

CHAPTER 150: BUILDING REGULATIONS

Section

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Cross-Reference:

Business license required of building contractors, see Chapter 118

§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) The Building Inspector shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Fire Chief and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.
Penalty, see § 150.99

§ 150.02 APPLICATION.

The application of the State Building Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

§ 150.03 APPEALS.

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

§ 150.04 USE OF FIBER PIPE PROHIBITED.

All ordinances or parts of ordinances heretofore adopted by the City Council that provide for or allow the use of “fiber pipe” or Orangeburg Pipe, specifically those Standard Codes adopted in § 150.01, are hereby amended and the permitted use of this type sewer or drain pipe in the erection, construction and/or repair of all buildings within the corporate limits of the city is denied.

(Ord. passed - -74)

§ 150.05 BUILDING AND ZONING PERMITS REQUIRED.

(A) No utility service owned by the city or any agencies thereof shall be provided to any building, residential or commercial, when the owner thereof has neglected or failed to apply for and obtain a building permit from the Marshall County Building Office.

(B) Prior to obtaining a building permit from the Marshall County Building Office for residential or commercial buildings to be constructed in the city, the owner of the property shall first obtain a zoning permit from the City Planning and Zoning Administrator.

(C) Failure to obtain either a building permit or zoning permit prior to construction or failure to place the building in the location approved by either permit shall subject the owner(s) to the penalties set forth in § 150.99. In addition to the penalties, the city may seek injunctive relief including but not limited to, an order stopping further construction or an order requiring the removal of the non-complying structure.

(Ord. passed 7-20-76; Am. Ord. 23-03-08, passed 3-20-23) Penalty, see § 150.99

§ 150.06 UNDERGROUND FACILITIES; DAMAGE PREVENTION.

In accordance with the state Underground Facility Damage Prevention Act, being KRS 367.4901 through 367.4917 (the “Act”), the following shall apply to all underground excavations:

(A) The city shall act as its own notification center and shall provide all excavators such information as the excavator shall require regarding the location of the city’s underground facilities in the area subject to excavation.

(B) City personnel shall identify and mark its underground facilities with markers required under the Act.

(C) The city’s election to act as its own notification center shall be filed in the office of the county court clerk as required by law.

(Res. passed 2-20-95)

§ 150.99 PENALTY AND ENFORCEMENT.

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1,000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(C) Any other violation of this chapter may be enforced by the Benton City Police Department or Marshall County Sheriff’s Department as a Class A misdemeanor through District Court unless a stronger penalty is allowed by the KRS.

(D) As an alternative to enforcement through District Court, any other violation of this chapter shall constitute a civil offense pursuant to KRS 65.8808(1) unless otherwise prohibited by KRS 65.8808(3) and enforced by Benton’s Code Enforcement Board under Chapter 41 of the Benton Code of Ordinances with the amount of the penalties being as follows:

<i>Violation</i>	<i>Amount</i>
150.05 - Failure to obtain permits	\$200 per day not to exceed \$5,000
Any offense of the chapter not otherwise specifically addressed	\$100

(E) In the event a violation is enforced as a civil penalty then the same violation shall not be enforced as a criminal penalty.

(F) Each day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.
(Am. Ord. 23-03-08, passed 3-20-23)