

Fiscal Court Orders

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REGULAR SESSION OF NELSON FISCAL COURT

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ORDINANCE AMENDING BUILDING CODE FEES (SECOND READING)

The following ordinance is approved after a second reading on motion of Jerry Hahn, second of Bernard Ice, and by affirmative vote of all Court members:

COMMONWEALTH OF KENTUCKY
COUNTY OF NELSON
NELSON FISCAL COURT
ORDINANCE NO. _____

An Amended Ordinance relating to the Creation of the Nelson County Department of Code Enforcement and the Enforcement of the Kentucky Building Code as promulgated in 815 KAR 7:120 and the Kentucky Residential Code as promulgated in 815 KAR 7:125 by the Board of Housing, Buildings and Construction of the Commonwealth of Kentucky

WHEREAS, the Nelson County Fiscal Court desires to ensure the safety and security of homes and other structures which are constructed in Nelson County, and the persons who occupy and utilize same; and

WHEREAS, KRS 198B.060 (1) requires that all buildings constructed in Nelson County shall be built in compliance with the uniform state building code as adopted by the Board of Housing, Buildings and Construction;

WHEREAS, KRS 198B.060(l) requires Nelson County to employ sufficient code enforcement personnel to enforce the Kentucky Building Code as promulgated in 815 KAR 7:120 and the Kentucky Residential Code as promulgated in 815 KAR 7:125;

WHEREAS, KRS 198B.060(2) grants to local governments the responsibility for the examination and approval or disapproval of plans and specifications for certain buildings, and for the issuance of and revocation of building permits, licenses, and certificates of occupancy for same, as well as the responsibility to inspect all buildings pursuant to the provisions of KRS Chapter 198B and the Kentucky Building Code and the Kentucky Residential Code; .

WHEREAS, KRS 198B.060 (1) authorizes any city, county or urban county government to require, by ordinance, permits, inspections and certificates of occupancy for single family dwellings;

WHEREAS, KRS 198B.060 (11) requires the local government to employ or contract for or with electrical inspection services;

WHEREAS, KRS 198B.060 (18) authorizes each local government to establish a schedule of fees which are designed to cover the cost of the services performed but not to exceed it; and

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WHEREAS, it is the intention and desire of the Nelson Fiscal Court to cooperate with the Kentucky Department of Housing, Buildings and Construction;

NOW, THEREFORE, BE IT ORDAINED and AMENDED by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

Section 1. Definitions.

THAT the definitions of terms as set forth in KRS 198B.010, KRS 198B.650 and where specifically exempted by KRS 198B.674 are adopted to the extent necessary for the interpretation, application or enforcement of the provisions of this Ordinance.

Section 2. Adoption of the Kentucky Building Code and the Kentucky Residential 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 Kentucky Board of Housing, Buildings and Construction, Commonwealth of Kentucky, including all periodic amendments and updates thereto, are hereby adopted in full as if set out at length herein.

THAT a copy of said Kentucky Building Code and the Kentucky Residential Code, together with a copy of all other rules and regulations adopted or referenced there under and listed standards, updates and amendments for reference are on file in the Office of the Nelson County Clerk and the clerk shall at all times keep a copy of said materials for reference;

Section 3. Designated Enforcement Officer

THAT the Nelson County Department of Code Enforcement is hereby created for the purpose of enforcing the standards and provisions set forth under the Kentucky Building code as promulgated under 815 KAR 7:120 and the Kentucky Residential Code as promulgated in 815 KAR 7:125 and other applicable County Ordinances.

THAT the Fiscal Court of Nelson County shall approve, designate, employ, or contract for the local enforcement agent(s) necessary to operate the Department of Code enforcement. All inspections shall be performed by persons who are certified by the Kentucky Department of Housing, Buildings and Construction and employed by the Department of Code Enforcement of Nelson County, Kentucky.

THAT the Fiscal Court of Nelson County hereby establishes that all applicable policies and procedures, as well as staffing and offices for the Department of Code enforcement shall be established under the direction and supervision of the Fiscal Court of Nelson County.

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Section 4. Extended Application

THAT the application of the Kentucky Residential Code is extended to require permits, inspections, and certificates of occupancy for the construction or alteration of all detached one and two family dwellings, and townhouses, not more than three stories high with separate means of egress and their accessory structures constructed or to be constructed in Nelson County, as authorized by KRS 198B.060(1).

Section 5. Permits and Fees

A.) THAT all permit requirements, forms, etc., and all fees for permits and inspections shall be established by the Fiscal Court of Nelson County, in consultation with said Department of Code Enforcement, and in accordance with the applicable Codes.

B.) THAT all fees for permits and inspections shall be based on the building size to be inspected and THAT Inspection fees shall be based on a minimum of three separate site inspections with written reports provided for work which complies (or does not comply) with the applicable Building Codes:

Total fees for three inspections shall be as follows:

Section 5.1 - Single Family Residential And Manufactured Housing

1. Base fee = \$198.00
 2. Building Alterations/Additions = \$66.00 per site visit & report.
 3. Mechanical Permit and inspection fee = Fees set per State
 4. Inspection of Manufactured Housing footer/foundation system to include deck and egress stairs, = \$66.00
 5. Additional site visits (required due to failed site inspections) = \$66.00 per follow-up of a failed inspection.
 6. Prefabricated Accessory Structures 200 sq. feet or smaller – no fee
 7. Fences (6 feet or taller) = \$33.00
1. Section 5.2 - The fees for permits and inspections for all structures and systems not otherwise covered in Section 5.1 above shall be as set forth in the most recent edition of the Kentucky Building Code.
 1. Section 5.3. For initial installations of Heating, Ventilation and Air Conditioning systems, the fees charged shall be those set per the state.

Section 5.4 - For mechanical systems installed outside of the purview of 815 KAR 8:070, a permit and inspection fee of \$100 for the first \$10,000 total estimated cost of the Heating, Ventilation and Air Conditioning systems installations with a cost of 1 cent per one hundred dollars of construction cost for Mechanical construction system installation estimates in excess of \$10,000. The minimum fee for permitting and inspections under this section shall be \$100.00 dollars.

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Section 5.5 - Temporary structures including tents 20 feet by 20 feet in size and larger one time inspection.

Note: The code enforcement officer may visit each site numerous times to advise and review ongoing work at no additional cost.

C. Electrical permit and inspection fees Residential and Accessory Structures:

See Schedule A that is incorporated herein as if set out in full.

D. Electrical Permit and Inspection fees Commercial Structures:

1. Electrical bid estimate \$10,000.00 or less = \$200.00
2. Electrical bid estimate greater than \$10,000 = .1% of total electrical bid estimate
3. Additional or Failed Inspections = \$44.00 inspection

E. Consumer Price Index

On July 1 of each year beginning July 1, 2008 all fees shall be increased by a sum sufficient to compensate for the consumer price index.

Section 6. Hinderance of Building Inspectors Prohibited

THAT no person shall hinder an inspector acting as an agent of the Nelson County Department of Code Enforcement, in the performance of his or her lawful duties in enforcing any of the provisions of this Ordinance.

Section 7. Penalties

THAT any person who violates the provisions of Section 5 of this Ordinance shall be charged a double fee.

THAT any person who violates the provisions of Section 6 of this Ordinance or of the Kentucky Building Code or the Kentucky Residential Code shall be assessed a Civil Penalty of \$100.00. Each day a particular violation continues shall constitute a separate offense.

THAT in addition to the Civil penalty above, any person who violates any provisions of the Kentucky Building Code or the Kentucky Residential Code shall be assessed penalties in accordance with KRS 198B.990 and/or KRS 198B.991.

Section 8. Interpretation and Application

THAT this Ordinance shall be interpreted and applied in a manner that is consistent with the provisions of KRS Chapter 198B, including all Administrative regulations issued pursuant thereto, and so as to implement and carry out the duties and privileges of Nelson County as set forth therein.

Section 9. Inconsistent Ordinances Repealed

THAT all Ordinances which are hereafter found or are determined to be in conflict herewith are, to the extent of such conflict, hereby repealed.

