

1 **PLUMBING CODE AMENDMENTS**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: J. Brent Haymond**

5 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; REQUIRING THE USE OF  
6 THE UNIFORM PLUMBING CODE FOR ALL BUILDING CONSTRUCTION EXCEPT  
7 SINGLE FAMILY RESIDENCES; AND MAKING TECHNICAL CHANGES.

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

9 AMENDS:

10 **58-56-4**, as last amended by Chapter 225, Laws of Utah 1996

11 **58-56-5**, as last amended by Chapters 225 and 243, Laws of Utah 1996

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

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

14 **58-56-4. Adoption of building codes -- Amendments.**

15 (1) As used in this section:

16 (a) "Agricultural use" means a use which relates to the tilling of soil and raising of crops,  
17 or keeping or raising domestic animals, for the purpose of commercial food production.

18 (b) "Not for human occupancy" means use of a structure for purposes other than protection  
19 or comfort of human beings, but allows people to enter the structure for maintenance and repair,  
20 and for the care of livestock, crops, or equipment intended for agricultural use which are kept  
21 there.

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

26 (a) a building code promulgated by a nationally recognized code authority;

27 (b) the National Electrical Code promulgated by the National Fire Protection Association;

1 (c) the Uniform Plumbing Code promulgated by the International Association of Plumbing  
2 and Mechanical Officials for all buildings except single family residences; single family residences  
3 shall adhere to a plumbing code adopted by a nationally recognized code authority; and

4 (d) a mechanical code promulgated by a nationally recognized code authority.

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

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

11 (5) Except in a residential area, a structure used solely in conjunction with agriculture use,  
12 and not for human occupancy, is exempted from the permit requirements of any building code  
13 adopted by the division, however, unless otherwise exempted, plumbing, electrical, and  
14 mechanical permits may be required when that work is included in the structure.

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

16 **58-56-5. Building Code Commission -- Composition of commission -- Commission**  
17 **duties and responsibilities.**

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

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

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

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

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

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

31 (d) one member shall be a licensed architect;

1 (e) one member shall be a fire official;

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

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

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

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

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

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

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

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

22 (8) (a) (i) Members who are not government employees shall receive no compensation or  
23 benefits for their services, but may receive per diem and expenses incurred in the performance of  
24 the member's official duties at the rates established by the Division of Finance under Sections  
25 63A-3-106 and 63A-3-107.

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

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

31 (ii) State government officer and employee members may decline to receive per diem and

1 expenses for their service.

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

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

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

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

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

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

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

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

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

25 (f) assist the division in overseeing code related training in accordance with Section  
26 58-56-9.

**Legislative Review Note**  
**as of 2-6-98 10:41 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**