PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Building Code Enforcement
(Amended After Comments)

815 KAR 7:120. Kentucky Building Code.

RELATES TO: KRS 132.010, 198B.010, 198B.040, 198B.050, 198B.060, 198B.080, 198B.260, 198B.990, 227.300, 227.550(7)

STATUTORY AUTHORITY: KRS 198B.040(7), 198B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.040(7) and 198B.050 require the department to promulgate a mandatory uniform state building code that establishes standards for the construction of all buildings in the state. This administrative regulation establishes the Kentucky Building Code's general provisions.

Section 1. Definitions.

(1) "Building" is defined by KRS 198B.010(4).

(2) "Department" is defined by KRS 198B.010**(13)**~~(11)~~.

(3) "Industrialized building system" or "building system" is defined by KRS 198B.010**(18)**~~(16)~~.

(4) "Manufactured home" is defined by KRS 227.550**(6)**~~(7)~~.

(5) "Single-family dwelling" or "~~one (~~1~~)~~ family dwelling" means a single unit that:

(a) Provides complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) Is not connected to another~~ unit or~~ building.

(6) "Townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two (2) sides.

(7) "Two (2) family dwelling" means a building containing not more than two (2) dwelling units that are connected.

Section 2. Building Code. The 2015 International Building~~ Code~~ shall be the mandatory state building code for all buildings constructed in Kentucky except that:

(1) The Kentucky amendments in the 2018 Kentucky Building Code shall supersede any **conflicting**~~confliction~~~~conflicting~~ provision in the 2015 International Building Code;

(2) One (1) family dwellings, two (2) family dwellings, and townhouses shall be governed by 815 KAR 7:125; and

(3) Manufactured homes shall be governed by KRS 227.550 through 227.665.

Section 3. State Plan Review and Inspection Fees. The fees required by this section shall apply for plan review and inspection by the department.

(1) Fast track elective.

(a) A request for expedited site and foundation approval of one (1) week or less, prior to full review of the complete set of construction documents, shall be accompanied by the fee required by Table 121.3.1 in subsection (3) of this section, plus an additional fifty (50) percent of the basic plan review or inspection fee.

(b) The additional fifty (50) percent fee shall not be less than $400 and not more than $3,000.

(c) The entire fee shall be paid with the initial plan submission.

(2) New buildings.

(a) The department's inspection fees shall be calculated by multiplying:

1. The cost per square foot of each occupancy type as listed in Table 121.3.1 in subsection (3) of this section; and

2. The square footage of the outside dimensions of the building.

(b) The fee for a building with multiple or mixed occupancies shall be calculated using the cost per square foot multiplier of the predominant use.

(c) The minimum fee for review of plans pursuant to this subsection shall be $285.

(3) Table 121.3.1, Basic Department Fee Schedule. The basic plan review or inspection fee shall be as established in Table 121.3.1 in this subsection.

OCCUPANCY TYPE	COST PER SQUARE FOOT
Assembly	**16** ~~**[Sixteen (16)]**~~ cents
Business	**15** ~~**[Fifteen (15)]**~~ cents
Day care centers	**15** ~~**[Fifteen (15)]**~~ cents
Educational	**15** ~~**[Fifteen (15)]**~~ cents
High Hazard	**16** ~~**[Sixteen (16)]**~~ cents
Industrial factories	**15** ~~**[Fifteen (15)]**~~ cents
Institutional	**16** ~~**[Sixteen (16)]**~~ cents
Mercantile	**15** ~~**[Fifteen (15)]**~~ cents
Residential	**15** ~~**[Fifteen (15)]**~~ cents
Storage	**15** ~~**[Fifteen (15)]**~~ cents
Utility and Miscellaneous	**13** ~~**[Thirteen (13)]**~~ cents
Production greenhouse	**10** ~~**[Ten (10)]**~~ cents

(4) Additions to existing buildings.

(a) Plan review fees for additions to existing buildings shall be calculated by multiplying the cost per square foot of the occupancy type listed in Table 121.3.1 in subsection (3) of this section by the measurement of the square footage of the addition, as determined by the outside dimensions of the addition and any other changes made to the existing build.

(b) The minimum fee for review of plans pursuant to this subsection shall be $285.

(5) Change in use.

(a) Plan review fees for existing buildings in which the use group or occupancy type is changed shall be calculated in accordance with the schedule listed in Table 121.3.1 in subsection (3) of this section by using the total square footage of the entire building or structure pursuant to the new occupancy type as determined by the outside dimensions.

(b) The minimum fee for review of plans pursuant to this subsection shall be $285.

(6) Alterations and repairs.

(a) Plan review fees for alterations and repairs not otherwise covered by this fee schedule shall be calculated by using the lower result of multiplying the:

1. Cost of~~[for]~~ the alterations or repairs by 0.0030; or

2. Total area being altered or repaired by the cost per square foot of each occupancy type listed in the schedule in subsection (3) of this section.

(b) The total square footage shall be determined by the outside dimensions of the area being altered or repaired.

(c) The minimum fee for review of plans pursuant to this subsection shall be $285.

(7) Specialized fees. In addition to the fees established by subsections (1) through (6) of this section, the following fees shall be applied for the specialized plan reviews listed in this subsection:

(a) Table 121.3.9, Automatic Sprinkler Review Fee Schedule. The inspection fee for automatic sprinklers shall be as established in Table 121.3.9 in this paragraph;

NUMBER OF SPRINKLERS	FEE
4-25 ~~**[Four (4) – twenty-five (25)]**~~	$150
26 ~~[Twenty-six]~~ – 100	$200
101 – 200	$250
201 – 300	$275
301 – 400	$325
401 – 750	$375
OVER 750	$375 plus thirty (30) cents per sprinkler over 750

(b) Fire detection system review fee.
1. Zero through 20,000 square feet shall be $275; and
2. Over 20,000 square feet shall be $275 plus thirty (30) dollars for each additional 10,000 square feet in excess of 20,000 square feet;

(c) The standpipe plan review fee shall be $275. The combination of stand pipe and riser plans shall be reviewed pursuant to the automatic sprinkler review fee schedule;

(d) Carbon dioxide suppression system review fee.
1. One (1) through 200 pounds of agent shall be $275; and
2. Over 200 pounds of agent shall be $275 plus five (5) cents per pound in excess of 200 pounds;

(e) Clean agent suppression system review fee.
1.
a. Up to thirty-five (35) pounds of agent shall be $275; and
b. Over thirty-five (35) pounds **of agent**shall be $275 plus ten (10) cents per pound in excess of thirty-five (35) pounds; and
2. The fee for gaseous systems shall be ten (10) cents per cubic foot and not less than $150;

(f) Foam suppression system review fee.
1. The fee for review of a foam suppression system shall be fifty (50) cents per gallon of foam concentrate if the system is not part of an automatic sprinkler system.
2. Foam suppression system plans that are submitted as part of an automatic sprinkler system shall be reviewed pursuant to the automatic sprinkler review fee schedule.
3. The fee for review of plans pursuant to subclause 1. of this paragraph shall not be less than $275 or more than $1,500;

(g) The commercial range hood review fee shall be $225 per hood;

(h) Dry chemical systems review fee (except range hoods). The fee for review of:
1. One (1) through thirty (30) pounds of agent shall be $275; and
2. Over thirty (30) pounds of agent shall be $275 plus twenty-five (25) cents per pound in excess of thirty (30) pounds; and

(i) The flammable, combustible liquids or gases, and hazardous materials plan review fee shall be $100 for the first tank, plus fifty (50) dollars for each additional tank and $100 per piping system including valves, fill pipes, vents, leak detection, spill and overfill detection, cathodic protection, or associated components.

Section 4. General. All plans shall be designed and submitted to conform to this administrative regulation.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "2015 International Building Code", International Building Code Council, Inc.; and

(b) "2018 Kentucky Building Code", Third Edition, **August**~~**[March]**~~ 2022~~[Second Edition, May 2020]~~.

(2) **This** ~~**[The]**~~ ~~[This]~~ material may be inspected copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov/Pages/default.aspx.

(27 Ky.R. 3474; 28 Ky.R. 391; eff. 8-15-2001; 2453; 29 Ky.R. 133; eff. 7-15-2002; 808; eff. 11-12-2002; 2160; 2468; eff. 3-24-2003; 2986; 30 Ky.R. 285; 1599; eff. 8-13-2003; 1599; eff. 2-16-04; 31 Ky.R. 1899; 32 Ky.R. 77; eff. 7-27-2005; 33 Ky.R. 3250; 4168; eff. 7-6-2007; 34 Ky.R. 1226; 1740; eff. 2-1-2008; 35 Ky.R. 2359; 2772; 36 Ky.R. 75; eff. 7-29-2009; 2065-M; 2046-A; eff. 5-7-2010; 37 Ky.R. 1092; 1727; eff. 3-4-2011; 38 Ky.R. 692; 920; eff. 11-30-2011; 39 Ky.R. 1506; 40 Ky.R. 17; eff. 8-2-2013; 2630; eff. 8-1-2014; 41 Ky.R. 1181; eff. 3-6-2015; 42 Ky.R. 2650; eff. 6-22-2016; 43 Ky.R.2067, 44 Ky.R. 95; eff. 7-26-2017; 44 Ky.R. 2442; 45 Ky.R. 96; eff. 8-22-2018; 45 Ky.R. 3274; eff. 8-2-2019; TAm eff. 5-29-2020; 48 Ky.R. 3053; 49 Ky.R. 617; eff. 11-15-2022.)

RAY A. PERRY, Secretary
RICK W. RAND, Commissioner

APPROVED BY AGENCY: August 11, 2022

FILED WITH LRC: August 12, 2022 at 11:26 a.m.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jonathon M. Fuller

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the Kentucky Building Code.

(b) The necessity of this administrative regulation:
KRS 198B.040(7) and 198B.050 require the department to adopt and promulgate a mandatory Uniform State Building Code that establish the standards for the construction of all buildings, as defined in KRS 198B.010, in the state.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 198B.040(7) and 198B.050 require the department to adopt and promulgate a mandatory Uniform State Building Code that establish the standards for the construction of all buildings, as defined in KRS 198B.010, in the state. This administrative regulation incorporates by reference the 2015 International Building Code and 2018 Kentucky Building Code—the "Kentucky amendments".

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation establishes the Kentucky Building Code, as required by KRS 198B.040(7) and 198B.050 for the enforcement of the uniform state building code, incorporating all applicable laws into its processes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
This amendment includes updated standards for controlled environment agriculture facilities in the Kentucky Building Code and corrects grammatical and technical errors in the 2018 Kentucky Building Code. Specifically: 1. Amends Section 201, Definitions, to include a definition of controlled environment agriculture facilities. 2. Amends Section 201, Definitions, to update the definition of commercial greenhouse to clarify public access and research uses. 3. Amends Section 304.1 by removing reference to 902 KAR 20:073. 4. Amends Section 306.3 Low-hazard factory industrial, Group F-2 to include packing and shipping areas of controlled environment agriculture facilities as an example of an F-2 occupancy. 5. Amends Section 433 to include references to controlled environment agriculture facilities and the applicable code standards for these facilities.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary to implement code changes to the incorporated material. Specifically, the amendments related to controlled environment agriculture facility result from the requests of industry professionals, code professionals, and the public.

(c) How the amendment conforms to the content of the authorizing statutes:
KRS 198B.040(7) and 198B.050 require the department to adopt and promulgate a mandatory Uniform State Building Code that establish the standards for the construction of all buildings, as defined in KRS 198B.010, in the state. This administrative regulation incorporates by reference the 2015 International Building Code and 2018 Kentucky Building Code—the "Kentucky amendments".

(d) How the amendment will assist in the effective administration of the statutes:

These amendments to the Kentucky Building Code will enhance public safety and allow the construction industry to use current technologies, methods, and materials.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All construction projects subject to the Kentucky Building Code are affected by this administrative regulation. Architects, engineers, contractors, project managers, businesses, local governments, and Department personnel will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The identified entities must comply with any applicable amendments to the Kentucky Building Code.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Affected entities will likely have no additional costs in complying with these amendments. They may save money as a result of these amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Benefits include a more clear building code with fewer errors, flexibility in building design, and increased clarity of construction standards.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no anticipated additional costs to implement this administrative regulation.

(b) On a continuing basis:

There are no anticipated additional costs to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Implementation and enforcement of this administrative regulation is anticipated to result in no additional costs to the agency. Any agency costs resulting from the implementation and enforcement of this administrative regulation will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

This amendment will not necessitate an increase in fees or funding. No fees are raised or changed by this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment does not change previously established fees.

(9) TIERING: Is tiering applied?

Tiering is not applied as all regulated entities are subject to the same amended requirements.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of Housing, Buildings and Construction and building inspection and plan review programs of local governments.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

This administrative regulation is required by KRS 198B.040(7) and KRS 198B.050.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This amendment is not anticipated to generate additional revenue for state or local government in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This amendment is not anticipated to generate additional revenue for state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year?

There are no anticipated additional costs to administer this amendment in the first year.

(d) How much will it cost to administer this program for subsequent years?

There are no anticipated additional costs to administer this amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):Neutral

Expenditures (+/-):Neutral

Other Explanation:

None.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This amendment may save certain regulated entities the cost of the installation of fire suppression equipment in facilities where the amendment clarifies that they are not required in the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This amendment may save certain regulated entities the cost of the installation of fire suppression equipment in facilities where the amendment clarifies that they are not required in subsequent years.

(c) How much will it cost the regulated entities for the first year?

This amendment will not require additional expenditures by regulated entities for the first year.

(d) How much will it cost the regulated entities for subsequent years?

This amendment will not require additional expenditures by regulated entities for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):Neutral

Expenditures (+/-):Neutral

Other Explanation:

None.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact, as defined above.