

1 AN ACT relating to temporary structures.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 198B.050 is amended to read as follows:

- 4 (1) The department shall adopt and promulgate a mandatory Uniform State Building
5 Code that establishes standards for the construction of all buildings, as defined in
6 KRS 198B.010, in the state. The code shall provide that the review and approval, as
7 necessary, of building plans for conformance with the Uniform State Building Code
8 prior to construction approval shall be conducted only by the department or a local
9 government or governments delegated such responsibilities by this chapter, and any
10 exceptions to this policy shall be explicitly stated in the code.
- 11 (2) The code shall be comprehensive and shall include but not be limited to provisions
12 for general construction; structural quality; mechanical systems to include heating,
13 cooling, and ventilation; electrical systems; and life safety from hazards of fire,
14 explosion, and other disasters, whether caused by acts of nature or man. The code
15 shall encompass the Kentucky State Plumbing Code promulgated pursuant to KRS
16 318.130, boiler rules and regulations issued pursuant to KRS 236.030, and the
17 national electrical code.
- 18 (3) This code shall be designed after and may be selected from the models offered by
19 such model code agencies as the International Code Council, Inc., the National Fire
20 Protection Association, and other nationally recognized organizations which may
21 include governmental agencies. The code shall:
- 22 (a) Provide uniform standards and requirements for construction and construction
23 materials;
- 24 (b) To the extent practicable, set forth standards, specifications, and requirements
25 in terms of performance objectives, so as to facilitate the use of new
26 technologies, techniques, and materials. The code shall not discriminate in
27 favor of particular suppliers' materials, techniques, or technologies; and

- 1 (c) Protect the public health, safety, and welfare within the state.
- 2 (4) The code shall include provisions for the continuing review and possible adoption
3 of new materials, technologies, and techniques in the building industry when
4 deemed justified by the department to fulfill the purposes of this chapter. The
5 department may adopt a model code promulgated by a model code agency only if
6 that agency provides a method for democratic participation by the department and
7 any local governments which may enforce the code, in a continuing review and
8 possible adoption of new materials, technologies, and techniques in the building
9 industry.
- 10 (5) The department shall promulgate administrative regulations, after notice in
11 accordance with KRS Chapter 13A, which are necessary to implement the Uniform
12 State Building Code or to carry out any other responsibility assigned to the
13 department by this chapter.
- 14 (6) The department shall monitor the effectiveness of agencies designated by local
15 governments to enforce the provisions of the Uniform State Building Code.
- 16 (7) If the department determines that an agency is not enforcing the provisions of the
17 Uniform State Building Code, it shall determine where deficiencies exist. The
18 department shall require the local government to correct the deficiencies within
19 sixty (60) days and report to the department its method of correcting the
20 deficiencies.
- 21 (8) If the local government fails to correct the deficiencies, the department may
22 preempt the local program as provided for in KRS 198B.060(4).
- 23 (9) The department shall provide for the supply, including amendments and revisions
24 thereto, of sufficient copies of the Uniform State Building Code for all interested
25 parties.
- 26 **(10) Notwithstanding any law to the contrary, any portable or temporary shower or**
27 **toilet unit built or assembled with or without wheels which is intended to be used**

1 for less than six (6) months shall be exempt from the Uniform State Building
2 Code, the Kentucky Plumbing Code, the Kentucky Residential Code, and any
3 other building or structural code promulgated by the Commonwealth or by its
4 political subdivisions. After six (6) months, the portable or temporary shower or
5 toilet unit shall be inspected and brought into code compliance or be removed,
6 unless a state of emergency has been declared in Kentucky by the Governor or a
7 local state of emergency has been declared by a mayor, county judge/executive, or
8 chief executive officer of the local government where the portable or temporary
9 shower or toilet unit has been built.