

**DEFINING RESIDENTIAL AREA FOR
BUILDING PERMIT EXEMPTIONS**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Alarik Myrin

AN ACT RELATING TO BUILDING CODES; DEFINING TERMS; AND MAKING
TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-56-4, as last amended by Chapter 225, Laws of Utah 1996

58-56-5, as last amended by Chapters 225 and 243, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-56-4** is amended to read:

58-56-4. Definitions -- Adoption of building codes -- Amendments -- Exemptions.

(1) As used in this section:

(a) "agricultural use" means a use [which] that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals, for the purpose of commercial food production[.];

(b) "not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:

(i) maintenance and repair[.]; and [for]

(ii) the care of livestock, crops, or equipment intended for agricultural use which are kept there[.]; and

(c) "residential area" means land that is not used for an agricultural use and is:

(i) (A) within the boundaries of a city or town; and

(B) less than five contiguous acres;

(ii) (A) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27, Part 8, Subdivision; and

(B) less than two contiguous acres; or

(iii) not located in whole or in part in an agricultural protection area created under Title

17, Chapter 41, Agricultural Protection Area.

(2) Subject to the provisions of Subsections (4) and (5), the following are adopted as the construction standards to which the state and each political subdivision of this state shall adhere in building construction, alteration, remodeling and repair, and in the regulation of building construction, alteration, remodeling and repair:

- (a) a building code promulgated by a nationally recognized code authority;
- (b) the National Electrical Code promulgated by the National Fire Protection Association;
- (c) a plumbing code adopted by a nationally recognized code authority; and
- (d) a mechanical code promulgated by a nationally recognized code authority.

(3) The division, in collaboration with the commission, shall adopt by rule the edition of the NEC or code and specific edition of the codes described in Subsections [(1)] (2)(a), (c), and (d) to be used as the standard and may adopt by rule successor editions of any adopted code.

(4) The division, in collaboration with the commission, may adopt amendments to the adopted codes to be applicable to the entire state or within a political subdivision only in accordance with Section 58-56-7.

(5) (a) Except in a residential area, a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempted from the permit requirements of any building code adopted by the division[, however,].

(b) Notwithstanding Subsection (5)(a), unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

Section 2. Section **58-56-5** is amended to read:

58-56-5. Building Code Commission -- Composition of commission -- Commission duties and responsibilities.

(1) There is established a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes under this chapter.

(2) The commission shall be appointed by the executive director who shall submit his nominations to the governor for confirmation or rejection. If a nominee is rejected, alternative names shall be submitted until confirmation is received. Following confirmation by the governor, the

appointment shall be made.

(3) The commission shall consist of eleven members who shall be appointed in accordance with the following:

(a) one member shall be from among candidates nominated by the Utah League of Cities and Towns and the Utah Association of Counties;

(b) one member shall be a licensed building inspector employed by a political subdivision of the state;

(c) one member shall be a licensed professional engineer;

(d) one member shall be a licensed architect;

(e) one member shall be a fire official;

(f) three members shall be contractors licensed by the state, of which one shall be a general contractor, one an electrical contractor, and one a plumbing contractor;

(g) two members shall be from the general public and have no affiliation with the construction industry or real estate development industry; and

(h) one member shall be from the Division of Facilities Construction Management, Department of Administrative Services.

(4) (a) Except as required by Subsection (4)(b), as terms of current commission members expire, the executive director shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(6) No commission member may serve more than two full terms, and no commission member who ceases to serve may again serve on the commission until after the expiration of two years from the date of cessation of service.

(7) A majority of the commission members shall constitute a quorum and may act on behalf of the commission.

(8) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(9) The commission shall annually designate one of its members to serve as chair of the commission. The division shall provide a secretary to facilitate the function of the commission and to record its actions and recommendations.

(10) The duties and responsibilities of the commission are to:

(a) recommend to the director the adoption by rule of the edition of the NEC, and the specific codes and editions of the codes described in Subsections 58-56-4[(1)](2)(a), (c) and (d) adopted pursuant to this chapter;

(b) recommend to the director the adoption by rule of amendments to the NEC, the building code, the mechanical code, and plumbing code adopted pursuant to this chapter;

(c) offer an opinion regarding the interpretation of or the application of any of the codes adopted pursuant to this chapter upon a formal submission by a party to the matter in question which submission must clearly state the facts in question, the specific code citation involved and the position taken by all parties;

(d) act as an appeals board as provided in Subsection 58-56-8(3);

(e) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to building code matters, including a committee to advise the commission regarding health matters related to the UPC; and

(f) assist the division in overseeing code related training in accordance with Section 58-56-9.