

CHAPTER 154: BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 154.01 BUILDING PERMIT FEES ESTABLISHED.

Effective June 1, 1995, all persons, firms, corporations or other entities required to obtain permits or other authorizations shall, prior to engaging in such activity pay to the City Clerk/Treasurer or to such other person as he may designate, the sums set out in the following Schedule of Building Permit Fees:

(A) (1) The provisions of the "Building Valuation Data Report" published as a part of The Building Official and Code Administrator Magazine, as same is updated from time to time, are hereby incorporated in full, by reference, as fully as if set forth at length herein. All construction costs of buildings subject to the Kentucky Building Code shall be computed by the Office of the Building Inspector, County of Grant, by utilization of the most current data available through the "Building Valuation Data Report", The Building Official and Code Administrator Magazine, to include any alteration necessary by reference to the particular building contemplated, i.e., use group, building type, any specialty item add-on, plus basements, attached or detached garages.

(2) Permit costs shall be determined as follows, with any fees required by law to be paid to any Building Official in the employ of the Commonwealth of Kentucky to be in addition to the following fees:

Estimated Construction Costs

Cost of Permit

\$0.00 to \$1,000.00

\$25.00

\$1,000.00 to \$25,000.00

\$25.00 for the first \$1,000.00 plus \$6.00 for each additional \$1,000.00 or portion thereof.

\$25,000.00 to \$50,000.00

\$159.00 for the first \$25,000.00 plus \$5.00 for each additional \$1,000.00 or portion thereof.

\$50,000.00 to \$100,000.00

\$284.00 for the first \$50,000.00 plus \$4.00 for each additional \$1,000.00 or portion thereof.

\$100,000.00 to \$500,000.00

\$484.00 for the first \$100,000.00 plus \$3.00 for each additional \$1,000.00 or portion thereof.

\$500,000.00 and up

\$1,684.00 for the first \$500,000.00 plus \$2.00 for each additional \$1,000.00 or portion thereof.

(3) Mobile home (single family only), footer and tie-down inspection - \$60.00

(4) Pre-manufactured homes without basement, footer and tie-down inspection - \$60.00

(5) Pre-manufactured homes with basement - see (1) and (2) above

(6) Residential additions - see (1) and (2) above

(7) Residential rehabilitations - \$25.00 plus \$0.05 per square foot

(8) Non-residential additions - see (1) and (2) above

(9) Non-residential rehabilitations - \$50.00 plus \$0.07 per square foot

(10) Demolition permits - \$25.00

(11) Signs - \$1.00 per square foot

(12) Moving of structure (one lot to another) - see (1) and (2) above

(13) Blasting permits - \$25.00

(14) Loan inspections

(15) In the event a permit issues but construction is not actually commenced, applicant shall be entitled to a refund of 80% of the fee permit actually paid plus any mileage fee actually paid but not applied to an inspection trip.

(16) The minimum fee for any activity for which a permit is required not specifically addressed herein shall be \$25.00.

(17) The fee applicable to any activity for which a permit is required hereunder shall be doubled if said activity is commenced without having first procured said permit.

(18) Mileage fees for trips necessary to conduct inspections hereunder shall be computed at the rate of \$0.22 per mile, round trip, multiplied by four figured from the office of the building inspector to the job site.

(B) Filing Fees

Filing fee for projects subject to state jurisdiction \$50.00

Above ground pool inspection fee \$10.00
(Ord. 1991-324, passed 12-2-91; Am. Ord. 1995-08, passed 5-9-95)

§ 154.02 APPLICATION REQUIRED.

An application for building permit shall be required. The application form is incorporated herein by reference.
(Ord. 1991-324, passed 12-2-91)

§ 154.03 BUILDING INSPECTIONS REQUIRED.

Building inspections shall be required in accordance with the following:

(A) Posting of building permit and approved building plans: The building permit placard issued to the permittee must be posted on the site through the entire construction process. One set of building plans stamped "APPROVED BY THE CITY OF WILLIAMSTOWN" and one plot plan

must be kept on the worksite anytime work is in progress. No inspection will be performed unless the proper documents are on the job site. (approved plans and posted permit)

(B) The following inspections are required without exception. Failure to contact the city for inspections will result in the posting of a stop work order and may require the removal of completed work so a proper inspection can be made. Inspections must be scheduled at least twenty-four (24) hours in advance. Permit number, type of inspection, lot number and address must be provided when scheduling an inspection.

(1) Footings - Soil conditions, piers, grade beams, sub-footers when ready to pour and reinforcing steel is tied in place.

(2) Foundations - When steel is tied in place and ready to pour; monolithic slabs/foundations and slabs on grade when steel, vapor barrier and perimeter insulation is in place and ready to pour.

(3) Backfill - When foundation is parged-waterproofed; cap blocks, straps/anchor bolts and drain tile installed.

(4) Framing and Insulation - When building is ready for drywall lathe, paneling, when insulation is installed, and when rough-in electric/plumbing has been approved and stickered.

(5) Final Inspections - When the project is completed and ready to occupy, including the following: (1) plumbing and electrical final inspections; 2) final lot grading; 3) doors leading to future decks have stairways installed with the appropriate handrails; and, 4) all sidewalks are required on new construction.

(6) Sidewalk and driveway aprons - Inspections are required before placement of concrete or asphalt.

(7) Sewer, water, and electric taps and tie ends - Must be approved and inspected by the superintendent of sewer dept, superintendent of water dept., and superintendent of electric. Drain tiles, downspouts, and basement sump pumps must be terminated twenty (20) feet from the right-of-way.

(C) No litter, dirt, trash, rubbish, refuse, shall be permitted to remain upon any city street or public way for more than 12 hours or overnight.

(Ord. 1991-324, passed 12-2-91)

§ 154.04 LIMITING THE REPETITION OF UNIFORM DESIGNED DWELLINGS.

(A) No building permit shall be issued for the construction within the city limits of the city for any new single family detached dwelling unit which is similar in appearance to any dwelling on the same street which is within two (2) lots distance of it nor in

cul-de-sac turnarounds which is similar in appearance to another dwelling on the same cul-de-sac turnaround. A dwelling if the two dwellings face different streets even though they may be within two (2) lots distance of one another.

(B) For the purpose of this section, "similar in appearance" shall mean a dwelling which is identical, or nearly identical, to another in any three (3) of the following characteristics:

- (1) Roof type (gable, hip, mansard, gambrel, flat, combination;
- (2) Roof height;
- (3) Approximate dimensions (height and length) of the front wall closest to the front lot line;
- (4) Shape of the front elevation silhouette;
- (5) Relative locations and sizes of windows in the front elevation;
- (6) Relative location and dimension of garage doors(s), if included on the front elevation;
- (7) Type(s) of siding (e.g. brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation.

(C) If adjacent lots as defined in this section contain different housing styles as herein described, the previously delineated similarity standards do not apply. Housing style is in and of itself a significant enough characteristic to constitute dissimilarity. Housing styles shall consist of the following six (6) categories:

- (1) Ranch, (2) bi-level, (3) tri-level, (4) 1 and 1/2 story, (5) two story, (6) three story.

(D) If the building officer of the city or a person acting in that capacity finds that a dwelling for which a building permit is being requested is similar in appearance to a dwelling for which a building permit has previously been issued within two (2) lots distance and facing the same street, the building officer shall deny the permit request for non-compliance with this section.

(E) (1) An application for a building permit which has been denied a building permit based upon the provision of this section may:

- (a) Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling according to the criteria specified herein; or

(b) Appeal the decision to the Board of Adjustment of the City of Williamstown.

(2) In any appeal of the interpretation of this section by the building officer to the Board of Adjustments of the city, the applicant for a building permit shall present evidence sufficient to demonstrate compliance with this section, such as architectural drawings, material specifications and similar items.

(F) This ordinance shall not apply to dwellings for which building permits have been approved prior to April 4, 1994, including dwellings that are being remodeled, reconstructed, or replaced after damage by fire, windstorm or other casualty.

(G) These regulations may be waived by the Board of Adjustments in cases where the applicant for a building permit could not be expected to anticipate the design of a neighboring dwelling for which a building permit has already been issued but is not under construction. In such instances the builder may request and the Board of Adjustments may grant an exception from the terms of this section.

(H) These regulations may be waived for residential planned unit developments in which similarity of architectural form and style among dwellings is integral to the success of a unified plan in which the high quality of building materials, building plans, and site plan details overcome the presumed deficiencies of similarity. In such cases, the developer shall request, and the building officer may grant, an exception for this section as a condition of a planning unit development.

(Ord. 1994-6, passed 4-4-94)

§ 154.05 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(A) Adoption.

(1) A certain document, three copies of which are on file in the office of the City Clerk of the City of Williamstown, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Williamstown, in the State of Kentucky, for regulating and governing the conditions and maintenance of all property, buildings and structures except residential structures not used for a commercial purpose; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures used for a commercial purpose are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures used for a commercial purpose unfit for human occupancy and use, and the demolition of such existing structures used for commercial purpose as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions

and terms of said Property Maintenance Code on file in the office of the City of Williamstown are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in division (B).

(2) This section shall not apply to any single-family residential structure(s) not used for a commercial purpose. Residential structures not used for a commercial purpose are excluded from this section.

(B) Amendments. The following sections are hereby revised and adopted by the City of Williamstown as follows:

(1) Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Williamstown, hereinafter referred to as "this code."

(2) Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

(a) City Employee and City equipment charges shall be invoiced at the rate set forth in current Ordinance that establishes the charges for equipment and personnel rates. At the time of this Ordinance passage, Ordinance number 2008-07 shall be utilized and may be amended from time to time.

(b) After the Notice of Violation and all other notices and orders have been sent to property owner and the property owner fails to comply with the notice within the timeframe given by the code official, the fee that shall be charged to property owner for non-compliance of this Code shall be \$100 per day per occurrence until such time the violation has been abated and approved by the code official.

(3) Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than One Hundred Dollars (\$100) or more than Two Hundred Fifty Dollars (\$250).

(4) Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of

violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(5) Section 304.14 Insect screens. During the period from May to October, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(6) Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(7) Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November to May to maintain a minimum temperature of 65 °F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

(C) Penalty.

(1) Any person who violates the provisions of this section or Code or failure to comply therewith or with any of the requirements thereof shall constitute a Class A Misdemeanor under the Kentucky Revised Statutes for each separate violation. Each day that the violation continues shall constitute a separate offense and be punishable as such.

(2) Any person violating the provisions of this section or Code or failure to comply therewith or with any of the requirements thereof shall be subject to a civil penalty of \$500 per day plus the city's attorneys' fees and costs expended in enforcing such civil penalty, and each day of the continuation thereof shall be a separate and distinct offense, which shall be recovered by the City of Williamstown in a civil action in the nature of debt if not paid by the offender within 30 days after citation for the violation or other failure to comply with the provisions of this chapter. In addition, any violation of said sections are hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce said sections hereof by any other method means set forth herein, the City of Williamstown may institute an appropriate action in a court of competent jurisdiction seeking injunctive and equitable relief.

(3) Each violation and every other failure to comply with the remaining provisions of this section shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

(a) A person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.040(2)(a) and/or a term of imprisonment not to exceed the maximum period of 12 months as set forth in KRS 532.090(1), or both; and

(b) The offender shall also be subject to a civil penalty of \$100 of each offense plus the city's attorneys' fees and costs expended in enforcing such civil penalty, which shall be recovered by the City of Williamstown in a civil action in the nature of debt if not paid by the offender within 30 days after citation for the violation or other failure to comply with the provisions of this chapter.

(Ord. 2013-10, passed 6-3-13)

ABANDONED URBAN PROPERTY

§ 154.15 CLASSIFICATION AS REAL PROPERTY.

Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation. As used in this section, "abandoned urban property" as defined below shall mean:

(A) Any vacant structure or vacant or unimproved lot or parcel of ground in the city that has been vacated or unimproved for a period of at least one year and which:

(1) Because it is dilapidated, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, it is unfit for its intended use; or

(2) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; and

(3) Has been tax delinquent for a period of at least three years.

(B) Any property in the city may be identified as "blighted" or "deteriorated" and certified as such by the City Administrative Officer or public services department. As used in this subsection, "blighted" or "deteriorated" property shall mean any vacant structure or vacant unimproved lot or parcel of ground in a predominantly built-up neighborhood:

(1) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with any housing, building, property maintenance, plumbing, electric, fire or related codes; or

(2) Which because of physical conditions, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

(3) Which because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by any housing, building, property maintenance, plumbing, electric, fire or related code, has been designated as unfit for human habitation; or

(4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property; or

(5) From which the utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or

rendered ineffective so that the property is unfit for its intended use; or

(6) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin; or

(7) Which has been tax delinquent for a period of at least three years; or

(8) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

(Ord. 2013-12, passed 6-3-13)

§ 154.16 RATE OF TAXATION.

The rate of taxation levied upon abandoned urban properties is \$0.75 on each \$100.00 of assessed value.

(Ord. 2013-12, passed 6-3-13)

§ 154.17 RIGHT TO APPEAL.

(A) The city shall each year determine which properties in the city are abandoned urban properties and shall prepare and furnish a list of abandoned and urban properties located in the city to the City Clerk and the Grant County Valuation Administrator prior to January 1 of each year.

(B) Except as otherwise provided herein, a property classified by the city as abandoned urban property as of January 1 shall be taxed as abandoned urban property for such tax year. If the owner repairs, rehabilitates, or otherwise returns the property to productive use so that the property is no longer abandoned urban property, the owner shall notify the city, which shall, if it finds the property is no longer abandoned urban property, notify the City Clerk and the Grant County Valuation Administrator to strike the property from the list of abandoned urban properties as of the succeeding January 1.

(C) No later than March 1 of each year, the city shall mail, by first-class mail, to the owner(s) of each abandoned urban property, as those name(s) are listed in the records of the Property Valuation Administrator, a notice that this property has been classified as abandoned urban property. The owner of any abandoned urban property who believes that his, her or its property has been incorrectly classified may appeal such classification to the city's Vacant Property Review Commission which shall certify properties as blighted or deteriorated to the City Council. Such appeal shall be in writing and shall be made no later than April 1 of that year. The city shall afford the owner the opportunity for a hearing. If the Vacant Property Review Commission finds that the property was incorrectly classified as abandoned urban property, it shall cause the property to be removed

from the list of properties so classified. The city shall develop policies and procedures for such appeals.

(D) A Vacant Properties Review Commission is hereby established pursuant to KRS 99.700 through 99.730 as may be amended from time to time.

(1) The Commission shall be responsible for carrying out the functions and responsibilities concerning blighted and deteriorated properties, as granted by state statute and shall have the powers, duties and authority granted it by the Kentucky Revised Statutes and the Code of Ordinances of the city as amended from time to time.

(2) The Commission shall consist of a voting chairperson and two other voting members. The Commission members shall serve four-year terms, shall be resident real estate property owners in the City of Williamstown and shall be appointed by the Mayor subject to approval by City Council.

(3) The Commission's duties shall be to certify properties as blighted or deteriorated to the City Council; and, to timely hear appeals from owners of properties that have been determined to be abandoned urban property.

(4) Any interested party may appeal a Commission's decision to the Grant County Circuit Court within thirty (30) days of the Commission's decision.

(Ord. 2013-12, passed 6-3-13)

§ 154.99 PENALTY.

Any person, firm or corporation who shall commence any of the activities enumerated in § 154.04 prior to obtaining a required permit shall pay to the City Clerk/Treasurer, or such person as he may designate, two hundred percent (200%) of the fee or charge.

(Ord. 1991-324, passed 12-2-91)