

Be it ordained by the Fiscal Court of Garrard County as follows:

SECTION 1. ADOPTION OF THE KENTUCKY BUILDING CODE

THAT, the KENTUCKY BUILDING CODE, promulgated in 815 KAR 7:120 and the KENTUCKY RESIDENTIAL CODE promulgated in 815 KAR 7:125 by the Board of Housing, Building and Construction, Commonwealth of Kentucky as if set out at length herein;

THAT, a copy of said *Building Code* and *Residential Code* as adopted at time by the Office of Housing, Buildings and Construction of the Commonwealth of Kentucky is on file in the Office of the Garrard County Judge Executive, and that office shall at all times keep a copy of said building code for reference;

THAT, an attested copy of this Ordinance shall be transmitted to the Office of Housing, Buildings and Construction of the Commonwealth of Kentucky.

SECTION 1a. ADOPTION OF THE STATE PLUMBING CODE

The plumbing code promulgated by the Office of Housing, Buildings and Construction of the Commonwealth of Kentucky, on file with the legislative research commission in Frankfort, Kentucky, a copy of which is on file with the County Health Department, is hereby adopted and made a part hereof to the same extent as if set out in full herein.

SECTION 1b. ADOPTION OF THE NATIONAL ELECTRICAL CODE.

All installations, construction, maintenance and operation of electrical wiring, appliances and devices in and about buildings and on private or public property, if not otherwise specifically covered in this article, shall be installed, constructed, maintained, operated and supplied in accordance with the rules and regulations set forth in the edition of the National Electric Code, most recently adopted by the Office of Housing, Buildings and Construction of the Commonwealth of Kentucky, a copy of which code is on file in the office of the County Judge Executive and which code is hereby adopted by Garrard County and incorporated herein by reference.

SECTION 2. DESIGNATED ENFORCEMENT OFFICER

THAT, the Garrard County Fiscal Court shall designate a local Enforcement Official for said *Building Code* and *Residential Code*. The name, address and phone number of the individual designated as local Enforcement Official selected by the Fiscal Court shall be kept of record in the office of the Garrard County Judge Executive.

- (a) It shall be the duty and responsibility of the Enforcement Official to enforce the provisions of this code as herein provided.
- (b) Relief from personal liability. The enforcement officer or an employee who acts in good faith and without malice in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the enforcement official shall not be liable for any costs in any action, suit or

proceeding that may be instituted by the enforcement official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final determination of the proceedings.

- (c) Official records. Any official records shall be kept of all business and activities.

SECTION 3. BUILDING INSPECTION PROGRAM ENFORCEMENT

THAT, pursuant to KRS 198B.060(8), a building inspection program is hereby established in Garrard County for application to all buildings (excluding structures other than residential and business structures on parcels of real estate exceeding 10 acres), including single-family dwellings as provided in the adopted codes.

- (a) Notices and orders. The enforcement officer shall issue all necessary notices and orders to abate illegal or unsafe conditions to assure compliance with the code requirements for safety, health and general welfare of the public.
- (b) Inspections. In order to safeguard the safety, health and welfare of the public, the enforcement official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.
- (c) Right of entry. If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry or free access to any part of the structure or premises where inspection authorized by this code is sought, the enforcement official may deem the structure or premises "illegally occupied" and seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
- (d) Condemnation; Determination of structures unfit for human. When a structure or part thereof is found by the enforcement official to be unsafe, or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be reoccupied without approval of the enforcement official.
- (e) Control of silt and mud; Preservation of adjacent properties. All persons, firms, partnerships, corporations and other entities shall not cause or permit silt or mud from any source to be emitted to any adjacent private property, public way or streets, storm sewer system or any silt control device, in such amounts that create a hazard for traffic or pedestrians; or in any way create a general nuisance. The enforcement official may enforce placement of silt screens or other means to control silt and mud at construction work sites.
- (f) Construction site safety hazards. All persons, firms, partnerships, corporations and other entities are responsible for and shall not cause or leave construction sites in reasonably foreseen unsafe conditions. Conditions that are not obvious and considered dangerous to small children or others should be identified by warning signs, orange construction fencing or other forms of

- protection. The enforcement official may enforce placement of signs, fencing and other means to indicate dangerous conditions or areas.
- (g) Construction site waste disposal. All persons, firms, partnerships, corporations and other entities are responsible for proper disposal of waste products from construction. It is not permitted to bury waste in cavities of the structure or underground on the property. Burning of plastics, paper and other materials is not permitted on a construction site. The enforcement official may enforce proper disposal of waste materials.
 - (h) Construction site sanitation. All persons, firms, partnerships, corporations and other entities are responsible for proper disposal of human waste on the construction site. Portable toilets are required at each work site to serve as temporary sanitation for use by project workers.
 - (i) Occupational tax registration. All persons, firms, partnerships, corporations and other entities involved in any business are required to register with the office of the Garrard County Occupational Tax Administrator and receive a vendor number. The enforcement official may enforce registration of workers in the county.
 - (j) Credentials. The enforcement official or his authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings in the performance of duties under this code.
 - (k) Failure to comply with requirements of the Building Inspection Program and/or the Workers Registration Program are subject to penalty as provided for by order of the Garrard County Fiscal Court.
 - (l) The Building Official shall require all applicants to submit a copy of any private restrictions, regulations or requirements, including subdivision restrictions with an application for a building permit. No permit shall be issued unless it is determined that the proposed building does not violate any restrictions, regulations or requirements of record unless said restrictions, regulations or requirements have been found to be unenforceable by a court of competent jurisdiction. An applicant may request a variance from Section 3 (n) by filing a request to the Fiscal Court, who may grant the variance following a public hearing.

SECTION 4. MOBILE HOMES AND MANUFACTURED HOMES

- (a) No manufactured or mobile home shall be erected, set-up, or brought onto property in Garrard County, Kentucky without first applying and receiving a permit for placement and habitation of the home. A manufactured or mobile home may not be placed on a lot smaller than 3 acres and must employ a minimum of

150 feet of road frontage. Any variance from the lot requirements must be approved by the Fiscal Court. Prior to issuance of the placement and habitation permit the owner must have septic or sewer approval and an electric permit must be obtained.

(b) All installations of manufactured homes and mobile homes shall be performed by an installer certified under the provisions of KRS 227.560. Proof of the certification of the installer must be provided.

(c) A certificate of occupancy must be issued for a manufactured or mobile home before it is inhabited.

(d) A manufactured home or mobile home as defined in KRS 227.550, which does not bear a seal certifying that it was manufactured in accordance with the Federal Manufactured Home Construction and Safety Standards Act and not bearing either a Class A or B seal issued by the Kentucky Department of Housing, Building, and Construction, Office of the State Fire Marshal is not acceptable for residential occupation.

(e) Except for manufactured or mobile homes installed within the Commonwealth of Kentucky before July 13, 2004, no person shall sell, lease, rent, or furnish for use as a dwelling in the Commonwealth of Kentucky any previously owned manufactured or mobile home that does not bear a B1 Seal and which is not installed in compliance with the manufacturer's instructions, if available, or ANSI 225.1.

(f) Manufactured Home Installations. The sell, lease or rental of any unit installed before July 13, 2004 requires an affidavit signed by the owner and notarized indicating the installation date.

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(g) All manufactured and mobile homes must have underpinning or skirting along the entire perimeter of the home that is comprised of masonry, treated wood, plastic, or other material all of which must compliment the home and it's surroundings. The underpinning or skirting must be in place within 60 days of issuance of the placement and habitation permit.

(h) All porches, decks, stairs and entrances to a manufactured or mobile home must comply with the current version of the KY residential building code and other imposed restrictions implemented in Garrard County. This includes entrance drive culverts from the main roadway where necessary.

(i) Every manufactured or mobile home as defined in KRS 227.550 shall have:
(1) At least one (1) working smoke detector located inside the home near the bedroom areas on each floor level; and
(2) At least two (2) operable means of egress, if the home was originally equipped with at least two (2) means.

(j) When installing or relocating a manufactured home or mobile home, a determination must be made as to whether the location is within the Flood Hazard Zone. Whenever a unit is placed on an existing lot within the flood plain, or whenever a unit located within the flood plain is substantially improved, the owner or resident must apply for a Construction in a Flood Plain permit in addition to the placement and habitation permit.

(k) Permits under this ordinance shall be issued by the Garrard County Judge/Executive office, units subject to this ordinance shall be subject to inspection by the Judge/Executive or his designee. The Judge/Executive or his designee shall impose reasonable charges for permits and inspections.

(l) Existing units which would not meet these standards may not be relocated regardless of whether or not ownership of the unit changes, unless a valid permit is first obtained.

(m) Storage of mobile homes or manufactured homes in Garrard County is prohibited, except for manufactured home dealers holding a valid Kentucky dealer's permit, and except for units permitted under this ordinance. Units that are considered abandoned (not occupied for three or more years) is prohibited.

(n) Units located within the City limits of Lancaster, Kentucky are subject to the Planning and Zoning Ordinances of the City of Lancaster in addition to this ordinance.

SECTION 4(1) MOBILE HOMES AND MANUFACTURED HOMES PENALTIES

Any landowner upon whose land an un-permitted unit is located, or title owner of any un-permitted unit, located in Garrard County for more than 120 days without obtaining a permit and complying with this Ordinance shall be deemed to have violated this Ordinance and shall be subject to the following:

(a) A civil sanction or forfeiture of the un-permitted mobile home or manufactured home, which shall be removed at once from this county by the owner or landowner, and if not, may be removed by Garrard County with the costs charged to the owner or landowner and disposed of at the expenses of the owner or landowner.

(b) Criminal penalties equivalent to a Class-A misdemeanor under the Kentucky Penal Code, that being a fine up to \$500 and up to 12 months, in jail, or both.

(c) Each day of nonconformance after the expiration of 120 days shall be considered a new violation.

Definitions for Section 4 and 4(1):

- (a) Manufactured Home Construction and Safety Standards - The standards for the construction, design, and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280,3282,3283, and 42 USC 5401, ET Seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development, commonly referred to as the HUD Code.
- (b) Trailer, Mobile Home, Manufactured Home – Any structure (regardless of terminology) intended for occupancy, storage or any other use that is designed for conveyance after fabrication on a permanent metal chassis, on streets and highways on its own wheels, or on flatbed, or other trailers, and arriving at the placement site for use or occupancy except for minor incidental unpacking and assembly operations such as locating on jacks, piers, or other foundation, or connection to utilities.
- (c) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle not requiring a special permit for movement on Kentucky highways. The basic entities are: travel trailer, camping trailer, truck camper, motor home, and park vehicle.
- (1) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms.
- (2) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.
- (3) Truck campers: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

(d) Park vehicle: A vehicle which:

1. Is built on a single chassis mounted on wheels;

2. Is primarily designed as temporary living quarters for seasonal or destination camping and which may be connected to utilities necessary for operation of installed fixtures and appliances;
 3. Has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
 4. Has a gross trailer area not less than two hundred forty (240) square feet and is certified by the manufacturer as complying with ANSI A119.5, Park Vehicles.
- (e) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Certified installer- means the individual certified, in accordance with 815 KAR 25:080, to install manufactured and mobile homes.

CODE OFFICIAL'S RESPONSIBILITIES FOR SECTION 4 AND 4(1)

Local code officials are mainly responsible for site work on the installation of the home, checking for external transportation damage, enforcing installation instructions, enforcing special conditions or limitations of use stipulated by the label, and enforcing applicable county and building code requirements which do not govern the design and construction of the home.

Three inspections are to be conducted on the installation of the unit before a certificate of occupancy is issued.

#1

Plan review of the site sketch (layout), septic approval, review of new unit installation instructions or confirmation of B1 seal or affidavit and verification of certified installer.

#2

- Site preparation including placement of the unit on the lot, review of set-backs from lot lines and other buildings and/or any lot restrictions
- Check that all organic materials are removed from under the structure to prevent termites and poor footing
- Check for proper drainage (no standing water)
- Check footer and vapor barrier

#3

- Check pier location and foundation was installed to manufacturers requirements or ANSI A225.1, 1994
- Check cap blocks on piers (4 in. solid at top). Single block piers allowed up to 36 in., double block piers to 80 in. and double with solid grout over 80 in.
- Check anchor installation

#4

- Check underpinning
- Check crawl ventilation (1 sqft per 150sqft floor area)
- Check crawl access (18x24 min)
- Check all condensation, dryer vents, combustion air inlets pass to the outside of crawl
- Check all utilities have been approved
- Check all landings, sidewalks, porches, decks
- Check final grade

State Requirements (For Reference):

815 KAR 25:090. Site preparation and installation minimum requirements.

RELATES TO: KRS 227.550, 227.570, 227.590(2), 227.660, 227.990

STATUTORY AUTHORITY: KRS 227.570(2), 227.590(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.570(2) requires the office to enforce standards of installation, adopted by the Manufactured Home Certification and Licensure Board, as it determines are reasonably necessary to protect public health and safety. KRS 227.590(1) charges the board with establishing the standards and the office with enforcing state and federal law. This administrative regulation establishes minimum requirements for the installation of manufactured homes on permanent foundations.

Section 1. Definitions. (1) "ANSI" means the American National Standards Institute as referenced in ANSI-A225.1, Manufactured Home Installations, 1994 Edition, incorporated by reference.

(2) "Board" is defined in KRS 227.550(1).

(3) "Certified installer" means the individual certified, in accordance with 815 KAR 25:080, to install manufactured homes.

(4) "Installation" means the work performed by a certified installer on-site and the operations involved in the delivery, permanent securing, and placement of a manufactured home for the purpose of human occupancy, to:

(a) Include the following:

1. Preparation of a permanent foundation;

2. Placement of polyvinyl covering on the ground, if applicable;
 3. Placement and connection of utilities performed by appropriately-licensed contractors;
 4. Anchoring and tying down; and
 5. Installation of other accessory or appurtenance specified in the sales contract; and
- (b) Exclude the following:
1. Site preparation; and
 2. For a single-section home, ground set after site preparation.
- (5) "Office" is defined in KRS 227.550(11).
- (6) "Permanent foundation" means a system of supports:
- (a) Capable of transferring without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
 - (b) Constructed of concrete; and
 - (c) Placed at a depth below grade adequate to prevent frost damage.
- (7) "Placement" means blocking, leveling, and anchoring a manufactured home upon a foundation system prior to occupancy.
- (8) "Retailer" is defined in KRS 227.550(4).
- (9) "Site preparation" means work performed on the land in preparation for installation of the home:
- (a) Including:
 1. Clearing and initial grading;
 2. Water drainage; and
 3. Vegetation control; and
 - (b) Excluding final grading after the home has been set.

Section 2. Minimum Site Preparation and Installation Standards. (1) Site preparation, installation, and ground anchoring of a new home or a used home with a B1 seal shall be performed in accordance with KRS 227.570(3).

- (2) The permanent foundation system shall include:
- (a) Piers set partially or completely below grade;
 - (b) Footers and perimeter blocking, if required;
 - (c) Ground anchors;
 - (d) Concrete slab;
 - (e) Continuous and pot footings;
 - (f) Pile or post systems;
 - (g) Pile and post systems;
 - (h) Concrete, concrete block, or other load bearing perimeter walls; or
 - (i) Another foundation system approved by a licensed engineer.
- (3) The following parts of the chassis of a manufactured home shall be removed after the on-site construction of a permanent foundation:
- (a) Towing hitch;
 - (b) Running gear;
 - (c) Axles;
 - (d) Brakes;
 - (e) Wheels; and
 - (f) Other parts that operate only during transport.

(4) A foundation footing shall be considered frost-free if its depth is twelve (12) inches from grade level under the I-beam.

(5) A perimeter footing shall be considered frost-free if its depth is twenty-four (24) inches from the final grade.

Section 3. Installation Inspections and Responsibility. (1) A retailer shall:

(a) With respect to responsibility for site preparation and installation services;

1. Perform site preparation and installation services;

2. Contract with an independent certified installer to perform site preparation or installation services; or

3. Assist a requesting purchaser to document the purchaser's voluntary responsibility to perform site preparation and installation functions specified in Form KMH 101 and the contract by:

a. Providing Form KMH 101;

b. Explaining the provisions of Form KMH 101;

c. Assisting in the completion of Form KMH 101;

d. Determining the readiness of the site before the home is delivered, if the contract and form relieve the retailer of the foundation construction function;

e. Providing the manufacturer's footing design, which the office will inspect;

f. Collecting an on-site inspection fee of \$100 from the purchaser at the time the contract is signed; and

g. Remitting the inspection fee to the office at the time of the inspection;

(b) Supply the purchaser with Form KMH 102 at the time the contract for sale of a new or B1 seal home is executed;

(c) Before constructing a foundation, inspect the site for soil stability, height requirements, and vegetation removal;

(d) Ascertain that a problem revealed by site inspection is properly resolved;

(e) When satisfied that the foundation is ready for the home to be set, notify the office, by telephone, facsimile machine, or mail, at least three (3) working days before delivering the home to the consumer's site; and

(f) Not deliver or set up a home for which the retailer has requested a preinstallation inspection pursuant to paragraph (e) of this subsection, unless:

1. An office inspector issues Form KMH 104; or

2. The office fails to inspect within three (3) days of receipt of the notice required by paragraph (e) of this subsection; and

3. Foundation work has been performed properly; and

(g) If a foundation inspection is required, forward to the Office of the State Fire Marshal a completed Form KMH 105, Request for Inspection. The retailer shall hold the inspection fee and Form KMH 101 until both items can be retrieved by the inspector from the State Fire Marshal's Office prior to the inspection.

(2) The inspector shall:

(a) Provide a written report, on Form KMH 104, to the office, the retailer, and the purchaser:

1. Approving the foundation construction; or

2. Specifying corrective action required in order to meet minimum standards for delivery of the home; and

(b) Not issue Form KMH 104 if the preinstallation inspection reveals nonconformity with an applicable standard.

(3) A retailer shall not set a home on a permanent foundation that does not comply with manufacturer's instructions.

(4) This administrative regulation shall not be construed to relieve any other person involved in the installation of the home from legal liability based upon that person's conduct.

(5) Postinstallation actions.

(a) The office shall order the retailer to take corrective action to bring a home into compliance if an inspection reveals that the home has been installed in violation of:

1. Minimum installation requirements; or

2. A contract of sale and Form KMH 101 that place responsibility on the retailer.

(b) A retailer failing to correct deficiencies ordered corrected by the office shall be subject to the sanctions authorized by KRS 227.630 and 227.640.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "ANSI A225.1, Manufactured Home Installations", 1994 Edition;

(b) "Form KMH 101, Consumer Protection Notice", September, 2007;

(c) "Form KMH 102, Site Preparation", Foundation and Installation Guidelines, September, 2007;

(d) "Form KMH 104, Release for Delivery", September, 2007; and

(e) "Form KMH 105, Request for Inspection", September, 2007.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Housing, Buildings and Construction, Division of Fire Prevention, Manufactured Housing Section, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 2979; Am. 3261; eff. 6-8-2001; 29 Ky.R. 571; 965; eff. 10-16-2002; 34 Ky.R. 876; 1436; eff. 1-4-2008.)

SECTION 4A "TINY HOMES" and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS

(1) This section applies to any manufactured building that is designed for conveyance after fabrication on streets and highways on its own wheels, or on a flatbed, or other trailers and arriving at a site for use or occupancy. (If wheels are permanent to the structure, the structure is considered an RV or Park Vehicle). A permit will not be issued for this type of occupancy unless the following criteria is met. (Note: Permanent Electric or Sewage will not be permitted to buildings used for occupancy until the following criteria is met). For all practical purposes and in regards to any deed restrictions, a Tiny Home or Pre-manufactured building used for dwelling is considered a Mobile Home.

"TINY HOMES" and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must apply for an individual address.

"TINY HOMES" and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must be provided with a water closet, lavatory and a bathtub or shower. Additionally, it

must incorporate a kitchen type sink. All plumbing fixtures shall be connected to a sanitary sewer or an approved private sewage disposal system.

“TINY HOMES” and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must be provided with a treated sill plate and anchored to a permanent foundation (footer and solid pier) as described in the KY Residential code or the owner shall provide a letter from a structural engineer or architect indicating the building is supported by a foundation and anchored in such a way as to comply with the KY Residential Code or the building shall be installed similar to a Mobile/Manufactured Home by a licensed installer.

“TINY HOMES” and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must employ smoke detectors as required by the KY residential code.

“TINY HOMES” and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must employ hurricane straps or clips as required by the KY Residential Code. Lumber and the method of construction must comply with the Residential Code in terms of loading on the structure.

“TINY HOMES” and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must provide documentation meeting the requirements of the KY Residential code for termite treatment

“TINY HOMES” and PRE-MANUFACTURED BUILDINGS USED FOR DWELLINGS must have underpinning or skirting along the entire perimeter of the home that is comprised of masonry, treated wood, plastic, or other material all of which must compliment the home and it’s surroundings. The underpinning or skirting must be in place within 60 days of issuance of the placement and habitation permit.

All porches, decks, stairs and entrances to a manufactured or mobile home must comply with the current version of the KY residential building code and other imposed restrictions implemented in Garrard County. This includes entrance drive culverts from the main roadway where necessary.

SECTION 5 FLOATING DOCKS

Installation and repair of docks, mooring platforms, swim platforms and the like require a Water Structure Permit from the Garrard County Judge Executive’s office. The owner shall provide information regarding the materials used and compliance with this ordinance. In some cases it may be necessary to provide plans approved by a licensed architect or structural engineer (discretion of the building official). An inspection of the structure and its materials shall be conducted before the structure is completed and put in use.

(a) Floats and flotation material for all docks, mooring platforms, swim platforms and the like shall be fabricated of materials manufactured for marine use. The float portion of

such dock or platform shall be encapsulated and 100% warranted by the manufacturer for a minimum of 5 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads.

(b) All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for this area. All floats and the flotation material used in them shall be fire resistant.

(c) The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited.

(d) Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this regulation, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specification for which it was originally warranted.

(e) Floats meeting the most recent Army Corps of Engineers Standards (ERDC/EL TR-09-5) for flotation shall be deemed to comply with these requirements.

(f) All docks, mooring platforms, swim platforms or floating walkways must be designed to support the loads for which they are intended.

(g) Decks, stairs and walkways constructed on dry land used to access docks, mooring platforms, swim platforms or floating walkways are required to meet the requirements of the KY residential building code or KY building code as they apply.

(h) During repair, maintenance or construction, it is the owners responsibility to contain all foam and debris from polluting the waters. Recycle old foam through the installer, a marine contractor, or a garbage hauler.

Definitions:

Serviceable (designated function) - Serviceability for new and replacement construction is determined by the floats ability to maintain the lowest part of the dock structure a minimum of 5 in. above the water's surface (Freeboard). Freeboard is defined as the distance from the water surface to the topmost surface of the structure.

Fire Resistant – In regards to floatation materials, fire resistant refers to the materials inability to absorb oil and marine fuels from the water. The material must be impervious to water and damage from these and other substances and chemicals.

SECTION 6. ORDINANCE VIOLATIONS

- (a) Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.
- (b) Penalty. Any person, firm or corporation, who shall violate any provision of this condemnation code shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed three hundred and sixty five (365) days, or both, at the discretion of the court. Each day that a violation continues after notice has been served, in accordance with the terms and provisions hereof, shall be deemed as a separate offense.
- (c) Prosecution. In case any violation order is not promptly complied with, the enforcement official may request the jurisdiction's legal representative to institute an appropriate action or proceeding at law to exact the penalty provided above and including corrective actions to be conducted by the responsible party to comply with this code

SECTION 7. RIGHT OF APPEAL; PETITION

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Garrard County Fiscal Court, provided that such person shall file in the office of the County Judge Executive, a written petition requesting such hearing and containing a statement of the grounds therefore within twenty (20) days after the date the notice was served.

SECTION 8. PERMITS AND FEES

(a) THAT, the fees for permits and inspections shall be as provided for by order of the Garrard County Fiscal Court.

SECTION 9. INCONSISTENT ORDINANCE REPEALED

THAT, all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, are hereby repealed.

SECTION 10. EFFECTIVE DATE

THAT, this resolution shall take effect and be in full force when passed, published and recorded according to law.