



Chris Reinersman
Mayor
City of Independence, Kentucky
5409 Madison Pike
Independence, KY 41051

Monday, March 4, 2024

Dear Mayor Reinersman:

We are writing to you and as such the Independence City Council regarding the proposed "Ordinance Establishing Safety Measures and Regulations Related to Open Burning and Recreational Uses". Some of the proposals in the ordinance are already followed by many in the industry, but some are not. Our concerns are that this will continue to add to the cost of providing new homes for homebuyers in the city of Independence. As we have expressed on multiple occasions before the City Council our industry is regulated into unaffordability as a cumulative result of small price increases which will be incurred by actions such as this. In recent history we have expressed this concern regarding a proposed brick mandate, recent cost increases related to building inspections and now this "burn ban".

The ordinance proposes that the size of a fire cannot exceed 30 feet diameter and 15 feet high. When clearing land large trees need to be removed. This requirement will mean many trees will have to be cut up before adding to a fire. This will add cost in manual labor, fuel, equipment and time. Scrap lumber burning is not permitted in the proposed ordinance. There is no difference between burning unpainted or untreated wood with that of a tree. They are the exact same material but cut into a different shape. This will require greater use of dumpsters, manual labor, hauling fees, fuel and movement to a landfill. The proposed ordinance adds a requirement for a person over the age of 18 to be on site, with a phone or radio, and with equipment on site capable of digging dirt to place on the fire. This again adds costs in terms of personnel hours, equipment and equipment rental fees. The proposed ordinance requires industry to provide a copy of insurance to fire and/or police, adding costs in the time of additional paperwork in an industry overburdened by paperwork as well as engaging industry's insurance representatives, pushing costs down the chain. The proposed ordinance requires a blower to be on site, adding costs of equipment and unproductive work hours. A fire for construction workers is proposed in the ordinance to be permitted when the temperature is less than 40 degrees. The state of Kentucky allows this when under 50 degrees. A 40-degree cloudy day is cold, and our industry professionals need protection.

In addition, we believe that this ordinance will not alleviate the issues of fire ash moving around in the air and settling on neighboring properties. While in the past we worked with the city on alternative design standards to the brick mandate of years past of recent there have been no third alternatives or other methods than to simply raise the cost of the price of housing in this instance and in the recent escalation of fees associated with inspections.

We are attaching the third alternative that we helped create during the dialogue regarding a proposed brick mandate as well as our written comments regarding fees related to inspections. The document related to fees for inspections covers our priced-out concern.

In closing we ask that the city forego the proposed ordinance and work with our organization to find a third alternative that will do no harm to an industry suffering with burdensome costs as highlighted in abundance in recent media stories over the recent past and is common knowledge to which we are seeking common sense in these matters.

We asked that this letter be entered into the record of your council meeting addressing this matter. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Brian A. Miller". The signature is written in a cursive, flowing style.

Brian A. Miller
Executive Vice President
Building Industry Association of Northern Kentucky

CC: Matt Curtin, President, Building Industry Association of Northern Kentucky
Matt Mains, Chairman, Land Development Council, Building Industry Association of Northern Kentucky
Tara Johnson-Noem, Executive Director, Northern Kentucky Area Development District
Tom Brinker, Council Member, City of Independence, Kentucky
Carol Franzen, Council Member, City of Independence, Kentucky
Dave Shafer, Council Member, City of Independence, Kentucky
Greg Steffen, Council Member, City of Independence, Kentucky
Chris Vogelpohl, Council Member, City of Independence, Kentucky
Greg Waite, Council Member, City of Independence, Kentucky