

1 **Agritourism Building Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses building code requirements related to agritourism.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ includes an agricultural structure used in connection with an agritourism activity in the
- 10 list of structures exempt from compliance with the state construction code; and
- 11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **15A-1-202**, as last amended by Laws of Utah 2024, Chapters 375, 431

19 **15A-1-204**, as last amended by Laws of Utah 2024, Chapter 507

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

22 Section 1. Section **15A-1-202** is amended to read:

23 **15A-1-202 . Definitions.**

24 As used in this chapter:

25 (1) "Agricultural structure" means a structure that qualifies for the agricultural use

26 exemption described in Subsection 15A-1-204(11).

27 [(1)] (2) "Agricultural use" means a use that relates to the tilling of soil and raising of crops,

28 or keeping or raising domestic animals.

29 (3) "Agritourism" means the same as that term is defined in Section 78B-4-512.

30 (4) "Agritourism activity" means the same as that term is defined in Section 78B-4-512.

- 31 ~~[(2)]~~ (5)(a) "Approved code" means a code, including the standards and specifications
32 contained in the code, approved by the division under Section 15A-1-204 for use by a
33 compliance agency.
- 34 (b) "Approved code" does not include the State Construction Code.
- 35 ~~[(3)]~~ (6) "Building" means a structure used or intended for supporting or sheltering any use
36 or occupancy and any improvements attached to it.
- 37 ~~[(4)]~~ (7) "Building permit applicant" means the same as that term is defined in Section
38 15A-1-105.
- 39 ~~[(5)]~~ (8) "Code" means:
- 40 (a) the State Construction Code; or
41 (b) an approved code.
- 42 ~~[(6)]~~ (9) "Commission" means the Uniform Building Code Commission created in Section
43 15A-1-203.
- 44 ~~[(7)]~~ (10) "Compliance agency" means:
- 45 (a) an agency of the state or any of its political subdivisions which issues permits for
46 construction regulated under the codes;
47 (b) any other agency of the state or its political subdivisions specifically empowered to
48 enforce compliance with the codes;
49 (c) a third-party inspection firm as defined in Section 15A-1-105; or
50 (d) any other state agency which chooses to enforce codes adopted under this chapter by
51 authority given the agency under a title other than this part and Part 3, Factory Built
52 Housing and Modular Units Administration Act.
- 53 ~~[(8)]~~ (11) "Construction code" means standards and specifications published by a nationally
54 recognized code authority for use in circumstances described in Subsection 15A-1-204
55 (1), including:
- 56 (a) a building code;
57 (b) an electrical code;
58 (c) a residential one and two family dwelling code;
59 (d) a plumbing code;
60 (e) a mechanical code;
61 (f) a fuel gas code;
62 (g) an energy conservation code;
63 (h) a swimming pool and spa code;
64 (i) a manufactured housing installation standard code; and

- 65 (j) Modular Building Institute Standards 1200 and 1205, issued by the International
66 Code Council, except as specifically modified by provisions of this title governing
67 modular units.
- 68 ~~[(9)]~~ (12) "Construction project" means the same as that term is defined in Section 38-1a-102.
69 ~~[(10)]~~ (13) "Executive director" means the executive director of the Department of
70 Commerce.
- 71 ~~[(11)]~~ (14) "Legislative action" includes legislation that:
72 (a) adopts a new State Construction Code;
73 (b) amends the State Construction Code; or
74 (c) repeals one or more provisions of the State Construction Code.
- 75 ~~[(12)]~~ (15)(a) "Local regulator" means a political subdivision of the state that is
76 empowered to engage in the regulation of construction, alteration, remodeling,
77 building, repair, installation, inspection, or other activities subject to the codes.
78 (b) "Local regulator" may include the local regulator's designee.
- 79 ~~[(13)]~~ (16) "Membrane-covered frame structure" means a nonpressurized building with a
80 structure composed of a rigid framework to support a tensioned membrane that provides
81 a weather barrier.
- 82 ~~[(14)]~~ (17) "Not for human occupancy" means use of a structure for purposes other than
83 protection or comfort of human beings, but allows people to enter the structure for:
84 (a) maintenance or repair; or
85 (b) the care of livestock, crops, or equipment intended for agricultural use which are
86 kept there.
- 87 ~~[(15)]~~ (18) "Opinion" means a written, nonbinding, and advisory statement issued by the
88 commission concerning an interpretation of the meaning of the codes or the application
89 of the codes in a specific circumstance issued in response to a specific request by a party
90 to the issue.
- 91 ~~[(16)]~~ (19) "Remote yurt" means a membrane-covered frame structure that:
92 (a) is no larger than 710 square feet;
93 (b) is not used as a permanent residence;
94 (c) is located in an unincorporated county area that is not zoned for residential,
95 commercial, industrial, or agricultural use;
96 (d) does not have plumbing or electricity;
97 (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and
98 (f) is registered with the local health department.

99 [(17)] (20) "State regulator" means an agency of the state which is empowered to engage in
100 the regulation of construction, alteration, remodeling, building, repair, and other
101 activities subject to the codes adopted pursuant to this chapter.

102 Section 2. Section **15A-1-204** is amended to read:

103 **15A-1-204 . Adoption of State Construction Code -- Amendments by commission**
104 **-- Approved codes -- Exemptions.**

105 (1)(a) The State Construction Code is the construction codes adopted with any
106 modifications in accordance with this section that the state and each political
107 subdivision of the state shall follow.

108 (b) A person shall comply with the applicable provisions of the State Construction Code
109 when:

110 (i) new construction is involved; and

111 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

112 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
113 conservation, or reconstruction of the building; or

114 (B) changing the character or use of the building in a manner that increases the
115 occupancy loads, other demands, or safety risks of the building.

116 (c) On and after July 1, 2010, the State Construction Code is the State Construction
117 Code in effect on July 1, 2010, until in accordance with this section:

118 (i) a new State Construction Code is adopted; or

119 (ii) one or more provisions of the State Construction Code are amended or repealed
120 in accordance with this section.

121 (d) A provision of the State Construction Code may be applicable:

122 (i) to the entire state; or

123 (ii) within a county, city, or town.

124 (2)(a) The Legislature shall adopt a State Construction Code by enacting legislation that
125 adopts a nationally recognized construction code with any modifications.

126 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
127 on the July 1 after the day on which the legislation is enacted, unless otherwise stated
128 in the legislation.

129 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is
130 the State Construction Code until, in accordance with this section, the Legislature
131 adopts a new State Construction Code by:

132 (i) adopting a new State Construction Code in its entirety; or

- 133 (ii) amending or repealing one or more provisions of the State Construction Code.
- 134 (3)(a) Except as provided in Subsection (3)(b), for each update of a nationally
135 recognized construction code, the commission shall prepare a report described in
136 Subsection (4).
- 137 (b) For the provisions of a nationally recognized construction code that apply only to
138 detached one- and two-family dwellings and townhouses not more than three stories
139 above grade plane in height with separate means of egress and their accessory
140 structures, the commission shall prepare a report described in Subsection (4) in 2022
141 and, thereafter, for every second update of the nationally recognized construction
142 code.
- 143 (4)(a) In accordance with Subsection (3), on or before September 1 of the year after the
144 year designated in the title of a nationally recognized construction code, the
145 commission shall prepare and submit, in accordance with Section 68-3-14, a written
146 report to the Business and Labor Interim Committee that:
- 147 (i) states whether the commission recommends the Legislature adopt the update with
148 any modifications; and
- 149 (ii) describes the costs and benefits of each recommended change in the update or in
150 any modification.
- 151 (b) After the Business and Labor Interim Committee receives the report described in
152 Subsection (4)(a), the Business and Labor Interim Committee shall:
- 153 (i) study the recommendations; and
- 154 (ii) if the Business and Labor Interim Committee decides to recommend legislative
155 action to the Legislature, prepare legislation for consideration by the Legislature
156 in the next general session.
- 157 (5)(a)(i) The commission shall, by no later than September 1 of each year in which
158 the commission is not required to submit a report described in Subsection (4),
159 submit, in accordance with Section 68-3-14, a written report to the Business and
160 Labor Interim Committee recommending whether the Legislature should amend
161 or repeal one or more provisions of the State Construction Code.
- 162 (ii) As part of a recommendation described in Subsection (5)(a)(i), the commission
163 shall describe the costs and benefits of each proposed amendment or repeal.
- 164 (b) The commission may recommend legislative action related to the State Construction
165 Code:
- 166 (i) on the commission's own initiative;

- 167 (ii) upon the recommendation of the division; or
168 (iii) upon the receipt of a request by one of the following that the commission
169 recommend legislative action related to the State Construction Code:
170 (A) a local regulator;
171 (B) a state regulator;
172 (C) a state agency involved with the construction and design of a building;
173 (D) the Construction Services Commission;
174 (E) the Electricians and Plumbers Licensing Board; or
175 (F) a recognized construction-related association.
- 176 (c) If the Business and Labor Interim Committee decides to recommend legislative
177 action to the Legislature, the Business and Labor Interim Committee shall prepare
178 legislation for consideration by the Legislature in the next general session.
- 179 (6)(a) Notwithstanding the provisions of this section, the commission may, in
180 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend
181 the State Construction Code if the commission determines that waiting for legislative
182 action in the next general legislative session would:
183 (i) cause an imminent peril to the public health, safety, or welfare; or
184 (ii) place a person in violation of federal or other state law.
- 185 (b) If the commission amends the State Construction Code in accordance with this
186 Subsection (6), the commission shall file with the division:
187 (i) the text of the amendment to the State Construction Code; and
188 (ii) an analysis that includes the specific reasons and justifications for the
189 commission's findings.
- 190 (c) If the State Construction Code is amended under this Subsection (6), the division
191 shall:
192 (i) publish the amendment to the State Construction Code in accordance with Section
193 15A-1-205; and
194 (ii) prepare and submit, in accordance with Section 68-3-14, a written notice to the
195 Business and Labor Interim Committee containing the amendment to the State
196 Construction Code, including a copy of the commission's analysis described in
197 Subsection (6)(b)(ii).
- 198 (d) If not formally adopted by the Legislature at the next annual general session, an
199 amendment to the State Construction Code under this Subsection (6) is repealed on
200 the July 1 immediately following the next annual general session that follows the

- 201 adoption of the amendment.
- 202 (7)(a) The division, in consultation with the commission, may approve, without
203 adopting, one or more approved codes, including a specific edition of a construction
204 code, for use by a compliance agency.
- 205 (b) If the code adopted by a compliance agency is an approved code described in
206 Subsection (7)(a), the compliance agency may:
- 207 (i) adopt an ordinance requiring removal, demolition, or repair of a building;
208 (ii) adopt, by ordinance or rule, a dangerous building code; or
209 (iii) adopt, by ordinance or rule, a building rehabilitation code.
- 210 (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in
211 state law, a state executive branch entity or political subdivision of the state may not,
212 after December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies
213 to a subject specifically addressed by, and that is more restrictive than, the State
214 Construction Code.
- 215 (9) A state executive branch entity or political subdivision of the state may:
- 216 (a) enforce a federal law or regulation;
217 (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or
218 requirement applies only to a facility or construction owned or used by a state entity
219 or a political subdivision of the state; or
220 (c) enforce a rule, ordinance, or requirement:
- 221 (i) that the state executive branch entity or political subdivision adopted or made
222 effective before July 1, 2015; and
223 (ii) for which the state executive branch entity or political subdivision can
224 demonstrate, with substantial evidence, that the rule, ordinance, or requirement is
225 necessary to protect an individual from a condition likely to cause imminent injury
226 or death.
- 227 (10) The Department of Health and Human Services or the Department of Environmental
228 Quality may enforce a rule or requirement adopted before January 1, 2015.
- 229 (11)(a) Except as provided in Subsection (11)(b), a structure is exempt from the
230 requirements of the State Construction Code if the structure is used:
- 231 (i) solely in conjunction with agriculture use[;] and not for human occupancy[;] ;
232 (ii) in connection with an agritourism activity if:
- 233 (A) the historical primary use of the structure was agricultural;
234 (B) the current primary use of the structure is agricultural;

- 235 (C) the agritourism activity does not disrupt or alter the agricultural use of the
 236 structure;
- 237 (D) the agritourism activity does not include overnight accommodation; and
 238 (E) the owner or operator of the structure obtains all necessary business licenses
 239 and pays all required fees for the agritourism activity; or
- 240 (iii) [a structure that is no more than 1,500 square feet and used]solely for the type of
 241 sales described in Subsection 59-12-104(20)[, is exempt from the requirements of
 242 the State Construction Code] and is no more than 1,500 square feet.
- 243 (b)(i) Unless exempted by a provision other than Subsection (11)(a), a plumbing,
 244 electrical, and mechanical permit may be required when that work is included in a
 245 structure described in Subsection (11)(a).
- 246 (ii) Unless located in whole or in part in an agricultural protection area created under
 247 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials
 248 Protection Areas, a structure described in Subsection (11)(a) is not exempt from a
 249 permit requirement if the structure is located on land that is:
- 250 (A) within the boundaries of a city or town, and less than five contiguous acres; or
 251 (B) within a subdivision for which the county has approved a subdivision plat
 252 under Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous
 253 acres.
- 254 (iii) A county or municipality may not adopt or enforce a rule, ordinance, or
 255 requirement more restrictive than this Subsection (11).
- 256 (iv) Nothing in this Subsection (11) exempts an agricultural structure from fire safety
 257 standards, occupancy limits, or other life safety requirements as determined by the
 258 authority having jurisdiction, as that term is defined in Section 15A-5-102.
- 259 (12)(a) A remote yurt is exempt from the State Construction Code including the permit
 260 requirements of the State Construction Code.
- 261 (b) Notwithstanding Subsection (12)(a), a county may by ordinance require remote yurts
 262 to comply with the State Construction Code, if the ordinance requires the remote
 263 yurts to comply with all of the following:
- 264 (i) the State Construction Code;
- 265 (ii) notwithstanding Section 15A-5-104, the State Fire Code; and
- 266 (iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules
 267 made under that chapter, and local health department's jurisdiction over onsite
 268 wastewater disposal.

269 Section 3. **Effective date.**

270 This bill takes effect on May 7, 2025.