

An Ordinance relating to the Code Enforcement Department and the enforcement of the Kentucky Building Code

WHEREAS, the Court held a first reading on December 19th 2023, and held a second reading and adoption on January 2nd 2024, and after due consideration,

UPON MOTION OF _____, SECONDED BY _____, AND A VOTE BEING HAD, AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED.

ORDINANCE NO. 2023-009

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 the 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(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 or revocation of building permits, licenses, and certificates of occupancy for same, as well as the responsibility to inspect all buildings pursuant to the provisions for 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 services performed but not to exceed it; and

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 by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

Section 1. Definitions

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

Section 2. Adoption of the Kentucky Building Code and the Kentucky Residential Code

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, including all the periodic amendments and updates thereto, are hereby adopted in full as if set out at length herein. Nelson County Fiscal Court may, at its discretion, adopt specific, approved variations to the aforementioned regulations.

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

The Code Enforcement Department 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.

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

Nelson County Fiscal Court hereby establishes that all applicable policies and procedures, as well as staffing and offices for the Code Enforcement Department, shall be under the direction of the County Judge-Executive, with approval of the Nelson County Fiscal Court.

Section 4. Extended Application

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, apartments, 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) All permit requirements, forms, etc., and all fees for permits and inspections shall be established by the County Judge-Executive with approval by Nelson County Fiscal Court.
- B) All fees for permits and inspections shall be based on the building size to be inspected and 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:
- C) Demolition of non-commercial structures shall not be subject to plan review fees or inspection.
- D) When requested, inspections may be performed, if not otherwise required, at the applicant’s expense, and will follow the fee schedule enumerated in this section.

Total Fees for inspections shall be as follows:

Section 5.1– Fees

The fees for permits and inspections for all structures and systems shall be as set forth as follows:

Building Permit/Inspection Fees (All fees are payable to Nelson County Fiscal Court.) (MINIMUM INSPECTION FEE IS \$75.00)

1-2 Family, Patio/Townhomes, Multi-family Structures

New construction and additions.....\$225.00

*Minimum three inspections (footer, framing, final) and written report.

*Final inspection and written report

Accessory structures in excess of 1000sq. ft. (garages, storage buildings) \$150.00

Note: Accessory structures below 1000 sq ft are exempt from fee and inspection.

*Two inspections (footer and final) and written reports

Additional or failed site inspection.....	\$75.00
Duplex/Multi-Family-----	\$75.00

Commercial Buildings/ Plan Review/Inspections

<u>(Occupancy Type)</u>	<u>(Cost per sq/ft)</u>
Assembly.....	20 cents
Business.....	20 cents
Educational.....	20 cents
High Hazard.....	35 cents
Industrial Factories.....	20 cents
Mercantile.....	20 cents
Storage.....	20 cents
Utility & Misc.....	20 cents
Residential.....	20 cents
COMMERCIAL SIGNS-----	\$25.00

Commercial Alterations and repairs.

Plan review fees for alterations and repairs not otherwise covered by this fee schedule shall be calculated and multiplying the cost for the alterations or repairs by 0.0030; or calculated by multiplying the total area being altered by the cost per square foot of each occupancy type as listed in Table 121.3.1, whichever is less. The total square footage shall be determined by the outside dimensions of the area being altered or repaired. **The minimum architectural permit fee for all commercial review of plans/inspections under this section shall be \$300.00.**

Nelson County Building Code

Table 121.3.1

OCCUPANCY TYPE	COST PER SQ FOOT
Assembly	20 cents
Business	20 cents
Day Care Centers	<div style="background-color: yellow; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">N/A</div>
Educational	
High Hazard	35 cents
Industrial Factories	20 cents
Institutional	<div style="background-color: yellow; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">N/A</div>
Mercantile	
Residential	20 cents
Storage	20 cents
Utility and Miscellaneous	20 cents

PLAN REVIEW AND INSPECTION FEES

1. **General.** A permit to begin work for new construction, alteration, removal, or other building operations shall not be issued until the fees prescribed by law shall have been paid to Nelson County Fiscal Court. If an amendment to a permit necessitates an additional fee because of an increase in the estimated work involved, the permit shall not be approved until the additional fee has been paid.
2. **Special Fees.** Payment of fees for construction, alteration, or removal, and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, or certificates of occupancy, or other privileges or requirements established by law.
3. **State Jurisdiction.** The fees for plan examination and inspection functions required by Housing, Buildings, and Construction shall be prescribed as applicable.
4. **Fast track elective.** For permit applicants seeking early site and foundation approval prior to full review of complete set of construction documents, the fee shall be that as calculated from the Table 121.3.1 plus 50 percent of the full fee. The additional 50 percent fee shall not be less than \$400 and not more than \$3,000. The entire fee shall be paid at the time of the initial plan's submission.

5. **Submission of plans and fees.** All plans and specifications required to be submitted to the county shall be accompanied by the applicable fee as set forth herein, rounded to the nearest dollar.

6. **Method of payment.** All fees shall be submitted to the Department. Checks shall be made payable to the Nelson County Fiscal Court. A debit or credit card at cost 3% until fee is paid.

7. **Construction approval.** Approval for construction shall not be issued by the Department.

8. **New construction.** Review fees for new buildings shall be calculated by multiplying the total building area under construction by the cost per square foot of each occupancy type. Total square footage of the building shall be determined by the outside dimensions of the building. Minimum fee for review of plans under this section shall be \$300. The fee for buildings with multiple or mixed occupancies may be calculated by using the cost per square foot multiplier of the predominant use.

9. **Additions to existing buildings.** Plan review fees for additions to existing buildings, which do not require the entire building to conform to the Kentucky Building Code, shall be calculated in accordance with by the measurements of the square footage of the addition, as determined by the total building area of the addition. Minimum fee for the review of plans under this section shall be \$300.

10. **Sprinkler Plan change in use.** Plan review fees for existing buildings in which the group or occupancy type is changed shall be calculated in the accordance with by using the total square footage of the entire building or structure under the new occupancy type as determined by the total building area of that portion affected by the change of use. Minimum fee for review of plans under this section shall be \$300.

Number Of Sprinklers	FEE
4-025	\$200
026-100	\$250
101-200	\$300
201-300	\$350
301-400	\$400
401-750	\$500
Over 750	\$500 plus 50 cents per sprinkler over 750

11. **Commercial/Industrial Alterations and repairs.** Plan review fees for commercial/ industrial alterations and repairs not otherwise covered by this fee schedule shall be calculated by multiplying the cost for the alterations or repairs by 0.0030; or calculated by multiplying the total area being altered, or repaired by the cost per square foot of each occupancy type, whichever is less. The total square footage shall be determined by the outside dimensions of the area being altered or repaired. The minimum fee for review of plans under this section shall be \$300.

12. **Specialized fees.** In addition to the above fees, the fees shall be applied for the specialized plan reviews as listed in Section 121.

13. **Fire detection system review fee.** Up to 20,000 square feet shall be \$500; over 20,000 square feet shall be \$275 plus \$50 for each additional 10,000 square feet in excess of 20,00 square feet.

14. **Standpipe review fee.** \$500 (combination standpipe and riser plans shall be reviewed under the automatic sprinkler review fee schedule).

15. **Carbon dioxide suppression system review fee.** One to 200 pounds of agent shall be \$500, over 200 pounds of additional plus 5 cents per pound in excess of 200 pounds.

16. **Clean agent suppression system review fee.** Up to 35 pounds of agent shall be \$500, 10 cents per pound in excess of 35 pounds. The fee for gaseous systems shall be 10 cents per cubic foot and not less than \$275.

17. **Foam suppression system review fee.** 75 cents per gallon of foam concentrate where the system is not part of an automatic sprinkler system. Foam suppression system plans that are submitted as part of an automatic sprinkler system shall be reviewed under the automatic sprinkler review fee schedule. The fee for review of plans under this section shall not be less than \$500 or more than \$2,000.

18. **Commercial range hood review fee.** \$500 per hood including range hood extinguishing when those plans are submitted together.
 - 18.1 **Commercial range hood review fee.** \$300 per system when the range hood extinguishing system is submitted separate from the range hood system.
19. **Dry chemical systems review fee.** (Except range hoods). One to 30 pounds of agent \$300, over 30 pounds of agent 50 cents per pound in excess of 30 pounds.
20. **Spectator seating system review fee.** Seating systems having up to 1,000 seats shall be \$275; over 1,000 seats shall be \$275 and \$20 for each additional 200 seats in excess of 1,000 seats. The total number of seats in seating systems without dividing arms shall be calculated at 18 inches per seat as required by code.
21. **Fire detection system review fee.** Zero to 20,000 square feet shall be \$275 plus \$30 for each additional 10,000 square feet in excess of 20,000 square feet.
22. **Standpipe plan review fee.** \$275 (combination standpipe and riser plans shall be reviewed under the automatic sprinkler review fee schedule).
23. **Carbon dioxide suppression system review fee.** One to 200 pounds of agent shall be \$275 plus 5 cents per pound in excess of 200 pounds.
24. **Clean agent suppression system review fee.** Up to 35 pounds of agent shall be \$275; over 35 pounds shall be \$275 plus 10 cents per pound in excess of 35 pounds. The fee for gaseous systems shall be 10 cents per cubic foot and not less than \$275.
25. **Foam suppression system review fee.** \$0.50 per gallon of foam concentrate where the system is not a part of the automatic sprinkler system. Foam suppression system plans that are submitted as part of an automatic sprinkler system shall be reviewed under the automatic review fee schedule. The fee for review of plans under this section shall not be less than \$275 nor more than \$1,500.

26. **Commercial range hood review fee.** \$225 per hood including range hood extinguishing system review when those plans are submitted together.
27. **Dry chemical systems review fee (except range hoods).** One to 30 pounds of agent shall be \$275; over 30 pounds of agent shall be \$275 plus 25 cents per pound in excess of 30 pounds.
28. **Spector seating review fee.** Seating systems having 1 to 1000 seats shall be \$275; over 200 seats in excess of 1000 seats. The total number of seats in seating systems without dividing arms shall be calculated at 18 inches per seat as required by Section 1004.4 of this code.
29. **Consumer Fireworks Retail Fee.** For tents temporary structures, or buildings used for the retail sales of consumer fireworks, the fees shall be:
- 29.1. **Temporary Tents and Structures:** \$250
- 29.2. **Permanent Building:** 25 cents per square foot.
30. **Accounting.** The code official shall keep an accurate account of all fees collected and such collected fees shall be deposited monthly in the jurisdiction treasury, or otherwise disposed.

ELECTRICAL PERMIT/INSPECTION FEE SCHEDULE

RESIDENTIAL STRUCTURES

Single Family 3000 sq. ft. and smaller-----	\$147.00 (3 inspections)
Single Family over 3000 sq. ft.-----	\$175.00 (3 inspections)
Room additions without service change out-----	\$94.00 (2 inspections)
Room additions with service change out-----	\$147.00 (3 inspections)
Duplex-----	\$300.00 (3 inspections ea. unit)
Three Plex-----	\$441.00 (3 inspections ea. unit)
Multi-family more than 3 units-----	\$49.00 (per inspection per each unit)

ACCESSORY STRUCTURES INCLUDING BARN/SHEDS AND INGROUND POOLS

Garage/storage bldg. (unfinished)-----	\$49.00 (inspections)
Garage/storage bldg. (finished) -----	\$98.00 (2 inspections)
Generator Installation-----	\$49.00 (1 inspection)
New Service Installation-----	\$49.00
Solar Panel Installation-----	\$49.00
Failed inspections or additional inspections-----	\$49.00 (per re-inspections)

MOBILE, MANUFACTURED & MODULAR HOMES----\$49.00 (PER INSPECTION)

SERVICE CHANGES (RESIDENTIAL)

200 AMP Service or less-----	\$100.00 (1 inspection)
200 AMP Service or less requiring 2 trips----	\$200.00 (2 inspections)
Service Repairs/Upgrades-----	\$200.00 (2 inspections)
Service Poles-----	\$100.00 (1 inspection)
Temporary Service-----	\$100.00 (1 inspection)

In Ground Pools-----\$200.00 (2 inspections)

All other inspections-----\$100.00 (per inspection)

COMMERCIAL STRUCTURES FEE'S

Commercial electrical contract \$20,000 or less is \$500.00 (3 inspections)

Commercial electrical bids greater than \$20,000 fee is 2% of successful contract (**copy may be required**)

Commercial inspection fee-----\$125.00 per inspection

Person's submitting applications by mail must first have the following information on file with Nelson County Code Enforcement: 1. Proof of insurance 2. Copies on file of master & Contractor License. (Must be current on Insurance & Occupational License Fee).

NOTE: (HOME OWNERS SEEKING ELECTRICAL PERMITS FOR RESIDENTIAL/ ACCESSORY STRUCTURES MUST OWN THE PROPERTY AND PHYSICALLY LIVE ONE SITE).

TO SCHEDULE AN ELECTRICAL INSPECTION OR REQUEST INFORMATION PLEASE CALL (502) 348-1862/1895 M-F 8:00AM TO 4:00PM

MECHANICAL PERMIT/INSPECTION FEE SCHEDULE

SINGLE FAMILY RESIDENTIAL, TOWNHOUSES, & MULTI-FAMILY DUPLEX AS REQUIRED BY 815 KAR 8:070 & 8:080 AND THE KENTUCKY RESIDENTIAL CODE.

New Installation: heating, ventilation, air-conditioning (HVAC)

*Typical Single Family Residence (one system appliance) -----\$105.00

*Typical Single Family Residence (two system appliances) -----\$155.00

*Townhouse (one system appliance/per dwelling unit):-----\$105.00

*Townhouse (two system installation/per dwelling unit):-----\$50.00

*Duplex (one system appliance/per dwelling unit)-----\$155.00

***Re/Failed Inspections-----\$100.00**

Structures with dual (2) appliance systems other than multi-family-----\$155.00

Minimum permit fee per unit-----\$105.00

COMMERCIAL, APARTMENTS, MULTI-FAMILY, & OTHER COMMERCIAL INSTALLATIONS AS REQUIRED BY 815 KAR 8:070 AND 8:080 AND KBC.

SEE FEE TABLE BELOW:

Amount in dollars	New fee
2,000 or less	\$125
\$2,001 to \$10,000	\$180
\$10,001 to \$25,000	\$270
\$50,001 to \$75,000	\$330
\$75,001 to \$100,000	\$390
\$100,001 to \$150,000	\$500
\$150,001 to \$200,000	\$630
200,001 to 250,000	\$760
\$250,001 to \$300,000	\$885
\$300,001 to \$400,000	\$1,025
\$400,001 to \$500,000	\$1,150
\$500,001 to \$600,000	\$1,500
\$600,001 to \$700,000	\$1,900
\$700,001 to \$800,000	\$2,125
\$800,001 to \$900,000	\$2,355
\$1,000,001 to \$1,100,000	\$2,590
\$1,100,001 to \$1,200,000	\$2,820
\$1,200,001 to \$1,300,000	\$3,280
\$1,300,001 to \$1,400,000	\$3,510
\$1,400,001 to \$1,500,000	\$3,735
\$1,500,001 to \$1,600,000	\$3,965

Re- Inspection----\$50.00

*Multi-Family (one system appliance/per unit)

\$105.00 1st unit appliance

\$50.00 ea for others units

The fee for installations over \$1,600,000 is \$3,965 plus \$200 per \$100,000

or fraction thereof in excess of \$1,600,000.

Applications by mail must first have the following information on file with Nelson Code Enforcement: Proof of insurance, 2 Copies on file of Mechanical, License 3. Address, phone and e-mail of applicant.

Section 5.2 Initial HVAC Inspections

For initial installations of Heating, Ventilation and Air Conditioning systems, the fees charged shall be those per the state.

Section 5.3 Mechanical Inspections

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 installation 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.

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

Section 5.4 Consumer Price Index

Effective July 1st of each following year, fees shall be increased each year by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Department of Labor.

Section 6. Hinderance of Building Inspectors Prohibited

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

Section 7. Penalties

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than one hundred (\$100.00) not more than five hundred dollars (\$500.00); provided, that each days' violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a uniform citation by any duly appointed agent as designated by the County Judge-Executive.

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 additional penalties in accordance with KRS 198B.990 and/or KRS 198B.991.

Section 8. Interpretation and Application

This Ordinance shall be interpreted and applied in the 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. Severability

If any provisions of this ordinance or any provisions of its subsequent application are held invalid, such invalidation does not affect the remainder of this ordinance or its application.

Section 10. Repealer

Any prior version or provision of this ordinance, including the self-styled “Building Code Ordinance” (Book 38 Pages 97-101), or any other resolution or order previously adopted by the Nelson County Fiscal Court which is in conflict with this ordinance, adopted this ____ day of _____, 2024, is hereby repealed, remanded and held for naught.

Section 11 Effective Date

This ordinance shall become effective upon passage, and will be advertised pursuant to KRS 424.

NELSON FISCAL COURT

Tim Hutchins
County Judge-Executive

ATTEST:

Nelson County Clerk

Approved as to form and legality:

County Attorney