

1 **CONSTRUCTION CODE AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: Keith Grover

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the State Construction Code.

10 **Highlighted Provisions:**

11 This bill:

12 ► expands an exemption from permit requirements for structures that are used for
13 certain agricultural purposes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **15A-1-204**, as last amended by Laws of Utah 2014, Chapters 178 and 189

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

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

24 **15A-1-204. Adoption of State Construction Code -- Amendments by commission--**
25 **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



state shall follow.

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

(i) new construction is involved; and

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

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

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

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

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

(ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.

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

(i) to the entire state; or

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

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

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

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

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

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

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

(i) amend or repeal one or more provisions of a State Construction Code; or

(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.

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

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

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

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

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

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

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

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

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

(7) (a) Except as provided in Subsection (7)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, ~~is~~ **or a structure that is no more than 1,500 square feet and used solely for the type of sales described in Subsection**

59-12-104(20), ~~is~~ is exempt from the permit requirements of the State Construction Code.

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

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

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

(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 ~~H→ [(8) A structure that is no more than [1,000] 1,500 square feet and is used solely for the~~
123 ~~type of sales described in Subsection 59-12-104(20) is exempt from the permit requirements~~
124 ~~described in:~~
125 ~~—— (a) Chapter 2, Adoption of 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.] ←H~~

Legislative Review Note
Office of Legislative Research and General Counsel