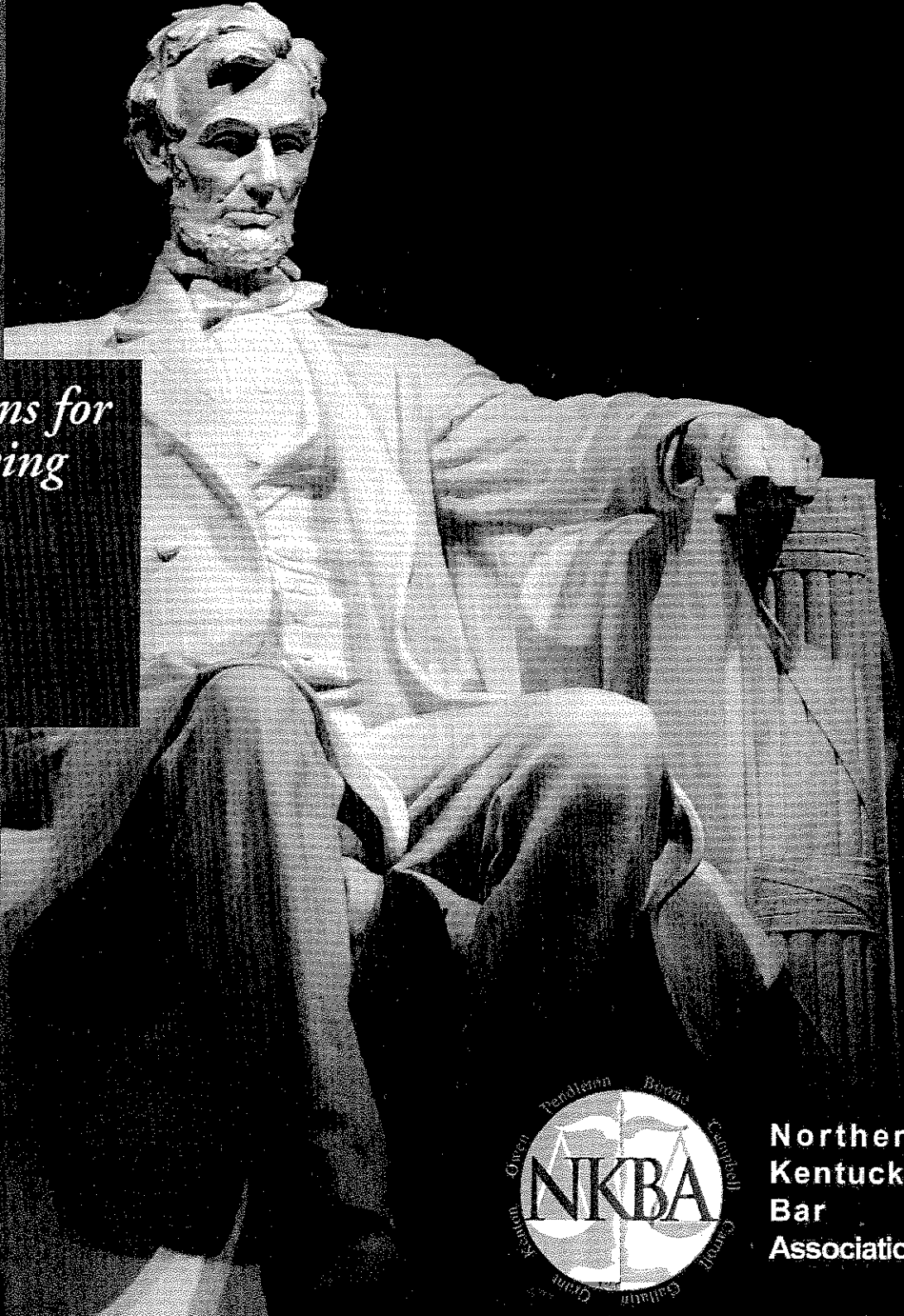


Up = same

AUG 12 2009

LEX LOCI

AUGUST 2009



Congratulations for a record breaking turnout at the Kentucky Bar Association Convention!



**Northern
Kentucky
Bar
Association**

THE KENTUCKY BUILDING CODE: A HISTORY AND RESEARCH GUIDE

Carol Furnish, NKU Chase College of Law Library¹

CALENDAR OF EVENTS

August

August 5

NKBA Officers & Board of
Directors Meeting

August 6

Estate & Probate Section
Meeting

12:00 noon at the Oriental Wok

August 6

NKBA at the Florence
Freedom

August 10

Young Lawyers Section
Meeting/Happy Hour

5:30 p.m. at Keystone
Bar & Grill

August 12

Women Lawyers Section
Meeting

5:30 p.m. - home of Anne
McBee

August 15

Deadline Lex Loci October
Edition

August 20

Local Government Section
Meeting

12:00 noon at Chez Nora

August 26

Social Security Section
Meeting

12:00 noon at the NKBA
Office

August 28

25th Annual Golf Outing
Summit Hills Country Club

September

September 2-3

Kentucky Law Update
Northern Kentucky
Convention Center

September 2

NKBA Officers & Board of
Directors Meeting

If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death. If it kill the son of the owner the son of that builder shall be put to death. Laws 229-230, Hammurabi's Code of Laws (circa 1780 BC).²

Various civilizations over the centuries have developed building codes. Building codes are developed to protect the health and safety of communities and individuals. Building codes set the standard for the construction of new buildings and they are referenced by construction companies, developers, city planners, attorneys, and the individual homeowner. Depending on the situation, you may need to review the latest building code or the older building code used when a structure was initially built. This research can be time consuming and this guide directs you to useful resources and offers tips on locating the information.

In the United States the system of building regulations was derived from three model code groups. The code developed by the Building Officials and Code Administrators (BOCA) was used in the East Coast and the Midwest. The Southern Building Code Congress International (SBCCI) was used in the Southeast and the International Conference of Building Officials (ICBO) covered the West Coast. In 1994, the three model building code groups combined their efforts and formed the International Code Council (ICC) and the first *International Building Code* was published in 2000. This building code is revised every three years and each state can adopt all or parts of the ICC.

Many of the building codes we use today originate from the tragic fires and other catastrophes that swept localities in the United States. Some examples include the Great Chicago Fire of 1858, the Beverly Hills Supper Club Fire of 1977, and the Hyatt Regency Hotel Skywalk Collapse of 1982. Until 1978, Kentucky faced a lack of uniformity in building codes with different localities adopting various building regulations.³ Builders and home owners complained of the cornucopia of regulations in the various localities and the local versus state regulations.

How Kentucky Adopted a Uniform Building Code

There were several efforts to improve the regulation of the building industry in Kentucky:

- During Kentucky's 1974-1975 Interim Session, the Committee on Cities - Housing Subcommittee met to address the diverse building code situation. The committee introduced a bill which proposed both creating a building/construction agency and a uniform statewide building code.
- In 1974 Governor Wendell Ford created an Advisory Committee on the Standards of Safety, and in 1975 Governor Julian Carroll made the final appointments to this Advisory Committee. In 1975 the Advisory Committee recommended that the state adopt the BOCA code but this recommendation met strong dissent by the Kentucky Commissioner on Insurance.
- House Resolution 58 of the 1976 General Assembly directed the Legislative Research Commission to study the regulation of the building industry in Kentucky in order to provide for an efficient regulation of the industry.
- In 1978 Kentucky adopted House Bill 44, which created the Department of Buildings, Housing and Construction within the Cabinet of Public Protection and Regulation⁴. The new agency was authorized to study the needs of the building industry and to adopt a mandatory uniform building code.
- The birth of the *Kentucky Building Code* with the adoption of the *Kentucky Building Code* in 1980 and a statewide Division of Building Code Enforcement.

For Current Building Code Information

You can access a variety of resources for building code laws, regulations, and enforcement information. For laws and regulations you should review the Kentucky Revised Statutes - KRS Chapter 198B Housing, Building and Construction - Building Code and the Kentucky Administrative Regulations - 815 KAR Chapter 7 - *Kentucky Building Code*. The Kentucky Department of Housing, Buildings and Construction website offers

a number of services, and you should check the website periodically to ensure that you are using the most recent version of the *Kentucky Building Code*. The site describes how to apply for a permit, the enforcement and inspection process, and provides forms used during the plan submission process. As the responsibilities for the enforcement of the *Kentucky Building Code* (KBC) are shared between the Division of Building Codes Enforcement and the local government, you should also check the county and city websites for building, zoning, and planning regulations.

A Checklist for Historic Research

Here is a checklist of the various editions of "building codes" which were adopted in Kentucky. This checklist is very helpful when you wish to verify if a structure met the code requirements when it was built or remodeled.

- *Kentucky Building Code* 1980 based on the BOCA Basic Building Code 7th ed. 1978.
- *Kentucky Building Code* 2nd ed. 1982 based on the BOCA Basic Building Code 8th ed. 1981.
- *Kentucky Building Code* 3rd ed. 1985 based on the BOCA Basic Building Code 9th ed. 1984.
- *Kentucky Building Code* 4th ed. 1988 based on the BOCA National Building Code 10th ed. 1987.
- *Kentucky Building Code* 5th ed. 1991 based on the BOCA National Building Code 11th ed. 1990.
- *Kentucky Building Code* 6th ed. 1994 based on the BOCA National Building Code 12th ed. 1993.
- *Kentucky Building Code* 7th ed. 1997 based on the BOCA National Building Code 13th ed. 1996.
- *Kentucky Building*

Code 8th ed. 2002 based on the International Building Code 2000 and the Kentucky Residential Building Code 2002 based on the International Residential Code 2000.

- *Kentucky Building Code* 9th ed. 2007 based on the International Building Code 2006 and the Kentucky Residential Building Code 2nd ed. 2007 based on the International Residential Code 2006.

You can check your local public library or the NKU Chase Law Library for copies of the building codes. Unfortunately no one library has collected the entire series of *Kentucky Building Codes* and you can ask a reference librarian for help in locating the specific resource that you need.

¹ Carol Furnish, Assistant Director for Instruction and Outreach Services, Northern Kentucky University, Chase College of Law Library.

² The Code of Hammurabi, WASHINGTON STATE UNIVERSITY, <http://www.wsu.edu/~dee/MESO/CODE.HTM>, (last visited June 16, 2009).

³ Kentucky Legislative Research Commission, Regulation of the Building Industry in Kentucky 15 (1977).

⁴ 1978 Kentucky Acts 241 and John R. Groves, Jr. & John A. Hill, *The New Statewide Uniform Building Code, 42 Kentucky Bench and Bar*, Oct. 1978, 18.

CALENDAR OF EVENTS (cont.)

September 3
 Judge Judy West Luncheon & Lecture Series
 11:30 - 1:00 PM
 Northern Kentucky Convention Center

September 3
 Business & Tax Section Meeting
 12:00 noon at the Oriental Wok

September 4
 Series 1- *The First Few Months*
 12:00 noon at the NKBA Office

September 7
 NKBA Office Closed in Observance of Labor Day

September 9
 Solo Practitioner/Small Firm Section Meeting
 12:00 noon at the NKBA Office

September 9
 Real Estate Section
 12:00 noon at the NKBA Office

September 10
 Northern Kentucky Bar Foundation Board Meeting
 In the NKBA Office

September 10
 Women Lawyers Section Meeting CANCELLED

September 14
 Young Lawyers Section Meeting/Happy Hour
 5:30 p.m. at Keystone Bar & Grill

September 17
 Local Government Section Meeting
 12:00 noon at Chez Nora

September 17
 "Mediating with Juveniles" CLE
 11:45 PM at the NKBA Office

September 24
 Construction Section Meeting
 12:00 Noon in the NKBA Office





STRATEGIC SOLUTIONS INC.

Trial Consulting

- Ψ Forensic Case Analysis
- Ψ Comprehensive Case Review
- Ψ Jury Selection
- Ψ Crime Scene Analysis
- Ψ Criminal Defense Investigation
- Ψ Criminology Services
- Ψ Trial Strategy

Wayne A. Wallace

**Experience,
 Joined with Common Sense**

859-991-7198
www.strategictrial.com