and street blend to a common level at each crosswalk.

(C) Ramp design. The bottom of the ramp and the street or level shall be built at the same elevation and shall have no lip at the ramp bottom; such ramp shall not be less than 32 inches in width with a slope no greater than one inch rise per 12 inches length and where practicable there shall be a gradual rounding at the bottom of the slope.

(D) Application. The construction herein required shall be applicable in all new constructions and existing non-conforming streets and buildings shall comply as and when compliance is practical, or with renovation and/or reconstruction.
(Ord. 112, passed 7-8-75)

§ 150.12 VEHICULAR PARKING; IDENTIFICATION DECAL OR PLATE.

(A) The Board of Council may from time to time by resolution duly adopted establish areas for vehicular parking to be available exclusively for the convenience of handicapped persons. The location or locations thereof shall be designated by appropriate signs or decals upon the parking area and the emplacement of such sign or decal at such parking areas shall constitute conclusive evidence of its legality for purposes of enforcement thereof.

(B) A motor vehicle bearing a decal or special plate with a handicapped insignia, as duly issued by the Commonwealth of Kentucky, Department of Revenue, in accordance with KRS 189.455, to a handicapped person, operated by or for the benefit of the handicapped person may be parked in such designated parking area in accordance with KRS 189.455.
(Ord. 112, passed 7-8-75)

§ 150.13 VIOLATIONS.

Any person possessing a decal or special plate in violation of KRS 189.455 shall be subject to the penalties therein provided. Any person parking in such designated area in violation hereof shall be subject to penalties for parking in a restricted area as provided by ordinance heretofore adopted and in addition to such penalties the vehicle may be impounded by the law enforcement agent and removed, all at the expense of the owner.
(Ord. 112, passed 7-8-75)

UNFIT STRUCTURES

§ 150.20 FILING OF PETITION OF COMPLAINT.

(A) Whenever a petition is filed with a public officer (the Environmental Health Officer of the county, or the Building Inspector) by a public authority or by at least five residents of the city charging that any structure is unfit for human habitation,

occupancy, or use, or whenever it appears to the officer (on his own motion) that any structure is unfit for human habitation, occupancy, or use, the officer shall, if his preliminary investigation discloses a basis for the charges, issue and cause to be served on the owner of and parties in interest in the structure a complaint stating the charges in that respect.

(B) The complaint shall state the following.

(1) That a hearing will be held before the officer (or his designated agent) at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint.

(2) That the owner and parties in interest may file an answer to the complaint and appear in person, or otherwise give testimony at the place and time in the complaint.

(3) That the rules or evidence in courts of law or equity shall not be controlling in hearings before the officers.
(Ord. 211, passed 3-10-81)

§ 150.21 NOTICE TO REPAIR, ALTER, OR DEMOLISH.

If after notice and hearing, the public officer determines that the structure under consideration is unfit for human habitation, occupancy, or use, he shall state in writing his findings of fact, in support of the determination and shall issue and cause to be served on the owner thereof an order requiring the owner to perform the following.

(A) Repair, alter, or improve the structure to render it fit for human habitation, occupancy, or use, or, at the option of the owner, to vacate and close the structure if the repair, alteration, or improvement of the structure can be made at a cost that is not more than 50% of the value of the structure.

(B) Within the time specified in the order to remove or demolish the structure if the repair, alteration, or improvement of the structure cannot be made at a cost that is not more than 50% of the value of the structure.
(Ord. 211, passed 3-10-81)

§ 150.22 FAILURE TO COMPLY; PLACARDING OF STRUCTURE.

(A) If the owner fails to comply with an order to repair, alter, or improve, or at the option of the owner to vacate and close the structure, the public officer may cause to be posted at the main entrance of any structure so closed, a placard with the following words:

"This building is unfit for human habitation, occupancy, or use; the use or occupancy of this building for human habitation, occupancy, or use is prohibited and unlawful."

(B) If the owner fails to comply with an order to remove or demolish the structure, the officer may cause the structure to be removed or demolished.

(Ords. 211, passed 3-10-81)

§ 150.23 COSTS OF REPAIR OR DEMOLITION TO CONSTITUTE A LIEN.

The amount of the costs of repairs, alterations, or improvements, or vacating and closing, removal, or demolition, shall be a lien on the real property on which the cost was incurred. If the structure is removed or demolished by the public officer, he shall sell the materials or structure and shall credit the proceeds of the sale against the costs of the removal or demolition and any balance remaining shall be deposited in the circuit court by the officer, and shall be secured in such a manner as may be directed by the court, and shall be disposed by the court to the persons found to be entitled thereto by final order or decree of the court.

(Ord. 211, passed 3-10-81)

§ 150.24 DETERMINATION OF UNFIT CONDITION.

(A) The public officer may determine the structure is unfit for human habitation, occupancy, or use if he finds that conditions exist in the structure which are dangerous or injurious to the health, safety, or morals of the occupants of the structures or other residents of the city. These conditions may include, without limiting the generality of the foregoing, defects increased in the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness.

(B) Additional standards to guide the officer or his agent for determining the fitness of a structure for human habitation, occupancy, or use may be provided by ordinance.

(Ord. 211, passed 3-10-81)

§ 150.25 EVICTION.

When the officer has condemned as unfit for human habitation, occupancy, or use, any structure pursuant to the provisions of this subchapter and has ordered the structure to be vacated, the public officer may, after ten days' notice to the occupant or occupants thereof, apply to a court of common jurisdiction, and obtain from the court an order of eviction against the occupant or occupants thereof and the constable for the district shall forthwith evict the occupant and his belongings from the building.

(Ord. 211, passed 3-10-81)

§ 150.26 COMPLAINTS OR ORDERS TO BE MADE BY CERTIFIED MAIL OR PUBLICATION.

Complaints or orders issued by the officer pursuant to this subchapter shall be served on persons either personally or by certified mail. If the whereabouts of the persons are unknown and cannot be ascertained by the officer in the exercise of reasonable

diligence, the officer may make an affidavit to that effect, and the serving of the complaint or order on those persons may be made by publication pursuant to KRS Chapter 424. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and shall be recorded in the office of the County Clerk of the county where the structure is located.
(Ord. 211, passed 3-10-81)

§ 150.27 PETITION FOR RESTRAINING INJUNCTION; HEARING.

(A) Any person affected by an order issued by the officer may, within 30 days after the posting and service of the order, file a petition in the circuit court for an injunction restraining the officer from carrying out the provisions of the order, and the court may issue a temporary injunction restraining the officer pending the final disposition of the cause. A hearing shall be had by the court on the petition within 20 days or as soon thereafter as possible.

(B) In all such proceedings, the findings of the officer as to the facts, as supported by evidence, shall be conclusive. Costs shall be in the discretion of the court.

(C) The remedies herein provided shall be exclusive remedies and no person affected by an order of the officer shall be entitled to recover any damages for actions taken pursuant to any order of the officer, or because of noncompliance by the person with any order of the officer.
(Ord. 211, passed 3-10-81)