

Public Safety Committee

Peggy Henson – 11th District - Chair
Kevin Stinnett – 6th District – Vice Chair
Chuck Ellinger – At Large
Shevawn Akers – 2nd District
Diane Lawless – 3rd District
Bill Farmer – 5th District
George Myers – 8th District
Jennifer Mossotti – 9th District
Harry Clarke – 10th District
Ed Lane – 12th District

Staff:

Jenifer Benningfield

AGENDA
PUBLIC SAFETY COMMITTEE
May 7th, 2013
1:00pm

- | | | |
|--|--|----------------|
| 1. Approval of Summary | Peggy Henson | (1-2) |
| 2. Report from the Divisions of Code Enforcement and Law: Infill and Redevelopment Steering Committee Recommendations | David Jarvis/David Barberie | (3-46) |
| 3. Division of Police Home Fleet Policy | Clay Mason/Ronnie Bastin/
Jamshid Baradaran | (47-55) |
| 4. Items Referred to Committee | Peggy Henson | (56) |

Future Committee Meetings

June 4th, 2013
July 2nd, 2013
August 13th, 2013
September 10th, 2013
October 1st, 2013
November 5th, 2013

“Public Safety Committee, to which shall be referred matters relating to the Department of Public Safety and its related Divisions” Council Rules and Procedures, Section 2.102 (1)



Public Safety Committee

March 5th, 2013

Summary and Motions

Chair Peggy Henson called the meeting to order at 1:05pm. Council Members Kevin Stinnett, Chuck Ellinger, Shevawn Akers, Bill Farmer Jr., George Myers, Harry Clarke, and Ed Lane were present. Diane Lawless and Jennifer Mossotti were absent.

1. Approval of Summary

Motion by Ellinger to approve the summary. Seconded by Akers. Motion passed without dissent.

2. 24-Hours Nuisance Abatement Form

David Jarvis, the Director of Code Enforcement, came to the podium to present the updated 24-Hour Nuisance Abatement Form. The Council Members approved of the revised form. Farmer asked Jarvis to print it in a bright orange hue to make it noticeable to homeowners and tenants.

3. FEMA Hazard Mitigation Grant Program Update

Pat Dugger, the Director of the Division of Emergency Management, came to the podium to present an update on the FEMA Hazard Mitigation Grant. She started by reminding Council Members that it is Severe Storms Awareness month.

Dugger said that FEMA has approved the grant application pending the approval of the Urban County Council. Dugger said that with their approval of the grant, she can then move forward on projects her division has been working on, including the tornado facility on the Versailles Road campus.

Dugger said that FEMA is now making mitigation money available for residential single and multi-family dwellings to retrofit their homes for wind resistance.

Farmer asked that information on the mitigation money be emailed to him. Dugger said that FEMA does a cost benefit analysis on your home before awarding mitigation money. She said that she is not aware if anyone in Kentucky has applied for the money yet. Dugger said that there is not a specific pool of money for wind resistance.

Henson asked Dugger about citizens who reside in mobile home parks. Dugger said that they work independently with the management of individual mobile home parks. She has also worked with individual families.

Henson asked Dugger to send the FEMA information to all Council Members. Dugger agreed to send them the information.

Dugger said that the item was on the Docket for first reading.

4. Items Referred to Committee

Motion by Myers to remove fleet management services from the items referred list. Seconded by Lane. Motion passed without dissent.

Motion by Lane to remove the creation of a policy for systematically replacing and maintaining vehicles, apparatuses, and other reoccurring costs that are critical to public safety divisions from the items referred list. Seconded by Farmer. Motion passed without dissent.

Motion by Lane to remove the amendment of subsection 14-72(6)(a) from the items referred list. Seconded by Farmer. Motion passed without dissent.

Motion by Lane to remove the hazardous materials ordinance from the items referred list. Seconded by Myers. Motion passed without dissent.

Motion by Lane to remove the public nuisance ordinance from the items referred list. Seconded by Farmer. Motion passed without dissent.

Henson said that abandoned housing, vehicle replacement and tenant transition and household disposal will be heard at the April 2013 meeting.

Motion by Farmer to adjourn. Seconded by Myers. Motion passed without dissent.

Respectfully submitted by Jenifer Benningfield, Council Administrative Specialist.

**Report and Recommendations of the
Infill and Redevelopment Steering Committee
September 12, 2012**

The mission of the Infill and Redevelopment Steering Committee is “to recognize and improve an effective, efficient, and rational process that allows the Infill and Redevelopment Program to address the outstanding infill and redevelopment challenges facing our community by:

- a) Educating ourselves and others about the infill and redevelopment processes in our community, carefully defining the problems involved, and finding solutions,
- b) Managing the most efficient use of participants’ time, efforts, and resources,
- c) Producing recommended actions for consideration by the governing bodies involved, and
- d) Advocating for those recommendations resulting in their successful implementation.”

The Infill and Redevelopment Steering Committee believes that effective and efficient Code Enforcement plays a pivotal role in the appearance, safety, economic development, and redevelopment of property in the infill area. Because of this vital role, the Committee met and approved the following recommendations regarding on September 12, 2012.

I. Code Enforcement

- 1. Analyze current fine structure to determine if changes should be made regarding increased fines for subsequent offenses on the same property.
- 2. Review Code to determine if certain provisions are too restrictive.
- 3. Update the standard operating procedures and have them approved by Council.
- 4. Post a link to the International Property Maintenance Code on the website.
- 5. Post a copy of the Standard Operating Procedures on the website.
- 6. Post a copy of the field inspection form on the website.
- 7. Make the appropriate portions of the Code Enforcement database available to the public.
- 8. Redraft the notice and letters sent to violators to make them more informative and user friendly while including all legal requirements.
- 9. Request funds in the next budget cycle to hire an administrative position to file the Code Enforcement liens, draft and monitor abatement plans, and staff the Vacant Property Review Board.
- 10. Monitor the officer’s files to determine if time frame and paperwork standards are being met and are consistent.
- 11. Follow the procedure outlined in the standard operating procedures for Comprehensive Inspections.

Legal Department

1. Rewrite Sec. 12-1(b) to make it easier to read.
2. Change “reasonable time” to “30 days or in compliance with approved plan,” require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from plan and reasons for extensions in report, require civil penalties to be imposed after 6 months, and provide that transfer of property does not automatically restart time frame.
3. Request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions.
4. Request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases.

Council

1. Request a report to the Public Safety Committee in six (6) months from Code Enforcement and the Legal Department regarding the implementation of these recommendations.
2. Adopt recommended changes to the ordinance when they are developed by the Law Department.
3. Adopt recommended changes to the Standard Operating Procedures when they are developed by Code Enforcement.
4. Recommend to the Administration to increase the budget for the Legal Department during the next budget cycle by \$80,000 including:
 - a. \$10,000 in filing fees;
 - b. \$55,000 for a paralegal; and
 - c. \$15,000 for a hearing officer.
5. Recommend to the Administration to increase the budget of Code Enforcement by \$46,000 during the next budget cycle to hire an administrative position to file the Code Enforcement liens and staff the Vacant Property Review Commission.

Total Budgetary Impact: \$126,000

Item #	Item	Responsible Party
1	Analyze current fine structure to determine if changes should be made regarding increased fines for subsequent offenses on the same property	Code Enforcement
2	Review Code to determine if certain provisions are too restrictive	Code Enforcement
3	Update the standard operating procedures and have them approved by Council	Code Enforcement
4	Post a link to the International Property Maintenance Code on the website	Code Enforcement
5	Post a copy of the Standard Operating Procedures on the website	Code Enforcement
6	Post a copy of the field inspection form on the website	Code Enforcement
7	Make the appropriate portions of the Code Enforcement database available to the public	Code Enforcement
8	Redraft the notice and letters sent to violators to make them more informative and user friendly while including all legal requirements	Code Enforcement
9	Request funds in the next budget cycle to hire an administrative position to file the Code Enforcement liens, draft and monitor abatement plans, and staff the Vacant Property Review Board	Code Enforcement
10	Monitor the officer's files to determine if time frame and paperwork standards are being met and are consistent	Code Enforcement
11	Follow the procedure outlined in the standard operating procedures for Comprehensive Inspections	Code Enforcement
12	Rewrite Sec. 12-1(b) to make it easier to read	Law
13	Change "reasonable time" to "30 days or in compliance with approved plan," require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from plan and reasons for extensions in report, require civil penalties to be imposed after 6 months, and provide that transfer of property does not automatically restart time frame	Law
14	Request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions	Law
15	Request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases	Law
16	Request a report to the Public Safety Committee in six (6) months from Code Enforcement and the Legal Department regarding the implementation of these recommendations	Council
17	Adopt recommended changes to the ordinance when they are developed by the Law Department	Council
18	Adopt recommended changes to the Standard Operating Procedures when they are developed by Code Enforcement	Council

19	Recommend to the Administration to increase the budget for the Legal Department during the next budget cycle by \$80,000 including: a) \$10,000 in filing fees; b) \$55,000 for a paralegal; and c) \$15,000 for a hearing officer.	Council
20	Recommend to the Administration to increase the budget of Code Enforcement by \$46,000 during the next budget cycle to hire an administrative position to file the Code Enforcement liens and staff the Vacant Property Review Commission	Council

Infill and Redev Steering Committee August 8, 2012 Amended Notes

Attendance

Present: CM Steve Kay, Tony Barrett, CM Tom Blues, CM Chris Ford, Comm. Derek Paulsen, David O'Neill, Dr. David Stevens, Jeff Fugate, Bill Johnston, Joan Whitman, Chris King, Jimmy Emmons, Barb Rackers, Stan Harvey, and Leah Boggs. David Jarvis from Code Enforcement; David Barberie and Karen Sprinkle from the Legal Department; Bill Sallee from Planning; Bettie Kerr from Historic Preservation; John Rhorer and Linda Carroll from the Historic Preservation Commission; Kate Savage; from the Columbia Heights Neighborhood Association; Julie Pauly, and Amy Clark were also present. Absent: Dennis Anderson, Mike Owens, Kevin Wente, Knox van Nagell, and Renee Jackson.

Agenda and Notes

The meeting started at 10:05 am with an introduction of the people present. The agenda was reviewed and no items were added. The notes from July 11, 2012 were reviewed and approved.

Membership

The University of Kentucky (UK) is still interested in appointing a representative but has not yet done so.

Prior to Council break, CM Kay submitted a memorandum to the Vice Mayor requesting that the Steering Committee be officially created and that everyone currently serving be appointed. The Vice Mayor has not yet officially created the Committee. CM Kay will check with her office and provide an update at the next meeting.

Updates

Code Enforcement

John Rhorer questioned a statement in the white paper that "LFUCG is not able to force a sale of the property unless its lien position is superior to the plaintiff and other defendants in the case." (p. 9 of packet). He stated that legally LFUCG could force a sale with an inferior lien but practically it would not be reasonable and the Legal Department agreed. CM Kay said that the paper would be amended to include this information.

David Jarvis was present to discuss the recommendations contained in the Code Enforcement White paper. Also present to assist in the discussion were David Barberie and Karen Sprinkle from the Legal Department. Tony Barrett suggested that the Committee focus on the recommendations which start on p. 11 of the packet and were discussed in order:

Code of Ordinances

1a) Rewrite Sec. 12-1(b) to make it easier to read - Mr. Jarvis has no objection to rewriting Sec. 12-1(b) to make it easier to read but he will defer to the Legal Department regarding the extent and the cost.

1b) Change "reasonable time" to "30 days or in compliance with approved plan," list reasons that plan can be extended past 90 days, require officers to list reasons for deviation from plan and reasons for extensions in report, require civil penalties to be

imposed after 6 months, and provide that transfer of property does not automatically restart time frame – Mr. Jarvis stated that the goal of Code Enforcement is not punitive but to bring properties into compliance. He believes making this change would decrease the flexibility of Code Enforcement because every property is different and has different circumstances. CM Kay explained that the goal is not to decrease flexibility but to increase consistency, accountability, transparency and record-keeping so that any one could review the files to determine if the action taken was reasonable and comparable to the enforcement of other properties. Mr. Jarvis said that the standard operating procedures have strict guidelines which the inspectors have to follow. After 90 days, an inspector must give a reason for an extension such as a written work schedule from the owner or that the property is in foreclosure. He has spoken with the staff about better documentation in the files but this is difficult to accomplish because each officer has over 1,000 cases.

1c) Analyze current fine structure to determine if changes should be made regarding increased fines for subsequent offenses on the same property – Mr. Jarvis believes that this change has already been made. In recent years changes have been made to the Code which doubled civil penalties and added a \$10,000 fine if the property is detrimental to the neighborhood. Fines increase for subsequent violations in the same year for nuisance activities and increase for subsequent inspections for building or sidewalk violations. Penalties are not stacked regarding multiple properties. The Legal Department believes that increased subsequent penalties is not an issue if the system is working properly.

The Committee was interested in targeting the worst offenders. Comm. Paulsen mentioned that New York City has a top 10 list for worst landlords. Code would like to list the properties under notice on their website but they are concerned about the type of database and space.

1d) Review Code to determine if certain provisions are too restrictive – Mr. Jarvis did not understand this recommendation because the usual complaint is that Code Enforcement is too lax. Ms. Boggs explained that there was some concern from the officers that some restrictions (i.e., inoperable cars and porch furniture) were too restrictive in some circumstances. Mr. Jarvis mentioned Code recently relaxed the sidewalk standards with great success.

1e) The cost of publication for amendments to the Code should be less than \$5,000 – Mr. Jarvis believes that the cost greatly exceeds \$5,000. Mr. Barrett is concerned about transparency and how the general public accesses information. Mr. Jarvis explained that the International Property Maintenance Code is available at the library. He does not have any copies of the 1998 Code but he does have the commentary which he can give the general public along with a field inspection form.

Legal Department

2a) Provide more money to the Legal Department for court costs and personnel – The Legal Department believes that it would be helpful to have someone track these properties. Aggressive action on foreclosures would probably not have a chilling effect since most of these properties would wind up in foreclosure anyway but it would move the properties through the system faster.

Board and Administrative Hearings

3a) Publicize and fill the vacancies on the board - Code Enforcement is working with the Mayor's Office to fill these vacancies. However, these are volunteer positions that are also required to conduct hearings. Their rulings are not consistent since they hear cases individually and not as a board. It may be beneficial to have a professionally hearing office.

3b) Provide training for the Board members – This problem would also be solved by having a professional hearing officer.

3c) Ensure that all admissible evidence regarding type of property and history of violations is provided to the hearing officers – Code provides information regarding the violations to the hearing officer. They do not provide historical information regarding the property or other information regarding the owner to the hearing officer.

Procedure Manual

4a) Update the Procedure manual – Code is always in the process of updating the current standard operating procedures which also include administrative guidelines such as smoking in the vehicle. Guidelines regarding the enforcement of the Code should be updated and approved by Council.

Website

5a) Post a link to the International Property Maintenance Code – Code Enforcement will investigate posting a link to the International Property Maintenance Code on its website.

5b) Post the Policy and Procedural Manual – Code Enforcement will investigate whether this is possible given the space available.

5c) Also make checklists based on the Code available so that the general public can determine if their property is in compliance – Code will post the field inspection sheet on its website.

5d) Make the database available to the public – Code is moving in this direction but needs a web-based system. The barriers are money and an open data policy. Code is also concerned about the public abusing this system to target certain properties. CM Kay commented that these are public records that are open to the public.

Operation

6a) Make the letters more user friendly – Code has no objection to changes in the letters but there are legal requirements that must be met.

6b) Code Enforcement supervisors monitor the officer's files to determine if standards are being met and are consistent - Mr. Jarvis says that they are always improving the process.

6c) Follow the procedure outlined in the manual for Comprehensive Inspections – Mr. Jarvis explained that Code likes to meet with neighborhood associations before Comprehensive Inspections. They met with Kenwick last year. Code does two (2) comprehensive inspections a year at UK. One is scheduled for two (2) weeks and they are in the process of putting door hangers on the property. Mr. O'Neill commented that door hangers do not usually reach owners in a primarily rental neighborhood. The age of the neighborhood, Council request, and the number of complaints triggers a comprehensive inspection.

Bill Johnston is concerned with the lack of ability to get information. The system is address driven and is not searchable. It would be helpful if information could be provided that the house is in foreclosure and the status of the litigation.

CM Kay suggested that at the next meeting there be a draft set of recommendations for Code Enforcement, the Legal Department, and Council. The Committee should request an update in six (6) months.

Computer system – Comm. Paulsen reported that he is working on a bootstrap pilot program working with multiple homegrown data bases. He is working toward one master system such as Acela. The main challenge is putting the data in a working format.

#117 – Vacant Property Review Commission (VPRC) – At the Mayor's request, Comm. Paulsen organized a committee to review the issues surrounding vacant and blighted properties including the VPRC and they are in the process of reinvigorating the committee.

#77 – Public Art and Culture Master Plan – The Mayor's office approved the combination of the Public Art Master Plan Committee and the Art Review Board. CM Kay's office will work with the Art Review Board to assist in this process.

#99 – Review Code of Ordinances for problems with Infill and Redevelopment – Jimmy Emmons and Leah Boggs need to speak to other developers and divisions in government.

#93 - Add language to new franchise agreements (right of way management) – The Utility subgroup has received a list of surface cuts and Dr. Stevens is reviewing them. The subgroup will report once he completes his review.

Other Business

Joan Whitman commented that there were several questions regarding the operation of the Master Commissioner's office. John Rhorer will provide a cheat sheet regarding the system to be disseminated at the next meeting.

Next Meeting

The next meeting will be September 12, 2012 at 10:00 am in the 3rd floor conference room of the Phoenix Building. At the next meeting, the Committee will discuss and decide what recommendations regarding Code Enforcement they wish to move forward. They will also discuss next steps.

Assignments

CM Kay will continue to work with Bob Wiseman, VP of Facilities Management at UK, regarding a staff member to sit on the committee. CM Kay's office will report on the appointment of the Committee; Public Art and Master Plan; the Utility Subgroup; and barriers to development in the Code of Ordinances. Kevin Wente will report on who in government coordinates with UK. John Rhorer will develop a cheat sheet regarding the operation of the Master Commissioner's office.

Adjourn

The meeting adjourned at 11:40 a.m.

Infill Recommendation No. 1

Rewrite Sec. 12-1(b) to make it easier to read.

Response to Infill Recommendation No. 1

- Initial draft provided as part of packet
- Law recommends obtaining input from new Commissioner prior to finalizing
- Council may want to consider reviewing the most recent International Property Maintenance Code and using that as the basis for this section of the Code

Infill Recommendation No. 2

- Change “reasonable time” to “30 days or in compliance with approved plan,” require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from plan and reasons for extensions in report, require civil penalties to be imposed after 6 months, and provide that transfer of property does not automatically restart time frame

Response to Infill Recommendation No. 2

- Recommend that these be part of amended guidelines or administrative policies instead of the code

Infill Recommendation No. 3

- Request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions

Response to Infill Recommendation No. 3

- Law currently has a paralegal who spends 80% or more of her time on foreclosures
- Most of these foreclosures involve code liens

Infill Recommendation No. 4

- Request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases

Response to Infill Recommendation No. 4

- LFUCG has never paid hearing officers
- Appearance of bias
- If ultimately move in this direction, it would be more appropriately budgeted from Code Enforcement

Sec. 12-1.

- (a) *Adopted; filed.* The International Code Council, Inc., International Property Maintenance Code, 1998 Edition (hereinafter referred to as "this code"), with the revisions shown in paragraph (b) herein, is hereby approved and adopted as the existing structures code of the urban county government. A copy of said code is incorporated herein by reference and filed with the urban county council clerk as a part of the public records of this government.

- (b) *Revisions.* Certain sections of this code are hereby revised to read as follows:

(1) Section 101.1 [~~PM-101.1~~]

Title: These regulations shall be known as the International Property Maintenance Code of Lexington-Fayette Urban County, hereinafter referred to as this Code.

(2) Section 103.1 [~~PM-103.1~~]

General: The director of the division of code enforcement shall be the code official and shall enforce all the provisions of this code.

(3) Section 103.2 [~~PM-103.2~~]

Appointment: The code official shall be employed in conformance with KRS 67A.230 through 67A.350 and Chapter of the Code of Ordinances.

(4) Section 103.4 [~~PM-103.4~~]

Restriction of employees: All officials or employees, including the members of the board of appeals established under the provisions of section PM 111.0, are subject to article of the Urban County Charter-Code of Ethics and chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances-Ethics Act.

(5) Section 104.6 [~~PM-104.6~~]

Notice and orders: The code official may issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with the requirements of this code for the safety, health, and general welfare of the public.

(6) Section 104.7 [~~PM-104.7~~]

Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and such records shall be open subject to KRS 61.870 et seq.

(7) Section 106.4.1 [~~PM-106.4.1~~]

- (a) Unless the government chooses to utilize civil enforcement for a particular offense, as further provided in this section, every person, firm, or corporation failing to perform the duties required of them by or to comply with the provisions of section 12-1 shall for every offense be subject to a criminal fine of [fined] not less than one hundred dollars (\$100.00) nor more than the maximum amount allowable by law [two thousand five hundred dollars (\$2,500.00)], and each day's continuance of any such violation shall be a separate offense.
- (b) As an alternative remedy to subsection (a), any person, firm or corporation who violates any provision of this code may be subject to civil penalties of not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00) per parcel of real property for each separate instance in which civil penalties are imposed. Such penalties may be assessed on each separate structure or dwelling unit located on a parcel of real property, pursuant to the civil penalty guidelines as set forth below. For example, a parcel of real property which only includes a single family structure, may be assessed a maximum civil penalty of \$2,000.00 for an inspection under the guidelines. If the parcel includes more than one structure or dwelling unit, the maximum civil penalty may be assessed based the condition of each separate structure or dwelling unit, up to the maximum amount of \$10,000.00. In addition, the urban county government may assess the administrative cost involved with any inspection(s), in an amount not to exceed two hundred fifty dollars (\$250.00). Each day that a violation continues after due notice has been served, as provided herein, shall be deemed a separate offense.

Number of Inspections After Time Provided By Code Enforcement to Come into Compliance Elapses					
Number of Violations at Time of Inspection	1	2	3	4	5+
1—5	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00
6—10	\$200.00	\$300.00	\$400.00	\$500.00	\$750.00
11—15	\$300.00	\$400.00	\$500.00	\$750.00	\$1,000.00
16—20	\$400.00	\$500.00	\$750.00	\$1,000.00	\$1,500.00
21 or more	\$500.00	\$750.00	\$1,000.00	\$1,500.00	\$2,000.00

(8) Section 107.1 [~~PM-107.1~~]

Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice in the form prescribed in section 107.2 of this code [~~PM 107.2~~] shall be given to the owner of the property as it appears on the current tax assessment roll. If the owner of the property cannot be ascertained from the tax rolls in the exercise of reasonable diligence, the commissioner of public safety or his designated officer shall make an affidavit to that effect; and the serving of such notice upon such owners may be made by publication in a newspaper of general circulation for two (2) consecutive days. If the property owner employs or utilizes a management company or other agent for the maintenance of the property, the owner may designate in writing, on a form provided by and filed with the division of code enforcement, the name and address of the company or agent to which said notices shall also be provided; however, it shall remain the responsibility of the property owner to comply with the provisions of this code. The property owner shall be responsible for updating any such information filed with the division of code enforcement as necessary. Notices for condemnation procedures shall also comply with section 108.3 of this code [~~section PM-108.3~~]. In addition to the notice of violation, a separate notice of the assessment of a civil penalty shall also be made in the manner prescribed in sections 107.2 and 107.3 of this code. [~~PM-107.2 and PM-107.3~~].

(9) Section 107.2 [~~PM-107.2~~]

Form: Such notice prescribed in section 107.2 [~~PM-107.1~~] shall:

- (a)[~~1.~~] Be in writing;
- (b)[~~2.~~] Include a description of the real estate sufficient for identification;
- (c)[~~3.~~] Include a statement of the reason or reasons why the notice is being issued;
- (d)[~~4.~~] Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit into compliance with the provisions of this code and as further provided in the administrative regulations;
- (e)[~~5.~~] Include information regarding the procedure for the person to follow to contest the correction order and a statement to the effect that should the person fail to contest the correction order within the time allowed, the person shall be deemed to have waived the right to contest the correction order and that the determination that a violation was committed shall be final;

(f)~~[6-]~~ Include a statement to the effect that civil penalties of not less than one hundred dollars (\$100.00), nor more than ten thousand dollars (\$10,000.00) per parcel of real property, may be imposed if the person fails to comply with the correction order.

(g)~~[7-]~~ In cases where a civil penalty is assessed for failure to correct the violation(s), such notice shall include:

- 1~~[a]~~. The amount of the civil penalty to be imposed;
- 2~~[b]~~. The procedure for the person to follow to pay the civil penalty or to contest the penalty;
- 3~~[c]~~. A statement that if the person fails to pay the civil penalty set forth or fails to contest the civil penalty within twenty (20) days, the person shall have been deemed to have waived the right to a hearing before the board to contest the civil penalty and that the assessment of the civil penalty shall be final; and that if the civil penalty is not paid, a notice of lien claimed for the amount of the civil penalty will be placed against the property.

(10) Section 108.1 ~~[PM-108.1]~~

Utility removal: When, in the opinion of the code official, continued utility service could pose a threat to occupants or to the public, the code official may order discontinuance of utility service until such time as necessary repairs have been completed.

(11) Section 108.2 ~~[PM-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 is authorized to place 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 premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost thereof, including an administrative cost of seventy-five dollars (\$75.00), shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(12) Section 109.5 ~~[PM-109.5]~~

Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including an administrative cost not to exceed two hundred fifty dollars (\$250.00), by placing a lien against said property.

(13) Section 110.1 ~~[PM-110.1]~~

General: The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one (1) year, to raze and remove such structure or part thereof.

(14) Section 110.3 [PM-110.3]

Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, or otherwise disposed of, as deemed appropriate, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal, including an administrative cost not to exceed two hundred fifty dollars (\$250.00), shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(15) Section 110.4 [PM-110.4]

Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable, or allow as a credit to offset the contract price. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(16) Section 111.2 [PM-111.2]

Appeals board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created an administrative hearing board, hereafter referred to as the board, as provided in section 12-13 of the Code of Ordinances, Lexington-Fayette Urban County Government. The powers and conduct of the board and the membership thereof shall be as set forth in sections 12-13 through 12-16 of the Code of Ordinances, and those provisions shall supersede and replace sections 111.2 [PM-111.2] through and including 111.8 [PM-111.8] of this International Property Maintenance Code.

(17) Section 202.0 [~~PM-202.0~~]

The following definition shall be added to this section: Graffiti: Any inscription, word, figure, or design marked, etched, scratched, drawn or painted on any surface that damages, mutilates or defaces such surface.

(18) Section 302.8 [~~PM-302.8~~]

Vehicles: The keeping, parking or storing of vehicles on any premises shall conform with and be subject to section 12-6 of the Code of Ordinances.

(19) Section 303.19 [~~PM-303.19~~]

All manufactured homes, mobile homes or house trailers that are occupied or are let for occupancy within the urban county shall meet the standards enumerated in this code and shall be installed and anchored in accordance with the provisions of American National Standards Institute (ANSI) A225.1 as provided in 815 KAR 25:010. Transient recreational vehicles parked in a campground, state or local park are exempted from this requirement.

(20) Section 304.15 [~~PM-304.15~~]

(a) *Insect screens:* During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

(b) *Exception:* Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(21) Section 504.4 [~~PM-504.4~~]

Floors: Bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.

(22) Section 602.2 [~~PM-602.2~~]

Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in chapter 8.

(23) Section 602.2.1 [~~PM-602.2.1~~]

Heat supply: Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain the room temperatures specified in section [~~PM-~~] 602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

(24) Section 602.2.2 [~~PM-602.2.2~~]

Room temperature exception: When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in chapter 8, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in full open position.

(25) Section 602.3 [~~PM-602.3~~]

(a) *Nonresidential structures:* Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

(b) *Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(26) Section 602.5 [~~PM-602.5~~]

Climate control: When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

(27) Section 605.2 [~~PM-605.2~~]

Receptacles: Every habitable space in a dwelling unit and every guest room shall contain at least two (2) separate and remote receptacle outlets. Every bathroom shall contain at least one (1) receptacle outlet, and all receptacle outlets in the bathrooms shall be ground-fault circuit interrupter (GFCI). Every laundry room and kitchen shall contain at least one (1) grounded receptacle outlet. Any receptacle outlet located within six (6) feet of an uncovered water receptacle, such as a sink, wherever located, shall be a ground-fault circuit interrupter (GFCI). Any accessible outlet located on the exterior of a structure shall be a ground-fault circuit interrupter (GFCI).

(28) Section 701.1 [PM-701.1]

Scope: The provisions of chapter 227 of the Kentucky Revised Statutes shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises of one- and two-family structures, including fire safety facilities and equipment to be provided. All other structures shall be governed by the Kentucky Fire Standards of Safety.

(29) Section 705.5.2 [PM-705.5.2]

Power source: Existing battery-powered smoke detectors in operational condition shall be acceptable. However, when battery-powered smoke detectors are found to be nonoperational or where no smoke detectors exist, approved hard-wired smoke detectors shall be required.

(30) Section 801.1 [PM-801.1]

Violations library: The division of code enforcement shall prepare and maintain a comprehensive list for existing structure violations to be known as the violations library. A copy of the violations library is incorporated herein by reference and shall be filed with the urban county council clerk as a part of the public records of this government.

(31) Section 901.1 [PM-901.1]

General: The owner of any condemned vacant building, who has been issued a condemned vacant building license, shall be responsible for maintaining the structure in compliance with the requirements of chapter 9 of this code and any rules and regulations promulgated by the code official pursuant to section [PM] 105.7.

(32) Section 901.2 [PM-901.2]

Vacant building license: The owner of any condemned vacant building may apply for and obtain a vacant building license. The owner shall submit the license application within twenty (20) days of service of the condemnation order. The condemned vacant building license shall expire one (1) year from the date of issuance. The code official shall not exercise his power to close, board up, placard, or demolish any structure for which the owner holds a valid condemned vacant building license.

(33) Section 901.2.1 [PM-901.2.1]

Form: The application required in PM 901.2 shall be made on a form prescribed by the code official and shall:

- (a) Be verified by the applicant;

- (b) Include a statement of all measures to be taken by the applicant to secure the structure and keep it free from nuisance; and
- (c) Include a statement of all repairs and improvements the applicant shall make to bring the structure into compliance with the provisions of chapter 9.

~~[PM-902.2~~

~~License issuance: The code official may issue the vacant building license after:~~

- ~~(a) The owner satisfies the following requirements:~~
 - ~~(1) Submits a timely and complete application;~~
 - ~~(2) Allows the code official to inspect the exterior and interior of the structure in the presence of the owner or agent of the owner having responsibility for maintenance of the property;~~
 - ~~(3) Completes all the measures specified in the application and other work required by the code official; and~~
 - ~~(4) Tenders the prescribed fee.~~
- ~~(b) The code official in his discretion determines that, although the structure may not satisfy the code provision or provisions which resulted in the issuance of the condemnation order, the issuance of the license will not be detrimental to the public health, safety, or welfare; will not unreasonably interfere with the use and enjoyment of other property in the neighborhood; will not be an economic burden to the adjacent properties; will not create an extraordinary hazard to police or firefighters in emergency situations; and will not detract from the general appearance and order of the neighborhood.~~

~~The code official may specify the time for completion of the measures specified in the application and the other work required by the code official for issuance of the license.]~~

~~(34) Section 902.3 [PM-902.3]~~

~~Maintenance requirements: The applicant for and holder of a vacant building license shall:~~

- ~~(a) Make all repairs, within the period of time specified by the code official, and maintain the property in compliance with the regulatory standards promulgated by the code official to preserve the structure from deterioration and blight;~~
- ~~(b) Notify the code official of the completion of repairs mandated by the code official in the application process to allow for the reinspection of the structure;~~
- ~~(c) Submit in a timely manner any application for renewal of the license; and~~
- ~~(d) Make a good faith effort to cooperate with the code official.~~

(35) Section 903.1 [~~PM-903.1~~]

License renewal: A condemned vacant building license may be renewed by the code official for a period of one (1) year if the owner satisfies the requirements of section [~~PM~~] 902.2 and the owner has maintained the building in accordance with the conditions of the previously issued license. The application for renewal must be submitted sixty (60) days prior to the expiration of the initial license. The renewal period shall run from the date of expiration of the previous license.

(36) Section 904.1 [~~PM-904.1~~]

Fees: The following is the fee schedule for condemned vacant building licenses:

(a) *License application fee:* The condemned vacant building license application fee is two hundred dollars (\$200.00) for each condemned structure or fifty dollars (\$50.00) for each condemned dwelling unit in a partially condemned structure when the condemnation order affects only three (3) or fewer dwelling units. The fee shall be paid upon submission of the license application, but the application fee, reduced by any costs and expenses incurred by the code official during the application review process, shall be returned to the owner if the application is denied.

(b) *License fee:* The condemned vacant building license fee is an amount equal to ten cents (\$0.10) for each square foot of the gross floor area in the condemned structure; provided, however, that the license fee shall not be less than one hundred dollars (\$100.00). Gross floor area shall be calculated by measuring the exterior dimensions of the building, excluding any basement area, or of all dwelling units in a partially condemned structure for which the license is sought.

(c) *Renewal fee:* The condemned vacant building license renewal fee shall be calculated in the same manner as the initial license fee; provided, however, that a credit shall be allowed against the renewal fee for the value of improvements made to the condemned building during the initial license period. The credit shall be determined by the code official and calculated as an amount equal to twenty (20) percent of the value of improvements, including the value of donated labor and materials, made to bring the structure into compliance with the code.

(d) *Refund of fee:* Should the owner of a structure subject to a condemned vacant building license bring the structure into compliance with the Code, then the code official shall refund all or part of the fee paid by the owner. The refund shall be equal to one-twelfth (1/12) of the license fee or renewal fee for each calendar month remaining in the license period as of the date that all necessary certificates of occupancy or appropriate certificates are issued for the building.

(37) Section 905.1 [~~PM-905.1~~]

License revocation: The code official may revoke any license upon discovery of the existence of a violation or condition which would result in the denial of a license application. The code official in his discretion may reinstate a revoked license for the remaining term of the license if the violation is corrected.

(38) Section 906.1 [~~PM-906.1~~]

Failure to comply: Any owner who fails to comply with the requirements of this chapter or any related provision of the code shall be subject to the penalty provided in section [PM] 106.2, the immediate revocation of any license held by that owner, and to all other enforcement measures authorized by this code.

For consideration as additional administrative regulations (these provisions still require additional review by the Department of Law and Division of Code Enforcement):

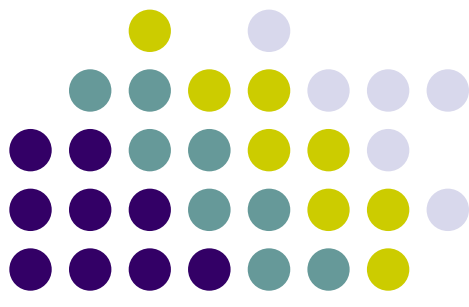
Section 107.2

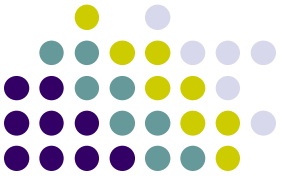
Form: In addition to the requirements contained in the section 107.2 of the code, the following be part of the form process.

1. The standard time for a correction order is 30 days. In instances in which the repairs and improvements required would not reasonably take more than 30 days to complete, the dwelling unit should be brought into compliance with the code during this time frame. If the repairs and improvements are of a nature that they could not reasonably be expected to be completed within 30 days, the owner shall be required to meet with code enforcement within this time and propose a plan and time frame acceptable to the division within which to complete the repairs and improvements.
 - a. Any plan which takes more than 90 days to complete the repairs and improvements must be in writing and include substantial progress points and deadlines which ensure that adequate progress is made.
 - b. Material deviations from the plan must be acceptable to the division and any extensions must include the basis for the extension. These changes should be noted in writing in the property file.
2. Civil penalties would not be assessed if the owner or responsible party is complying with the above requirements.
3. Civil penalties would normally be assessed within a reasonable time of the failure of the owner or responsible party to comply with the above requirements. Extensions should only be provided on a reasonable basis.
4. Properties in which ownership is transferred prior to the abatement of all violations are not to be automatically handled as if the violations were being newly reported. The new owner or responsible party is expected to work with the division to complete the repairs and improvements as soon as reasonably possible.

Infill and Redevelopment Committee

Code Enforcement
Recommendations



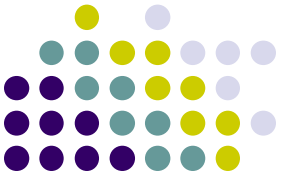


Code Enforcement

1. Analyze current fine structure to determine if changes should be made to increase fines for subsequent offenses.
 - Completed, fines doubled and approved by Council in 2010.
 - Comparison, Louisville Metro fines range from \$100 to \$1,000, ours are \$100 to \$2,000.
 - \$10,000 fine per parcel passed in 2010.
 - Fine schedule in chapter 12 notes number of fines “vs” number of inspections.
 - **Impact:** 4 chronic properties recently sold and new development underway (Pennington Place, Cove Lake, W. Third St. and W. Second St.)

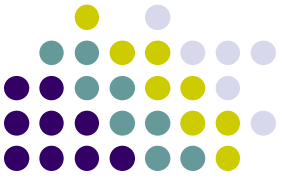


Number of Inspections After Time Provided By Code Enforcement to Come into Compliance Elapses					
Number of Violations at Time of Inspection	1	2	3	4	5+
1–5	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00
6–10	\$200.00	\$300.00	\$400.00	\$500.00	\$750.00
11–15	\$300.00	\$400.00	\$500.00	\$750.00	\$1,000.00
16–20	\$400.00	\$500.00	\$750.00	\$1,000.00	\$1,500.00
21 or more	\$500.00	\$750.00	\$1,000.00	\$1,500.00	\$2,000.00



Code Enforcement

2. Review Code to determine if certain provisions are too restrictive.
 - Completed in 2011, revised sidewalk regulations to allow more repairs “vs” replacement.
 - 7 meetings with Law to review and approve codes and guidelines for housing and nuisance violations.
 - 24 hour emergency forms reviewed and approved by Council.



Code Enforcement

3. Update standard operating procedures and have approved by Council.
 - Complete updated and revised by Commissioner of Public Safety
 - Example: Mowing of foreclosed properties a limit of 3 times \$1,500 max.
 - Operating Procedures or “SOP’s” have been updated.
 - Administrative guidelines are outlined in chapter 12 and codify hearing procedures.

Department of Public Safety Division of Code Enforcement



TO: Clay Mason, Commissioner of Public Safety
FROM: David Jarvis, Director of Code Enforcement *DJ*
DATE: February 28, 2013
SUBJECT: Nuisance Abatement on Foreclosed Properties

Commissioner Mason,

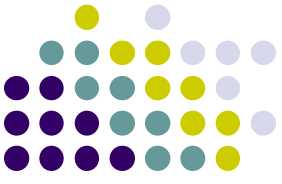
Per our discussion with Councilmember Myers, Councilmember Henson, Council Staff and the Law Department regarding Nuisance abatement on foreclosed properties; I wanted to clarify the criteria we use to determine when we abate a property in foreclosure.

1. Close proximity to a school or daycare inhibiting foot traffic or child safety.
2. Public Safety issues, sight triangle, intersections.
3. Height of the grass exceeds 18 inches.
4. Property is infested with vermin, snakes, and rats, etc....

Additionally we normally limit the number of abatements to no more than 3 times a year with a maximum amount of expenditure of \$1,500.00 per property per calendar year.

Hope this clarifies the issue and better communicates our process to everyone. Please let me know if I can be of assistance.

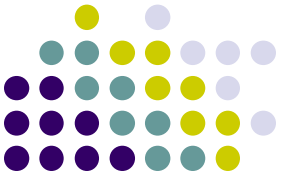
David Jarvis
Director



Code Enforcement

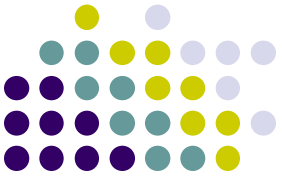
4. Post a link to the International Property Maintenance Code on our web site.

- Recently given internal Web Master approval from IT.
- Will post a link to the ICC web site
 - Copyright restrictions with ICC
- ICC has committed within 1 month to posting the 1998 Property Maintenance Code on their web site.



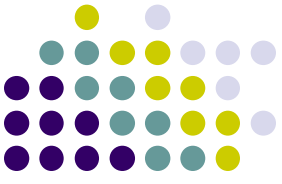
Code Enforcement

5. Post a copy of the standard operating procedures on our web site.
 - In process.
 - Administrative procedures are listed in chapter 12 of the code of ordinances and can be accessed through city's web site.



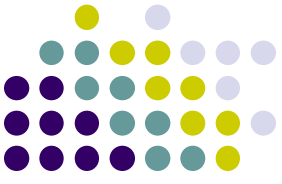
Code Enforcement

6. Post a copy of the Field Inspection form on our web site.
 - Will be complete within 2 weeks.



Code Enforcement

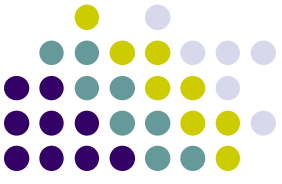
7. Make appropriate portions of the Code database available to the public.
 - Working to release data in next stage of Open Data initiative.
 - Lexcall currently tracks code complaints and data can be accessed with a tracking number.
 - **Future:** Accela integration



Code Enforcement

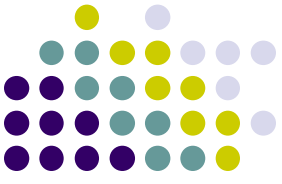
8. Redraft the notice and letters sent to violators to make them more informative and user friendly.

- Currently using a 30, 60 , 90 day system for the issuance of civil penalties.
- 7 meetings with the Law Department to review and approve all letters.
- 24 notices were reviewed and approved by Council March 2013.
- **Will continue to review and improve.**



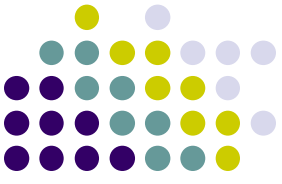
Code Enforcement

9. Request funds in the next budget cycle to hire an Administrative person (Paralegal) to file liens and staff the Vacant Property Review Board.
 - Request made, but after further review we determined the position was better suited in Social Services to help citizens avoid fines and liens.
 - Position was not funded.



Code Enforcement

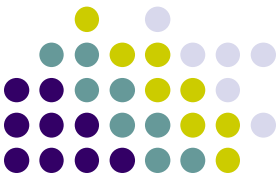
10. Monitor Officers files to determine if time frames and paperwork are consistent.
 - Ongoing and will continue to do so through:
 - Monthly reports
 - Weekly meetings with Supervisors
 - Recently added in April 2013 monthly meetings with the Law Dept. to discuss problem properties.
 - File check list.
 - All actions by Inspectors are reviewed and approved by a Supervisor.
 - Clarified Nuisance abatement on foreclosed properties.



Code Enforcement

11. Follow the procedures outlined in the standard operating manual for comprehensive inspections.
 - Standard procedure: Notify neighborhood organizations and attend their meetings, and respond to councilmember requests for “sweeps” .

Questions?



Division of Police Fleet

Estimated Reduction Mileage/Fuel

(Since Home Fleet Policy Change)

- 9.57% Reduction in Mileage Driven
- 8.40% Reduction in Fuel Consumption

Estimated Cost Savings FY13

- Fuel
 - \$335,000
- New Revenue – Off-Duty Employment
 - \$60,000
- Insurance / Depreciation
 - \$268,000 / 119,000

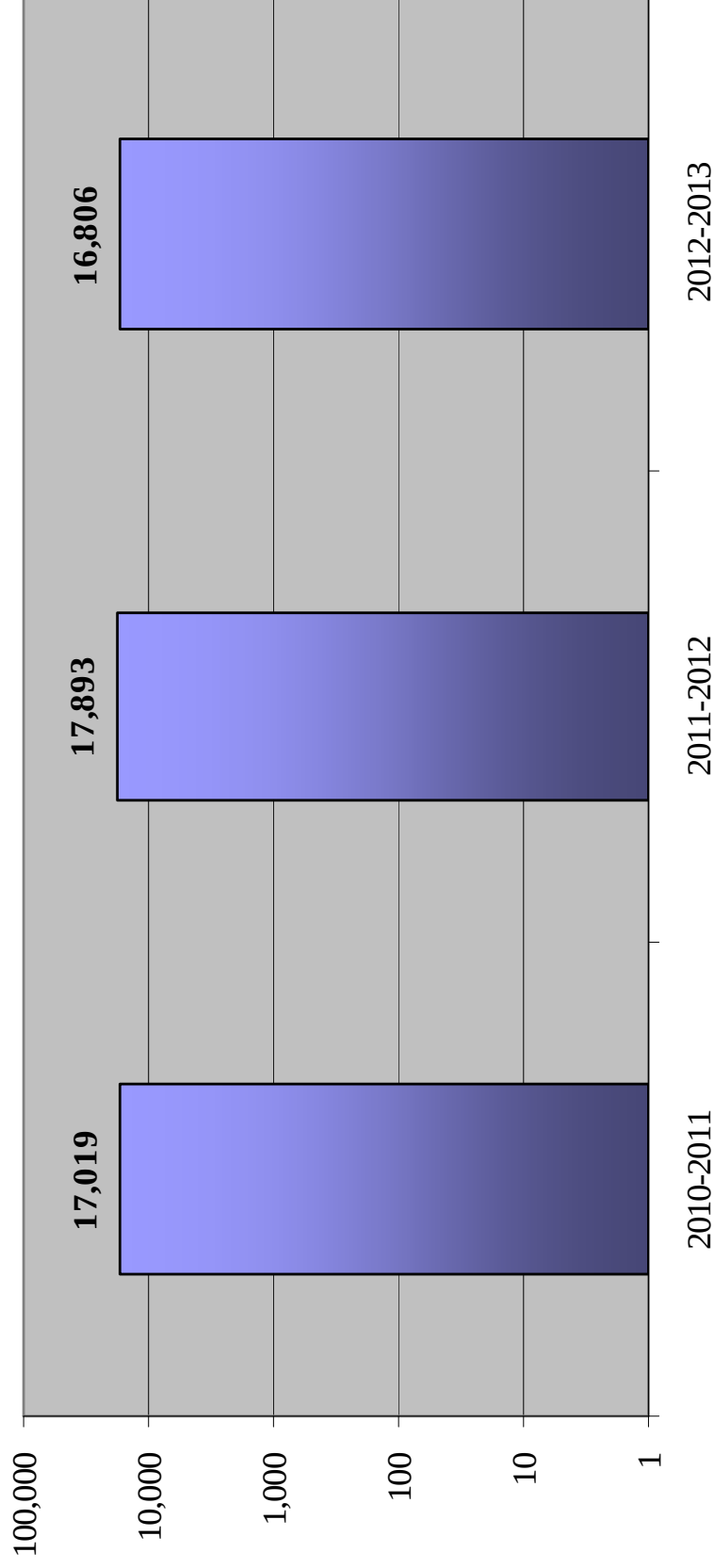
Vehicle Maintenance

Repair Total (Parts, Labor & Commercial)				
FY2011		FY2012		FY2013
Monthly Average	\$99,842	Monthly Average	\$94,797	Monthly Average \$108,842
Annual Total	\$895,340	Annual Total	\$853,177	Annual Total \$979,845

Crime Statistics

Part 1 Crime

Reported Crime: Period Totals



Personnel

- 488 Officers currently assigned vehicles
- 519 Currently Sworn (31 FTO)
- 167 Officers reside Out of County
- 137 Officers participating in Out of County take home fleet program
- Sworn Averages (July – March)
 - FY12 (518 avg.) / FY13 (498 avg.)

Officer Information

- Out-of-County payment average monthly est. \$9,000.00 (\$108,000yr)
- Off-duty payment average monthly est. \$5,000 (\$60,000yr)

<u>2012</u>	<u>Out-of-County Home Fleet Travel</u>	<u>*Off-Duty Travel</u>	<u>Total Remitted</u>
July	7,610.23	0.00	7,610.23
August	8,942.73	5,100.00	14,042.73
September	9,026.48	5,400.00	14,426.48
October	8,708.65	5,600.00	14,308.65
November	8,161.40	5,850.00	14,011.40
December	<u>8,451.59</u>	<u>5,650.00</u>	<u>14,101.59</u>
<u>TOTAL</u>	<u>50,901.08</u>	<u>27,600.00</u>	<u>78,501.08</u>

<u>2013</u>	<u>Out-of-County Home Fleet Travel</u>	<u>Off-Duty Travel</u>	<u>Total Remitted</u>
January	9,939.59	5,250.00	15,189.59
February	9,676.63	5,700.00	15,376.63
March	9,927.14	5,000.00	14,927.14

Information Tracking

- Information regarding LFUCG funds

Tracking:

- Chief's Office – Internal Affairs
- BOA – Division Fleet Mgr.
- Division of Fleet & Facilities

Public Safety Committee Referrals

ITEM	REFERRED BY	DATE	STATUS
Compiling a List of Safe Places People can go in Times of Weather or Emergency Needs	Farmer	17-Mar-12	
Abandoned Housing	Myers	10-Apr-12	
Infill and Redevelopment Steering Committee Recommendations/Nuisance Abatement Process	Kay	8-Nov-12	12/04/12, 2/05/13, 05/07/13
Tenant Transition and Household Disposal	Ford	12-Feb-13	
Division of Police Home Fleet Policy	Stinnett	16-Apr-13	05/07/13