

Representative Fred C. Cox proposes the following substitute bill:

CONSTRUCTION CODE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill amends provisions related to the State Construction Code.

Highlighted Provisions:

This bill:

- modifies an exemption from permit requirements for structures that are used for certain agricultural purposes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

15A-3-102, as last amended by Laws of Utah 2013, Chapter 297

15A-3-105, as last amended by Laws of Utah 2013, Chapter 297

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.**

(1) (a) The State Construction Code is the construction codes adopted with any 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(ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.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 construction code with any modifications.

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

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

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

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

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

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

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

(b) If the commission amends the State Construction Code in accordance with this

Subsection (5), the commission shall file with the division:

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

(ii) an analysis that includes the specific reasons and justifications for the commission's 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 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 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

~~[(8) A structure that is no more than 1,000 square feet and is used solely for the type of sales described in Subsection 59-12-104(20) is exempt from the permit requirements described in:]~~

~~[(a) Chapter 2, Adoption of State Construction Code;]~~

~~[(b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code; and]~~

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

Section 2. Section **15A-3-102** is amended to read:

15A-3-102. Amendments to Chapters 1 through 3 of IBC.

(1) IBC, Section 106, is deleted.

(2) (a) In IBC, Section 110, a new section is added as follows: "110.3.5, Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant exterior wall envelope as required by Section 1403.2, and flashing as required by Section 1405.4 to prevent water from entering the weather-resistive barrier."

(b) The remaining sections of IBC, Section 110, are renumbered as follows: 110.3.6, Lath or gypsum board inspection; 110.3.7, Fire- and smoke-resistant penetrations; 110.3.8, Energy efficiency inspections; 110.3.9, Other inspections; 110.3.10, Special inspections; and 110.3.11, Final inspection.

(3) IBC, Section 115.1, is deleted and replaced with the following: "115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or is dangerous or unsafe, the building official is authorized to stop work."

(4) In IBC, Section 202, the following definition is added for Ambulatory Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building licensed by the Utah Department of Health where procedures are performed that may render patients incapable of self preservation where care is less than 24 hours. See Utah Administrative Code

150 R432-13."

151 (5) In IBC, Section 202, the definition for Foster Care Facilities is modified by
152 changing the word "Foster" to "Child."

153 (6) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by
154 deleting the words "a fire alarm system" and replacing them with "any fire protection system".

155 (7) In IBC, Section 202, the following definition is added for Residential
156 Treatment/Support Assisted Living Facility: "RESIDENTIAL TREATMENT/SUPPORT
157 ASSISTED LIVING FACILITY. See Section 308.1.2."

158 (8) In IBC, Section 202, the following definition is added for Type I Assisted Living
159 Facility: "TYPE I ASSISTED LIVING FACILITY. See Section 308.1.2."

160 (9) In IBC, Section 202, the following definition is added for Type II Assisted Living
161 Facility: "TYPE II ASSISTED LIVING FACILITY. See Section 308.1.2."

162 (10) In the list in IBC, Section 304.1, the following words are added after the words
163 "Ambulatory care facilities": "where four or more care recipients are rendered incapable of self
164 preservation."

165 (11) In IBC, Section 305.2, the words "child care centers," are inserted after the word
166 "supervision," and the following sentence is added at the end of the paragraph: "See Section
167 425 for special requirements for Day Care."

168 (12) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced with
169 the word "four" in both places.

170 (13) A new IBC Section 305.2.4 is added as follows: "305.2.4 Child Day Care --
171 Residential Certificate or a Family License. Areas used for child day care purposes with a
172 Residential Certificate R430-50 or a Family License, as defined in Utah Administrative Code,
173 R430-90, Licensed Family Child Care, may be located in a Group R-2 or R-3 occupancy as
174 provided in Section 310.5 or shall comply with the International Residential Code in
175 accordance with Section R101.2."

176 (14) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child Care Centers.
177 Areas used for Hourly Child Care Centers, as defined in Utah Administrative Code, R430-60,
178 Child Care Center as defined in Utah Administrative Code, R430-100, or Out of School Time
179 Programs, as defined in Utah Administrative Code, R430-70, may be classified as accessory
180 occupancies."

(15) A new IBC Section 308.2.1 is added as follows: "308.2.1 Assisted living facilities and related occupancies. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

Occupancies. Limited capacity, type I assisted living facilities with two to five residents shall be classified as R-3 occupancies. Small, type I assisted living facilities with six to sixteen residents shall be classified as R-4 occupancies. Large, type I assisted living facilities with over sixteen residents shall be classified as I-1 occupancies.

TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

Semi-Independent. A person who is:

A. Physically disabled but able to direct his or her own care; or

B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

Occupancies. Limited capacity, type II assisted living facilities with two to five residents shall be classified as R-4 occupancies. Small, type II assisted living facilities with six to sixteen residents shall be classified as I-1 occupancies. Large, type II assisted living facilities with over sixteen residents shall be classified as I-2 occupancies.

RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential treatment/support assisted living facility which creates a group living environment for four or more residents licensed by the Utah Department of Human Services, and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person."

(16) In IBC, Section 308.3, the words "(see Section 308.2.1)" are added after the words "assisted living facilities".

(17) In IBC, Section 308.3.1, all of the words after the first International Residential Code are deleted.

(18) In IBC, Section 308.4, the following changes are made:

(a) The words "five persons" are deleted and replaced with the words "three persons."

(b) The words "foster care facilities" are deleted and replaced with "child care facilities."

(c) The words "(both intermediate care facilities and skilled nursing facilities)" are added after "nursing homes."

(d) The words "Ambulatory Surgical Centers with five or more operating rooms" are added to the list.

(19) In IBC, Section 308.4.1, the word "five" is deleted and replaced with the word "three" in both places.

(20) In IBC, Section 308.6, the word "five" is deleted and replaced with the word "four".

(21) In IBC, Section 308.6.1, the following changes are made:

(a) The word "five" is deleted and replaced with the word "four".

(b) The words "2-1/2 years or less of age" are deleted and replaced with "under the age of two".

(c) The following sentence is added at the end: "See Section 425 for special requirements for Day Care."

(22) In IBC, Sections 308.6.3 and 308.6.4, the word "five" is deleted and replaced with the word "four" in both places and the following sentence is added at the end: "See Section 425 for special requirements for Day Care."

(23) In IBC, Section 310.5, the words "and single family dwellings complying with the IRC" are added after "Residential occupancies".

(24) In IBC, Section 310.5.1, the words "other than Child Care" are inserted after the word "dwelling" in the first sentence and the following sentence is added at the end: "See Section 425 for special requirements for Child Day Care."

(25) A new IBC Section 310.5.2 is added as follows: "310.5.2 Child Care. Areas used for child care purposes may be located in a residential dwelling unit under all of the following conditions and Section 425:

1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the Utah Department of Health, as enacted under the authority of the Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator."

(26) In IBC, Section 310.6, the words "(see Section 308.2.1)" are added after "assisted living facilities".

(27) In IBC, Section 312.1, the words "Structures intended for no more than 50 occupants that are used solely for the type of sales described in Subsection 59-12-104(20)" are added after "Stables".

Section 3. Section **15A-3-105** is amended to read:

15A-3-105. Amendments to Chapters 10 through 12 of IBC.

(1) In IBC, Section 1008.1.9.6, the words "Group I-1 and" are added in the title and in the first sentence before the words "Group I-2" and a new number 8 is added as follows: "8. The secure area or unit with special egress locks shall be located at the level of exit discharge in Type V construction."

(2) In IBC, Section 1008.1.9.7, a new number 7 is added as follows: "7. The secure area or unit with delayed egress locks shall be located at the level of exit discharge in Type V construction."

(3) In IBC, Section 1009.7.2, exception 5 is deleted and replaced with the following: "5. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 10 inches (254 mm)."

(4) In IBC, Section 1009.15, a new exception 6 is added as follows: "6. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are

accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers."

(5) In IBC, Section 1011.5, the words ", including when the building may not be fully occupied." are added at the end of the sentence.

(6) IBC, Section 1024, is deleted.

(7) In IBC, Section 1028.12, exception 2 is deleted.

(8) In IBC, Section 1103.2.4, add exception 3 as follows:

"3. A structure intended for no more than 50 occupants that is used solely for the type of sales described in Subsection 59-12-104(20)."

~~[(8)]~~ (9) In IBC, Section 1109.8, the following words "shall be capable of operation without a key and" are inserted in the second sentence between the words "lift" and "shall".

~~[(9)]~~ (10) In IBC, Section 1208.4, subparagraph 1 is deleted and replaced with the following: "1. The unit shall have a living room of not less than 165 square feet (15.3 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two."