

CITY OF LA GRANGE, KENTUCKY
ORDINANCE NO. 12, SERIES 2019

AN ORDINANCE RELATING TO ADOPTION OF THE
2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the existence of unsafe, unsightly or dilapidated properties within the city limits of La Grange, Kentucky is recognized as a growing problem for which city code enforcement lacks adequate property maintenance standards in order to determine a violation and remedy the condition for public health, safety and welfare, and protection of property values of the community, and

WHEREAS, the International Property Maintenance Code published by the International Code Council establishes measurable standards for proper maintenance of real estate and improvements or appurtenances thereon, by regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; for the condemnation of buildings and structures unfit for human occupancy and use, for the demolition of such existing structures, for providing for the issuance of permits and collection of fees, and the determination of liability therefore and issuance of civil fines and remedial orders for violations of hereof, and

WHEREAS, the City Council of La Grange desires to incorporate by reference the International Property Maintenance Code, as amended by this ordinance, as a means of regulating and enforcing reasonable and appropriate property maintenance standards for the health, safety, and welfare of the owners and occupants of properties within the City of La Grange, Kentucky.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF LA GRANGE, KENTUCKY**

Section 1. Enactment. Pursuant to the provisions of KRS 83A.060(5), the *International Property Maintenance Code, 2018 Edition*, published by the International Code Council (<https://codes.iccsafe.org/content/IPMC2018P2>), as it may be updated and amended from time to time, shall be and is hereby adopted by the City of La Grange, Kentucky for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures within its jurisdiction, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; whereby each and all of the regulations, provisions, penalties, conditions and terms of the 2018 International Property Maintenance Code, the index of which is annexed

hereto as Exhibit A, shall be kept on file in the office of the City Clerk of La Grange to be published on the City website (www.lagrangeky.net), are hereby referred to, adopted, and made a part of this ordinance as if fully set out in its entirety in this ordinance, as amended with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. Amendments to the International Property Maintenance Code. The following sections and subsections of the aforesaid International Property Maintenance Code are hereby amended and revised as follows:

Section 101.1 Title; References. These regulations shall be known as the "*Property Maintenance Code*" of the City of La Grange, Kentucky, and are hereinafter referred to as "*this code*." The term "*code official*" as used herein refers to the *Ordinance Enforcement Officer*, a nonelected city officer established by Section 31.43 of the La Grange Code of Ordinances, also known as the *Code Enforcement Officer* under Section 35 of the La Grange Code of Ordinances, which section established the *La Grange Code Enforcement Board*, an administrative body created and acting under authority of the Local Government Code Enforcement Board Act, pursuant to KRS 65.8801 to 65.8839.

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the published schedule prescribed by KRS 65 and approved by the City Council

Section 106.4. Violation. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements of the code official, may be prosecuted by the code official before the Code Enforcement Board pursuant to the procedures set out in Section 35 of the La Grange Code of Ordinance or a court of competent jurisdiction. Each day that a violation continues after notice of violation has been served shall be deemed a separate offense.

Section 112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform by the code official to remove a violation or unsafe condition, or who shall fail to comply with the requirements of the notice of violation served by the code official, shall be liable for civil fines in the amounts set out in Section 1 12.99 of this code, or subject to remedial orders imposed by the La Grange Code Enforcement Board, or both. Further, whenever the code official has reason to believe that a structure is unfit for human habitation, occupancy or use, the code official shall follow the complaint procedure set out in Section 155.41 of the La Grange Code of Ordinances.

Section 112.99. Penalty. [new] Civil fines which may be imposed by the La Grange Code Enforcement Board or a court of competent jurisdiction, together with any orders of the Board necessary to remedy a continuing violation within a

specified time to avoid the imposition of all or a part of any civil fines, shall be as follows:

- (A) If a citation for a violation of an ordinance is not contested by the person charged with the violation, and the person has substantially complied with the remedial conditions, the penalties set forth in this subsection A shall apply:
 - a. **First offense:** A fine of \$100.00, if paid within 30 days of citation, and an additional \$50 if not paid within 30 days of citation
 - b. **Second offense within 2 years.** A fine of \$200.00 if paid within 30 days of citation, and an additional \$100 if not paid within 30 days of citation.
 - c. **Third offense within 2 years and all others.** A fine of \$500.00 if paid within 30 days of citation, and an additional \$250 if not paid within 30 days of citation.
- (B) If a citation is contested and a hearing before the Code Board is required, the maximum penalties set forth in this subsection B shall apply, in addition to requiring compliance with any remedial orders necessary to remedy the violation.
 - a. **First offense:** A fine of \$200.00 if paid within 30 days of final orders, and an additional \$100 if not paid within 30 days of final orders.
 - b. **Second offense within 2 years.** A fine of \$400.00 if paid within 30 days of final orders, and an additional \$200 if not paid within 30 days of final orders.
 - c. **Third offense within 2 years and all others.** A fine of \$1,000 if paid within 30 days of final orders, and an additional \$500 if not paid within 30 days of final orders.
- (C) The Code Enforcement Board or an assigned hearing officer under KRS 65.8829 may waive all or any portion of a penalty for a violation if it is determined that such waiver will promote compliance with the ordinances in issue, the primary purpose of this ordinance being to affect compliance with established property maintenance standards.
- (D) The Code Board or court may award attorney fees and costs incurred for enforcement or remediation, and the City may place liens upon the property for recovery of same.

Section 302.4. Weeds. Premises and exterior property shall be maintained free from weeds or grass growth in excess of twelve (12) inches. * * *

[the remainder of Section 302.4 is unchanged and shall be incorporated verbatim]

Section 304.14. Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or 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 minimum 16 mesh per inch, and every screen door

used for insect control shall have a self-closing device in good working order. Provided, however, the code official may waive this requirement where other approved means of insect control are employed, such as air curtains or insect repellent fans.

Section 602.3. Heat supply (general). Every owner and operator of occupiable living quarters in the city shall supply an approved heating source capable of maintaining minimum temperatures of 65 to 68 degrees F in all habitable or occupiable areas.

Section 602.4. Heat supply (occupational). Every indoor occupiable work spaces shall be supplied with sufficient heat to maintain a minimum temperature of 65 degrees F during the period the work spaces are occupied, except for areas requiring special temperatures for business or technical reasons (such as refrigeration), or areas where persons are engaged in vigorous physical activity.

Section 3. Repeal of ordinance; conflicts. This ordinance shall supersede and replace Sections 155.15 through 155.28 of the La Grange Code of Ordinances relating to minimum standards for property maintenance of safe buildings. Any other ordinances of the City of La Grange found by the Code Board or a court of competent jurisdiction, to conflict with this code shall be deemed amended to the extent necessary to comply with this code, but absent such administrative or judicial determination, the terms of this code shall prevail.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of La Grange hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional.

Section 5. That nothing in this code shall be construed to affect any pending action or proceeding in any court as of the effective date of this ordinance, nor any rights acquired, or liability incurred, nor any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the La Grange City Clerk is hereby ordered and directed to cause this ordinance to be published in summary as permitted by Kentucky municipal law.

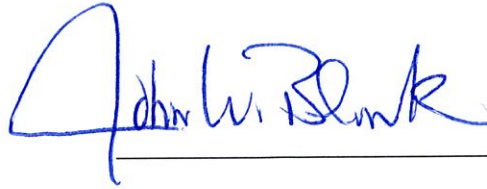
Section 7. That this ordinance, and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption, and publication according to KRS 424.

First reading: October 7, 2019

Second reading: November 4, 2019

Vote: Yea 6 Nay 2 Abstain 0

Approved by mayor on November 4, 2019



JOHN W. BLACK, Mayor

Published: November 21, 2019

Effective date: November 21, 2019

Certified true copy



Stephanie Cooper, City Clerk

V6A 10-3-19F



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