

Chapter 15.08 (Ord. 11-03)

Building Permits

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Article I. Generally

15.08.010 Scope of chapter.

All persons, including individuals, firms and corporations owning or controlling property within the city, and all contractors as defined herein, shall be subject to the requirements of this chapter and shall conform to its provisions and be subject to the penalties imposed by it. (CC § 150.15)

15.08.020 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Builder" means any person, firm or corporation, including individuals and contractors, who shall engage in construction as defined in this section.

"Construction" means the erection of any new structure and the erection of any addition to an existing structure. "Construction" further includes engaging in site preparation, the layout of streets, drainage, sewer construction and other such acts usually performed in preparing property for improvements and/or the erection of structures. "Construction" also includes all landscaping as defined herein which involves the use of any equipment other than portable hand tools.

"Contractor" means any individual, firm or corporation engaged in building a structure or otherwise improving property within the city.

"Landscaping" means the addition, modification, or removal of living elements; or of natural elements such as landforms, terrain shapes, contours, elevations, rock structures, bodies of water; or of man made elements such as structures, buildings, fences, retaining walls or other material objects created and/or installed by man.

“Structure” means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs. (CC § 150.16)

15.08.030 Building permit required--Regulations to be met before issuance.

No new developments or construction and/or additions or alterations to existing structures shall be started within the city without a permit issued by the city. The requirements set forth in the planning and zoning regulations must be met before such permit will be issued, provided, however, that the minimum side line set back in the Country Club Section shall be 15 feet, and in other areas, 10 feet. (CC § 151.015)

15.08.040 Submission of plans - Building permit fee.

A. Two sets of detailed plans and specifications for

i. construction of any new structure (as such term is defined in Section 15.08.130(B)) or

ii. the reconstruction, remodeling, improving or changing of the footprint or exterior configuration or appearance of any existing structure (as such term is defined in Section 15.08.130(B)) or

iii. the interior remodeling or reconstruction of any existing structure which requires Louisville Metro/Jefferson County permit(s) or

iv. the movement of earth, or construction or reconstruction of any land feature that may impact drainage

v. the development of any newly subdivided property which results in an existing single land parcel being split into two or more parcels.

shall be submitted to the city before any construction is begun, and no construction shall begin before a permit is issued by the city. The plans and specifications shall also clearly designate each structure or area for which the permit is being sought, and its location in a plat view of the property.

B. Upon approval of the plans, a building permit shall be issued by the city covering the construction or development requested, and the applications, plans and specifications shall be referred to the Louisville Metro/Jefferson County building permit office for the issuance of the required permit(s). No construction shall begin until all applicable governing bodies have issued the required permits.

C. Any changes to the plans and specifications submitted to the city for a new construction permit, a reconstruction permit, or a development permit must be submitted to the city for approval in advance of any construction based on such changes. No construction based on such changes shall begin until a new or revised permit is issued.

D. Copies of all permits issued by the city shall be provided to and maintained by the city clerk.

E. Fee required. There shall be paid to the city a non-refundable permit fee in amounts and forms fixed by the city to address the costs of plan analysis, permit issuance, compliance monitoring, and completion inspection. The permit fee shall be paid before a permit may be issued.

F. Fee Amounts. The required permit fees are set as follows. The assessed fee for any given project shall be determined by the Public Works Director (Code Enforcement Officer per Ord 2.25.090) based on the extent, complexity, inspection requirements, and public risk

of the project. Fees shall be paid in cash or by check. In the case of a check which is returned for insufficient funds, the fee shall be deemed not paid and the permit is void.

<u>Type of Construction</u>	<u>Permit Fee</u>
New Residence	Not to exceed \$100
New Condominium	Not to exceed \$100 per residence unit
New Development	Not to exceed \$100 per new land parcel
Remodeling/Addition of Existing	Not to exceed \$100
Demolition	Not to exceed \$100
Drainage Work	Not to exceed \$100
Site Preparation Not Associated	
With A Structure	Not to exceed \$100 per land parcel
Site Restoral	Not to exceed \$100 per land parcel
Swimming Pool	\$25 to \$100 (see Ord 15.20.020)
Fence	Not to exceed \$100 (see Ord 15.12.040)
Driveway	Not to exceed \$50 (see Ord 12.16.020 2.)

One permit shall suffice for a given, continuous project, e.g., demolition required for remodeling will be covered by the remodeling permit provided it is so noted in the permit.

The permit fee for a resident homeowner who is physically doing the work him or herself shall not exceed \$25. This discounted fee shall not apply to a new residence, new condominium, new development or demolition of more than 10% of a structure; nor to a resident homeowner who is overseeing the compensated work of others, whether directly or indirectly; nor to an owner who is not a resident of the property on which the work is being performed.

15.08.050 Issuance of building permit--Certificate from board of health required.

A satisfactory certificate from the board of health shall be furnished to the city before a building permit is issued for residence construction except where a subdivision has received approval from the board of health, the individual builder will not be required to obtain a certificate. (CC § 151.017)

Article II. Builders--Conduct--Bonds

15.08.060 Builder--Conduct required.

Every builder shall commit to the completion of his/her construction and shall post bond as set forth in this chapter. (CC § 150.17)

15.08.070 Builder--Commitment and bond requirement.

Before receiving construction approval and the issuance of a building permit from the city, the builder shall deliver to the city the following items;

A. Builder's Commitment. In his/her construction, the builder shall meet all of the requirements of applicable city, state and county statutes, ordinances, regulations and codes. The builder shall be responsible for the installation, good repair, proper functioning and completion of all improvements required by the city for approval of the building permit. The builder shall further be responsible for cleaning up the building site and returning the land and landscape to its preconstruction condition or better. The builder shall also be responsible for any damage to city property, including streets, caused by the construction, whether such damage be caused by the builder, or his/her employees, agents or subcontractors. The construction shall proceed in a manner which in the judgment of the city and/or its designated representative does not cause unreasonable harm, inconvenience or annoyance to any other property owner. The builder shall execute and deliver written evidence of his/her awareness and commitment to fulfill the obligations set forth above with his/her application for a building permit. This obligation of the builder shall continue until the city has granted a release as set forth in this chapter. The required construction shall be completed and properly functioning and all other obligations satisfied at the end of nine

months or such shorter period as may be required by the city. At any time thereafter, the city may declare the obligation to be in default.

B. Security Required. There shall be filed with the city a cash bond in amounts and forms fixed by the city to insure completion of the construction commitment as stated above. (Amended during 2002 codification; CC § 150.18)

C. Bond Amounts. The required bond amounts are set as follows. The assessed bond amount for any given project shall be determined by the Public Works Director (Code Enforcement Officer per Ord 2.25.090) based on the extent, complexity, and public risk of the project. Bond amounts shall be paid in cash or by check. In the case of a check which is returned for insufficient funds, the bond shall be deemed not paid, the associated permit is suspended, and all work shall be stopped until the bond is satisfied. (Ord. 10-01, 2-18-10)

<u>Type of Construction</u>	<u>Security Deposit</u>
New Residence (see Surcharge below)	Not to exceed \$7,500 (Ord.15-04, 1-21-16)
New Condominium (see Surcharge below)	Not to exceed \$5,000
New Development (see Surcharge below)	Not to exceed \$3,000 per new land parcel
Remodeling/Addition of Existing	See Project Cost scale below
Demolition	Not to exceed \$1,000
Drainage Work (see Surcharge below)	Not to exceed \$500
Site Preparation Not Associated With	
A Structure (see Surcharge below)	Not to exceed \$3,000 per land parcel
Site Restoral (see Surcharge below)	Not to exceed \$3,000 per land parcel
Swimming Pool	Not to exceed \$3,500 (Ord.15-04, 1-21-16)
Fence	See Project Cost scale below
Driveway	See Project Cost scale below
<u>Project Cost</u>	<u>Security Deposit</u>
\$0 to \$25,000	Not to exceed \$500
\$25,001 to \$100,000	Not to exceed \$1,000
\$100,001 and up	Not to exceed \$2,500

There is no resident homeowner discount applicable to security deposits.

Complexity Surcharge

Construction or development in areas with apparent topographical constraints or steep slopes such as those defined in Metro Louisville Land Development Codes 4.6 and 4.7, as adopted by Ordinance 10-02, shall be subject to a surcharge increasing the security bond amount by not more than double the maximum set forth above, based on an assessment of the potential correction and/or restoral costs for proper project completion in these areas.

15.08.080 Builder's release.

A builder may request from the city a determination that he/she has satisfied his/her responsibility for the obligations set forth in Section 15.08.070(A) in accordance with the following procedures:

A. The builder may submit the certificate of the architect or engineer stating that the construction is complete and in good working order.

B. The builder shall submit his/her written certificate that construction is complete and in good working order as provided by the form attached hereto and that each and every obligation set forth in Section 15.08.070(A) has been satisfied.

C. Upon receipt of the certificate of completion from the builder, the city shall approve or disapprove construction and shall make a determination with respect to a requested release of surety. In all cases a Certificate of Occupancy is required. (CC § 150.19)

15.08.090 Release of bond.

Within thirty (30) days from receipt of an application for release of a builder's bond, the city and/or its designate may make an inspection of the construction and shall grant the release where it appears to the city or designate's reasonable satisfaction that the required construction and improvements are installed and in good repair and functioning properly,

that the builder has fulfilled all of the obligations of his/her commitment, and that there is no reason to believe that construction on the lot has or will cause malfunctioning or damage to improvements in the area, including drainage. (CC § 150.20)

15.08.100 Property owner's obligation not to damage or alter improvements.

It shall be the obligation of the property owner not to damage, destroy, or significantly alter the improvements and not to allow any condition or activity upon his/her property that will impair the proper functioning of the improvements. For violation of this section, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violations, which lien may be enforced in the same manner that mortgages are enforced in addition to other remedies available. (CC § 150.21)

15.08.110 Declaration of default--Collection of bonds.

A. If at any time the city finds that the required improvements have not been installed, that construction is not progressing, that the improvements are not in good repair, that the improvements are not functioning properly or that any of the other obligations of Section 15.08.070(A) have not been satisfied and if the city also finds that it does not appear to its satisfaction that the construction will be completed within a reasonable time considering the potential for harm, inconvenience or annoyance to others, the city shall declare the obligation of the builder, as well as the obligation of the owner and any others that may appear to the city to be reasonable, to be in default.

B. Upon declaration and default, the city shall collect such amounts from bonds or otherwise as is required to remedy the default. Such bond shall be collected and used in full or in such proportions as the city determines to be just and equitable based upon the cost of completion. If the Bond is insufficient to pay for the damages the Owner is responsible for the difference. (CC § 150.22)

15.08.120 Stop orders.

At the option of the city, any construction as defined in this chapter may be ordered stopped. Upon notice from the city that any violation exists or is being maintained contrary to the provisions of this subchapter or the regulations of the city, such violation shall be remedied immediately but in no event later than thirty (30) days for notice thereof. If more than thirty (30) days, the deposit may be forfeited. Such notice shall be in writing and shall be given to the owner of the property or his/her agent, or to the person so using the property and shall state specifically the regulation being violated. The notice may also be given by posting upon the subject property or by certified mail, return receipt requested, effective one day after mailing to the person so violating after two reasonable efforts personally to serve the notice have failed, or may be served by facsimile. (CC § 150.23)

Article III. Construction Site Standards

15.08.130 Scope of article--Definitions.

A. Scope. All persons including individuals, firms and corporations owning or controlling property in the city and all contractors as defined in this article, shall be subject to the requirements of this article and shall conform to its provisions and be subject to the penalties imposed by it.

B. Definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Contractor" means any individual, firm or corporation engaged in building a structure or otherwise improving property.

"Owner" means the holder of any interest of record in the subject property.

"Structure" means any combination of materials to form a construction, including but not limited to buildings, platforms, foundations and fences; the terms "structure" shall be construed as though followed by the words "or part thereof." (CC §§ 150.35, 150.36)

15.08.140 Prevention of mud flow onto neighboring lots and city streets.

A. Any owner or contractor erecting a structure or otherwise improving a lot within the city shall maintain the site of such activity in such a manner that mud therefrom will not flow onto, across or over any other lot.

B. Any owner or contractor erecting a structure or otherwise improving a lot within the city shall, insofar as it is technically possible, maintain the site in such a manner that mud therefrom will not flow into the city streets.

C. Notwithstanding the technical feasibility of preventing the flow of mud into the street as required by subsection B of this section, should any such flow occur the owner and/or contractor shall clear any such mud from the street as soon as is practicable. (CC § 150.37)

15.08.150 Vehicles tracking mud from construction site onto streets prohibited--Inspection.

A. No vehicle shall enter any city streets from a lot described in Section 15.08.140 in such condition that it will dispense and deposit mud from the site onto the city streets.

B. All vehicles entering or leaving a lot or site described in this section shall be subject to inspection by such persons as are designated by the city. (CC § 150.38)