

ORDINANCE NO. **BG2024 - 19**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES

WHEREAS, the City of Bowling Green regularly reviews the Code of Ordinances to determine if changes need to be made; and,

WHEREAS, the Neighborhood and Community Services Department recommends amendments be made to the Chapter to make administrative revisions and updates to the fees; and,

WHEREAS, the proposed amendments as recommended by City staff are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 6 (Building Regulations) is hereby amended as follows:

6-1 ADMINISTRATION.

6-1.01 Chief Building Inspector and Building Inspectors.

a. Positions established. There are hereby established the positions of Building Inspector ~~and~~ Chief Building Inspector to supervise the Building and Inspection Division of the Department of Neighborhood and Community Services [~~and Building Inspector~~]. The Chief Building Inspector and all Building Inspectors enforcing the Kentucky Building Code shall be persons certified by the Kentucky Department of Housing, Buildings and Construction.

b. Duties. The duties of the Chief Building Inspector and Building Inspectors, including the Electrical Inspector, shall be to:

1. Enforce the Kentucky Building Code and the Kentucky Residential Code, including the Electrical Code;

[~~2. Enforce the Zoning Ordinance and Subdivision Regulations;~~]

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~~2~~[3]. Enforce the Existing Structures Code;

~~3~~[4]. Inspect buildings in order to assure their compliance with the Building and Existing Structures Codes;

~~4~~[5]. Inspect plans and specifications and building applications and to issue building permits;

~~5~~[6]. Coordinate the performance of these duties with Plumbing Inspector, Fire Inspector and Health Officials of the City, County and State;

~~6~~[7]. Carry out orders and directions of the Director of Neighborhood and Community Services, the City Manager, Planning Commission and other City officials with respect to the performance of his other duties;

~~7~~[8]. Follow enforcement procedures set out in the current editions of the Kentucky Building Code, including its referenced codes [~~and the Zoning Ordinance~~]; and,

~~8~~[9]. Carry out such other duties as are imposed upon him by Kentucky Revised Statutes or City ordinances and which may hereafter be delegated to him by the Board of Commissioners.

c. The Chief Building Inspector and Building Inspectors shall be responsible to the Director of the Department of Neighborhood and Community Services.

6-1.02 City staff and City-County Planning Commission review [~~Building Permit Applications, Subdivision Proposals, Etc. Reviewed~~] for Flood Hazard Prevention.

Designated City staff and the City-County Planning Commission of Warren County shall review all subdivision proposals, site work permits, and building permit applications in accordance with applicable Federal, State, and local laws and ordinances to determine whether the proposed activity meets floodplain regulations.

[~~a. Chief Building Inspector and Building Inspectors to Review. The Chief Building~~

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~~Inspector and Building Inspectors shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement including prefabricated and mobile homes must:]~~

~~[1. Be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.]~~

~~[2. Use construction materials and utility equipment that are resistant to flood damage, and]~~

~~[3. Use construction methods and practices that will minimize flood damage.]~~

~~[b. Planning Commission to Review. The City County Planning Commission of Warren County shall review subdivision proposals, all other proposed new developments and all proposed replacement developments to assure that:]~~

~~[1. All such proposals are consistent with the need to minimize flood damage.]~~

~~[2. All public utilities and facilities, such as sewer, gas, electric, water and telephone systems are located, elevated and constructed to minimize or eliminate flood damage, and]~~

~~[3. Adequate drainage is provided so as to reduce exposure to flood hazards.]~~

~~[c. New or Replacement Public Utility Systems Required. The City County Planning Commission of Warren County shall require new or replacement public utility systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.]~~

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6-3 PLAN REVIEW AND INSPECTION RESPONSIBILITY.

6-3.01 Submission of Plans and Specifications for Review.

a. In addition to Section 108.0 of the Kentucky Building Code, which sets forth present

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duties of the Building Official, the City accepts Plan Review and Responsibility as provided in Section 109.0(2) of the Kentucky Building Code for all buildings within the boundaries of its jurisdiction, with the exception of the following:

1. Institutional occupancies;
2. State-owned and State-leased buildings;
3. State Licensed Facilities [~~High hazard occupancies~~]; and,
4. Industrial building systems regardless of classification.

b. All plans and specifications for all buildings within the boundaries of jurisdiction of the City, except as set forth hereinabove shall be submitted to the Department of Neighborhood and Community Services, Building and Inspection Division for review by a properly qualified Building Official.

6-4 FEES.

6-4.01 Fees to Accompany All Plans and Specifications.

a. All plans and specifications required to be submitted to the Building Official for review shall be accompanied by the applicable fees herein set forth, rounded to the nearest dollar, and such fees are intended to cover costs of corresponding inspections for compliance with such plans.

b. Form of Payment. All fees required herein shall be in an acceptable form to the [~~check,~~ payable to the] City of Bowling Green [~~Treasurer~~] and no approval for construction shall be issued by the Building and Inspection Division until all required fees have been paid.

c. Except as set out below, plan review fees for all building permit applications shall be the same fees as set out in the Kentucky Building Code, Current Edition, as adopted and promulgated by the Kentucky Department of Housing, Buildings and Construction.

d. A plan review fee reduction shall be allowed for plans involving multiple identical buildings submitted at the same time and located on the same development plan. The determination

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whether the plans are identical shall be within the sole discretion of the City of Bowling Green Building Official. The plan review fee for the first building shall be the same as set out in the Kentucky Building Code, Current Edition, based on the size of the building. The plan review fee for each of the remaining identical buildings shall be the minimum plan review fee as set out in the Kentucky Building Code.

6-5 STATE PLUMBING CODE ADOPTED.

The Kentucky State Plumbing Law, Regulations and Code, Current Edition, is hereby adopted.

6-6 TOPOGRAPHICAL PLOT PLAN [PLAT] AND APPROVED STREET ADDRESS OR PVA MAP CODE NUMBER REQUIRED.

6-6.01 Required to Obtain Building Permit; Contents.

At the time application is made for a building permit, the applicant shall furnish the PVA map code number or approved street address and a topographical plat of the lot upon which the new residence is to be constructed showing the following:

- a. Exact location of proposed residence;
- b. Elevation of all grading for the proper drainage from the residence in all directions;

and,

~~[e. All floor joists and girders shall be a minimum of twenty-four (24") inches above the interior ground surface within the foundation.]~~

6-6.02 Drainage Elevation.

The elevation for proper drainage shall be in accordance with standards set by the Kentucky Building Code and local ordinance ~~[of the United States Department of Housing and Urban Development, Federal Housing Administration, Washington, D. C].~~

6-6.03 Enforcement.

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The foregoing shall be enforced by the Director of the Department of Neighborhood and Community Services, the Chief Building Inspector and Building Inspectors, and the officials may seek injunctive relief in the circuit court to prevent any violation of this Section.

6-7 DEMOLITION PERMITS.

6-7.01 Issuance of Demolition Permits.

Before commencing or proceeding with the wrecking, shoring, razing, demolition or moving of any structure, a demolition permit shall be first obtained by the owner or his agent from the Department of Neighborhood and Community Services, Building and Inspection Division and it shall be unlawful to commence or proceed with such work unless such permit shall have been obtained. ~~[However, no permit shall be issued sooner than five (5) working days after the application is filed in order that the notice provisions in this Subchapter may be completed.]~~

6-7.02 Review by Historic Preservation Board.

Upon receipt of a demolition permit application, the Department of Neighborhood and Community Services shall forward the application to the staff of the Historic Preservation Board. No demolition permit required by this Subchapter shall be issued until after the staff of the Historic Preservation Board is allowed to perform an initial examination of the structure and determine if the structure is at least fifty (50) years old and/or has any historic significance. Such examination is to be conducted on every proposed demolition regardless of whether the building or structure is listed in the National Register of Historic Places. However, under no circumstances shall such examination exceed five (5) working days in length. The time shall begin to run from the date that the application to demolish is filed with the Department of Neighborhood and Community Services.

6-7.03 Determination of Historical Structure.

If the staff of the Historic Preservation Board determines that the structure is at least fifty (50) years old and/or has any historic significance, which means it is eligible for Local Historic

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Designation or is listed, or eligible for listing in the National Register, the staff for the Historic Preservation Board shall notify the Department of Neighborhood and Community Services. No demolition permit shall be issued until after the staff of the Historic Preservation Board has completed a thorough study of the structure and documented for future generations the historical significance of the structure. However, under no circumstances shall such study exceed thirty (30) calendar days in length. The time shall begin to run on the date following the date of application with Neighborhood and Community Services [~~end of the initial five-day waiting period~~]. Demolition permits issued for historically significant properties may suggest that a portion of the structure be sold, donated or saved for future use.

6-7.04 Exceptions.

This Subchapter shall not apply in any case where the Department of Neighborhood and Community Services, Fire Department, the Health Department or any officer or agency thereof, or any court orders or directs the demolition of any structure or building for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In addition, any conflicts between the provisions of this Subchapter and the provisions of the Historic Preservation ordinance shall be resolved in favor of the Historic Preservation ordinance.

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6-8 BUILDING PERMIT FEES.

6-8.01 General Provisions.

a. [~~Each applicant applying for a grading or paving permit shall be assessed a fee of \$50.00.~~] Each applicant applying for the issuance of Site Work permits shall be charged the following fees:

<u>Amount of Application</u>	<u>Fee</u>
<u>Up to \$3,000</u>	<u>\$ 50.00</u>
<u>\$3,000 to \$500,000</u>	<u>\$ 50.00 plus \$2.50 per \$1,000 over \$3,000</u>
<u>\$500,000 to \$10,000,000</u>	<u>\$ 1,250 plus \$1.00 per \$1,000 over \$500,000</u>

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Over \$10,000,000 \$10,750 plus \$0.50 per \$1,000 over \$10,000,000

b. Each applicant applying for the issuance of the following permits shall be assessed a fee as follows:

<u>Permit</u>	<u>Fee</u>
Permanent Sign Permit	\$ [73] 100.00
Tent Permit	\$ [73] 100.00
[Mobile Home Permit	—————\$25.00]

~~[e. Each temporary sign requiring a permit shall be issued a permit valid for thirty (30) days. The permit may be extended for three (3) additional thirty (30) day periods at the option of the applicant, at which time the temporary sign shall be removed. The temporary sign permit fee shall be twenty-five dollars (\$25.00) for each thirty (30) day period.]~~

~~c[d].~~ Building permit applications are required for all construction as set out in the Kentucky Building Code. In addition, building permits are required for all fence construction, swimming pool installation, demolition of structures and the placement of manufactured housing. No plan review fee will be charged for fence construction, swimming pool installation, demolition of structures or the placement of manufactured housing. It shall be the responsibility of the applicant to accurately estimate the cost of construction in order to determine the amount of the building permit fee. The Department of Neighborhood and Community Services may request additional documentation from the applicant to support the estimated cost of construction. Each applicant applying for the issuance of building permits shall be charged the applicable plan review fee as well as the following fees:

<u>Amount of Application</u>	<u>Fee</u>
Up to \$3,000	\$ 20.00
\$3,000 to \$500,000	\$ 20.00 plus \$2.50 per \$1,000 over \$3,000
\$500,000 to \$10,000,000	\$ 1,250.00 plus \$1.00 per \$1,000 over \$500,000

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Over \$10,000,000 \$10,750.00 plus \$0.50 per \$1,000 over \$10,000,000

d[e]. In the event that any construction or other activity requiring a permit is commenced before a permit is issued for the same by the Building and Inspection Division, the permit fee shall be double the cost of the permit as described hereinabove, but in no event shall the double fee exceed one thousand dollars (\$1,000.00). The payment of the double fee shall not relieve any person or firm from other penalties prescribed by law.

e[f]. Waiver of Fees: The Department of Neighborhood and Community Services is authorized to waive the above fees for any charitable nonprofit corporation or other charitable nonprofit entity that has obtained a 501(c)(3) or equivalent designation from the Internal Revenue Service for projects involving ~~[single-family]~~ residential construction, the installation of tents and the installation of signs. Fees shall also be waived for any project sponsored by the City of Bowling Green. The waiver of fees does not abrogate any requirements that the nonprofit entity obtain any required permits or any requirements to comply with the remaining provisions of this Chapter.

6-8.02 Posting of Permits on Site of Construction.

a. Required. Building permits shall be posted at the site of construction for which the permit has been issued and shall remain until certificate of occupancy has been granted by the Chief Building Inspector.

b. Penalty. It shall be unlawful to violate the provisions of this Subchapter and upon conviction thereof, such person shall be fined not less than ~~[one (\$1.00)]~~ fifteen (\$15.00) dollars nor more than ~~[fifteen (\$15.00)]~~ fifty (\$50.00) dollars.

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6-11 MOBILE HOMES.

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6-11.03 Fees.

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All applications for a building permit for mobile homes must be accompanied by a fee of \$[~~25~~50.00]. All fees required herein shall be [~~in an acceptable a check form~~] payable to the City of Bowling Green [~~Treasurer~~] and no approval of the application shall be issued until the fee has been paid.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on October 1, 2024, and given final reading on October 15, 2024, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: October 15, 2024

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager