

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
DIVISION OF HVAC
101 SEA HERO ROAD, SUITE 100
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AGREEMENT WITH LEXINGTON/FAYETTE COUNTY
GRANTING HVAC PERMITTING AND INSPECTION RESPONSIBILITY
PURSUANT TO KRS 198B

WHEREAS, Chapter 198B of the Kentucky Revised Statutes authorizes the creation of a uniform state building code within the boundaries of the Commonwealth and assigns specific enforcement responsibilities to each local government and to the Department of Housing, Buildings and Construction (the "Department"); and

WHEREAS, statutes specifically related to Heating, Ventilation and Air Conditioning ("HVAC") are found at KRS 198B.650 through 198B.689; and

WHEREAS, pursuant to KRS 198B.6673, the Department may authorize local government entities to administer, carry out, and enforce the rules and regulations of the Department relating to heating, ventilation, and air conditioning; and

WHEREAS, Lexington/Fayette County has met all criteria required for a local jurisdiction HVAC program pursuant to KRS 198B.6673 and 815 KAR 8:100; and

WHEREAS, Lexington/Fayette County has agreed to enforce KRS 198B.650 through 198B.689 and 815 KAR Chapter 8 as would the Department if jurisdiction were fully retained;

SECTION I – JURISDICTION GRANTED TO LOCAL PROGRAM

Lexington/Fayette County shall assume primary plan review, inspection, and enforcement responsibility under 815 KAR 7:120 (the Kentucky Building Code), 815 KAR 7:125 (the Kentucky Residential Code), and other applicable law for initial HVAC installations and major repairs or substantial alterations to an HVAC system within the geographic boundaries of Lexington/Fayette County. Said jurisdiction is limited to HVAC systems installed in buildings over which Lexington/Fayette County has jurisdiction pursuant to KRS 198B.060. HVAC plan review, inspection, and enforcement responsibility in all other buildings within Lexington/Fayette County shall remain with the Department.

SECTION II – INSPECTORS

It is further understood and agreed that continuation of this increased responsibility by Lexington/Fayette County shall be contingent upon continued supervision of the local jurisdiction HVAC program by one or more HVAC inspectors meeting the requirements of KRS 198B.6673(3). All inspectors shall maintain the applicable license or certification in good standing during the term of their employment as an inspector. Lexington/Fayette County shall immediately advise the Department of any changes to the program, including the inspectors employed.

SECTION III – COMPLAINTS

The local jurisdiction HVAC program shall address all complaints related to HVAC projects occurring within the area of jurisdiction granted in Section I above, and document all findings and applicable resolutions related to each HVAC complaint received.

SECTION IV – VIOLATIONS

The local jurisdiction HVAC program shall investigate all HVAC violations which occur within the jurisdiction, issue stop work orders, and require other remedial measures as appropriate. Additionally, local programs shall initiate and fully cooperate with county and Commonwealth attorneys regarding court cases resulting from cited violations. Lexington/Fayette County employees shall act as witnesses for the Department in all licensing violation proceedings, as needed and as requested by the Department. Violations and their resolutions shall be documented in writing and forwarded to the Department, Division of HVAC upon completion. Lexington/Fayette County shall maintain said records for a period of three (3) years following resolution of the violation.

SECTION V – ACCOUNTING OF FEES

Accurate accounts shall be maintained by Lexington/Fayette County for all permitting and inspection fees under its HVAC program. Fees shall be deposited monthly in the local government's treasury or otherwise as required by law.

SECTION VI – RECORD RETENTION AND AUDITS

Lexington/Fayette County shall maintain official records of all applications received, permits and certificates issued, fees collected, reports of inspections created, and notices or orders issued related to the HVAC program. Records shall be retained for the statutory period required for public records as established by the Kentucky Department of Libraries and Archives pursuant to KRS 171.450.

SECTION VII – DEFICIENCIES

Deficiencies identified in the local jurisdiction HVAC program shall be addressed pursuant to 815 KAR 8:100, Section 10.

SECTION VIII – TERM

This agreement shall be effective through July 14, 2019. However, it may be cancelled pursuant to KRS 198B.6673 and 815 KAR 8:100.

ENTERED this _____ day of _____, 2017.

LEXINGTON/FAYETTE COUNTY

DEPARTMENT OF HOUSING, BUILDINGS
AND CONSTRUCTION

BY: _____

BY: _____
STEVEN A. MILBY
COMMISSIONER

Approved as to Form and Legality:

Tim Cocanougher, General Counsel