

HILLVIEW
PROPERTY
MAINTENANCE CODE

Hillview Property Maintenance Code

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Hillview Property Maintenance Code

Chapter 1: Scope and Administration

SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the Property Maintenance Code of Hillview, Kentucky, hereinafter referred to as "this code."

101.2 Scope.

This code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

It is the intent of this code to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive requirement shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or elimination of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

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102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable code as referenced in Chapter 8. Nothing in this code shall be construed to cancel, modify or set aside any provision of other codes, or regulations of utility providers, or ordinances or regulations of the City of Hillview.

102.4 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official or his designee to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code would violate the conditions of the manufacturer's instructions for the equipment or appliance, the conditions of the manufacturer's instructions shall apply.

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Official.

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102.9 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103 ADMINISTRATION

103.1 General.

The City of Hillview shall administer and enforce this code.

103.2 Appointment.

The Code Official shall be appointed by the Mayor.

103.3 Deputies.

Only the Mayor has authority to appoint Deputy Code officials.

103.4 Liability.

The Code Official, member of the Code Enforcement Board or employee charged with the enforcement of this code, while acting for the City, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees.

The fees for activities and services performed by the City in carrying out its responsibilities under this code shall be as established by separate ordinance by the City Council.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General.

The Code Official is hereby authorized and directed to enforce the provisions of this code. The Code Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

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104.2 Inspections.

The Code Official or his designee shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official or his designee is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Mayor and City Council.

104.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Official or his designee has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Code Official or his designee is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that the owner or occupant of the premises has given consent for entry. If such structure or premises is unoccupied, the Code Official or his designee shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official or his designee shall have recourse to the remedies provided by law to secure entry. The Code Official shall wear a body camera at all times.

104.4 Identification.

The Code Official or his designee shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders.

The Code Official or his designee shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records.

The Code Official or his designee shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105 APPROVAL

105.1 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Official or his designee shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the Code Official or his designee shall find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

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105.2 Alternative materials, methods and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official or his designee finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Official or his designee shall have the authority to require tests to be made as evidence of compliance at no expense to the City.

105.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official or his designee shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports.

Reports of tests shall be retained by the Code Official or his designee for the period required for retention of public records.

105.4 Used material and equipment.

The use of used materials which meet the requirements of this code for materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Code Official or his designee.

105.5 Approved materials and equipment.

Materials, equipment and devices approved by the Code Official or his designee shall be constructed and installed in accordance with such approval.

105.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 106 VIOLATIONS

106.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

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106.2 Notice of violation.

The Code Official or his designee shall serve a notice of violation or order in accordance with Section 107.

106.3.1 Prosecution of violation, Civil Penalty.

The penalty for violation of any provision of this Code shall be a civil penalty. If the notice of violation is not complied with, the Code Official or his designee shall institute the appropriate proceeding at law or in equity, including but not limited to the issuance of a citation, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Appeal of any action of the Code Official shall be made within seven (7) days of said action or right to appeal shall be deemed waived. Appeal shall be made to the Hillview Code Enforcement Board. Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.3.2 Prosecution of violation, Criminal Penalty.

Notwithstanding the immediately preceding paragraph, any person, firm or corporation who violates any provision of this chapter shall be subject to criminal proceedings and upon conviction thereof shall be subject to a fine of not more than \$250 if committed by a person, not more than \$500 if committed by a corporation, or imprisonment for a term not to exceed 50 days, or both. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

106.4 Violation penalties.

Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be served with a citation. The City of Hillview shall adopt a fee chart by separate ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation.

The imposition of the fees herein prescribed shall not preclude the City Attorney of the City from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible.

Whenever the Code Official or his designee determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the owner or person responsible for the violation as specified in this code. Records by the Bullitt County Property Valuation Administrator may be relied upon to determine the identity and address of said owner. Notices for condemnation procedures shall also comply with Section 108.3.

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107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification (address).
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure or premises into compliance with the provisions of this code.
5. Include a statement of the City's right to issue a citation or to file a lien in accordance with Section 106.3.

107.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by electronic email; or
3. Sent by regular, first-class mail addressed to the owner of record at the last known address as noted in Section 107.1; or
4. Posted in a conspicuous place in or about the structure or premises affected by such notice and then mailing a copy by regular, first-class mail to the owner of record at the last known address as noted in Section 107.1.

107.4 Unauthorized tampering.

Notices, signs, tags or seals posted or affixed by the Code Official or his designee shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official or his designee.

107.5 Penalties.

Penalties for noncompliance with orders and notices and citations shall be as set forth in any other duly enacted ordinance adopted by the Hillview City Council relating to fines and penalties for violations.

107.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure or premises to another owner until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official or his designee or the Hillview Code Enforcement Board and shall furnish to the Code Official or his designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

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SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General.

When a structure or equipment is found by the Code Official or his designee to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the Code Official or his designee finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.3 Dangerous structure or premises.

For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

1. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
2. Any building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official or his designee to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
3. Any portion of a building that remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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108.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official or his designee is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the structure within the time specified in the order, the Code Official or his designee shall cause the structure to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.1 Vacant and Abandoned Structures.

It shall be the responsibility of the owner of the property to maintain vacant and/or abandoned structure(s) so it does not deteriorate and/or become a blighting issue or safety hazard.

108.2.2 Demolition of Vacant and Abandoned Structures.

Structure(s) that have been vacant or abandoned for a period of more than three (3) years and are in a state of deterioration to the point that it becomes a blighting issue or safety hazard may be removed after a hearing before the Hillview Code Enforcement Board.

108.3 Notice.

Whenever the Code Official or his designee has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Sections 107.1 and 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official or his designee shall post on the structure or premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal.

The Code Official or his designee shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated or corrected. Any person who defaces or removes a condemnation placard without the approval of the Code Official or his designee shall be subject to the penalties provided by this code.

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108.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the Code Official or his designee shall be vacated as ordered by the Code Official or his designee. Any person who shall occupy a placarded structure or premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded structure or premise or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official or his designee shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record.

The Code Official or his designee shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger.

When, in the opinion of the Code Official or his designee, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official or his designee is hereby authorized and empowered to order and require the occupants to vacate the premises. The Code Official or his designee shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.1.1 Emergency Action.

When, in the opinion of the Code Official or his designee, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to persons in the proximity of any such structure, the Code Official or his designee is hereby authorized and empowered to order and require the structure to be removed without notice and without a hearing before the Hillview Code Enforcement Board or a court order.

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109.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official or his designee, there is imminent danger due to an unsafe condition, the Code Official or his designee shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official or his designee deems necessary to meet such emergency.

109.3 Closing streets.

When necessary for public safety, the Code Official or his designee shall temporarily close structures and close, or order the City or other agency having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs.

For the purposes of this section, the Code Official or his designee may employ the necessary labor and materials to perform the required work as expeditiously as possible when it has been determined that emergency actions are necessary to secure a structure from imminent collapse.

109.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Hillview Code Enforcement Board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General.

The Code Official or his designee shall order the owner of any premises upon which is located any structure, which in the Code Official or his designee judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or when there has been a cessation of normal construction of any structure for a period of more than two (2) years the Code Official or his designee shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the structure up for future repair shall not extend beyond two (2) years, unless approved by the Building Official.

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110.2 Notices and orders.

All notices and orders shall comply with Section 107.

110.3 Failure to comply.

If the owner of a structure fails to comply with a demolition order within the time prescribed, the Code Official or his designee, after a hearing conducted by the Hillview Code Enforcement Board, may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials.

When any structure has been ordered demolished and removed, the City shall have the right to sell the salvage and valuable materials at the highest price obtainable.

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal.

Any person directly affected by a decision of the Code Official or his designee or a notice or order or citation issued under this code shall have the right to appeal to the Hillview Code Enforcement Board, after the issuance of a citation. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board.

The Hillview Code Enforcement Board shall be appointed by the Mayor, and in conformance with applicable Kentucky statutes.

111.3 Notice of meeting.

The board shall meet as established by City Ordinance.

111.4 Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Code Official or his designee and any person whose interests are affected shall be given an opportunity to be heard.

111.5 Procedure.

The board shall adopt and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.6 Abatement by Owner In the event that the Hillview Code Enforcement Board finds that a violation does exist, the same may be abated by causing the removal, eradication, repair, termination or possession, or other remedy to take place so the violation is abated promptly in a manner prescribed in the order of the Hillview Code Enforcement Board.

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111.7 Abatement by City

In the event the violation is not abated as ordered by the Hillview Code Enforcement Board, then the Hillview Code Enforcement Board may include in its order for the City or the Code Official to take the necessary steps to abate the violation and assess the cost of same against the violator, including any fine amount, attorney's fees, administrative costs, abatement costs or other penalties and the same may be levied against the property and a lien for the necessary amounts to abate said violation shall be filed in the office of the Clerk of Bullitt County Court until the fines, fees, costs and other amount are fully paid. Pursuant to City ordinance and the applicable Kentucky statutes, if the Owner does not appeal a citation issued for a violation under this code, the City may take the necessary steps as noted in the section to abate the violation when the citation is deemed a final order.

SECTION 112 STOP WORK ORDER

112.1 Authority.

Whenever the Code Official or his designee finds any work regulated by this code or any referenced code being performed in a manner contrary to the provisions of this code or any referenced code or in a dangerous or unsafe manner, the Code Official or his designee is authorized to issue a stop work order.

112.2 Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies.

Where an emergency exists, the Code Official or his designee shall not be required to give a written notice prior to stopping the work.

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 to remove a violation or unsafe condition, may be subject to a fine as established by local ordinance.

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Chapter 2: Definitions

SECTION 201 GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the referenced codes as listed in Chapter 8, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the Code Official or his designee.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BOARD. The Hillview Code Enforcement Board as established by City ordinance in accordance with Kentucky statutes.

CITY. City of Hillview, Kentucky.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

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DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. A grant by a property owner to the use of land by the public, a corporation or persons, for specific purposes such as the construction of utilities, drainage ways and roadways.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE VEHICLE. A vehicle, motorized or non-motorized, which cannot be driven, pulled, drawn or towed upon the public street for any reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

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LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley, driveway or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

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ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, bottles & cans, metals, mineral matter, glass, tires, vehicle parts, inoperable vehicle, lawn & garden equipment, furniture, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

SWIMMING POOL. A structure, public or private, whether above or below grade level, designed to hold water and used for recreational purposes.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

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Chapter 3: General Property Requirements

SECTION 301 GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.

All newly constructed premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved detention/retention areas, basins and reservoirs.

302.2.1 Removal of Vegetation: Replacement.

Any person removing vegetation from any real estate in the City shall reseed, re-sod or re-vegetate the same within one (1) month from the date of removal unless a building/construction permit or erosion prevention and sediment control permit is received from the appropriate City department.

Exception: Customary use of real estate for agricultural and/or horticultural use.

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302.2.2 Drainage Way Maintenance.

The owner of the premises shall maintain all drainage ways on the premises. This includes mowing and trimming of the drainage way and keeping the drainage way free from all obstructions. Obstructions shall include but is not limited to grass clippings, tree limbs or rubbish of any kind that alters, restricts or prohibits the drainage way from functioning in a proper manner.

302.3 Sidewalks, public ways and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces, public ways and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions, including but not limited to, periodically renewing, repaving or otherwise maintaining a smooth surface. The accumulation of snow and ice shall be considered a hazardous condition and should be removed in a timely manner as prescribed by other City ordinances. It shall be the duty of all persons owning or occupying premises abutting a public street or alley within the City to remove as soon as practicable all refuse, weeds, trash, or waste from the sidewalks, curbing, and to the center line of such streets or alleys as are adjacent to or about the property. Both an owner and tenant must abide by this section and either may be proceeded against for the violation thereof.

302.3.1 Obstructions.

The owner or occupant shall keep all sidewalks, streets, alleys, driveways, public highway, public ways or railroad crossing clear and free of all obstructions. This shall include the placing, planting or locating of any planted material or changing the grade of the land that obstructs the view of oncoming traffic.

302.4 Weeds & Grass.

All premises and exterior property shall be maintained free from grass, weeds or plant growth in excess of ten (10) inches in height. This includes maintaining to the pavement or to the curb edge of any street, alley or roadway. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, ornamental grasses and gardens.

Exceptions: 1) A premises that is in excess of two (2) acres and does not contain a dwelling unit then the grass, weeds and plant growth shall be maintained to a height not to exceed 36 inches;
2) A premises that is used for agricultural purposes shall be maintained to a height commensurate with customary practice for agricultural uses;
3) A premises that is predominantly woodlands and trees and the same dominates the land and no crop or agricultural use is made at the premises.

302.5 Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation.

302.6 Accessory structures.

All accessory structures, including detached garages, sheds, gazebos, decks, fences and walls, shall be maintained structurally sound and in good repair.

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302.7 Inoperable vehicles.

No vehicle shall be parked on any residentially zoned property or premises in the City which can be viewed from a public highway or street or from an adjoining property, which vehicle remains for a period of one week in the same relative location and which for mechanical or other reasons cannot be moved under its own power or which cannot be operated legally upon a public highway or street or which is unreasonably unsightly or which is not currently registered or which is an inoperable vehicle as defined in this ordinance. No mobile or manufactured home as defined in KRS 227.550 shall be kept on any premises that are junked, wrecked, or inoperative and which are not inhabited.

Exception: 1) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. 2) A vehicle stored at the premises of a legally approved vehicle repair or salvage operation, that is a business enterprise in compliance with applicable zoning ordinance standards and in possession of a current City business license. 3) The provisions of Section 302.7 shall not apply to:

(a) Junked, wrecked, or inoperative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a:

1. Licensed automotive recycling dealer as described in KRS 190.010(8);
2. Used motor vehicle dealer as defined in KRS 190.010(6); or
3. Motor vehicle auction dealer as defined in KRS 190.010(11);

(b) Junked, wrecked, or inoperative motor vehicles, including parts cars, stored on private premises by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means;

(c) Any motor vehicle as defined in KRS 281.010 that is owned, controlled, operated, managed, or leased by a motor carrier;

(d) Material deposited under a permit authorized by any ordinance of the City or to goods, wares, or merchandise deposited on any public way or any public place temporarily in the necessary course of trade and removed therefore within two (2) hours after being so deposited.

302.8 Parking in a Yard.

The parking, locating or storing of a motorized or non-motorized vehicle shall be allowed in a yard provided that no mud is tracked onto the roadway and no ruts are created in the yard.

302.9 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Animals, Fowl, or Reptiles.

Regulation of animals may be found in City of Hillview Ordinance 2016-09.

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302.10.1 Slaughtering.

It shall be prohibited to conduct or maintain any slaughter house or other premises or area for the slaughtering of animals, fowl or reptiles, or to render the byproducts of the same.

302.11 Fire Hydrant.

The owner shall maintain the area around and adjacent to any fire hydrants on the premises and keep the area unobstructed for a minimum of three (3) feet from the hydrant.

302.12 Diseased or Dead Tree.

It shall be the responsibility of the owner to remove any diseased or dead tree or portion thereof, which poses a hazard to life or property; or a tree which harbors insects that have caused decay of the tree and causes the tree to pose a hazard to life or property. It shall also be a violation of this Code to allow broken or diseased branches on a diseased or healthy tree to impede an adjoining property owner's use of his property or to pose a risk of damage to another's property.

302.13 Dangerous signs

There shall be no keeping of abandoned or dangerous signs.

302.14 Rubbish and Debris

Accumulation of rubbish, trash, waste, debris, or abandoned appliances is prohibited.

302.15 Abandoned Appliances

Keeping, placing, or storage outside of any building or dwelling or the keeping, placing, or storage in any way accessible to children of an abandoned, unattended, or discarded icebox, ice chest, or refrigerator is prohibited.

302.16 Depositing or scattering of ashes and other materials

To cast, throw, sweep, sift, or to permit or acquiesce in the depositing or scattering in any manner in or on any private property or place in the City any ashes, rubbish, garbage, trash, refuse or waste of any kind, or other noxious materials, whether liquid or solid, shall be prohibited. Nor shall such items be deposited in such a way that would allow them to be carried or deposited in whole or in part by action of the sun, wind, rain, or snow so as to be scattered on any of the aforementioned places.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

303.3 Draining of pools.

Any time the fluid which is retained in a swimming pool is drained it must be drained into the drainage easements which are located at the rear of each property. Drainage of this fluid shall not be permitted into any roadside ditch or roadside drainage easement.

SECTION 304 EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights that are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

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11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the Code Official or his designee.

304.2 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be plain block Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches in height for residential properties or 6 inches in height for commercial properties with a minimum stroke width of 0.5 inch.

304.3 Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.4 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.5 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.6 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or adversely impacts an adjoining premise.

304.7 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

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304.8 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.9 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.10 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.11 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.12 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.12.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

304.12.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.13 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any 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 condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.14 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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304.15 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.16 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.17 Building security.

Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with locking devices designed to provide security for the occupants and property within.

304.17.1 Doors.

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable lock.

304.17.2 Windows.

Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.17.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with locking devices that secure the units from unauthorized entry.

304.18 Gates.

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

304.19 Driveways

Any driveway constructed after the adoption of this Code shall be no wider than doublewide.

SECTION 305 INTERIOR STRUCTURE

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

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305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the Code Official or his designee.

305.2 Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

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SECTION 306 COMPONENT SERVICEABILITY

306.1 General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced:

1.0 Soils that have been subjected to any of the following conditions:

- 1.1. Collapse of footing or foundation system;
- 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2.0 Concrete that has been subjected to any of the following conditions:

- 2.1. Deterioration;
- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.

3.0 Aluminum that has been subjected to any of the following conditions:

- 3.1. Deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Ultimate deformation;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. Detached, dislodged or failing connections.

4.0 Masonry that has been subjected to any of the following conditions:

- 4.1. Deterioration;
- 4.2. Ultimate deformation;
- 4.3. Fractures in masonry or mortar joints;
- 4.4. Fissures in masonry or mortar joints;
- 4.5. Spalling;
- 4.6. Exposed reinforcement; or
- 4.7. Detached, dislodged or failing connections.

5.0 Steel that has been subjected to any of the following conditions:

- 5.1. Deterioration;
- 5.2. Elastic deformation;
- 5.3. Ultimate deformation;
- 5.4. Metal fatigue; or

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- 5.5. Detached, dislodged or failing connections.
- 6.0 Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. Detached, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the Code Official or his designee.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 34 inches in height or more than 38 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage, trash, waste, debris, or abandoned appliances.

308.2 Disposal of rubbish or garbage.

Every occupant of a structure shall dispose of all rubbish or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers. All rubbish or garbage shall be disposed of at least once a week.

308.2.1 Burning.

The burning of brush, trees or tree limbs shall only be allowed when approved and permitted by the Zoneton Fire District. The burning of rubbish or garbage shall not be allowed.

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308.3 Rubbish & Garbage facilities.

The owner of every dwelling shall supply leak proof and tightly covered container(s) for the removal of rubbish and garbage.

308.3.1 Construction Sites.

All construction sites shall have a minimum of one (1) container of appropriate size on site for the removal of rubbish and garbage.

Exception: In residential subdivisions, one (1) container of appropriate size may be allowed in a central location if multiple lots are being developed concurrently.

308.4 Appliances.

There shall be no keeping, placing, or storage outside of any building or dwelling or the keeping, placing, or storage in any way accessible to children of any abandoned, unattended, or discarded refrigerator, ice chest, ice box, appliance, or similar item.

308.5 Scattering of ashes, rubbish, or debris

No person shall cast, throw, sweep, sift, or permit or acquiesce in the depositing or scattering in any manner in or on any private property or place in the City any ashes, rubbish, garbage, trash, refuse or waste of any kind, or other noxious materials, whether liquid or solid, nor shall such items be deposited in such a way that would allow them to be carried or deposited in whole or in part by action of the sun, wind, rain, or snow so as to be scattered on any of the aforementioned places.

SECTION 309 PEST ELIMINATION

309.1 Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent infestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a single family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

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309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

Chapter 4: Plumbing Requirements

SECTION 401 GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

401.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 402 PLUMBING SYSTEMS AND FIXTURES

402.1 General.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

SECTION 403 SANITARY DRAINAGE SYSTEM

403.1 General.

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

403.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 404 STORM DRAINAGE

404.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Drainage should be discharged to dedicated drainage easements. Complaints of illicit discharges shall be investigated by the City Public Works Department.

Chapter 5: Mechanical and Electrical Requirements

SECTION 501 GENERAL

501.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter. No dwelling may be occupied unless it is properly connected to working electrical service.

SECTION 502 HEATING FACILITIES

502.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

502.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the applicable codes as listed in Chapter 8. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

503.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F in all habitable rooms, bathrooms and toilet rooms. The controls for the operation of the heating equipment shall be located in the dwelling unit or sleeping unit.

Exceptions:

1. When the outdoor temperature is below 10°F, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

SECTION 503 MECHANICAL EQUIPMENT

503.1 Mechanical appliances.

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

503.2 Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

503.3 Clearances.

All required clearances to combustible materials shall be maintained.

503.4 Safety controls.

All safety controls for fuel-burning equipment shall be maintained in effective operation.

503.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

503.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 504 ELECTRICAL FACILITIES

504.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

504.2 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official or his designee shall require the defects to be corrected to eliminate the hazard.

SECTION 505 ELECTRICAL EQUIPMENT

505.1 Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

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Chapter 6: Referenced Standards

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7. The current version of the referenced standards shall be applicable as adopted by the authority having jurisdiction.

ASME

A17.1/CSA B44 Safety Code for Elevators and Escalators

ASTM

F 1346 Performance Specifications for Safety Covers & Labeling for all covers for Swimming Pools, Spas, & Hot Tubs.

ICC

International Building Code with Kentucky Amendments

International Mechanical Code

International Residential Code with Kentucky Amendments

NFPA

13 Installation of Sprinkler Systems

25 Inspection, Testing & Maintenance of Water-Based Fire Protections Systems

54 Fuel Gas Code

70 National Electrical Code

72 National Fire Alarm Signaling Code

101 Life Safety Code

City of Hillview

Hillview Zoning Ordinance

State of Kentucky

Kentucky Building Code

Kentucky Plumbing Code

Kentucky Residential Code

Standards of Safety

Uniform Fire Code