

**Ordinance No. 950.5-2011**

**An Ordinance of the City of Franklin, Kentucky Amending a Previous Ordinance Adopting the International Property Maintenance Code**

WHEREAS, the City Commission previously adopted Ordinance No. 950.5-2002 adopting the International Property Maintenance Code; and,

WHEREAS, the City Commission of the City of Franklin, Kentucky, has found and determined that it is in the best interest of the citizens and residents of the City to amend the previous ordinance to the extent set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky, as follows:

1. Section 3 is amended as follows:

**Section 3. Revisions.**

The following sections are hereby revised:

A. Section 101.1. Insert: City of Franklin, Kentucky.

B. Section 302.4. Insert: 10 inches.

BC. Section 103.6 Insert: all applicable fees as promulgated, as amended from time to time, by the Franklin-Simpson Planning and Zoning Commission and/or the City of Franklin, Kentucky.

CD. Section 303.14. Insert: May 1, October 31.

DE. Section 602.3. Insert: September 1, May 30.

EF. Section 602.4. Insert: September 1, May 30.

FG. The term "code official," as used in the International Property Maintenance Code, shall be deemed to be either the City Building Inspector, City Fire Marshal, City Code Enforcement Officer, or their duly authorized representatives, and all shall be charged with the administration and enforcement of this code.

**GH.** In that there is a need to establish a period of time a vacant problem structure may remain standing, Section 108 of the International Property Maintenance Code, Unsafe Structures and Equipment, is amended to add the following:

- i. A vacant problem structure is defined as a vacant building or other structure that poses a nuisance or danger to the public, police department or fire department and is usually identified by utility services disconnected, extensive broken glass, peeling or flaking paint on exterior walls, loose or rotting material on the roof or the exterior walls or the structure has been fire damaged and not secured from entry.
- ii. When a vacant problem structure, not in danger of structural collapse, has been closed by the property owner and the structure continues to remain closed by approved methods, it may remain standing in a safe condition for a period not to exceed six (6) months from the date of the fire or the date of receipt of the notice of violation/citation from the code official, at which time an application must have been made for a building permit to repair or for a demolition permit.
- iii. Failure of the property owner to keep the structure closed or to obtain the required permit in the specified time shall constitute permission to an official, employee, or other authorized agent of the City to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the dilapidated structure.

**HI.** The referenced standards shown in Chapter 8, page 21, of the International Property Maintenance Code are changed as follows:

- i. ICC- International Code Council is changed to: KDHBC- Kentucky Department of Housing, Buildings and Construction.
- ii. International Building Code is changed to: Kentucky Building Code, current edition, and includes, but is not limited to the Kentucky Residential Code.
- iii. International Fire Code is changed to: NFPA 1 Fire Prevention Code, current edition, and/or Kentucky Fire Prevention Code, current edition.

iv. International Fuel Gas Code is changed to: Kentucky Fuel Gas Code, current edition, and/or Kentucky Revised Statutes or Kentucky Administrative Regulations.

v. International Mechanical Code is change to: Kentucky Mechanical Code, current edition.

vi. International Plumbing Code is changed to: Kentucky Plumbing Code, current edition.

vii. ICC Electrical Code is changed to: City of Franklin Electrical Ordinances, as amended from time to time.

viii. International Zoning Code is changed to: Franklin-Simpson Planning & Zoning Regulations, as amended from time to time, and/or Kentucky Revised Statutes relating to zoning.

IJ. In that there is a need to establish penalties for violations of this Code, Section 106.4 is amended to add the following:

**106.4.1** Any person who shall violate any provision of this Ordinance or any notice or order issued pursuant hereto after all appeals shall have been exhausted, or who shall destroy or remove any Notice and Order of Condemnation posted by the Code Official before ordered remedial action shall be effected or reversed on appeal, shall be fined not less than \$50.00 nor more than \$250.00, or imprisoned for not more than 30 days, or both such fine and imprisonment.

JK. The following paragraph shall be added to Section 106.5:

**106.5.1** If the property is not brought into compliance within the time period prescribed, failure to so comply shall constitute permission to an official, employee or other authorized agent of the City to enter upon the property to remedy the situation and to abate the violation.

KL. There shall be added a Section 106.6 which reads as follows:

**106.6 Liens, Fines, Charges and Fees.**

**106.6.1** The City shall possess a lien on property owned by the person found by the Code Enforcement Officer, if the property owner does not appeal; a final, non-appealable order of the Board; or by a final judgment of the court to have committed a violation of a City ordinance for all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance.

**106.6.2** The lien shall be recorded in the office of the County Clerk and shall be notice to all persons from the time of its recording and shall bear interest at 12% per annum thereafter until paid.

**106.6.3** The lien shall take precedence over all other subsequent liens except State, County, school boards and City taxes, and may be enforced by judicial proceedings.

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

M. There shall be added a Section 107.6 which reads as follows:

**107.6 Limit on Notices Regarding High Weeds/Grass.** With regard to violations of Section 302.4, each property owner shall be allowed to receive two (2) Notices of Violations per property owned per calendar year and be allowed to abate/correct the issues that led to the violation with no further fines/penalties so long as the property owner(s) abate/correct the issues within the time prescribed in the Notice. For the third (3<sup>rd</sup>) and subsequent violation(s) of the aforementioned section per property per calendar year, the Code Enforcement Officer shall immediately issue a citation to the property owner(s) with fines being levied in accordance with this ordinance.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such provision, and such holdings shall not affect the validity of the remaining portions hereof.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

FEB 28, 2011 FIRST READING

Mar 14, 2011 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on March 14, 2011, on motion made by Commissioner Jamie Powell and seconded by Commissioner Mason Barnes, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES JAMIE POWELL

YES LARRY DIXON

YES MASON BARNES

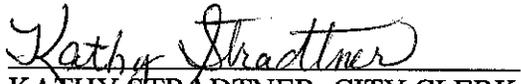
YES HENRY STONE

YES RONNIE CLARK, MAYOR

APPROVED BY:

  
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RONNIE CLARK, MAYOR  
CITY OF FRANKLIN, KENTUCKY

ATTEST:

  
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KATHY STRADTNER, CITY CLERK  
CITY OF FRANKLIN, KENTUCKY