

ORDINANCE NO. 2020 - 002

AN ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY RELATING TO THE CITY/COUNTY BUILDING INSPECTOR PROGRAM AND AMENDING SECTIONS 151.15, 151.16, 151.18, 152.01, 153.02, AND 153.11 OF THE CITY OF FRANKLIN CODE OF ORDINANCES AND ADDING SECTION 11.5 TO THE FRANKLIN-SIMPSON PLANNING AND ZONING REGULATIONS

WHEREAS, there have been changes to the Kentucky Revised Statutes that require certain changes to the existing ordinances; and

WHEREAS, it has come to the Board of Commissioner's attention, upon recommendation from certain staff members, that there is a need for an appeals process from decisions made by the City/County building inspector; and

WHEREAS, the Board of City Commissioners has recognized a need to identify the types of structures that will be inspected if and when Franklin and Simpson County is granted expanded jurisdiction to review and inspect commercial buildings, and the Board wishes to implement and adopt this ordinance setting these parameters; and

WHEREAS, it is the opinion and judgment of the Board of Commissioners of the City of Franklin that it is necessary to amend the existing ordinances and/or regulations to reflect the changes as set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of Commissioners as follows:

Section 151.15 is hereby amended as follows:

§ 151.15 **BUILDING CODE ADOPTED.**

(A) ~~The State Building Code~~ 2015 International Building Code, as promulgated in 815 KAR 7:120 by the Board of Housing, Buildings and Construction of the Commonwealth, is hereby adopted as the mandatory building code for all buildings constructed in the City, except that the Kentucky amendments in the 2018 Kentucky Building Code shall supersede any conflicting provision in the 2015 International Building Code. These codes are incorporated herein by reference and adopted -in full as an ordinance of the city as if set out at length herein. The City further adopts and incorporates herein by reference any and all changes and amendments made, from time to time, by the Board of Housing, Buildings, and Construction to the mandatory building code(s) for the Commonwealth (hereinafter referred to collectively as the "State Building Code") whether set forth in 815 KAR 7:120 or otherwise.

(B) A copy of ~~said current~~ State Building Code together with a copy of all other regulations or NFPA Pamphlets adopted or referred to thereunder, shall be kept in the Franklin-Simpson Planning and Zoning Office of the County Clerk, and ~~that office~~ Clerk shall at all times keep and maintain a current copy of said building code for public reference.

(C) An attested copy of this subchapter shall be transmitted to the Department Housing, Buildings and Construction of the Commonwealth to the extent necessary or required.

Section 151.16 is hereby amended as follows:

§ 151.16 **ENFORCEMENT.**

~~The County Fiscal Court~~ Franklin-Simpson Planning and Zoning Commission, by and through the local City/County Building Inspector shall be designated local enforcement agent/agency for said the State Building Code and State Residential Code. The local City/County building inspector shall serve as the inspector and/or on-site inspector for all applicable structure plan reviews and/or inspections made in accordance with any and all state and/or local ordinances, resolutions, rules or regulations, and the City/County Building Inspector's duties shall include, but not be limited to plan review and inspections of all commercial and residential structures to the extent permitted or allowed by the Commonwealth of Kentucky and this ordinance. Provided, however, that the local

City/County Building Inspector shall not conduct plan reviews and inspections on the following: all buildings, structures, or property classified as High-Hazard Group H under all applicable sections of the State Building Code including, but not limited to Section 307 of said code; and all buildings, structures, and property classified as Institutional Group I-1, I-2, and I-3 under all applicable sections of the State Building Code including, but not limited to Section 308 and 408 of said code.

Section 151.18 shall be deleted in its entirety as follows:

§ 151.18 APPLICABILITY.

~~—The application of the State Building Code is extended to all single-family dwellings in the city which are to be constructed or remodeled.~~

Section 152.01 shall be amended as follows:

§ 152.01 RESIDENTIAL CODE AND INSPECTIONS.

(A) The State Residential Code, Chapters 1 through 43, as published by the International Code Council, Inc. The 2015 International Residential Code for One (1) and Two (2) Family Dwellings (IRC) shall be the mandatory city residential building code for all single-family dwellings, two (2) family dwellings, and townhouses constructed in the city, except that the Kentucky amendments in the 2018 Residential Code shall supersede any conflicting provision in the 2015 IRC (hereinafter referred to collectively as the “Residential Code”). The Residential Code is incorporated herein by reference and adopted in full as an ordinance of the city as if set out in length herein. Further, and/or any subsequent changes or amendments revisions thereto to the Residential Code made by the Board of Housing, Buildings, and Construction or other duly authorized agency or body is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the city, and each and all of the regulations, provisions, conditions and terms of such Residential State Residential Code, 2002 edition, and/or subsequent revisions thereto, published by the International Code Council shall be kept on file in the Franklin-Simpson Planning and Zoning Office, and that office shall at all times keep and maintain a current copy of said Residential Code for public reference of the Building Inspector are hereby referred to, adopted and made a part hereof as it fully set out in this section.

(B)(a) In accordance with KRS 198B.060(1), permits, inspections, and certificates of occupancy shall be required for a single-family residence or dwelling, with the costs of said permits, inspections, and certificates of occupancy being set forth in Ordinance 2019-24 and/or by and through other ordinances, resolutions, or regulations.

(C)(b) All residential occupancies that are not single-family dwellings, two-family dwellings, or townhouses shall comply with the provisions of Section 151.15 of this Code of Ordinances.

153.02 NATIONAL ELECTRICAL CODE ADOPTED.

There is hereby adopted pursuant to KRS 198B.060 and Article 15 of the applicable sections of the Kentucky Revised Statutes and the State Building Code, for the purpose of establishing rules and regulations for the installation, maintenance and repair of electrical wiring, apparatus or equipment for light, heat or power inside or attached to buildings within the jurisdiction of the city, or attached to the service company’s lines, a certain code known as the National Electrical Code, 1999 Edition National Electric Code NFPA 70, the edition of which is adopted by and through the State Building Code, sponsored by the National Fire Protection Association of which a three copies of which shall be kept on file in the Planning and Zoning Office for public review office of the Building Inspector. In the event that this edition of the National Electrical Code is revised subsequent to the adoption of this chapter, the city hereby adopts the most recent publication or edition of the National Electrical Code. Further, all structures shall be inspected by the local Electrical Inspector using the edition of the National Electrical Code that was in existence as of the date the permit for the structure to be inspected was obtained.

Section 153.11(T) shall be deleted in its entirety as follows:

§ 153.11 MISCELLANEOUS ELECTRICAL PROVISIONS

(T) Any person(s) or entity aggrieved by a decision of the Electrical Inspector shall have a right to appeal said decision to the Franklin-Simpson Planning and Zoning Board of Adjustments. Said appeal must be submitted to the

~~Franklin Simpson Planning and Zoning office, in writing, within ten days of the date of the decision of the Electrical Inspector. The Board of Adjustments shall conduct a hearing on the Electrical Inspector's decision as soon as practicable after the filing of the written notice of appeal.~~

There shall be added a new Article 11.15 to the Franklin-Simpson Planning and Zoning Regulations which shall read as follows:

11.15 Appeals from Decisions of Local Building and/or Electrical Inspector:

(A) Establishment of the Inspector Appeals Board: Pursuant to KRS 198B.070(3), any party to a decision by the local building or electrical inspector may appeal that decision to the local appeals board which shall be known as the "Inspector Appeals Board." This Board shall consist of five (5) members who are technically qualified and have professional experience related to the building industry.

(B) Membership on the Appeals Board, How Appointed, and Miscellaneous Provisions: The Inspector Appeals Board members shall be chosen as follows:

1. Three (3) members shall be chosen by the County Judge Executive with approval from the Simpson Fiscal Court; and,

2. Two (2) members shall be chosen by the Mayor of the City of Franklin with approval from the City of Franklin Board of City Commissioners.

3. Term of Office: The initial members appointed by the County Judge Executive shall serve a term of one (1), two (2), or three (3) years at the discretion of the County Judge Executive with the approval of the Simpson Fiscal Court. Likewise, the initial members appointed by the Mayor shall serve a term of one (1) or two (2) years at the discretion of the Mayor with the approval of the Board of City Commissioners. After the initial term, all members shall serve for a term of three (3) years. Further, any member may be reappointed subject to the approval of the respective legislative body.

4. Removal from Office: A board member may be removed from office by the legislative authority for misconduct, inefficiency, or willful neglect of duty. The legislative authority shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.

5. Oath of Office: Members of the board shall, before entering upon the duties of their office, take the oath of office as prescribed by Section 228 of the Kentucky Constitution.

C. Time for Appeal and Hearing: Upon receipt of an appeal from a qualified party, the Inspector Appeals Board shall convene a hearing to consider the appeal within fifteen (15) days of receipt. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed certified mail no later than ten (10) days prior to the date of the hearing. The Building Inspector Appeals Board shall render a decision within five (5) working days after the hearing.

D. Results of Building Inspector Appeals Board Decisions and Appeals from the Board: The Inspector Appeals Board may uphold, amend, or reverse the decision of the City/County building inspector. There is no appeal from the Building Inspector Appeals Board other than by appeal to the Commonwealth of Kentucky Board of Housing, Buildings, and Construction pursuant to KRS 198B.070.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

February 10, 2020

FIRST READING

February 24, 2020

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 24, 2020, on motion made by Commissioner Powell and seconded by Commissioner Bennett, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>Yes</u>	BROWNIE BENNETT
<u>Yes</u>	JAMIE POWELL
<u>Yes</u>	HERBERT WILLIAMS
<u>Yes</u>	WENDELL STEWART
<u>Yes</u>	LARRY DIXON, MAYOR

APPROVED BY:

Larry Dixon Mayor
LARRY DIXON, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk