

ORDINANCE NO _____:2019

**AN ORDINANCE AMENDING THE CITY OF MOREHEAD, KENTUCKY
CODE OF ORDINANCES, TITLE 15, LAND USAGE,
CHAPTER 157, PROPERTY MAINTENANCE, SECTIONS 157.01 -157.02,
PROPERTY MAINTENANCE CODE
TO ADOPT THE CURRENT CODE REGULATIONS**

WHEREAS the City desires to amend Chapter 157, Property Maintenance, Sections 157.01 -157.02 to adopt the current Property Maintenance Code;

NOW, THEREFORE, BE IT ORDAINED that Chapter 157, Property Maintenance, Sections 157.01 -157.02 shall be amended as follows:

Property Maintenance Code

157.01 Adoption [by Reference] of Property Maintenance Code
157.02 Amendments, Revisions, Exceptions, Penalty

~~[157.01 Adoption by Reference.~~

~~———— A certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the international Property Maintenance Code, 2003 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City for 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and each and all regulations, provisions, penalties, conditions and terms of said Property maintenance Code on file in the office of the City clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed by Section 157.02.]~~

157.01 Adoption of Property Maintenance Code

The City of Morehead, Kentucky adopts the 2015 edition of the International Property Maintenance Code. Three copies of the 2015 edition of the International Property Maintenance Code are, and shall remain, on file in the City of Morehead City Clerk's Office. This code shall regulate:

(1) The conditions and maintenance of all property, buildings and structures;

(2) Provide 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;

(3) Provide for the condemnation of buildings and structures unfit for human occupancy and use along with the demolition of such existing unfit structures;

(4) Provide for the issuance of appropriate permits and collection of required fees; and

(5) Each and all of the regulations, provision, penalties, conditions, and terms of the 2015 edition of the International Property maintenance Code on file in the office of the city clerk are referenced and incorporated as part of this chapter as if set out in full herein together with all additions, amendments and deletions provided in 157.02.

157.02 [AMENDMENTS, REVISIONS, EXCEPTIONS, PENALTY]

~~(A) The international Property Maintenance Code shall be amended as follows:~~

~~———— (1) Section 101.1 The name City of Morehead, Kentucky shall be inserted for the name of the jurisdiction.~~

~~———— (2) Section 103.5: This section shall be deleted in its entirety.~~

~~———— (3) Section 106.4: This section shall be deleted in its entirety and amended to read as follows:~~

~~———— (a) Any person, firm, association, or corporation violating any section of this chapter may be issued a Notice of Violation by a Code Enforcement Officer allowing the offender a specified time to remedy the violation without a fine. If the violation is not remedied, the offender shall be issued a citation by the code Enforcement Officer. If the Code Enforcement Officer believes that the violation presents a serious threat to the public health, safety, and welfare, or if, in the absence of immediate action, the effects of the violation will be irreparable or irreversible or the violation is a repeated violation, the Code Enforcement Officer may issue a citation without a Notice of violation. If the citation is not contested by the offender, the following penalties shall apply; however, the Code Enforcement Board may waive al or any portion of said~~

~~penalty in its discretion, if the Code Enforcement board determines that such waiver will promote compliance with Chapter 157:-~~

1.	First Offense:	\$100.00
2.	Second Offense:	\$125.00
3.	All others:	\$150.00

~~(b) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:-~~

1.	First Offense:	\$500.00
2.	Second Offense:	\$750.00
3.	All Others:	\$1,000.00

~~(4) Section 304.14: The dates reference in this section shall be May 1 –October 1.-~~

~~(5) Section 602.03: The dates referenced in this section shall be September 1 –April 15.-~~

~~(6) Section 602.4: The dates referenced in this section shall be September 1 –April 15.-~~

~~(B) If any section, subsection, sentence, clause or phrase of this subchapter is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this subchapter. The City Council hereby declares that it would have passed this subchapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses and phrases be declared unconstitutional.-~~

~~(C) Nothing in this subchapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this subchapter.-~~

157.02 Amendments to the text of the printed code.

The following sections sets forth all additions, insertions, deletions and changes, which the Board of City Council deems appropriate to customize the 2015 International Property Maintenance Code, hereinafter “the IPMC” to the City of Morehead’s property maintenance enforcement system. The following language shall be read in conjunction with the printed code:

(A) 101.1 Title - The jurisdiction shall be the City of Morehead, Kentucky.

(B) 103.1 General – The City’s Code Enforcement Board and the City’s Code Enforcement officers are responsible for the enforcement of this code.

(C) 106 Violations - All references to a “notice of violation” throughout the code shall be replaced by the word “citation” as that term is used in the Morehead Code Enforcement Board Ordinance.

(D) 106.4 Penalties – Section 106.04 is omitted and the following language is substituted in its stead: Penalties for violation of the Property Maintenance Code shall be as set forth in Section 34.132 of the Morehead Code Enforcement Board Ordinance.

(E) 107.1-107.5 – Sections 107.1 through and including 107.5 are omitted and the following language substituted in their stead: The procedures set forth in the Morehead Code Enforcement Board ordinance shall govern notice, form and service.

(F) 111 Means of Appeal – Section 111 is omitted and the following language substituted in its stead: The procedures set forth in the Morehead Code Enforcement Board Ordinance shall govern notice, form and service.

(G) Section 113, Abatement Procedure is added and shall read as follows: The procedures set forth in the Morehead Code Enforcement Board Ordinance shall govern City abatement of violations of the Property Maintenance Code.

(H) Section 302.10 is added: Public ways not to be obstructed. No owner, occupant or person otherwise responsible for the care and maintenance of premises shall construct, place or otherwise allow the construction or placement of any item that, in whole or in part, extends beyond the property line of the premises into space comprising a public way as defined in Section 202 General Definitions. One example of a violation of this section is a basketball goal, though mounted, whether temporarily or permanently, on the premises, which extends beyond the property line into the public way. The curb and sidewalk is part of the public way.

(I) 304.14 Insect screens: The period during which insect screens are required is from April 1 to December 1.

(J) Section 602 Heating Facilities

(1) 602.3 Heat supply. The period during which the temperature must be maintained according to this section is from October 1 to April 15.

(2) 602.4 Occupiable work spaces. The period during which the temperature of indoor occupiable workspaces must be maintained according to this section is October 1 to April 15.

INTRODUCED, SECONDED AND GIVEN FIRST READING at a duly convened meeting of the Board of City Council of the City of Morehead, Kentucky held on this the _____ day of _____, 2019.

INTRODUCED, SECONDED AND GIVEN SECOND READING at a duly convened meeting of the Board of City Council of the City of Morehead, Kentucky held on this the _____ day of _____, 2019.

APPROVED:

ATTESTED:

LAURA WHITE-BROWN, MAYOR

CRISSY CUNNINGHAM, CITY CLERK