

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 needing a permit under the State Construction Code unless certain conditions are met;
- ▶ permits onsite food preparation;
- ▶ exempts remote yurts from the State Fire Code;
- ▶ exempts remote yurts from water quality provisions; and
- ▶ makes technical amendments.

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 2017, Chapter 18

ENACTS:

15A-5-104, Utah Code Annotated 1953

19-5-125, Utah Code Annotated 1953



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(ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.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

59 State Construction Code by:

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

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

62 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
63 recognized construction code, the commission shall prepare a report described in Subsection
64 (4).

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

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

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

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

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

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

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

82 (i) study the recommendations; and

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

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

90 provisions of the State Construction Code.

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

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

95 (i) on its own initiative;

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

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

99 (A) a local regulator;

100 (B) a state regulator;

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

102 (D) the Construction Services Commission;

103 (E) the Electrician Licensing Board;

104 (F) the Plumbers Licensing Board; or

105 (G) a recognized construction-related association.

106 (c) If the Business and Labor Interim Committee decides to recommend legislative
107 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
108 for consideration by the Legislature in the next general session.

109 (6) (a) Notwithstanding the provisions of this section, the commission may, in
110 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State
111 Construction Code if the commission determines that waiting for legislative action in the next
112 general legislative session would:

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

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

115 (b) If the commission amends the State Construction Code in accordance with this
116 Subsection (6), the commission shall file with the division:

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

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

120 (c) If the State Construction Code is amended under this Subsection (6), the division

121 shall:

122 (i) publish the amendment to the State Construction Code in accordance with Section
123 15A-1-205; and

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

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

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

134 (b) If the code adopted by a compliance agency is an approved code described in
135 Subsection (7)(a), the compliance agency may:

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

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

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

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

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

144 (a) enforce a federal law or regulation;

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

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

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

151 (ii) for which the state executive branch entity or political subdivision can demonstrate,

152 with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an
153 individual from a condition likely to cause imminent injury or death.

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

156 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in
157 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
158 than 1,500 square feet and used solely for the type of sales described in Subsection
159 [59-12-104\(20\)](#), is exempt from the permit requirements of the State Construction Code.

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

163 (ii) Unless located in whole or in part in an agricultural protection area created under
164 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
165 Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if
166 the structure is located on land that is:

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

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

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

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

- 175 (A) no larger than 710 square feet;
- 176 (B) not used as a permanent residence; and
- 177 (C) located in an area not zoned for primarily residential use.

178 (b) Except as provided in Subsection (12)(c), a remote yurt is exempt from the permit
179 requirements of the State Construction Code.

180 (c) Unless exempted by a provision other than Subsection (12)(b), a plumbing,
181 electrical, and mechanical permit may be required when that work is included in the remote
182 yurt.

183 (d) The state or a political subdivision shall permit food preparation on the site of a
184 remote yurt.

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

186 **15A-5-104. Exemptions from State Fire Code.**

187 (1) As used in this section:

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

191 (b) "Remote yurt" means a membrane-covered frame structure that is:

192 (i) no larger than 710 square feet;

193 (ii) not used as a permanent residence; and

194 (iii) located in an area not zoned for primarily residential use.

195 (2) A remote yurt is exempt from the requirements of the State Fire Code.

196 (3) The state or a political subdivision shall permit food preparation on the site of a
197 remote yurt.

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

199 **19-5-125. Yurt exemption.**

200 (1) As used in this section:

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

204 (b) "Remote yurt" means a membrane-covered frame structure that is:

205 (i) no larger than 710 square feet;

206 (ii) not used as a permanent residence; and

207 (iii) located in an area not zoned for primarily residential use and that does not include
208 residential units with a density greater than one unit per acre.

209 (2) A remote yurt is exempt from this chapter, rules made under this chapter, and local
210 health department's jurisdiction over onsite wastewater disposal, except that the owner of a
211 remote yurt shall ensure that an individual using the remote yurt uses a backcounty waste
212 containment and removal system.

213 (3) The state or a political subdivision shall permit food preparation on the site of a

214 remote yurt.