

HB0297S03 compared with HB0297S02

~~deleted text~~ shows text that was in HB0297S02 but was deleted in HB0297S03.

inserted text shows text that was not in HB0297S02 but was inserted into HB0297S03.

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Senator Daniel Hemmert proposes the following substitute bill:

YURT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: Daniel Hemmert

LONG TITLE

General Description:

This bill addresses the regulation of yurts.

Highlighted Provisions:

This bill:

- ▶ exempts remote yurts from the State Construction Code;
- ▶ exempts remote yurts from the State Fire Code with certain requirements;
- ▶ exempts remote yurts from water quality provisions with certain requirements;
- ▶ permits counties by ordinance to make remote yurts subject to certain regulations;
- and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15A-1-204, as last amended by Laws of Utah 2017, Chapter 18

ENACTS:

15A-5-104, Utah Code Annotated 1953

19-5-125, Utah Code Annotated 1953

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(ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.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

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

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

(b) Legislation described in Subsection (2)(a) shall state that the legislation 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 (6), 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) Except as provided in Subsection (3)(b), for each update of a nationally recognized construction code, the commission shall prepare a report described in Subsection (4).

(b) For the provisions of a nationally recognized construction code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the commission shall:

(i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every second update of the nationally recognized construction code; and

(ii) not prepare a report described in Subsection (4) in 2018.

(4) (a) In accordance with Subsection (3), on or before September 1 of the same year as the year designated in the title of a nationally recognized construction code, the commission shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee that:

(i) states whether the commission recommends the Legislature adopt the update with any modifications; and

(ii) describes the costs and benefits of each recommended change in the update or in any modification.

(b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:

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(i) study the recommendations; and

(ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.

(5) (a) (i) The commission shall, by no later than September 1 of each year in which the commission is not required to submit a report described in Subsection (4), submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee recommending whether the Legislature should amend or repeal one or more provisions of the State Construction Code.

(ii) As part of a recommendation described in Subsection (5)(a)(i), the commission shall describe the costs and benefits of each proposed amendment or repeal.

(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.

(c) 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.

(6) (a) Notwithstanding the provisions of this section, 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:

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- (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 (6), 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 (6), the division shall:

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

(ii) prepare and submit, in accordance with Section 68-3-14, a written notice to the Business and Labor Interim Committee containing the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).

(d) If not formally adopted by the Legislature at the next annual general session, an amendment to the State Construction Code under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.

(7) (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 (7)(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.

(8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in state law, a state executive branch entity or political subdivision of the state may not, after December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject specifically addressed by, and that is more restrictive than, the State Construction Code.

(9) A state executive branch entity or political subdivision of the state may:

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(a) enforce a federal law or regulation;

(b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or

(c) enforce a rule, ordinance, or requirement:

(i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and

(ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.

(10) The Department of Health or the Department of Environmental Quality may enforce a rule or requirement adopted before January 1, 2015.

(11) (a) Except as provided in Subsection (11)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, 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 exempt from the permit requirements of the State Construction Code.

(b) (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in Subsection (11)(a).

(ii) Unless located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, a structure described in Subsection (11)(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.

(12) (a) As used in this Subsection (12):

(i) "Membrane-covered frame structure" means a nonpressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.

(ii) "Remote yurt" means a membrane-covered frame structure that:

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(A) is no larger than 710 square feet;

(B) is not used as a permanent residence;

(C) is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;

(D) does not have plumbing or electricity;

(E) is set back at least 300 feet from any river, stream, lake, or other body of water; and

(F) registers with the local health department.

(b) A remote yurt is exempt from the State Construction Code including the permit requirements of the State Construction Code.

(c) Notwithstanding Subsection (12)(b), a county may by ordinance require remote yurts to comply with the State Construction Code, if the ordinance requires the remote yurts to comply with all of the following:

(i) the State Construction Code;

(ii) notwithstanding Section 15A-5-104, the State Fire Code; and

(iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules made under that chapter, and local health department's jurisdiction over onsite wastewater disposal.

Section 2. Section **15A-5-104** is enacted to read:

15A-5-104. Exemptions from State Fire Code.

(1) As used in this section, "remote yurt" means the same as that term is defined in Subsection 15A-1-204(12).

(2) ~~{(a)}~~ A remote yurt is exempt from the State Fire Code~~};~~

~~(b) Notwithstanding Subsection (2)(a), a county may by ordinance require remote yurts to comply with the State Fire Code};~~ unless otherwise provided by ordinance in accordance with Subsection 15A-1-204(12)(c).

(3) An owner of a remote yurt shall ensure that a fire extinguisher is in the remote yurt.

Section 3. Section **19-5-125** is enacted to read:

19-5-125. Yurt exemption.

(1) As used in this section:

(a) "Backcountry waste containment and disposal system" means a pickle pail, rocket box, tube toilet, John-E partner, or similar container used to collect and carry out waste,

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including fecal matter.

(b) "Remote yurt" means the same as that term is defined in Subsection 15A-1-204(12).

(2) Unless otherwise provided by ordinance in accordance with Subsection 15A-1-204(12)(c), a~~(f) A~~ remote yurt is exempt from this chapter, rules made under this chapter, and local health department's jurisdiction over onsite wastewater disposal, except that the owner of a remote yurt shall ensure that an individual using the remote yurt uses a backcountry waste containment and disposal system and the local health department may enforce the provisions of this section.

~~{ (b) Notwithstanding Subsection (2)(a), a county may by ordinance require remote yurts to comply with this chapter, rules made under this chapter, and local health department's jurisdiction over onsite wastewater disposal.~~

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