

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
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**AGREEMENT WITH LEXINGTON/FAYETTE
URBAN COUNTY GOVERNMENT GRANTING
ADDITIONAL RESPONSIBILITY PURSUANT TO KRS 198B.060(5)**

WHEREAS, Chapter 198B of the Kentucky Revised Statutes creates a uniform state building code within the boundaries of the Commonwealth and assigns specific enforcement responsibilities to both the Department of Housing, Buildings and Construction (hereinafter called "DHBC") and to local governments; and

WHEREAS, KRS Chapter 198B also provides that local governments may undertake additional plan review responsibility and inspection responsibility upon the approval of the Commissioner of DHBC; and

WHEREAS, Lexington/Fayette Urban County Government has extended, by Ordinance, the Kentucky Building Code and the Kentucky Residential Code to cover all one and two family dwellings. (A copy of the Ordinance is attached hereto as Exhibit A); and

WHEREAS, fees established by Ordinance pursuant to KRS 198B.060(18) are attached hereto as Exhibit B; and

WHEREAS, the Lexington/Fayette Urban County Government has designated, by contract, Commonwealth Inspection Bureau Inc. to perform electrical inspections within its jurisdiction. (Copy of the contract is attached hereto as Exhibit C.)

SECTION I

Lexington/Fayette Urban County Government shall assume primary plan review, inspection and enforcement responsibility under 815 KAR 7:120 Kentucky Building Code; the International Building Code as adopted by reference therein; 815 KAR 7:125 Kentucky Residential Code; the International Residential Code as adopted therein; and other applicable law for the construction and alteration of buildings within the boundaries of its jurisdiction as follows:

1. Multi-family residential occupancies, regardless of size or height;
2. Storage, factory, industrial, frozen food locker, miscellaneous and utility occupancies, regardless of size or height;
3. Assembly, business, mercantile and church occupancies, regardless of size or height;
4. Site installation of modular housing on its permanent site (detached single family dwellings only);
5. All educational facilities except day care centers or other educational facilities required to be licensed by the state; and
6. Detached single family dwellings.

SECTION II

All plumbing systems shall be inspected by the Department of Housing, Buildings and Construction, Division of Plumbing.

SECTION III

Inspections of heating, ventilation and air conditioning systems shall be as set forth in the contract entered into January 20, 2011 between the Division of Heating, Ventilation and Air Conditioning and Lexington/Fayette Urban County Government.

SECTION IV

All electrical systems (except as stated in Sections V and VI) shall be inspected by a certified electrical inspector employed by Commonwealth Inspection Bureau Inc.

SECTION V

DHBC shall retain plan review, inspection and enforcement responsibility under the Kentucky Building Code within the Lexington/Fayette Urban County Government for all buildings which are:

1. Institutional buildings;
2. Facilities required to be licensed by the Cabinet for Health and Family Services, e.g., day care centers, hospitals, nursing homes, group homes or other similar facilities;
3. State owned or state leased buildings and facilities;
4. Buildings constructed upon state owned real property;
5. High hazard occupancies; and
6. Industrialized building systems (including modular homes) except for on-site placement and assembly of modular homes.

SECTION VI

Local jails are subject to regulation by the Department of Corrections. Plan review, inspection, and enforcement responsibility of local jails shall not be subject to this agreement.

SECTION VII

It is further understood and agreed that continuation of this increased responsibility by Lexington/Fayette Urban County Government is contingent upon continued supervision of the Building Code Program by Certified Plans and Specifications Inspector (Level III), Dewey Crowe, or other qualified persons approved, in writing, by DHBC. Field Inspectors shall be certified as Level II. All inspectors shall maintain their certification in good standing. The Lexington/Fayette Urban County Government shall advise DHBC of any changes to the program or inspectors employed or under contract within thirty (30) days of effective change.

SECTION VIII

DHBC shall provide continuing education seminars for local building officials, plan reviewers and inspectors and shall assist the local building department on a consulting basis by providing code interpretation services, enforcement assistance service and administrative review service.

SECTION IX

This agreement shall run for a term of three (3) years; however, it may be cancelled as described in KRS 198B.060.

ENTERED this _____ day of _____, 201_____.

LEXINGTON/FAYETTE URBAN
COUNTY GOVERNMENT

DEPARTMENT OF HOUSING, BUILDINGS
AND CONSTRUCTION

BY: _____
JIM GRAY
MAYOR

BY: _____
AMBROSE WILSON IV
COMMISSIONER

Approved as to Form and Legality

DAWN M. BELLIS
GENERAL COUNSEL

