

**Representative J. Stuart Adams** proposes the following substitute bill:

**BUILDING STANDARDS**

**AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: J. Stuart Adams**

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Uniform Building Standards Act.

**Highlighted Provisions:**

This bill:

- ▶ requires the Division of Occupational and Professional Licensing to adopt certain construction codes for the state and its political subdivisions to follow under certain circumstances;

- ▶ repeals provisions related to the adoption of an energy conservation code by the State Building Board; and

- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-56-4**, as last amended by Chapter 75, Laws of Utah 2002

REPEALS:



- 26           **63-9-45**, as enacted by Chapter 12, Laws of Utah 1976
- 27           **63-9-46**, as enacted by Chapter 12, Laws of Utah 1976
- 28           **63-9-47**, as enacted by Chapter 12, Laws of Utah 1976
- 29           **63-9-48**, as last amended by Chapter 178, Laws of Utah 1977
- 30           **63-9-49**, as last amended by Chapter 178, Laws of Utah 1977
- 31           **63-9-50**, as last amended by Chapter 178, Laws of Utah 1977
- 32           **63-9-51**, as enacted by Chapter 12, Laws of Utah 1976
- 33           **63-9-52**, as enacted by Chapter 12, Laws of Utah 1976

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

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

37           **58-56-4. Definitions -- Adoption of building codes -- Amendments -- Approval of**  
38 **other codes -- Exemptions.**

39           (1) As used in this section:

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

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

44           (i) maintenance and repair; and

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

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

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

49           (B) less than five contiguous acres;

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

52           (B) less than two contiguous acres; or

53           (iii) not located in whole or in part in an agricultural protection area created under Title  
54 17, Chapter 41, ~~[Agricultural]~~ Agriculture Protection Area.

55           (2) (a) Subject to the provisions of Subsections (4) and (5), the following codes, each  
56 of which must be promulgated by a nationally recognized code authority, shall be adopted, in

57 the manner described in Subsection (2)(b), as the construction codes which the state and each  
 58 political subdivision of the state shall follow in the circumstances described in Subsection (3):

59 (i) a building code;

60 (ii) the National Electrical Code promulgated by the National Fire Protection

61 Association;

62 (iii) a residential one and two family dwelling code;

63 [~~(iii)~~] (iv) a plumbing code; [~~and~~]

64 [~~(iv)~~] (v) a mechanical code[-];

65 (vi) a fuel gas code; and

66 (vii) an energy conservation code.

67 (b) [~~The~~] In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

68 Act, the division, in collaboration with the commission, shall adopt by rule specific editions of  
 69 the codes described in Subsection (2)(a), and may adopt by rule successor editions of any  
 70 adopted code.

71 (c) The division, in collaboration with the commission, may, in accordance with  
 72 Section 58-56-7, adopt amendments to the codes adopted under Subsection (2)(a), to be  
 73 applicable to the entire state or within one or more political subdivisions.

74 (3) Subject to the provisions of Subsections (4) and (5), the codes and amendments  
 75 adopted under Subsection (2) shall be followed when:

76 (a) new construction is involved;

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

78 (i) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,  
 79 conservation, or reconstruction of the building; or

80 (ii) changing the character or use of the building in a manner which increases the  
 81 occupancy loads, other demands, or safety risks of the building.

82 (4) (a) The division, in collaboration with the commission, [~~shall have~~] has discretion  
 83 to approve, without adopting, certain codes in addition to those described in Subsection (2)(a),  
 84 including specific editions of the codes, for use by a compliance agency.

85 (b) If the applicable code is one which the division has approved under Subsection  
 86 (4)(a), a compliance agency has the discretion to:

87 (i) adopt an ordinance requiring removal, demolition, or repair of a building, according

88 to a code;

89 (ii) adopt, by ordinance or rule, a dangerous building code; or

90 (iii) adopt, by ordinance or rule, a building rehabilitation code.

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

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

96 Section 2. **Repealer.**

97 This bill repeals:

98 Section **63-9-45, Legislative findings and declaration.**

99 Section **63-9-46, Adoption of energy conservation code by State Building Board.**

100 Section **63-9-47, Considerations by board in adoption of code.**

101 Section **63-9-48, Application of code.**

102 Section **63-9-49, Continuing studies by board on effectiveness of code -- Advice to**  
103 **political subdivisions -- Public information.**

104 Section **63-9-50, Promulgation of code -- Triennial repromulgation -- Enforcement**  
105 **by State Board of Education -- Adoption and enforcement by political subdivisions.**

106 Section **63-9-51, Availability of code to state's building industry.**

107 Section **63-9-52, Acceptance by board of grants of money and assistance.**