

Position Statement – HB 360

VOTE NO on House Bill 360

The Kentucky Society of Architects is OPPOSED to House Bill 360 because it is not in the best interest of public safety. We believe exempting places of public assembly from oversight by licensed professionals is ill-advised and places public safety at risk, especially in buildings not originally designed and constructed for assembly use and occupancy.

The Kentucky Building Code reads: “**101.3 - Intent.** *The purpose of this code is to establish the minimum/maximum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.*”

According to the Kentucky Department of Housing, Buildings and Construction’s web site, “*The Building Codes section is responsible for reviewing, approving and inspection of buildings and structures that are under the applicability of the Kentucky Building Code (KBC) and other referenced standards. This service is done through reviewing and approving of the construction documents and follow-up field inspections to ensure that the building is constructed in accordance with the approved construction documents. Jurisdiction responsibilities are divided into state and local inspection in accordance with Section 104.0 of the Kentucky Building Code (KBC) construction.*” - (<http://dhbc.ky.gov/bce/bc/Pages/default.aspx>)

A farm building converted to use for entertainment events open to the public often involves activities that are very different from those used for typical farm activities. This is now a place of assembly. The safety of 400 people requires higher standards to protect occupants.

Agritourism facilities used for weddings and other entertainment events often involve gatherings of large groups, including many young people, who are at times under the influence of alcohol. Most buildings do not have full kitchens so catering must be brought in, requiring use of open flame/sterno to keep food hot. Many agricultural buildings were not built to be heated and cooled, so portable heaters are commonly used either in the buildings or adjacent tented areas. Most brides want candles to increase the ambiance of their special day, and sparklers (which burn at about 1200 degrees) are popular as well. Users may bring live musicians, deejays, photo booths, party games and other items into the building that could block entries/exits if accessibility is not strictly established and enforced.

With an exemption of these existing agritourism buildings, who is responsible and accountable for ensuring modifications/additions to the buildings - especially those that substantially change the activities taking place in that building – are in full compliance with the Building Code?

Will this determination be left to local code officials, without benefit of adequate information? As noted above, code officials typically rely on construction drawings and documents to verify compliance with the code of both design and construction before issuing an occupancy permit. Without these documents, it is often impossible to determine “full compliance with the Kentucky Building Code” with certainty. If there is no architect involved, who is responsible for ensuring that points of ingress/egress, materials selection, plumbing, electrical, heating and cooling, lighting, security, signage and other building systems are coordinated? If any one of these areas is insufficient, public safety is at risk. This bill couples reduced ability to verify compliance with the Code with increased immunity from liability when accidents happen.

Agritourism is good for Kentucky, but weakening Life Safety requirements is a big step backwards. House Bill 360 inhibits enforcement of the KY Building Code based on a particular special interest and therefore is not in the best interest of public safety. Please VOTE NO on House Bill 360.