

What Buildings Require a Building Permit?

To answer this question we must look at the Utah State Code and the Adopted Building Codes. Utah State adopts building codes to be enforced by each political subdivision of the state. For the building itself, the state has adopted the International Building Code for commercial projects and the International Residential Code for One and Two Family Dwellings and Town Houses. Each of these codes has exemptions to the Building permit requirement but are not exempt from being built to the adopted codes. (Ref: IBC 105.2, IRC 105.2 and Utah Code 15A-1-204(11)) The exemption is strictly from obtaining a building permit for building element of the project. Other permits may be required for Electrical, Plumbing and HVAC equipment that are to be installed in or on the building. This includes electrical solar systems, wind generators and other alternative systems.

IBC: A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

IRC: R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

The following “Buildings” are exempt from the building permit requirements;

IBC Commercial Exemptions;

1. One-story **detached accessory structures** used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than **120 square feet** (11 m²).
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

IRC Exemptions;

1. One-story **detached accessory structures**, provided that the floor area does **not exceed 200 square feet** (18.58 m²).
8. Swings and other playground equipment.
10. Decks not **exceeding 200 square feet** (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4.

Utah State Exemption;

- (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).

Note that each one of these exemptions has specific conditions attached. For the codes the key is that the building is an “**Accessory Structure**”. The codes define an “Accessory Structure” as *“a structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot.”* So if the property is vacant land, and the building is not being used solely in conjunction with agriculture use, then the building requires a building permit regardless of its size or intended use.

Duchesne County requires any building being **built or placed** on vacant bare property to be issued a building permit prior to construction or placement. Before a building permit is issued for any building, the property must be evaluated for the installation of an on-site waste water system.

For Agricultural buildings Duchesne County requires an Agricultural Exemption Form be signed, notarized and recorded with the Duchesne County Records office.

The minimum penalty for building or placing a structure on a property without first obtaining the required building permit is a fee equal to the required permit even if a permit cannot be issued for the project.

(Ref: Duchesne County Code 7-1E-4 / Resolution 15-18 Exhibit B)