

Representative Keith Grover proposes the following substitute bill:

STATE CONSTRUCTION CODE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill amends the State Construction Code.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2014.

Utah Code Sections Affected:

AMENDS:

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

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

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

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



26 (1) (a) The State Construction Code is the construction codes adopted with any
27 modifications in accordance with this section that the state and each political subdivision of the
28 state shall follow.

29 (b) A person shall comply with the applicable provisions of the State Construction
30 Code when:

31 (i) new construction is involved; and

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

33 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
34 conservation, or reconstruction of the building; or

35 (B) changing the character or use of the building in a manner that increases the
36 occupancy loads, other demands, or safety risks of the building.

37 (c) On and after July 1, 2010, the State Construction Code is the State Construction
38 Code in effect on July 1, 2010, until in accordance with this section:

39 (i) a new State Construction Code is adopted; or

40 (ii) one or more provisions of the State Construction Code are amended or repealed in
41 accordance with this section.

42 (d) A provision of the State Construction Code may be applicable:

43 (i) to the entire state; or

44 (ii) within a county, city, or town.

45 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
46 that adopts a construction code with any modifications.

47 (b) Legislation enacted under this Subsection (2) shall state that it takes effect on the
48 July 1 after the day on which the legislation is enacted, unless otherwise stated in the
49 legislation.

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

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

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

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

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

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

62 (i) on its own initiative;

63 (ii) upon the recommendation of the division; or

64 (iii) upon the receipt of a request by one of the following that the commission
65 recommend legislative action related to the State Construction Code:

66 (A) a local regulator;

67 (B) a state regulator;

68 (C) a state agency involved with the construction and design of a building;

69 (D) the Construction Services Commission;

70 (E) the Electrician Licensing Board;

71 (F) the Plumbers Licensing Board; or

72 (G) a recognized construction-related association.

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

77 (a) adopt a new State Construction Code in its entirety; or

78 (b) amend or repeal one or more provisions of the State Construction Code.

79 (5) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title
80 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if
81 the commission determines that waiting for legislative action in the next general legislative
82 session would:

83 (i) cause an imminent peril to the public health, safety, or welfare; or

84 (ii) place a person in violation of federal or other state law.

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

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

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

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

92 (i) publish the amendment to the State Construction Code in accordance with Section
93 15A-1-205; and

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

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

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

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

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

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

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

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

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

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

119 (A) within the boundaries of a city or town, and less than five contiguous acres; or

120 (B) within a subdivision for which the county has approved a subdivision plat under

121 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

122 (8) A structure that is no more than 600 square feet and is used solely for the type of

123 sales described in Subsection 59-12-104(20) is exempt from the permit requirements described

124 in:

125 (a) Chapter 2, Adoption of the State Construction Code;

126 (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction

127 Code; and

128 (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

129 Section 2. **Effective date.**

130 This bill takes effect on July 1, 2014.