

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 IIIA *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:

Repairs and maintenance: Minor *repair* work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved permanently* installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions.

Temporary testing systems: A *permit* shall not be required for the installation of any *temporary* system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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.