

**ORDINANCE AMENDING CHAPTER 150 "BUILDING  
REGULATIONS" AMENDING VARIOUS FEES  
FOR DEMOLITION AND FOUNDATIONS**

**ORDINANCE NO. 0-2009-05**

**BE IT ORDAINED BY THE CITY OF PIKEVILLE AS FOLLOWS:**

Chapter 150 "Building Regulations" is amended as follows:

**CHAPTER 150: BUILDING REGULATIONS**

**BUILDING PERMITS, DEMOLITION & MISCELLANEOUS FEES**

**§ 150.15 SCHEDULE OF PERMIT FEES.**

(A) Pursuant to Section 116.0 (Fees) of the Kentucky Building Code, the following schedule of fees shall be the approved rates and fees for functions performed pursuant to the Kentucky Building Code.

It shall be unlawful to commence the excavation for or the construction of any building or structure, including accessory buildings, or to commence the moving, alteration or demolition of any building or structure, including accessory buildings, until a permit has been issued for the work.

(1) Schedule of permit fees.

<b>Total Valuation</b>	<b>Fee</b>
\$1,000.00 and less	No fee, unless inspection required, in which case a \$24.00 fee shall be charged.
\$1,001.00 to \$6,000.00	\$24.00 minimum fee
\$6,001.00 to \$25,000.00	.4% of valuation
\$25,001.00 to \$50,000.00	\$100.00 plus .4% over \$25,000.00
\$50,001.00 to \$100,000.00	\$200.00 plus .33% over \$50,000.00

\$100,001.00 to \$500,000.00

\$365.00 plus .25% over \$100,000.00

\$500,001.00 and up

\$1,365.00 plus .15% over \$500,000.00

(2) All fees are based on the nearest thousand dollars.

(3) A twenty-five dollars (\$25.00) one (1) time fee for the moving of any mobile home or mobile structure into the city limits.

(4) A fifty dollar (\$50.00) fee for the moving of any building or structure.

(5) A fifty dollar (\$50.00) fee for state inspected projects.

(6) A twenty five (\$25.00) fee for foundation or footer inspections.

(7) All Demolition Projects fee will be \$10.00 per \$1,000 cost

(B) (1) In the event that construction is begun before the valid issuance of building/job permit as required herein or by the Kentucky Building Code, the schedule of building/job permit fees shall be double the amount set forth in division (A) above and in no case less than one hundred dollars (\$100.00) to cover the increased cost associated with determining the identity of the contractor, notifying the contractor or his or her obligation to obtain a building permit, to assess the job site for building code violations and to take emergency action if necessary.

(2) Any person or company that has been assessed the double building/job permit fee provided for herein three (3) times shall be deemed a habitual violator and thereafter shall be required to pay in addition to the fees provided for in divisions (A) or (B)(1) above a habitual violator fee of five hundred dollars (\$500.00) to offset the increased cost to monitor and inspect the construction activities of the habitual violator. The habitual violator fee shall be assessed to a habitual violator regardless of whether a valid building permit is obtained before construction begins on a specific job. The habitual violator status will terminate if the habitual violator is issued timely (before commencement of construction) five (5) building/job permits without the intervention of an untimely permit.

(3) All building/job permit fees provided for in divisions (A) and/or (B)(1) and/or (B)(2) above shall after thirty (30) days of being due and payable become a lien upon the real estate, and improvements thereon, for which the building/job permit was or was required to be issued upon.

(4) No job/building permit shall be issued to an applicant if the applicant owes the City of Pikeville any building or job permit fees.

(C) In cases where the state Building Inspector has assumed the responsibility to do codes enforcement inspections or where the state by law is required to perform the codes inspection, the permit fee shall be fifty dollars (\$50.00).

(D) In cases where the Building Inspector has reason to believe that because of the nature of the type of construction to be done in connection with all building permits that damage may occur to any public sidewalk, street or roadway, the Inspector shall defer issuing a building permit until such time as the City Engineer has been given an opportunity to review the plans and specifications for construction. In the event that the City Engineer determines that because of the nature or extent of the construction to be undertaken by the applicant, that damage may result in any public sidewalk, street or roadway because of the construction undertaken or which may result from vehicles or materials accessing the building site of such a weight so as to cause damage to a public roadway or sidewalk, the City Engineer shall immediately advise the Building Inspector of this fact and shall estimate in a dollar amount the potential damages that may occur to public sidewalks, streets or roadways. Upon receipt by the Building Inspector of such notification, the Building Inspector shall not issue a building permit until such time as the applicant shall file with the city a bond in the amount set forth by the City Engineer, with surety to be approved by the Inspector. Said bond shall be conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner in doing the same to public sidewalks, streets or roadways. The bond shall further be conditioned that the city will be paid by the surety thereupon in the event that the principal fails to pay. Any damage to public sidewalks, streets or roadways shall be restored by the applicant under the direction and satisfaction of the Building Inspector and Codes Enforcement Officer. Upon failure or refusal of the applicant to restore the same, the city may proceed without notice to make restoration and shall forfeit the bond required to be posted herein. In no case shall the bond be determined to be the limit on the amount of damages which can be sought against the applicant. In the event that the cost of restoration performed by the city should exceed the amount of the bond, the city shall proceed to collect the remainder due from the applicant.

#### **§ 150.20 DAMAGE TO ADJACENT PROPERTY.**

(A) In all cases where there is a possibility of damage to city or private properties such as sidewalks, streets, adjacent buildings or utilities as a result of the proposed construction, moving, or demolition, security in an amount deemed sufficient by the Building Inspector may be required. The security may be furnished in the form of cash, negotiable securities, or surety bond.

The above ordinance was given first reading this 26th day of January, 2009.

The ordinance was given a second reading on the 9th day of February, 2009.

Passed this 9th day of February, 2009.

Commissioner Davis moved for the adoption of the foregoing ordinance.

Commissioner Chaney seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II MAYOR	<u>  X  </u>	<u>      </u>
GENE DAVIS, COMMISSIONER	<u>  X  </u>	<u>      </u>
JIMMY CARTER, COMMISSIONER	<u>  X  </u>	<u>      </u>
DALLAS LAYNE, COMMISSIONER	<u>  X  </u>	<u>      </u>
BARRYCHANEY, COMMISSIONER	<u>  X  </u>	<u>      </u>

The Mayor declared the within ordinance adopted.

/s/Frank Justice \_\_\_\_\_  
FRANK JUSTICE, II, MAYOR

ATTESTED:

/s/Rebecca Hamilton \_\_\_\_\_  
REBECCA HAMILTON, CITY CLERK