

AN ORDINANCE CREATING SECTION 5-31 OF THE CODE OF ORDINANCES RELATED TO BONDING SITE IMPROVEMENTS; TO REQUIRE A POSTING OF A FULL CASH BOND WHEN SITE IMPROVEMENTS OR CONDITIONS ARE NOT COMPLETED.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 5-31 of the Code of Ordinances of the Lexington Fayette Urban County Government be and hereby is created to read as follows:

SECTION 5-31 – BONDING SITE IMPROVEMENTS OR OTHER CONDITIONS; POSTING OF A FULL CASH BOND.

(a) When site improvements or conditions are required as part of the building permit approval, no final Certificate of Occupancy shall be issued until the required site improvements or conditions have been completed as certified by an on-site inspection by the Division of Building Inspection. If the required site improvements or conditions have not been completed and a Temporary Certificate of Occupancy is requested, a full cash bond shall be posted at that time. The amount of the bond shall be based upon the cost of the proper site improvements or conditions shown in the submitted plan or noted as a condition of the permit, with the cost certified by a contractor registered to perform such work. The amount of the bond shall also include an inflation factor and/or administrative contingency cost of no more than twenty-five percent (25%) of the base cost, as determined by the Division of Building Inspection.

(b) After a full cash bond has been posted, the required site improvements or conditions shall be completed within six (6) months after the date of posting the full cash bond. An additional six (6) month extension may be granted by the Division of Building Inspection upon a demonstration by the property owner or developer that such an extension is warranted because of adverse conditions or unforeseen circumstances. The full cash performance bond shall be called if the required site improvements or conditions have not been completed by the end of the approved period, and the LFUCG shall apply the proceeds of the bond to have the work completed.

Section 2 – That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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