

ORDINANCE NO _____:2019

AN ORDINANCE AMENDING THE CITY OF MOREHEAD, KENTUCKY
CODE OF ORDINANCES, TITLE 15, LAND USAGE,
CHAPTER 150, BUILDING REGULATIONS TO UPDATE SAID REGULATIONS
AND ADOPT THE MOST RECENT BUILDING CODES

WHEREAS the City desires to amend Chapter 150, Building Regulations to update said Ordinances and adopt the most recent Codes;

NOW, THEREFORE, BE IT ORDAINED that Chapter 150, Building Regulations shall be amended as follows:

CHAPTER 150 Building Regulations

<u>150.01</u>	<u>In General</u> [Kentucky Building and Residential Code Adopted]
<u>150.[01]02</u>	Kentucky Building and Residential Codes Adopted
<u>150.[02]03</u>	Electrical Inspections and Permits
<u>150.[03]04</u>	Appeals Board and Appeals
<u>150.[04]05</u>	[Building Permit] Fees
<u>150.99</u>	Penalty

Section

Section 150.01 In General

(A) Plan Reviews –

(1) Before a Building Permit may be issued a Building Inspector for the City or Commonwealth of Kentucky and/or the Planning Commission shall review plans for the following projects:

- | | |
|-----|--|
| (a) | Single, Double, Multi-Family or
Residential/Commercial New Construction |
| (b) | Business New Construction |
| (c) | Commercial/Industrial New Construction |
| (d) | Assembly |
| (e) | Day Care Centers |
| (f) | Educational Centers |
| (g) | Frozen Food Plants |
| (h) | High Hazard |
| (i) | Industrial/Factories |

<u> (j) Institutional</u>
<u> (k) Mercantile</u>
<u> (l) Warehouse</u>
<u> (m) Additions to Existing Buildings</u>
<u> (n) Change in Use</u>
<u> (o) Alterations and Repairs</u>
<u> (p) Automatic Sprinkler Systems</u>
<u> (q) Fire Detection System</u>
<u> (r) Standpipe</u>
<u> (s) Carbon Dioxide Suppression System</u>
<u> (t) Clean Agent Suppression System</u>
<u> (u) Foam Suppression System</u>
<u> (v) Commercial Range Hood</u>
<u> (x) Dry Chemical System</u>

 (2) All plans and specifications required to be submitted to the City shall be accompanied by the applicable fee as set forth herein.

 (3) Two (2) sets of plans shall be submitted with the application and fee.

 (B) Permits –

 (1) Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, insert other items such as heating, electrical, etc. or to cause any such work to be done, shall first make application to the Office of the City Building Inspector obtain the required permit therefor.

 (2) Ordinary minor repairs may be made with the approval of the City Building Inspector without a permit; provided that such repairs shall not violate any of the provisions of this Ordinance or Kentucky Codes.

 (C) Forms --- A Plan Review form and Building Permit application along with the required fee, shall be filed with the City Building Inspector's office, on said form furnished by the City and shall contain a general description of the work and its location. The application shall be signed by the owner, or his/her authorized agent.

 (D) Permits and Fees. The fees for plan reviews, permits and inspections shall be provided in Section 150.[04]05. All fees required herein shall be payable to the City of Morehead.

 (E) A permit required herein shall not be issued until the fees prescribed by law shall have been paid to the City and/or Commonwealth. If an amendment to a permit necessitates an additional fee because of an increase in

the estimated cost of the work involved, the permit shall not be approved until the additional fee has been paid.

(F) 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 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 inspection or certificates of occupancy or other privileges or requirements established by law.

(G) Inspections: Inspections will be completed per the Kentucky Building Code/Kentucky Residential Code.

Section 150.~~[04]~~02 Kentucky Building and Residential Codes Adopted.

(A) (1) The Kentucky Building Code as promulgated in 815 KAR 7:120 and the Kentucky Residential Code as promulgated in 815 KAR 7:125 are hereby adopted in full as regulations of the city as if set out at length herein.

(2) A copy of the Kentucky Building Code and Kentucky Residential Code, together with a copy of all other regulations or NFPA pamphlets adopted or referred to thereunder, are on file in the office of the ~~[City Clerk]~~ Building Inspector, and the ~~[Clerk]~~ Building Inspector shall at all times keep a copy of the building code for reference.

(B) The City Building Inspector ~~[/City Planner]~~ or his/her assistant shall be designated as the local enforcement agent for said Kentucky Building Code and Kentucky Residential Code. Persons certified by the Kentucky Department of Housing, Buildings and Construction shall perform all building code inspections. A certified electrical inspector specifically approved by the city, pursuant to Section 150.~~[02]~~03, shall perform all electrical inspections.

~~[(C) — Permits and fees. The fees for permits and inspections shall be provided in Section 150.04.]~~

~~[(D)]~~(C) Pursuant to KRS 198B.060(8), a building inspection program is hereby established in the city for application to all buildings including single-family dwellings as provided in the adopted codes.

150.~~[02]~~03 Electrical Inspections and Permits

(A) All electrical installation and alteration within and upon a building or structure except those specifically exempt by ~~[Chapter 27, Section 2703.2 of]~~ the Kentucky Building Code and Kentucky Residential Code as adopted ~~[by Section 150.04]~~ shall not commence until a permit is obtained by the owner or electrical

contractor from the office of the City Building Inspector of the City of Morehead. The fee for obtaining a permit shall be five dollars (\$5.00). Before a permit is issued the City Building Inspector may make a determination that the building or structure being supplied with electrical power meets local and state codes and ordinances, specifically housing and building codes, zoning regulations, and flood plan regulations.

(B) At the time the permit is obtained, the City Building Inspector [~~City Planner~~] shall provide the applicant with a list of approved electrical inspectors for the City of Morehead. The owner or electrical contractor shall select one (1) of the approved certified inspectors to obtain the necessary inspections.

(C) The City shall enter into an agreement with no more than three (3) electrical inspectors with state inspection credentials. The City will only accept electrical inspections from those inspectors approved by the City. Said approved electrical inspectors may charge the applicant the following fees:

Temporary Inspections	\$75.00 per trip
Residential Inspections:	
Rough in inspections:	\$75.00 per trip
Service only inspections:	\$75.00 per trip
Rough in and service only inspections – same trip	\$100.00 per trip
Final Inspections	\$75.00 per trip
Commercial and Industrial	
Electrical contract up to \$50,000	\$75.00 per trip
Electrical contract \$50,001 - \$500,000	1.25% of the contract
Electrical contract \$500,001 and up	0.75% of the contract

(D) When a certificate of inspection has been issued by an approved electrical inspector, the certificate, the certificate shall be delivered to the City Building Inspector.

Section 150.~~03~~ 04 Appeals Board and Appeals

(A) There is hereby established and created a Building Code Appeals Board of the City.

(B) The purpose of the Building Code Appeals Board is to hear appeals of the decisions of the Building Inspector and/or [~~Assistant Building Inspector~~] his/her Administrative Assistant, such as may arise under the Kentucky Building Code.

(C) The Building Code Appeals Board shall be in compliance with the provisions of KRS 198B.070.

(1) The Mayor, upon the approval of the Council, shall appoint five (5) technically qualified persons with professional experience related to the building industry. ~~[No member of the Board shall be employed by the city]~~ At least three (3) members of the appeals board shall not be employed by the local government hearing the appeal. Members of the Appeals Board shall serve for staggered three (3)-year terms. Each member shall serve until his or her successor is appointed and qualified.

(2) Vacancies shall be filled in the same manner as original appointments are made.

(3) A majority of the members of the Building Code Appeals Board shall constitute a quorum for all purposes. A decision reached by a majority of the Appeals Board members present at a properly called meeting shall constitute a decision of the entire Board.

(4) The Board shall receive no compensation.

(D) Appeal Procedure.

The Board shall exercise the duties and follow the procedures set forth in KRS 198B.070.

150.[04]05 [Building Permit] Fees

(A) The following Building Permit fees are established:

<u>Construction Costs/Construction Type</u>	<u>Fees</u>
\$0 - \$1,000	\$20.00
\$1,001 - \$50,000	\$20.00 for first \$1,000, plus \$5.00 for each additional \$1,000.
\$50,001 - \$250,000	\$265 for the first \$50,000, plus \$4.00 for each additional \$1,000.
\$250,001 - \$1,000,000	\$1,261 for the first \$250, plus \$5.00 for each additional \$1,000.
\$1,000,001 and over	\$5,011 for the first \$1,000,000, plus \$4.00 for each additional \$1,000.
Moving of a Structure	\$25.00 per thousand of cost
Demolition	\$10.00 per thousand of cost
<u>Temporary Structure</u>	<u>\$25.00</u>
Request received after-the-fact	Cost as stated above, plus 100% surcharge

~~[(B) Single Family Residential plan review fees. Ten dollars (\$10.00) per thousand (1,000) square foot or fraction thereof.]~~

~~(C) Commercial Plan Review 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 the state, if applicable, and to the city. If an amendment to a permit necessitates an additional fee because of an increase in the estimated costs of 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 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 certificate of occupancy of other privileges or requirements established by law.]~~

~~[(3) City Jurisdiction. The fees for plan examination and inspection functions required by the city shall be as prescribed herein as applicable. The fees shall be paid in accordance with the Table of fees below.]~~

~~_____ (a) 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 of Fees plus fifty percent (50%) of the full fee. The additional fifty percent (50%) fee shall not be less than four hundred dollars (\$400.00) and not more than three thousand dollars (\$3,000.00). The entire fee shall be paid at the time of the initial plan submission.]~~

TABLE OF FEES

Occupancy Type	Cost Per Square Foot (In Cents)
All other nonresidential	6.5
Assembly	8.5
Business	7.5
Day Care Centers	7.5
Educational	7.5
Frozen Food Plants	6.5
High Hazard	7.5
Industrial Factories	6.25
Institutional	8.5
Mercantile	7.5

Residential	7.5
Warehouse	5.5

~~(b) Submission of plans and fees. All plans and specifications required to be submitted to the City shall be accompanied by the applicable fee as set forth herein, rounded to the nearest dollar.~~

~~(c) Method of payment. All fees required herein shall be in check form payable to the City of Morehead.~~

~~(d) Construction approval. Approval for construction shall not be issued by the City Building Inspector until all required fees have been paid.~~

(B) Plan Review Fees.

~~(1) (e) New Construction. Departmental plan 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 as listed in the table of fees. Total square footage shall be determined by the outside dimensions of the building. Minimum fee for review of plans under this section shall be two hundred dollars (\$200.00). The fee for building with multiple or mixed occupancy may be calculated using the cost per square foot multiplier of the predominant use.~~

(2) The following Plan Review fees are established.

<u>OCCUPANCY/CONSTRUCTION TYPE</u>	<u>COST PER SQUARE FOOT</u>
<u>Residential</u>	<u>\$10.00 per 1000 square foot</u>
<u>Assembly</u>	<u>8.5 cents per sqft OR \$200 minimum</u>
<u>Business</u>	<u>7.5 cents per sqft or \$200 minimum</u>
<u>Day Care Centers</u>	<u>7.5 cents per sqft</u>
<u>Educational</u>	<u>7.5 cents per sqft</u>
<u>Frozen Food Plants</u>	<u>6.5 cents per sqft</u>
<u>High Hazard</u>	<u>7.5 cents per sqft</u>
<u>Industrial</u>	<u>6.25 cents per sqft or \$200 minimum</u>
<u>Institutional</u>	<u>8.5 cents per sqft</u>
<u>Mercantile</u>	<u>7.5 cents per sqft or \$200 minimum</u>
<u>Residential – Commercial</u>	<u>7.5 cents per sqft or \$200 minimum</u>
<u>Warehouse</u>	<u>5.5 cents per sqft or \$200 minimum</u>
<u>All other Nonresidential</u>	<u>6.5 cents per sqft or \$200 minimum</u>
<u>Change in Use</u>	<u>Same as plan review for use or \$200</u>

	<u>minimum</u>
<u>Alteration Repair</u>	<u>Lesser of \$0.025 of cost or fee of a new plan review or \$200 minimum</u>

(3) Fast-Tract Elective. The Fast-Tract elective is an optional application and plan review process outside normal channels for time-sensitive projects allowing early site and foundation approval prior to full review of complete set of construction documents. This process can only be used for Residential projects. The fee shall be that as calculated from the Table of Fees above plus fifty percent (50%) of the full fee. The additional fifty percent (50%) fee shall not be less than four hundred dollars (\$400.00) and not more than three thousand dollars (\$3,000.00). The entire fee shall be paid at the time of the initial plan submission.

~~(4)(f)~~ Additions to existing buildings. Plan review fees for additions to existing buildings, which shall not require the entire building to conform to the Kentucky Building Code as adopted by the City, shall be calculated in accordance with the Table of Fees set forth above by the measurement of the square footage of the addition as determined by the outside dimensions of the addition. Minimum fee for review of plans under this section shall be two hundred dollars (\$200.00).

~~[(g) Change in use. Plan review fees for existing buildings in which the group or occupancy type is changed shall be calculated in accordance with the Table of Fees by using the total square footage of the entire building or structure under the new occupancy type as determined by the outside~~

~~[(h) Alterations and repairs. Plan review fees for alterations and repairs not otherwise covered by this fee schedule shall be calculated by multiplying the cost for the alterations or repairs by 0.025 or calculated by multiplying the total area being altered or repaired by the cost per square foot of each occupancy type as listed in the Table of Fees, whichever is less. The total square footage shall be determined by the outside dimensions of the area being altered or repaired. The minimum fees for review of plans under this section be two hundred dollars (\$200.00).]~~

(5) In addition to the fees set above, there shall be additional fees for the plan reviews for Sprinkler Systems, Fire Detection System, Standpipe, Carbon Dioxide Suppression System, Clean Agent Suppression System, Foam Suppression System, Commercial Range Hood and Dry Chemical System as forth herein below.

~~[(i) Specialized Fees. In addition to the above fees, the fees for automatic sprinkler review fee shall be applied for the specialized plan reviews listed-~~

 (a) Automatic Sprinkler Review Fee Table

Number of Sprinklers	Fee
4 – 200	\$150.00
201 – 300	\$175.00
301 – 400	\$210.00
401- 750	\$250.00
Over 750	\$250 plus 20 cents per sprinkler over 750

 (b) ~~[(j)]~~ Fire Detection System Review fee – Zero (0) to twenty thousand (20,000) square feet shall be one hundred fifty dollars (\$150.00); over twenty thousand (20,000) square feet shall be one hundred fifty dollars (\$150.00) plus twenty dollars (\$20.00) for each additional ten thousand (10,000) square feet in excess of twenty thousand (20,000) square feet.

 (c) ~~[(k)]~~ Standpipe Plan Review fee – One hundred fifty dollars (\$150.00); combination standpipe and riser plans shall be reviewed under the automatic sprinkler review fee schedule.

 (d) ~~[(l)]~~ Carbon Dioxide Suppression System Plan Review fee – One (1) to two hundred (200) pounds of agent shall be one hundred fifty dollars (\$150.00); over two hundred (200) pounds of agent shall be one hundred fifty dollars (\$150.00) plus two cents (\$.02) per pound in excess of two hundred (200) pounds.

 (e) ~~[(m)]~~ Clean Agent Suppression System Plan Review fee – Up to thirty-five (35) pounds of agent shall be one hundred fifty dollars (\$150.00); over thirty-five (35) pounds shall be one hundred fifty dollars (\$150.00) plus six cents (\$.06) per pound in excess of thirty-five (35) pounds. The fee for gaseous systems shall be five cents (\$.05) per cubic foot and not less than one hundred fifty dollars (\$150.00).

 (f) ~~[(n)]~~ Foam Suppression System Review fee – Fifty Cents (\$0.50) 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 one hundred fifty dollars (\$150.00) nor more than one thousand five hundred dollars (\$1,500.00)

_____ (g) [ø] Commercial Range Hood Plan Review fee –
One Hundred Fifty Dollars (\$150.00) per hood

_____ (h) [p] Dry Chemical Systems Plan Review fee –
(Except Range Hoods) One (1) to thirty (30) pounds of agent shall be one
hundred fifty dollars (\$150.00); over thirty (30) ounces of agent shall be one
hundred fifty dollars (\$150.00) plus twenty five cents (\$0.25) per pound in excess
of thirty (30) pounds.

150.99 Penalty

(A) Violation of this Chapter by any person, firm, partnership
corporation or other legal entity, other than as set forth in subsection (C) below,
shall constitute a civil offense which will be enforced according to the procedure
set forth in the City of Morehead Code Enforcement Board Ordinance by the
Code Enforcement Board, Code Enforcement Officers, and other persons duly
authorized to investigate and enforce violations through investigations, inspection
and issuance of citations.

(B) The penalties for violation of this Ordinance shall be set forth in
Section 34.132 of the City of Morehead Code of Ordinances.

(C) Notwithstanding subsections (A) and (B) above, any person, firm,
partnership, corporation or other legal entity violating any provision so this
chapter may be guilty of a misdemeanor, and upon conviction thereof shall be
punished by a fine of up to \$500 or by imprisonment for a period not to exceed
365 days, except as otherwise provided by KRS Chapter 198B for violations of
the Kentucky Building and Residential Codes. Each day the violation continues
shall be a separate offense. No additional notice other than the notice for the
original offense shall be required to convict a person, firm, partnership,
corporation or other legal entity for such violations resulting from a continuation
of such offense.

INTRODUCED, SECONDED AND GIVEN FIRST READING at a duly
convened meeting of the Board of City Council of the City of Morehead, Kentucky
held on this the _____ day of _____, 2019.

INTRODUCED, SECONDED AND GIVEN SECOND READING at a duly
convened meeting of the Board of City Council of the City of Morehead, Kentucky
held on this the _____ day of _____, 2019.

APPROVED:

ATTESTED:

LAURA WHITE-BROWN, MAYOR

CRISSY CUNNINGHAM, CITY CLERK