

1 **STATE CONSTRUCTION CODE AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: Keith Grover

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations Interim Committee recommended this bill.

10 **General Description:**

11 This bill amends the State Construction Code.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ exempts from the permit requirements of the State Construction Code a structure
15 that is solely used to sell certain seasonal crops.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill takes effect on July 1, 2014.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **15A-1-204**, as enacted by Laws of Utah 2011, Chapter 14

23

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

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

26 **15A-1-204. Adoption of State Construction Code -- Amendments by commission--**
27 **Approved codes -- Exemptions.**



- 28 ~~§~~→ (1) (a) As used in this section:
- 28a (i) "Interior sales floor space" means an interior area of a structure:
- 28b (A) that is generally open to the public during business hours; and
- 28c (B) where a person displays products for sale to the public.
- 28d (ii) "Interior sales floor space" does not include:
- 28e (A) a porch;
- 28f (B) a covered exterior space; or
- 28g (C) space that is used exclusively for storage.
- 28h ~~[(1)-(a)]~~ (b) ←~~§~~ The State Construction Code is the construction codes adopted with any
- 29 modifications in accordance with this section that the state and each political subdivision of the
- 30 state shall follow.
- 31 ~~§~~→ ~~[(b)]~~ (c) ←~~§~~ A person shall comply with the applicable provisions of the State
- 31a Construction
- 32 Code when:
- 33 (i) new construction is involved; and
- 34 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
- 35 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
- 36 conservation, or reconstruction of the building; or
- 37 (B) changing the character or use of the building in a manner that increases the
- 38 occupancy loads, other demands, or safety risks of the building.
- 39 ~~§~~→ ~~[(e)]~~ (d) ←~~§~~ On and after July 1, 2010, the State Construction Code is the State
- 39a Construction
- 40 Code in effect on July 1, 2010, until in accordance with this section:
- 41 (i) a new State Construction Code is adopted; or
- 42 (ii) one or more provisions of the State Construction Code are amended or repealed in
- 43 accordance with this section.
- 44 ~~§~~→ ~~[(d)]~~ (e) ←~~§~~ A provision of the State Construction Code may be applicable:
- 45 (i) to the entire state; or
- 46 (ii) within a county, city, or town.
- 47 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
- 48 that adopts a construction code with any modifications.
- 49 (b) Legislation enacted under this Subsection (2) shall state that it takes effect on the
- 50 July 1 after the day on which the legislation is enacted, unless otherwise stated in the
- 51 legislation.

52 (c) Subject to Subsection (5), a State Construction Code adopted by the Legislature is
53 the State Construction Code until, in accordance with this section, the Legislature adopts a new
54 State Construction Code by:

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

56 (ii) amending or repealing one or more provisions of the State Construction Code.

57 (3) (a) The commission shall by no later than November 30 of each year recommend to
58 the Business and Labor Interim Committee whether the Legislature should:

59 (i) amend or repeal one or more provisions of a State Construction Code; or
60 (ii) in a year of a regularly scheduled update of a nationally recognized code, adopt a
61 construction code with any modifications.

62 (b) The commission may recommend legislative action related to the State
63 Construction Code:

64 (i) on its own initiative;
65 (ii) upon the recommendation of the division; or
66 (iii) upon the receipt of a request by one of the following that the commission
67 recommend legislative action related to the State Construction Code:

- 68 (A) a local regulator;
- 69 (B) a state regulator;
- 70 (C) a state agency involved with the construction and design of a building;
- 71 (D) the Construction Services Commission;
- 72 (E) the Electrician Licensing Board;
- 73 (F) the Plumbers Licensing Board; or
- 74 (G) a recognized construction-related association.

75 (4) If the Business and Labor Interim Committee decides to recommend legislative
76 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
77 for consideration by the Legislature in the next general session that, if passed by the
78 Legislature, would:

- 79 (a) adopt a new State Construction Code in its entirety; or
- 80 (b) amend or repeal one or more provisions of the State Construction Code.

81 (5) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title
82 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if
83 the commission determines that waiting for legislative action in the next general legislative
84 session would:

- 85 (i) cause an imminent peril to the public health, safety, or welfare; or
- 86 (ii) place a person in violation of federal or other state law.

87 (b) If the commission amends the State Construction Code in accordance with this
88 Subsection (5), the commission shall file with the division:

- 89 (i) the text of the amendment to the State Construction Code; and

90 (ii) an analysis that includes the specific reasons and justifications for the commission's
91 findings.

92 (c) If the State Construction Code is amended under this Subsection (5), the division
93 shall:

94 (i) publish the amendment to the State Construction Code in accordance with Section
95 [15A-1-205](#); and

96 (ii) notify the Business and Labor Interim Committee of the amendment to the State
97 Construction Code, including a copy of the commission's analysis described in Subsection
98 (5)(b).

99 (d) If not formally adopted by the Legislature at its next annual general session, an
100 amendment to the State Construction Code under this Subsection (5) is repealed on the July 1
101 immediately following the next annual general session that follows the adoption of the
102 amendment.

103 (6) (a) The division, in consultation with the commission, may approve, without
104 adopting, one or more approved codes, including a specific edition of a construction code, for
105 use by a compliance agency.

106 (b) If the code adopted by a compliance agency is an approved code described in
107 Subsection (6)(a), the compliance agency may:

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

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

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

111 (7) (a) Except as provided in Subsection (7)(b), a structure used solely in conjunction
112 with agriculture use, and not for human occupancy, is exempt from the permit requirements of
113 the State Construction Code.

114 (b) (i) Unless exempted by a provision other than Subsection (7)(a), a plumbing,
115 electrical, and mechanical permit may be required when that work is included in a structure
116 described in Subsection (7)(a).

117 (ii) Unless located in whole or in part in an agricultural protection area created under
118 Title 17, Chapter 41, Agriculture and Industrial Protection [~~Area~~] Areas, a structure described
119 in Subsection (7)(a) is not exempt from a permit requirement if the structure is located on land
120 that is:

121 (A) within the boundaries of a city or town, and less than five contiguous acres; or
122 (B) within a subdivision for which the county has approved a subdivision plat under
123 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

124 (8) A structure ~~is~~ **that contains no more than 300 square feet of interior sales floor**
124a **space and is** ~~used~~ solely for the type of sales described in Subsection [59-12-104\(20\)](#)
125 is exempt from the permit requirements of the State Construction Code.

126 Section 2. **Effective date.**

127 This bill takes effect on July 1, 2014.

Legislative Review Note
as of 8-21-13 2:30 PM

Office of Legislative Research and General Counsel