

TITLE XV: LAND USAGE

Chapter

150.BUILDING AND HOUSING REGULATIONS

Section

General Provisions

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GENERAL PROVISIONS**§ 150.001 ADOPTION OF COUNTY CODES.**

The Building, Plumbing and Electrical Codes legally adopted for Jefferson County, Kentucky by the Jefferson County Fiscal Courts is adopted and are to be used as the Building, Plumbing, and Electrical Codes for the city.
(Ord. 90-09, passed 12-17-90)

§ 150.002 DEFINITIONS.

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

ACCESSORY BUILDING. A subordinate building or structure, the use of which is incidental to that of the main building or to be use of the premises.

ALTER or ALTERATION. Any change or modification in the construction or occupancy.

AREA. As applied to the dimensions of a building, shall mean the maximum horizontal projected area of the building at grade.

BUILDING. A structure for the shelter, support, or enclosure of persons, materials, or property of any kind, having a roof supported by columns or walls, and when separated by a division or party wall without openings, each portion of the building so separated shall be deemed a separate building. The term **BUILDING** shall be construed as if followed by the words "or part thereof."

BUILDING SETBACK AREA. The area of a lot or parcel of land lying between the front property line and the future widening line of an existing street or highway or the area of a lot or parcel of land lying between the boundary lines of a proposed street or highway.

DWELLING. Any building which contains a dwelling unit as hereinafter defined; provided, however, temporary housing as hereinafter defined shall not constitute a dwelling for purposes of this chapter.

DWELLING, SINGLE-FAMILY. A building designed for or occupied by one family, wherein not more than two roomers or lodgers other than members of the family, are provided with shelter or meals.

DWELLING UNIT. Any room or group of rooms or other part of a building which forms a single housekeeping unit with facilities which are used or are designed for living, sleeping, cooking and eating.

FENCE. Any construction of wood, metal, wire mesh, masonry, or other material, erected for any purpose.

GRADE. The average elevation of the finished ground surface touching the outside walls of a building or structure.

LOT. A parcel of land occupied, or to be occupied, by one main building, together with the accessory buildings and used customarily incidental to it, and including such open spaces, dimensions, and area as are required in this building ordinance, and having its principal frontage on a public street or road.

LOT, CORNER. The abutting on two or more streets at their intersections.

LOT, INTERIOR. A lot other than a corner lot.

MULTIPLE DWELLING. Any dwelling containing more than one dwelling unit.

OCCUPANT. Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.

OWNER. Any person who alone, jointly, or with several other persons shall:

(1) Have all or part of the legal title to any dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or

(2) Have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the owner's obligations under this chapter.

PARKING AREA. An open, unoccupied space permitted or required for use for parking of motor-driven vehicles.

PROPERTY. Any interest of record or otherwise held by persons in land or building located within the city.

SINGLE-FAMILY RESIDENCE. A structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit.

STREET. Any public thoroughfare which has been dedicated or deeded to the public for public use.

STREET LINE. A lot line dividing a lot from a street.

STRUCTURE. Anything constructed or erected, the use of which required location on the ground or attached to something having a location on the ground. All regulations appertaining to a building shall be equally applicable to a structure. The term **STRUCTURE** shall be construed as if followed by the words "or part thereof."

SURFACE. The outermost layer or superficial area of the interior of a dwelling or dwelling unit, including but not limited to the outermost layer or superficial area of walls, ceilings, floors, stairs, windows, window sills, window frames, window sashes, doors, door frames, baseboards and woodwork of a dwelling or dwelling unit.

VALUE or VALUATION. The estimated cost to replace the building in kind.
(Ord. 90-09, passed 12-17-90)

§ 150.003 PURPOSE.

The purpose of this chapter is to provide the minimum standards to safeguard life, health, property and public welfare within the city.
(Ord. 90-09, passed 12-17-90)

§ 150.004 EXEMPTIONS.

Buildings, fences, lights and pools in existence prior to 12-17-90 are exempted from compliance in terms of their architectural style and placement. Otherwise they are subject to all sections of this chapter.
(Ord. 90-09, passed 12-17-90)

§ 150.005 SCOPE OF BUILDING REGULATIONS.

(A) *General.* The provisions of this chapter shall apply to the location, design, materials and equipment, removal, construction and demolition of every building or any appurtenance connected or attached to buildings located within the corporate boundaries of the city. In the event there is an apparent difference in the materials, methods of construction, or other requirements specified in different sections of this code, or between the requirements of this chapter and of any other applicable law, or deed restrictions the more restrictive shall govern.

(B) *New buildings.* New buildings hereinafter erected within the city shall comply with the requirements of this chapter.

(C) *Existing buildings.* Except as otherwise specifically provided, buildings to which additions, alterations, or repairs are made, and all additions, alterations, or repairs, shall comply with the requirements of this code for new buildings.
(Ord. 90-09, passed 12-17-90)

§ 150.006 LIMITATION UPON FENCES.

(A) It shall be unlawful for any person to erect or maintain a fence on any part of the front or side yard of any lot within the city extending forward of the dwelling's outermost rear corners to which it runs.

(B) All fences on side and rear lot lines shall not exceed limitations of the Jefferson County Planning and Zoning Regulations pertaining to the building lot where fence is to be erected, shall not be greater in height than six feet from ground level and the fence shall be of a design and material to conform with the existing harmony of the surrounding area as determined by the City Commission.
(Ord. 90-09, passed 12-17-90; Am. Ord. 92-06 passed 2-15-93) Penalty, see § 150.999

§ 150.007 LOT SUBDIVISION.

No lots or areas platted within the city and recorded in the office of the Clerk of the Jefferson County Court as of the date this chapter becomes effective shall be subdivided, altered or changed without the prior written approval of the City Commission.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.008 BUILDING LIMITS.

No house, building or structure may be erected so more than 30% of the area of any lot is occupied by houses, buildings or structures.
(Ord. passed 1-25-40; Am. Ord. passed 8-17-92; Am. Ord. passed 9-21-92) Penalty, see § 150.999

§ 150.009 DIRECTION OF BUILDING.

(A) *Appointment of Director.* The City Commission shall appoint a resident of the city, who may be a member of the City Commission, to the position of Director of Building which appointment may be terminated at will by the City Commission. Every effort should be made to appoint individuals who are graduates of accredited schools of architecture or engineering or who have had experience with building or construction work. If this position is unfilled at any time, the City Commission will act in the place of the Director of Building.

(B) *Duties.* The Director of Building is authorized and directed to enforce all provisions of this code as herein provided.

(C) *Deputies.* The Director of Building, with the approval of the City Commission, may designate deputies who shall exercise during the absence or disability of the Director by whom they were appointed all powers of the Director.

(D) *Inspectors.* The Director of Building, with the approval of the City Commission, may appoint inspectors and assistants to help carry out the provisions of this code for which they are directly responsible. No person shall be appointed as an inspector who has not been found by the City Commission to have some experience as an architect, engineer, building or in some other phase of construction work.

(E) *Right of entry.* Upon the presentation of the proper credentials, the Director of Building or his duly authorized representatives may enter at reasonable times any building, structure or premise within the city to perform any and all duties imposed upon him by this chapter.

(F) *Liability.* Any person charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his or her duties, shall not thereby render him or herself personally liable and he or she is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission performed by him or her in the enforcement of any provisions of this chapter, and shall have the right to be defended by the City Attorney until final determination of any proceedings pending against him or her.

(G) *Specific duties.* The Director of Building is authorized and directed to:

- (1) Enforce all provisions of this chapter;
 - (2) Review plans and specifications;
 - (3) Recommend to the City Commission the issuance or denial of building permits and certificates;
 - (4) Conduct inspections;
 - (5) Recommend to the City Commission the issuance of rules and regulations consistent with this chapter;
 - (6) Maintain records and make reports; and
 - (7) Perform other services as may be necessary to execute the provisions of this chapter and be consistent therewith.
- (Ord. 90-09, passed 12-17-90)

§ 150.010 VARIANCES.

(A) *General.* Any party in interest may request that the City Commission grant a variance to the provisions of this code when the City Commission finds that the provisions of this chapter impose undue and unwarranted hardships or injustices upon the party requesting a variance and that the granting of the variance will most nearly accomplish and not defeat the purpose and intent of this chapter, or the Jefferson County planning and zoning regulations. In which case the variance will have to be granted by the Jefferson County Planning and Zoning Commission and approved by the City Commission.

(B) *Procedure.* Upon receipt of a request for the granting of a variance to this chapter, the City Commission shall, at their next regularly scheduled meeting, following receipt of the request, establish a time and place for a hearing to be held on the request. The parties requesting the variance shall give ten days notice to the hearing by registered mail, return receipt requested, to the owners of all property adjacent to the area for which the variance is being requested. The City Commission shall, at the time the date of the hearing is established, determine the meaning of the word "adjacent" so as to give reasonable notice to all parties who may reasonably be expected to be affected by the variance.

(C) *Hearing.* During the course of the hearing, the City Commission shall require proof that a good faith effort has been made to notify those parties, as determined by said body, at the time the hearing was scheduled, to have an interest in the property adjacent to that property for which the variance is being requested. The party requesting the variance shall make a presentation to the City Commission as to why the section of this chapter from which it is requesting a variance causes undue and unwarranted hardship or injustices to it, and as to why the granting of the variance will not defeat the purpose and intent of this chapter. All parties in interest will be given the opportunity to question the applicant and to present information both in support of or against the granting of the variance. The City Commission may require submission of additional evidence of proof to substantiate the position of the applicant, and may require additional data and tests which, in the opinion of the City Commission, is necessary for adequate consideration of the request. The City Commission may schedule additional hearings, if in the body's opinion, they are necessary for adequate consideration of the request.

(D) *Decision.* The City Commission shall vote at its next regularly scheduled meeting body upon the granting of the variance and a majority of the whole body vote in favor of the variance.
(Ord. 90-09, passed 12-17-90)

BUILDING PERMITS

§ 150.020 PERMIT REQUIRED.

(A) No persons shall erect, construct, enlarge, alter, repair, or move a building or make, install, alter, or repair improvements thereto within the city without first making application and obtaining a permit therefor from the City Commission.

(B) Ordinary upkeep, maintenance and minor repairs, alterations involving no change in character or use and construction of a detached building of 100 square feet or less may be made without filing an application or obtaining a permit, provided the repairs or construction shall not violate any of the provisions of this chapter.

(Ord. 90-09, passed 12-17-90; Am. Ord. 95-02, passed 4-17-95) Penalty, see § 150.999

§ 150.021 APPLICATION FOR PERMIT.

(A) *Form.* An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Commission. The application shall be accompanied by the plans and specifications required by this section and shall provide information as may reasonably be required by the Commission for an intelligent understanding of the proposed work.

(B) *Registered architects and engineers.* Design for the construction or substantial remodeling of any building allowed by zoning regulation within the corporate limits of the city, except as listed below, shall be entrusted only to an architect or professional engineer acting within the scope of his professional registration under KRS Chapters 322 and 323. Single-family dwellings, and accessory buildings or structures thereto, are hereby exempted from this division.

(C) *Plans and specifications.*

(1) Two copies of plans and specifications shall accompany each application. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of work proposed. The plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and all relevant deed restrictions, laws, ordinances, rules and regulations. The information shall be specific, and this chapter shall not be cited in whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. Each set of plans and specifications shall give the address of the work, the name and the business and home address of the owner and the name and business address of the person who prepared and is responsible for them. The City Commission shall require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot. A boundary line survey, if and where necessary, prepared by a qualified surveyor, may also be required by the City Commission.

(2) All plans submitted for approval shall contain a drawing or plat showing the lot plan, the location of the building on the lot, accurate dimensions of the building and lot, and other information as may be required by the City Commission.

(D) *Time limitation.* An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of issuance; provided that, for cause, one or more extensions of time, for periods not exceeding 90 days each, may be allowed by the City Commission.
(Ord. 90-09, passed 12-17-90)

§ 150.022 PERMIT FEE.

No permit shall be issued until the applicant shall have paid to the City Treasurer a permit fee of \$500, \$350 of which shall be refunded to the applicant upon completion of the proposed work in compliance with this chapter.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.023 ISSUANCE OF PERMIT.

(A) *Examination of application.* The Director of Building shall examine or cause to be examined each application for a permit and the plans, specifications, and computations filed therewith and shall ascertain by the examination whether the construction indicated and described will not adversely affect the public safety, health, convenience, comfort and general welfare of the residents of the city, is in accordance with the requirements of this chapter and all other pertinent laws, ordinances and deed restrictions, is in uniformity and harmony of exterior design with existing structures on the lot on which the work is proposed and surrounding lots, and is so located so as to not adversely affect adjoining structures, uses and operations.

(B) *Action on application.*

(1) *Approval.* The Director of Building shall act upon an application for a permit without unreasonable or unnecessary delay. If the Director is satisfied that the work described in an application for a permit and the plans and specifications filed therewith will not adversely affect the public safety, health, convenience, comfort and general welfare of the residents of the city, conforms to the requirements of this chapter and all other pertinent laws, ordinances and deed restrictions, is in uniformity and harmony of exterior design with existing structures on the lot on which the work is proposed and surrounding lots, and is so located so as to not adversely affect adjoining structures, uses and operations he or she shall so report to the City Commission which, if it concurs in the Director's report, shall issue a building permit.

(2) *Disapproval.* If the application for a permit and the plans and specifications filed therewith, describe work which does not conform to the requirements of this chapter or other pertinent laws, ordinances or deed restrictions or does not contain sufficient information, the Director of Building shall so report to the City Commission, and, if the report of the Director is concurred in by the City Commission, no permit shall be issued. In such event the plans and specifications shall be returned to the applicant with the refusal to issue a permit. When requested by the applicant, the refusal shall be in writing and shall contain the reasons therefor.

(C) *Disposition of plans.* One set of approved plans, specifications, and computations shall be retained by the City Clerk and one set of the approved plans and specifications shall be returned to the applicant. The latter set shall be kept at the site of work at all times during which the work authorized thereby is in progress and shall be open to inspection at all reasonable times by the Director of Building or his or her authorized representative.

(D) *Conditions of the permit.* A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this chapter or any other pertinent laws, ordinances or deed restrictions, nor shall the issuance of a permit prevent the Director of Building from thereafter requiring a correction of errors in plans or in construction, or of violations of this chapter or any other applicable laws, ordinances, or deed restrictions. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months after issuance, or, if after the work is commenced, such work is not completed within three months; provided that, for cause, one or more extensions of time, for periods not exceeding 30 days each, may be allowed in writing by the City Commission.

(E) *Posting of permit.* No building operations requiring a permit shall be commenced until the permit holder or his authorized agent shall have posted a building permit card, in a conspicuous place, near the front of the premises, protected from the weather, and in a position as to permit the Director of Building to make entries thereon requesting inspection of the work. The card shall be preserved and shall remain posted until completion of the work.

(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.024 RESPONSIBILITIES OF PERMIT APPLICANT.

(A) The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. He or she assumes the responsibility for assuring the city that water will not be diverted from its natural flow to the detriment of the land surrounding the building or structure which he or she is or has constructed, modified or demolished.

(B) The applicant is charged with the responsibility of seeing that no debris, waste or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the city, either during, upon or after the completion of the project.

(C) At all times, it shall be the duty of the applicant a to maintain the streets in the vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction, and the like activities.

(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.025 INSPECTIONS.

(A) *Existing building.* Before issuing a permit the Director of Building shall examine or cause to be examined all buildings for which an application has been received for a permit to enlarge, alter, repair, move or demolish the building.

(B) *At site.* The Director of Building shall inspect or cause to be inspected all buildings and structures from time to time during the completion of the work for which a permit was issued. He or she shall make a record of every examination and inspection and of all violations of this chapter and of any other applicable law, ordinance, and deed restriction.

(C) *Procedure.* The Director of Building shall make, or cause to be made, the inspections called for by this section. He or she may accept reports of inspectors of recognized inspection organizations, provided that after investigation he or she is a satisfied as to their qualifications and reliability. No other approval call[ed] for by this section shall be based on the reports unless the same is in writing and certified by a responsible officer of such organizations.

(Ord. 90-09, passed 12-17-90)

§ 150.026 COMPLETION OF PROJECT; REFUND OF DEPOSITS.

Upon the completion of a project and the satisfaction of all sections of this chapter and all other pertinent laws, ordinances and deed restrictions, those funds on deposit with the city under § 150.022 of this chapter shall be refunded to the holder of the building permit. No building shall be occupied or used until final approval of project by Building Director.

(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

MINIMUM BUILDING STANDARDS AND REGULATIONS

§ 150.035 CHARACTER OF BUILDINGS; CONFORMITY WITH EXISTING STRUCTURES.

(A) No building shall be constructed, enlarged, or altered (including painted, landscaped or trimmed) within the city unless the color, design and materials are in conformity and harmony of external color, design and materials with the existing structures on the lot in which the work is located and on other lots in the surrounding area and is so located as not to adversely affect surrounding structures, uses and operations.

(B) No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the city shall at any time be used as a residence, temporarily or permanently.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.036 LOCATION OF BUILDINGS; APPURTENANCES.

(A) The building setback area for all buildings and appurtenances thereto, shall conform to the current restrictions of the Jefferson County Planning and Zoning regulations at that location. Porches extending beyond the front wall of the residence or in the building line, shall not be enclosed in any manner 24 inches above the floor of same.

(B) Garages and carports attached to a dwelling shall become a part of the dwelling and shall have the same zoning restrictions as the dwelling. Unattached garages must be located at least 15 feet from the dwelling and may be located within two feet of the side property line.

(C) No structure may be erected on any lot easement.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

HOUSING REGULATIONS

§ 150.045 SCOPE OF HOUSING REGULATIONS.

The provisions of this chapter shall apply to all buildings or any appurtenance connected or attached to such buildings located within the city including, but not limited to fences, driveways, private roads, sidewalks and swimming pools.
(Ord. 90-09, passed 12-17-90)

§ 150.046 PEST INFESTATIONS AND EXTERMINATION.

It shall be unlawful for any dwelling or dwelling unit within the city to be infested with rats, mice, roaches, or other pests, or infected with any contagious disease. Pest infestations which develop subsequent to the initiation of human occupancy within a dwelling unit shall be eradicated and all pests exterminated in accordance with the applicable regulations prescribed by the City Commission and the Director of the Jefferson County Department of Public Health.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.047 WILD OR UNDOMESTICATED ANIMALS.

Wild or undomesticated animals are prohibited. No owner, occupant, or person having control or management of any land within the city shall permit or maintain on any premises or adjacent right-of-way as pets, or for profit, any livestock, poultry, ducks, fowl or wild or undomesticated animals.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

Cross reference:

Animals, see Ch. 90

§ 150.048 PROHIBITED CONDITIONS.*(A) Internal.*

(1) The interior of every dwelling and dwelling unit, within the city, including habitable and nonhabitable rooms, halls, basements, cellars, attics, closets, and storage spaces shall be kept clean and free from accumulations of dirt, filth, rubbish, garbage, or similar matter and shall be kept from vermin and rodent infestation.

(2) The occupant or occupants shall have the responsibility for meeting the obligation created herein with respect to all interior areas within his or her or their exclusive control.

(B) External.

(1) The exterior of every dwelling and dwelling unit within the city, including all courts, yards, and conterminous property, shall be kept clean and free from accumulation of dirt, filth, leaves, rubbish, garbage, uncontained trash, scrap or abandoned building materials or similar matter, dead and decaying trees, stumps of trees previously felled, and shall be kept free from vermin and rodent infestation. The occupant or occupants shall have the responsibility for meeting the obligation created in this subsection with respect to all exterior areas within his or her or their exclusive control.

(2) All dwellings, fences, gates and outbuildings or other structures in a dilapidated or unsafe condition shall be removed or repairs. All sheds and auxiliary structures attached to dwellings which create blind rooms or which overcrowd the land shall be removed. All year structures, fences, and rubbish which obstruct light and air, harbor rats and vermin, or create an undesirable environment shall be removed. All courts, yards, and conterminous property around every dwelling or dwelling unit shall be properly graded and drained to keep surface water from draining into or beneath the dwelling or dwelling unit. Water shall not be allowed to stand in drainless pools anywhere about the premises.

(3) No owner, occupant or person having control or management of any land within the city shall permit or maintain on any premises or adjacent rights-of-way any excessive growths of grass or wild or noxious weeds to a greater height than ten inches on the average; nor any accumulations of dead weeds, grass, brush, or leaves.

(4) Open or inadequately protected holes in the ground of sufficient size to risk injury to humans or pets are prohibited.

(5) Satellite dishes of a type greater than 18 inches in diameter are prohibited. All other satellite dishes may not be installed forward of the rear building line unless actually attached to the residence.

(Ord. 90-09, passed 12-17-90; Am. Ord. 93-01, passed 4-19-93; Am. Ord. 96-01, passed 6-17-96)
Penalty, see § 150.999

§ 150.049 EXTERNAL MAINTENANCE AND REPAIR.*(A) External maintenance.*

(1) All foundations, exterior walls, floors, and roofs of every dwelling within the city shall be free of holes, large cracks, and any loose and deteriorated material, and shall be maintained so as to be weather-tight and rodent-proof.

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(2) All exterior walls, woodwork, and exposed metal portions of every dwelling that are inadequately protected against the weather due to lack of paint, or other approved protective coating, shall be painted or otherwise protected against decay, corrosion, or deterioration.

(B) *Gutters and downspouts.*

(1) All roofs of every dwelling shall be equipped with gutters and downspouts connected to an approved sewer or which ensure the storm water shall be disposed of on the property, in such manner as to not adversely affect the adjoining property.

(2) All gutters, downspouts, and connecting drains shall be kept free of the accumulation of material which would tend to impede or obstruct the normal flow of water therein.
(Ord. 90-09, passed 12-17-90)

§ 150.050 RESPONSIBILITIES OF OWNER OR LANDLORD.

(A) *General obligations.* Except as specifically provided in other sections of this chapter, all the obligations set forth in this chapter are the responsibility of the owner, regardless of whether the owner is also the occupant of the property subject to this chapter.

(B) *Pest extermination.* Every owner of a dwelling containing more than one dwelling unit shall be responsible for the extermination of any insects, rats, or other pests therein or on the premises when the infestation extends to stairways, halls, basements, yards, or other common areas.

(C) Nothing in this section shall be construed to eliminate the responsibility of an occupant, as provided in § 150.051 of this chapter, unless the infestation extend to two or more dwelling units within the building.
(Ord. 90-09, passed 12-17-90)

§ 150.051 RESPONSIBILITIES OF OCCUPANTS.

Every occupant of a dwelling within the city containing a single dwelling unit shall be responsible for the extermination of any insects, rats, or other pests therein or on the premises; and every occupant of a dwelling unit in multiple dwellings shall be responsible for the extermination if his dwelling unit is the only one infested.
(Ord. 90-09, passed 12-17-90)

§ 150.052 VACANT DWELLINGS; PROCEDURE FOR SECURING.

(A) When any dwelling or dwelling unit within the city becomes vacant and unoccupied, the owner thereof shall immediately cause it to be securely locked to prevent the entrance therein of unauthorized persons, and the owner shall keep such structure securely locked until it is again let for occupancy. If the dwelling or dwelling unit thereafter becomes open, so that any unauthorized person may enter, the

owner shall cause the structure to be closed at all outside openings by securely covering all such openings with a type of covering approved by the Director of Building, in such a manner as to preclude entrance by unauthorized persons. Provided, however, one door facing the street may remain uncovered, so long as it shall be securely locked, to allow the owner or persons authorized by him or her to enter.

(B) If any dwelling or dwelling unit is found to be vacant, unoccupied, and open so that it may be entered freely by unauthorized persons, the City Commission may order and direct the owner of the structure to close it securely in the manner provided for in division (A) of this section by delivering to the owner a written notice requiring him or her to securely close the structure within five days of the date of the notice. The mailing of the notice to the owner at his last known address shall be deemed notice to him or her. If the owner fails to complete the closing of any such dwelling or dwelling unit within the five-day period, the City Commission may, without further notice to the owner, cause the dwelling unit to be securely closed; and the cost of the closing shall be a lien against the property.

(C) If the full amount of the cost of any closing carried out by the City Commission pursuant to division (B) of this section is not paid to the city by the owner within 30 days after the closing is completed, the city shall have prepared and cause to be signed and sworn to by the Director of Building an affidavit showing the cost and expense incurred for the work and the date, place, or property on which said work was done. The affidavit shall be recorded in the office of the Jefferson County Clerk and shall constitute a lien upon the property, which shall remain in full force and effect for the amount due as principal, plus accrued interest at the rate of 8% per annum from the date of completion of the work, plus any court costs necessary for the collection thereof, until full payment is made.

(D) All affidavits recorded in accordance with this section shall be prima facie evidence that all legal formalities have been complied with and that all the work involved has been properly and satisfactorily done; and this shall be full notice to all persons concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described therein and that the same is due and collectible as provided by law.
(Ord. 90-09, passed 12-17-90)

SWIMMING POOLS

§ 150.065 SWIMMING POOL RESTRICTIONS.

(A) It shall be unlawful for any person to construct or maintain a swimming pool, hot tub, whirlpool or spa in the front or side yards of any lot within the city.

(B) There shall be allowed in the city only permanent in-ground swimming pools, constructed in a rear yard and subject to the limitations hereinafter set forth.

(C) No inflatable domes, covers or other raised structures over a swimming pool shall be allowed.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.066 PERMIT REQUIRED.

(A) No person shall construct or maintain a swimming pool or outdoor hot tub, whirlpool or spa as provided for herein without first making application and obtaining a permit therefor from the City Commission.

(B) No swimming pool shall be constructed nor shall a permit therefor be granted unless there is provided a drain in the pool, which drain shall be connected underground directly to the sanitary sewer system.

(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.067 PERMIT APPLICATION.

An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Engineer, or Commissioner responsible for that function. It shall provide information as may be reasonably required for a clear understanding of the proposed work and its effect on the surrounding properties. The written application shall contain at least the following information:

(A) The kind of pool, outdoor hot tub, whirlpool or spa, herein referred to as "pool" to be constructed;

(B) The pool's overall dimensions of length, width and depth, and a description of any proposed exterior lighting, including provisions for the shielding of the lighting;

(C) A plat, drawn to scale, showing the installation's location in relation to existing structures, easements, boundary lines and existing or proposed fences. The plat shall also show the location of any proposed exterior lighting;

(D) Its effect, if any, on adjacent properties which can be reasonably expected to result from the construction;

(E) The provisions to be made for supplying the pool with potable water and for the drainage thereof;

(F) The substance which will be used as fill and the anticipated disposition of any earth removed; and

(G) When construction is expected to begin and length of time it will take before it is completed.
(Ord. 90-09, passed 12-17-90)

§ 150.068 ISSUANCE OF PERMIT.

(A) *Other requirements.* Any person requesting a permit must, prior to requesting a permit from the city, obtain all other permits which may be required.

(B) *Examination of application.* The City Engineer shall examine or cause to be examined each application and the information furnished in connection therewith; shall ascertain by such examination that the construction of the pool will not adversely affect the public safety, health, convenience, comfort

and general welfare of the city and will be in accordance with the requirements of this chapter and all other pertinent laws, ordinances and deed restrictions.

(C) Action on application.

(1) Approval. The City Engineer shall act upon the application for a permit without unreasonable or unnecessary delay. If satisfied that the pool, hot tub, whirlpool or spa as described in the application and information furnished in connection therewith will not adversely affect the public safety, health, convenience, comfort and general welfare of the residents of the city; conforms to the requirements of this chapter and all other pertinent laws, ordinances, and deed restrictions, he or she shall so report to the City Commission which, if it concurs, shall issue a permit therefor.

(2) Disapproval. If the application for a permit and the information filed therewith describe work that does not conform to the requirements of this chapter or all other pertinent laws, ordinances and deed restrictions, or does not contain sufficient information, the City Engineer shall so report to the City Commission, and, if the report is concurred in by the City Commission, no permit shall be issued and the applicant shall be so notified. The refusal shall be in writing and shall contain the reasons therefor.

(Ord. 90-09, passed 12-17-90)

§ 150.069 FENCES AROUND SWIMMING POOLS.

All pools or pool areas within the city shall be enclosed by fence at least 40 inches in height. Any gate or other entry through the fence must be capable of being locked.

(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

PULL-OFFS; STREET CURBS

§ 150.080 PERMIT FOR "PULL-OFFS."

(A) No person shall construct or permit any paved or gravel "pull-offs," parking areas or curved or circular drive to be constructed or maintained in the front yard of any residential lot within the city without first obtaining a permit therefor from the City Commission.

(B) No permit referred to in division (A) of this section shall be issued until a plan of the "pull-off," parking area, or curved or circular drive showing the size, location and type of construction is delivered to and approved by the City Commission and the body determines that the construction will improve the free passage and flow of traffic on the roadway adjacent thereto; is essential to the full use and enjoyment of the property which the "pull-off," parking area or curved or circular drive are designed to serve; and is in keeping with and does not detract from the surrounding neighborhood.

(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.081 PERMIT FOR STREET CURB.

(A) No person shall construct or permit any curb to be constructed or maintained at the edge of any paved portion of any street within the city without first obtaining a permit therefor from the City Commission.

(B) No permit referred to in division (A) of this section shall be issued until a plan of the curb showing the location and material and type of construction is delivered to the City Commission and the Commission determines that the curb will be not more than six inches in height; is located in line with existing curbs at or near the location; will not impede surface water drainage; and will be in keeping with and will not detract from the surrounding neighborhood.

(C) Upon the failure of any person to comply with these regulations, the City Commission may send city employees or agents of the city upon the property to remedy the situation and city shall have a lien against the property for the reasonable value of labor and materials used in so doing.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

FLOODLIGHTS

§ 150.095 PERMIT REQUIRED.

It shall be unlawful for any person to install or permit any permanent flood-, mercury vapor or similar light exceeding 150 watts per bulb to be installed on any lot within the city without first making application and obtaining a permit therefor from the City Commission.
(Ord. 90-09, passed 12-17-90) Penalty, see § 150.999

§ 150.096 PERMIT APPLICATION.

Any application for a permit, signed by the person desiring to install a permanent flood or similar light shall be filed with the City Commission, together with the information as may be required by the City Commission, including:

(A) A plat showing the location of the proposed light in relation to existing structures on the lot;

(B) The type, name and manufacturer and candle power of the proposed light as well as a picture or likeness of the proposed light;

(C) The written consent of all occupants of premises adjoining the lot on which the light is to be installed, indicating when the consent is conditioned upon adequate “shielding” of the light; and

(D) What provisions are to be made for “shielding” the light from adjoining premises, when appropriate.
(Ord. 90-09, passed 12-17-90)

§ 150.097 ISSUANCE OF PERMIT.

(A) *Approval.* If the City Commission is satisfied that the proposed light will not adversely affect the safety, health, convenience, comfort and general welfare of the city and the premises adjoining the lot on which the light is to be located it shall issue a permit for the light, which permit shall specify what “shielding” of the light, if any, shall be supplied by the applicant.

(B) *Disapproval.* If the application is incomplete or the City Commission determines that the proposed light would adversely affect the safety, health, convenience, comfort and general welfare of the city or the premises adjoining the lot on which the light is to be located or that the owners of all adjoining premises have not consented to the installation of the light, the City Commission shall disapprove the permit and inform the applicant of the decision along with the reasons for disapproval. (Ord. 90-09, passed 12-17-90)

§ 150.999 PENALTY.

Any person who violates any provision of the state codes adopted in § 150.001 shall be subject to the following penalties:

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)