

**CITY OF INDIAN HILLS  
ORDINANCE NO. 7, Series 2019**

**AN ORDINANCE AMENDING INDIAN HILLS CODIFIED ORDINANCE CHAPTER  
15.08, BUILDING PERMITS, (ORD. NO. 3, SERIES 2011), PROVIDING FOR  
CHANGES TO ARTICLE II, § 15.08.070, BUILDER COMMITMENT AND BOND  
REQUIREMENT, ARTICLE II, § 15.08.080, BUILDER’S RELEASE, AND ARTICLE II,  
SECTION 15.08.090, BUILDER’S RELEASE OF BOND**

**WHEREAS**, it is the desire of the Indian Hills City Council, and in the best interest of the City of Indian Hills, Kentucky, to utilize the authority granted in KRS 83A.060(3) to amend city ordinances and further to ensure compliance with ordinances in force within the City of Indian Hills, and

**WHEREAS**, City of Indian Hills Codified Ordinance Chapter 15.08, Building Permits, (Ord. No. 3, Series 2011), and, in particular, Article II, Sections 15.08.070, Builder Commitment and Bond Requirement, 15.08.080, Builder’s Release and 15.08.090, Release of Bond, should be amended to reflect changes made to the Builder’s Release of Bond and those specific sections amended are to be herewith set out in full.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF INDIAN HILLS:**

**SECTION 1.** City of Indian Hills Codified Ordinance Chapter 15.08, (Ord. No. 3, Series 2011), and, in particular, Article II, Section 15.08.070(A) is hereby amended to reflect changes made to the Builder Commitment and Bond Requirement. The specific sections amended are herewith set out in full:

**15.080.070 Builder-Commitment and bond requirement.**

Before receiving construction and approval and the issuance of a building permit from the city, the builder shall deliver to the city the following items;

- (A) **Builder’s Commitment.** In his/her construction, the builder shall meet all of the requirements of applicable city, state and county statutes, ordinances, regulations and codes. The builder shall be responsible for the installation, good repair, proper functioning and completion of all improvements required by the city for approval of the building permit. The builder shall further be responsible for cleaning up the building site and returning the land and landscape to its preconstruction condition or better. The builder shall also be responsible for any damage to city property, including streets, caused by the construction, whether such damage be caused by the builder, or his/her employees, agents or subcontractors. The construction shall proceed in a manner which in the judgment of the city and/or designated representative does not cause unreasonable harm, inconvenience or annoyance to any other property owner. The builder shall execute and deliver written evidence of his/her awareness and commitment to fulfill the obligations set forth above with

his/her application for a building permit. This obligation of the builder shall continue until the city has granted a release as set forth in this chapter. The required construction shall be completed and properly functioning and all other obligations satisfied at the end of nine months or such shorter period as may be required by the city [or by builder's written request for an extension beyond the nine months and as agreed upon by the city]. At any time thereafter, the city may declare the obligation to be in default [, and the bond required in § 15.08.070(B) below shall be forfeited to the general fund of the City of Indian Hills].

- (B) Security required. There shall be filed with the city a cash bond in amounts asked and forms fixed by the city to insure completion of the construction commitment as stated above. (Amended during 2002 codification; CC § 150.18)
- (C) Bond Amounts. The required bond amounts are set as follows. The assessed bond amount for any given project shall be determined by the Public Works Director (Code Enforcement Officer per Ord. 2.25.090) based on the extent, complexity, and public risk of the project. Bond amounts shall be paid in cash or by check. In case of a check which is returned for insufficient funds, the bond shall be deemed not paid, the associated permit is suspended, and all work shall be stopped until the bond is satisfied. (Ord. 10-01, 2-18-10)

<u>Type of Construction</u>	<u>Security Deposit</u>
New residence (see Surcharge below)	Not to exceed \$7,500 (Ord. 15-04, 1-21-16)
New Condominium (see Surcharge below)	Not to exceed \$5,000
New Development (see Surcharge below)	Not to exceed \$3,000 per new land parcel
Remodeling/Addition or existing	See Project Cost below
Demolition	Not to exceed \$1000
Drainage Work (see Surcharge below)	Not to exceed \$500
Site Preparation Not Associated with A Structure (see Surcharge below)	Not to exceed \$3,000 per land parcel
Site Restoral (see Surcharge below)	Not to exceed \$3,000 per land parcel
Swimming Pool	Not to exceed \$3,500 (Ord. 15-04, 1-21-16)
Fence	See project scale below
Driveway	See project scale below
 <u>Project Cost</u>	 <u>Security Deposit</u>
\$0 to \$25,000	Not to exceed \$500
\$25,001 to \$100,000	Not to exceed \$1,000
\$100,001 and up	Not to exceed \$2,500

There is no resident homeowner discount applicable to security deposits.

Complexity Surcharge

Construction or development in areas with apparent topographical constraints or steep slopes such as those defined in Metro Louisville Land Development Codes 4.6 and 4.7,

as adopted by Ordinance 10-02, shall be subject to a surcharge increasing the security bond amount by not more than double the maximum set forth above, based on an assessment of the potential correction and/or restoral costs for proper project completion in these areas.

**SECTION 2.** City of Indian Hills Codified Ordinance Chapter 15.08 (Ord. No. 3, Series 2011), and, in particular, Article II, Section 15.08.080 is hereby amended to reflect changes made to the builder's release. The specific sections amended are herewith set out in full:

**15.080.080 Builder's release.**

A builder may request from the city a determination that he/she has satisfied his/her responsibility for the obligations set forth in Section 15.08.070(A) in accordance with the following procedures:

- (A) The builder may submit the certificate of the architect or engineer stating that the construction is complete and in good working order.
- (B) The builder shall submit his/her written certificate that construction is complete and in good working order ~~as provided by the form attached hereto~~ and that each and every obligation set forth in Section 15.08.070(A) has been satisfied.
- (C) ~~[The builder shall submit a Certificate of Occupancy.]~~
- (D) Upon receipt of the certificate of completion [, and Certificate of Occupancy] from the builder, the city shall approve or disapprove construction and shall make a determination with respect to a requested release of surety. ~~In all cases a Certificate of Occupancy is required.~~ (CC § 150.19)

**SECTION 3.** City of Indian Hills Codified Ordinance Chapter 15.08 (Ord. No. 3, Series 2011), and, in particular, Article II, Section 15.08.090 is hereby amended to reflect changes made to the Builder's Release of Bond in the City of Indian Hills. The specific sections amended are herewith set out in full:

**15.08.090 Release of Bond**

Within thirty (30) days from receipt of [the builder's written certificate of completion of construction and Certificate of Occupancy] ~~an application for release of builder's bond~~, the city and/or its designate ~~may make an inspection of the construction and~~ shall grant the release where it appears to the city or designate's reasonable satisfaction that the required construction and improvements are installed and in good repair and functioning properly, that the builder has fulfilled all of the obligations of his/her commitment, and that there is no reason to believe that construction on the lot has or will cause malfunctioning or damage to improvements in the area, including drainage. (CC § 150.20)

**SECTION 2. Severability.** The provisions of this ordinance shall be considered severable. If any provisions of this ordinance is found to be invalid, that finding shall not necessarily invalidate the entire ordinance.

**SECTION 3. Effective Date.** This ordinance shall become effective after passage, approval and publication as required by law.

First Reading: November 21, 2019

Second Reading: December 19, 2019

Passed and Approved: December 19, 2019

ENTERED THIS 19<sup>th</sup> DAY OF December, 2019.

Introduced by: Laura Dunbar

/S/

Attest: /S/

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**Chip Hancock, Mayor**

**Donna M. Sinkhorn, City Clerk**

<u>Council</u>	<u>Yea</u>	<u>Nay</u>
Mr. Doheny	<u>_x_</u>	___
Ms. Dunbar	<u>_x_</u>	___
Mr. Garlove	<u>_x_</u>	___
Ms. George	___ A	___
Mr. Giesel	<u>_x_</u>	___
Ms. Lindsay	<u>_x_</u>	___
Ms. Matton	<u>_x_</u>	___
Mr. Ulmer	<u>_x_</u>	___
Ms. Zinniel	___ A	___