difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner’s representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the authority having jurisdiction.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records as promulgated by the Kentucky Department of Libraries and Archives pursuant to KRS 171.450.

104.12 Rule-making-authority. By means of the Board’s appeals procedures, the Board may issue interpretations which shall be binding upon the Appellee and the code official. The code official shall implement the provisions of this code to secure its intent as determined by the Board.

104.13 Nonstructural repairs. Nonstructural alterations, or repairs which do not adversely affect a structural member having a required fire-resistance rating, may be made with the same materials of which the structure was constructed.

104.14 Building size includes fire wall. To determine plan review jurisdiction and whether a licensed design professional is required, the calculation of the total square footage and occupant load for a project shall include areas on both sides of fire walls.

104.15 Local plan review and inspection jurisdiction. The local code official, having minimum Kentucky Building Inspector Certification of Level I, shall be responsible for the examination and approval of plans and specifications and the inspections necessary to determine compliance for buildings as listed in this section. The determination of jurisdiction shall be based upon occupant load calculations in accordance with Section 1004 of this code.

104.15.1 Assembly occupancies. All buildings classified as assembly occupancies, except churches as indicated in Section 104.15.3, having a capacity which does not exceed 100 persons.

104.15.2 Business occupancies. All buildings classified as business occupancies having a capacity that does not exceed 100 persons.

104.15.3 Churches. All buildings used for religious or religious fellowship purposes, including family life centers, having a capacity of 400 persons or less; or all buildings used for religious or religious fellowship purposes, including family life centers, having 6,000 square feet (558 m²) or less of total floor area.

104.15.4 Factory or industrial occupancies. All buildings classified as factory or industrial occupancies having a capacity that does not exceed 100.

104.15.5 Mercantile occupancies. All buildings classified as mercantile occupancies having a capacity that does not exceed 100 persons.

104.15.6 Residential, storage or utility occupancies. All buildings classified as residential, storage or utility occupancies as long as the buildings do not exceed three stories in height or 20,000 square feet (1860 m²) or less of total floor area.

104.15.7 Mixed Occupancies. All buildings containing more than one occupancy with a total occupant load that does not exceed 100.

104.15.8 State owned property. Buildings owned by or built on property owned by the Commonwealth shall not be subject to local plan review, inspection or approval, regardless of size, occupant load or occupancy classification.

104.16 State jurisdiction. The Department shall have jurisdiction to review construction documents, issue permits, and make inspections to determine compliance with this code for the buildings listed in Sections 104.16.1 through 104.16.9 and all buildings, except dwellings subject to the Kentucky Residential Code (815 KAR 7:125), where no local building inspection program exists as required by Section 104.15 of this code.

104.16.1 Assembly Occupancies. Church buildings used for religious or religious fellowship purposes, including family life centers, having a capacity in excess of 400 persons and exceeding 6,000 square feet (558 m²) of total floor area; and all other buildings classified as assembly occupancies having a capacity in excess of 100 persons.

104.16.2 Business occupancies. All buildings classified as business occupancies having a capacity in excess of 100 persons.

104.16.3 Educational, high-hazard or institutional occupancies. All buildings classified as educational, high-hazard or institutional occupancies regardless of occupant capacity or building size.

104.16.4 Factory or industrial occupancies. All buildings classified as factory or industrial occupancies having a capacity in excess of 100 persons.

104.16.5 Industrialized building systems. All buildings classified as industrialized building systems regardless of occupancy size or occupancy classification.

104.16.6 Mercantile occupancies. All buildings classified as mercantile occupancies having a capacity in excess of 100 persons.
104.16.7 Other occupancies. All other buildings containing in excess of three stories or 20,000 square feet (1858 m²) of total floor area.

104.16.8 Mixed Occupancies. All buildings containing more than one occupancy with a total occupant load that exceeds 100.

104.16.9 State owned property. Buildings owned by or built on property owned by the Commonwealth regardless of occupancy classification or size.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, remodel or change the occupancy of a building, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or II A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 930 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below, and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in Section 101.2, which are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies supported by an exterior wall that do not project more than 54 inches (1373 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:
1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:
1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:
1. The stopping of leaks in drains, water, soil, waste or vent. If any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective necessitating the removal and replacement of the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.