

BUILDING STANDARDS

AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: J. Stuart Adams

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:

63-9-45, as enacted by Chapter 12, Laws of Utah 1976

63-9-46, as enacted by Chapter 12, Laws of Utah 1976

63-9-47, as enacted by Chapter 12, Laws of Utah 1976

63-9-48, as last amended by Chapter 178, Laws of Utah 1977

63-9-49, as last amended by Chapter 178, Laws of Utah 1977

63-9-50, as last amended by Chapter 178, Laws of Utah 1977

63-9-51, as enacted by Chapter 12, Laws of Utah 1976

63-9-52, as enacted by Chapter 12, Laws of Utah 1976

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 -- Approval of other codes -- Exemptions.

(1) As used in this section:

(a) "agricultural use" means a use 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

(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]~~ Subdivisions; 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]~~ Agriculture Protection Area.

(2) (a) Subject to the provisions of Subsections (4) and (5), the following codes, each of which must be promulgated by a nationally recognized code authority, shall be adopted, in the manner described in Subsection (2)(b), as the construction codes which the state and each

political subdivision of the state shall follow in the circumstances described in Subsection (3):

- (i) a building code;
- (ii) the National Electrical Code promulgated by the National Fire Protection Association;
- (iii) a residential one and two family dwelling code;
- ~~[(iii)]~~ (iv) a plumbing code; [and]
- ~~[(iv)]~~ (v) a mechanical code[-];
- (vi) a fuel gas code; and
- (vii) an energy conservation code.

(b) ~~[The]~~ In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division, in collaboration with the commission, shall adopt by rule specific editions of the codes described in Subsection (2)(a), and may adopt by rule successor editions of any adopted code.

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

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

- (a) new construction is involved;
- (b) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
 - (i) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or
 - (ii) changing the character or use of the building in a manner which increases the occupancy loads, other demands, or safety risks of the building.

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

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

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

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

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

(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 code adopted by the division.

(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. Repealer.

This bill repeals:

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

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

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

Section 63-9-48, Application of code.

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

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

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

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