

Part 2 State Construction Code Administration Act

15A-1-201 Title.

This part is known as the "State Construction Code Administration Act."

Enacted by Chapter 14, 2011 General Session

15A-1-202 Definitions.

As used in this chapter:

- (1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals.
- (2)
 - (a) "Approved code" means a code, including the standards and specifications contained in the code, approved by the division under Section 15A-1-204 for use by a compliance agency.
 - (b) "Approved code" does not include the State Construction Code.
- (3) "Building" means a structure used or intended for supporting or sheltering any use or occupancy and any improvements attached to it.
- (4) "Code" means:
 - (a) the State Construction Code; or
 - (b) an approved code.
- (5) "Commission" means the Uniform Building Code Commission created in Section 15A-1-203.
- (6) "Compliance agency" means:
 - (a) an agency of the state or any of its political subdivisions which issues permits for construction regulated under the codes;
 - (b) any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes; or
 - (c) any other state agency which chooses to enforce codes adopted under this chapter by authority given the agency under a title other than this part and Part 3, Factory Built Housing and Modular Units Administration Act.
- (7) "Construction code" means standards and specifications published by a nationally recognized code authority for use in circumstances described in Subsection 15A-1-204(1), including:
 - (a) a building code;
 - (b) an electrical code;
 - (c) a residential one and two family dwelling code;
 - (d) a plumbing code;
 - (e) a mechanical code;
 - (f) a fuel gas code;
 - (g) an energy conservation code;
 - (h) a swimming pool and spa code; and
 - (i) a manufactured housing installation standard code.
- (8) "Construction project" means the same as that term is defined in Section 38-1a-102.
- (9) "Executive director" means the executive director of the Department of Commerce.
- (10) "Legislative action" includes legislation that:
 - (a) adopts a new State Construction Code;
 - (b) amends the State Construction Code; or
 - (c) repeals one or more provisions of the State Construction Code.

- (11) "Local regulator" means a political subdivision of the state that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes.
- (12) "Membrane-covered frame structure" means a nonpressurized building with a structure composed of a rigid framework to support a tensioned membrane that provides a weather barrier.
- (13) "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:
 - (a) maintenance and repair; and
 - (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.
- (14) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.
- (15) "Remote yurt" means a membrane-covered frame structure that:
 - (a) is no larger than 710 square feet;
 - (b) is not used as a permanent residence;
 - (c) is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;
 - (d) does not have plumbing or electricity;
 - (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and
 - (f) is registered with the local health department.
- (16) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

Amended by Chapter 3, 2021 Special Session 1

15A-1-203 Uniform Building Code Commission -- Unified Code Analysis Council.

- (1) There is created a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes.
- (2) The commission shall consist of 13 members as follows:
 - (a) one member shall be a heating, ventilation, and air conditioning contractor licensed by the state;
 - (b) one member shall be a licensed building inspector nominated by the Utah League of Cities and Towns;
 - (c) one member shall be a licensed professional engineer;
 - (d) one member shall be a licensed architect;
 - (e) one member shall be:
 - (i) a licensed architect who specializes in residential architecture; or
 - (ii) a residential home designer;
 - (f) one member shall be a member of an association of building owners;
 - (g) one member shall be a fire official;
 - (h) four members shall be contractors licensed by the state, of which:
 - (i) two shall be general contractors, one of which shall specialize in residential construction;
 - (ii) one shall be an electrical contractor; and
 - (iii) one shall be a plumbing contractor;
 - (i) one member shall be from the general public and have no affiliation with the construction industry or real estate development industry; and

- (j) one member shall be from the Division of Facilities Construction and Management of the Department of Government Operations.
- (3)
 - (a) The executive director shall appoint each commission member after submitting a nomination to the governor for confirmation or rejection.
 - (b)
 - (i) If the governor rejects a nominee, the executive director shall submit an alternative nominee until the governor confirms the nomination.
 - (ii) An appointment is effective after the governor confirms the nomination.
- (4)
 - (a) Except as required by Subsection (4)(b), as terms of commission members expire, the executive director shall appoint each new commission member or reappointed commission 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 commission membership for any reason, the executive director shall appoint a replacement for the unexpired term.
- (6)
 - (a) A commission member may not serve more than two full terms.
 - (b) A commission member who ceases to serve may not again serve on the commission until after the expiration of two years after the day on which service ceased.
- (7) A majority of the commission members constitute a quorum and may act on behalf of the commission.
- (8) A commission member may not receive compensation or benefits for the commission member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9)
 - (a) The commission shall annually designate one of the commission's members to serve as chair of the commission.
 - (b) The division shall provide a secretary to facilitate the function of the commission and to record the commission's actions and recommendations.
- (10) The commission shall:
 - (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim Committee;
 - (b) act as an appeals board as provided in Section 15A-1-207;
 - (c) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to matters related to a code, including a committee to advise the commission regarding health matters related to a plumbing code; and
 - (d) assist the division in overseeing code-related training in accordance with Section 15A-1-209.
- (11)
 - (a) In a manner consistent with Subsection (10)(c), the commission shall jointly create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified Code Analysis Council" to review fire prevention and construction code issues that require definitive and specific analysis.

- (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:
 - (i) the appointment of members to the Unified Code Analysis Council; and
 - (ii) procedures followed by the Unified Code Analysis Council.

Amended by Chapter 199, 2021 General Session
Amended by Chapter 344, 2021 General Session

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

- (1)
 - (a) The State Construction Code is the construction codes adopted with any modifications in accordance with this section that the state and each political subdivision of the state shall follow.
 - (b) A person shall comply with the applicable provisions of the State Construction Code when:
 - (i) new construction is involved; and
 - (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
 - (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or
 - (B) changing the character or use of the building in a manner that increases the occupancy loads, other demands, or safety risks of the building.
 - (c) On and after July 1, 2010, the State Construction Code is the State Construction Code in effect on July 1, 2010, until in accordance with this section:
 - (i) a new State Construction Code is adopted; or
 - (ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.
 - (d) A provision of the State Construction Code may be applicable:
 - (i) to the entire state; or
 - (ii) within a county, city, or town.
- (2)
 - (a) The Legislature shall adopt a State Construction Code by enacting legislation that adopts a nationally recognized construction code with any modifications.
 - (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.
 - (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is the State Construction Code until, in accordance with this section, the Legislature adopts a new State Construction Code by:
 - (i) adopting a new State Construction Code in its entirety; or
 - (ii) amending or repealing one or more provisions of the State Construction Code.
- (3)
 - (a) Except as provided in Subsection (3)(b), for each update of a nationally recognized construction code, the commission shall prepare a report described in Subsection (4).
 - (b) For the provisions of a nationally recognized construction code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the commission shall prepare a report described in Subsection (4) in 2022 and, thereafter, for every second update of the nationally recognized construction code.

- (4)
 - (a) In accordance with Subsection (3), on or before September 1 of the year after the year designated in the title of a nationally recognized construction code, the commission shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee that:
 - (i) states whether the commission recommends the Legislature adopt the update with any modifications; and
 - (ii) describes the costs and benefits of each recommended change in the update or in any modification.
 - (b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:
 - (i) study the recommendations; and
 - (ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.
- (5)
 - (a)
 - (i) The commission shall, by no later than September 1 of each year in which the commission is not required to submit a report described in Subsection (4), submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee recommending whether the Legislature should amend or repeal one or more provisions of the State Construction Code.
 - (ii) As part of a recommendation described in Subsection (5)(a)(i), the commission shall describe the costs and benefits of each proposed amendment or repeal.
 - (b) The commission may recommend legislative action related to the State Construction Code:
 - (i) on the commission's own initiative;
 - (ii) upon the recommendation of the division; or
 - (iii) upon the receipt of a request by one of the following that the commission recommend legislative action related to the State Construction Code:
 - (A) a local regulator;
 - (B) a state regulator;
 - (C) a state agency involved with the construction and design of a building;
 - (D) the Construction Services Commission;
 - (E) the Electrician Licensing Board;
 - (F) the Plumbers Licensing Board; or
 - (G) a recognized construction-related association.
 - (c) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session.
- (6)
 - (a) Notwithstanding the provisions of this section, the commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if the commission determines that waiting for legislative action in the next general legislative session would:
 - (i) cause an imminent peril to the public health, safety, or welfare; or
 - (ii) place a person in violation of federal or other state law.
 - (b) If the commission amends the State Construction Code in accordance with this Subsection (6), the commission shall file with the division:

- (i) the text of the amendment to the State Construction Code; and
 - (ii) an analysis that includes the specific reasons and justifications for the commission's findings.
- (c) If the State Construction Code is amended under this Subsection (6), the division shall:
- (i) publish the amendment to the State Construction Code in accordance with Section 15A-1-205; and
 - (ii) prepare and submit, in accordance with Section 68-3-14, a written notice to the Business and Labor Interim Committee containing the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).
- (d) If not formally adopted by the Legislature at the next annual general session, an amendment to the State Construction Code under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.
- (7)
- (a) The division, in consultation with the commission, may approve, without adopting, one or more approved codes, including a specific edition of a construction code, for use by a compliance agency.
 - (b) If the code adopted by a compliance agency is an approved code described in Subsection (7) (a), the compliance agency may:
 - (i) adopt an ordinance requiring removal, demolition, or repair of a building;
 - (ii) adopt, by ordinance or rule, a dangerous building code; or
 - (iii) adopt, by ordinance or rule, a building rehabilitation code.
- (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in state law, a state executive branch entity or political subdivision of the state may not, after December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject specifically addressed by, and that is more restrictive than, the State Construction Code.
- (9) A state executive branch entity or political subdivision of the state may:
- (a) enforce a federal law or regulation;
 - (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or
 - (c) enforce a rule, ordinance, or requirement:
 - (i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and
 - (ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.
- (10) The Department of Health and Human Services or the Department of Environmental Quality may enforce a rule or requirement adopted before January 1, 2015.
- (11)
- (a) Except as provided in Subsection (11)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, or a structure that is no more than 1,500 square feet and used solely for the type of sales described in Subsection 59-12-104(20), is exempt from the requirements of the State Construction Code.
 - (b)
 - (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in Subsection (11)(a).

- (ii) Unless located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if the structure is located on land that is:
 - (A) within the boundaries of a city or town, and less than five contiguous acres; or
 - (B) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.
- (12)
- (a) A remote yurt is exempt from the State Construction Code including the permit requirements of the State Construction Code.
 - (b) Notwithstanding Subsection (12)(a), a county may by ordinance require remote yurts to comply with the State Construction Code, if the ordinance requires the remote yurts to comply with all of the following:
 - (i) the State Construction Code;
 - (ii) notwithstanding Section 15A-5-104, the State Fire Code; and
 - (iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules made under that chapter, and local health department's jurisdiction over onsite wastewater disposal.

Amended by Chapter 209, 2023 General Session

15A-1-205 Division duties.

- (1)
- (a) The division shall administer the codes adopted or approved under Section 15A-1-204 pursuant to this chapter.
 - (b) Notwithstanding Subsection (1)(a), the division has no responsibility to:
 - (i) conduct inspections to determine compliance with the codes;
 - (ii) issue permits; or
 - (iii) assess building permit fees.
- (2) As part of the administration of the codes, the division shall:
- (a) comply with Section 15A-1-206;
 - (b) schedule appropriate hearings;
 - (c) maintain and publish for reference:
 - (i) the current State Construction Code; and
 - (ii) any approved code; and
 - (d) publish the opinions of the commission with respect to interpretation and application of the codes.

Enacted by Chapter 14, 2011 General Session

15A-1-206 Code amendment process.

- (1) The division, in consultation with the commission, shall establish by rule the procedure under which a request that the commission recommend legislative action is to be:
- (a) filed with the division;
 - (b) reviewed by the commission; and
 - (c) addressed by the commission in the commission's report to the Business and Labor Interim Committee required by Section 15A-1-204.
- (2) The division shall accept a request that the commission recommend legislative action in accordance with Section 15A-1-204 from:

- (a) a local regulator;
 - (b) a state regulator;
 - (c) a state agency involved with the construction and design of a building;
 - (d) the Construction Services Commission;
 - (e) the Electrician Licensing Board;
 - (f) the Plumbers Licensing Board; or
 - (g) a recognized construction-related association.
- (3)
- (a) If one or more requests are received in accordance with this section, the division shall hold at least one public hearing before the commission concerning the requests.
 - (b) The commission shall conduct a public hearing under this Subsection (3) in accordance with the rules of the commission, which may provide for coordinating the public hearing with a meeting of the commission.
 - (c) After a public hearing described in this Subsection (3), the commission shall prepare a written report of its recommendations made on the basis of the public hearing. The commission shall include the information in the written report prepared under this Subsection (3)(c) in the commission's report to the Business and Labor Interim Committee under Section 15A-1-204.
- (4) In making rules required by this chapter, the division shall comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 14, 2011 General Session

15A-1-207 Compliance with codes -- Responsibility for inspections -- Appeals.

- (1) The compliance agency having jurisdiction over the project and the applicable codes has the responsibility for inspection of construction projects and enforcement of compliance with the codes.
 - (2) A compliance agency shall furnish in writing to the division a finding by the compliance agency that a licensed contractor, electrician, or plumber has materially violated a code in a manner to jeopardize the public health, safety, and welfare and failed to comply with corrective orders of the compliance agency. A compliance agency shall conduct a primary investigation to determine that, in fact, there has been a material violation of a code jeopardizing the public interest and provide the report of investigation to the division.
- (3)
- (a) A compliance agency shall establish a method of appeal by which a person disputing the application and interpretation of a code may appeal and receive a timely review of the disputed issues in accordance with the codes.
 - (b) If a compliance agency refuses to establish a method of appeal, the commission shall act as the appeals board and conduct a hearing within 45 days. The findings of the commission are binding.
- (4) An appeals board established under this section may not:
- (a) interpret the administrative provisions of a code; or
 - (b) waive a requirement of a code.

Enacted by Chapter 14, 2011 General Session

15A-1-208 Standards for specialized buildings.

- (1) This chapter may not be implied to repeal or otherwise affect the authority granted to a state agency to make or administer standards for specialized buildings, as provided in:

- (a) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;
 - (b) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection;
 - (c) Title 26B, Chapter 2, Part 4, Child Care Licensing;
 - (d) Title 64, Chapter 13, Department of Corrections - State Prison; or
 - (e) another statute that grants a state agency authority to make or administer other special standards.
- (2) If a special standard conflicts with a code, the special standard prevails.
- (3) This chapter does not apply to the administration of the statutes described in Subsection (1).

Amended by Chapter 327, 2023 General Session

15A-1-209 Building permit requirements.

- (1) As used in this section, "project" means a "construction project" as defined in Section 38-1a-102.
- (2)
- (a) The division shall develop a standardized building permit numbering system for use by any compliance agency in the state that issues a permit for construction.
 - (b) The standardized building permit numbering system described under Subsection (2)(a) shall include a combination of alpha or numeric characters arranged in a format acceptable to the compliance agency.
 - (c) A compliance agency issuing a permit for construction shall use the standardized building permit numbering system described under Subsection (2)(a).
 - (d) A compliance agency may not use a numbering system other than the system described under Subsection (2)(a) to define a building permit number.
- (3)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt a standardized building permit form by rule.
 - (b) The standardized building permit form created under this Subsection (3) shall include fields for indicating the following information:
 - (i) the name and address of the owner of each parcel of property on which the project will occur;
 - (ii) the name and address of the contractor for the project;
 - (iii)
 - (A) the address of the project; or
 - (B) a general description of the project;
 - (iv) the county in which the property on which the project will occur is located;
 - (v) the tax parcel identification number of each parcel of the property; and
 - (vi) whether the permit applicant is an original contractor or owner-builder.
 - (c) The standardized building permit form created under this Subsection (3) may include any other information the division considers useful.
 - (d) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.
 - (e) A permit for construction issued by a compliance agency under Subsection (3)(d) shall print the standardized building permit number assigned under Subsection (2) in the upper right-hand corner of the building permit form in at least 12-point font.
 - (f)

- (i) Except as provided in Subsection (3)(f)(ii), a compliance agency may not issue a permit for construction if the information required by Subsection (3)(b) is not completed on the building permit form.
 - (ii) If a compliance agency does not issue a separate permit for different aspects of the same project, the compliance agency may issue a permit for construction without the information required by Subsection (3)(b)(vi).
 - (g) A compliance agency may require additional information for the issuance of a permit for construction.
- (4) A local regulator issuing a single-family residential building permit application shall include in the application or attach to the building permit the following notice prominently placed in at least 14-point font: "Decisions relative to this application are subject to review by the chief executive officer of the municipal or county entity issuing the single-family residential building permit and appeal under the International Residential Code as adopted by the Legislature."
- (5)
- (a) A compliance agency shall:
 - (i) charge a 1% surcharge on a building permit the compliance agency issues; and
 - (ii) transmit 85% of the amount collected to the division to be used by the division in accordance with Subsection (5)(c).
 - (b) The portion of the surcharge transmitted to the division shall be deposited as a dedicated credit.
 - (c)
 - (i) The division shall use 30% of the money received under Subsection (5)(a)(ii) to provide education to building inspectors regarding the codes and code amendments under Section 15A-1-204 that are adopted, approved, or being considered for adoption or approval.
 - (ii) The division shall use 10% of the money received under Subsection (5)(a)(ii) to provide education to individuals licensed in construction trades or related professions through a construction trade association or a related professional association.
 - (iii) The division shall transmit 60% of the money received under Subsection (5)(a)(ii) to the Office of the Property Rights Ombudsman created in Title 13, Chapter 43, Property Rights Ombudsman Act, to provide education and training regarding:
 - (A) the drafting and application of land use laws and regulations; and
 - (B) land use dispute resolution.

Amended by Chapter 215, 2018 General Session

15A-1-210 Review of building inspection.

- (1) As used in this section, "International Residential Code" means the International Residential Code as adopted under the State Construction Code.
- (2) Subject to Subsection (3), a city or county shall, by ordinance, provide for review of an inspection conducted by the city's or county's building inspector for a single-family residential building permit.
- (3) Upon request by a person seeking a single-family residential building permit, a chief executive officer of the municipality or county issuing the single-family residential building permit, or the chief executive officer's designee, shall, with reasonable diligence, review an inspection described in Subsection (2) to determine whether the inspection constitutes a fair administration of the State Construction Code.
- (4) A review described in this section:
 - (a) is separate and unrelated to an appeal under the International Residential Code;

- (b) may not be used to review a matter that may be brought by appeal under the International Residential Code;
 - (c) may not result in the waiver or modification of an International Residential Code requirement or standard;
 - (d) may not conflict with an appeal, or the result of an appeal, under the International Residential Code; and
 - (e) does not prohibit a person from bringing an appeal under the International Residential Code.
- (5) A person who seeks a review described in this section may not be prohibited by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal under the International Residential Code on the grounds that the person raised the issue or brought the claim in the review described in this section.

Enacted by Chapter 14, 2011 General Session