

Ordinance No. 1010.2

**An Ordinance of the County of Simpson, Kentucky Adopting
The International Property Maintenance Code**

WHEREAS, the Fiscal Court has found and determined that there are certain properties in the County that are unsightly, dilapidated and/or unkempt; and,

WHEREAS, the Fiscal Court of the County of Simpson, Kentucky, has found and determined that it is in the best interest of the citizens and residents of the County to adopt a property maintenance code to control unsafe and/or unfit structures and/or nuisances within the County.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Simpson, Kentucky, as follows:

Section 1. Property Maintenance Code Adoption.

The County hereby adopts and incorporates by reference, as if produced herein in full, the International Property Maintenance Code, current edition, as published by International Code Council (ICC), Inc., and all amendments thereto and regulations promulgated thereby, except as set out hereinbelow. A copy of the Code is filed in the office of County Clerk and with the Building Inspector.

Section 2. Standards.

This Ordinance shall govern and control the conditions and maintenance of all property, buildings, and structures by providing the standards to ensure that structures are safe, sanitary and fit for occupation and use, and that premises are clean and sanitary. This Ordinance shall also govern and control the condemnation of buildings and structures found to be unfit for human occupancy and use, and establish procedures for the demolition of such structures.

Section 3. Revisions.

The following sections are hereby revised:

- A. Section 101.1. Insert: County of Simpson, Kentucky.
- B. 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 County of Simpson, Kentucky.
- C. Section 303.14. Insert: May 1, October 31.
- D. Section 602.3. Insert: September 1, May 30.
- E. Section 602.4. Insert: September 1, May 30.

F. The term “code official,” as used in the International Property Maintenance Code, shall be deemed to be either the P&Z Code Enforcement Officer, Chief of Franklin-Simpson Fire/Rescue, Sheriff, and County Road Supervisor, or their duly authorized representatives, and all shall be charged with the administration and enforcement of this code.

G. 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 County to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the dilapidated structure.

H. 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: County of Simpson 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.

I. 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.

J. 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 County to enter upon the property to remedy the situation and to abate the violation.

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

106.6 Liens, Fines, Charges and Fees.

106.6.1 The County shall possess a lien on property owned by the person found by a final, non-appealable order of the Board, or by a final judgment of the court to have committed a violation of a County ordinance for all fines assessed for the violation and for all charges and fees incurred by the County 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 County 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 County in connection with the enforcement of this Ordinance. The County may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

Section 4. Prior Ordinance Repealed.

Ordinance Number 1010.1 as it relates to unsafe or unfit structures, and all other ordinances or parts of ordinances in conflict herewith are, to the extent of said conflict, hereby repealed.

Section 5. Savings Clause.

Nothing in this Ordinance 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 hereinabove; nor shall any just legal right or remedy or any character be lost, impaired or affected by this section.

Section 6. Conflicts.

If any conflict exists between the International Property Maintenance Code, latest edition, and the Kentucky Building Code, the Kentucky Building Code shall take precedence and control of all such matters. If any conflict exists between the NFPA 1 Fire Prevention Code and this Ordinance, this Ordinance shall take precedence and control of such matters.

Section 7. Collection of Costs Incurred by County.

The County shall be entitled to recover from any responsible party or parties all reasonable attorney fees or other costs and expenses incurred by the County by reason of the collection upon and the enforcement of the responsible party's liability and the lien which secures same, under the International Property Maintenance Code as adopted by the County or under KRS 381.770.

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.

June 21, 2011

FIRST READING

July 19, 2011

SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky, held on July 19, 2011, on motion made by Kelly Banton and seconded by Larry Randolph, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes K. BANTON

Yes M. CHANDLER

Yes B. TARPLEY

Yes L. RANDOLPH

Yes J. HENDERSON
Simpson County Judge Executive

APPROVED BY:



JIM HENDERSON, Judge Executive
COUNTY OF SIMPSON, KENTUCKY

ATTEST:

Pam Rohrs
FISCAL COURT CLERK
COUNTY OF SIMPSON, KENTUCKY