

Representative Paul Ray proposes the following substitute bill:

LOCAL GOVERNMENT BUILDING REGULATION

AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to local government building regulation.

Highlighted Provisions:

This bill:

- ▶ allows a building permit applicant to engage an independent third-party building inspector to conduct inspections in certain circumstances;
 - ▶ allows an independent third-party building inspector to issue a certificate of occupancy to a building permit applicant in certain circumstances;
 - ▶ modifies requirements for a building permit application;
 - ▶ exempts a construction project involving repairs to a building damaged by a natural disaster from certain State Construction Code and building permit requirements;
 - ▶ prohibits a municipality or county from regulating certain building design elements;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **10-5-132**, as last amended by Laws of Utah 2020, Chapters 354 and 441

30 **10-6-160**, as last amended by Laws of Utah 2020, Chapter 441

31 **10-9a-403**, as last amended by Laws of Utah 2020, Chapter 136

32 **15A-1-104**, as enacted by Laws of Utah 2014, Chapter 197

33 **15A-1-202**, as last amended by Laws of Utah 2020, Chapter 441

34 **15A-1-204**, as last amended by Laws of Utah 2020, Chapters 111 and 441

35 **15A-3-102**, as last amended by Laws of Utah 2019, Chapter 20

36 **15A-5-104**, as enacted by Laws of Utah 2020, Chapter 111

37 **17-27a-403**, as last amended by Laws of Utah 2020, Chapter 136

38 **17-36-55**, as last amended by Laws of Utah 2020, Chapter 441

39 **38-1a-102**, as last amended by Laws of Utah 2019, Chapter 250

40 **78B-2-225**, as last amended by Laws of Utah 2020, Chapter 97

41 ENACTS:

42 **10-9a-530**, Utah Code Annotated 1953

43 **17-27a-527**, Utah Code Annotated 1953



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

46 Section 1. Section **10-5-132** is amended to read:

47 **10-5-132. Fees collected for construction approval -- Approval of plans.**

48 (1) As used in this section:

49 (a) "Business day" means the same as that term is defined in Section 54-8c-1.

50 [(a)] (b) "Construction project" means the same as that term is defined in Section

51 38-1a-102.

52 (c) "Licensed building inspector" means an individual who is:

53 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,

54 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and

55 (ii) covered by liability insurance when providing private services as a licensed

56 building inspector.

57 ~~[(b)]~~ (d) "Lodging establishment" means a place providing temporary sleeping
58 accommodations to the public, including any of the following:

- 59 (i) a bed and breakfast establishment;
- 60 (ii) a boarding house;
- 61 (iii) a dormitory;
- 62 (iv) a hotel;
- 63 (v) an inn;
- 64 (vi) a lodging house;
- 65 (vii) a motel;
- 66 (viii) a resort; or
- 67 (ix) a rooming house.

68 ~~[(c)]~~ (e) "Planning review" means a review to verify that a town has approved the
69 following elements of a construction project:

- 70 (i) zoning;
- 71 (ii) lot sizes;
- 72 (iii) setbacks;
- 73 (iv) easements;
- 74 (v) curb and gutter elevations;
- 75 (vi) grades and slopes;
- 76 (vii) utilities;
- 77 (viii) street names;
- 78 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
79 Interface Code adopted under Section [15A-2-103](#); and
- 80 (x) subdivision.

81 ~~[(d)]~~ (f) (i) "Plan review" means all of the reviews and approvals of a plan that a town
82 requires to obtain a building permit from the town with a scope that may not exceed a review to
83 verify:

- 84 (A) that the construction project complies with the provisions of the State Construction
85 Code under Title 15A, State Construction and Fire Codes Act;
- 86 (B) that the construction project complies with the energy code adopted under Section
87 [15A-2-103](#);

88 (C) that the construction project received a planning review;

89 (D) that the applicant paid any required fees;

90 (E) that the applicant obtained final approvals from any other required reviewing
91 agencies;

92 (F) that the construction project complies with federal, state, and local storm water
93 protection laws;

94 (G) that the construction project received a structural review;

95 (H) the total square footage for each building level of finished, garage, and unfinished
96 space; and

97 (I) that the plans include a printed statement indicating that the actual construction will
98 comply with applicable local ordinances and the state construction codes.

99 (ii) "Plan review" does not mean a review of a document:

100 (A) required to be re-submitted for a construction project other than a construction
101 project for a one to two family dwelling or townhome if additional modifications or substantive
102 changes are identified by the plan review;

103 (B) submitted as part of a deferred submittal when requested by the applicant and
104 approved by the building official; or

105 (C) that, due to the document's technical nature or on the request of the applicant, is
106 reviewed by a third party.

107 [~~(e)~~] (g) "State Construction Code" means the same as that term is defined in Section
108 15A-1-102.

109 [~~(f)~~] (h) "State Fire Code" means the same as that term is defined in Section
110 15A-1-102.

111 [~~(g)~~] (i) "Structural review" means:

112 (i) a review that verifies that a construction project complies with the following:

113 (A) footing size and bar placement;

114 (B) foundation thickness and bar placement;

115 (C) beam and header sizes;

116 (D) nailing patterns;

117 (E) bearing points;

118 (F) structural member size and span; and

119 (G) sheathing; or
 120 (ii) if the review exceeds the scope of the review described in Subsection (1)~~(g)~~(i)(i),
 121 a review that a licensed engineer conducts.

122 ~~(h)~~ (j) "Technical nature" means a characteristic that places an item outside the
 123 training and expertise of an individual who regularly performs plan reviews.

124 (2) (a) If a town collects a fee for the inspection of a construction project, the town
 125 shall ensure that the construction project receives a prompt inspection.

126 (b) If a town cannot provide a building inspection within three business days after the
 127 day on which the town receives the request for the inspection~~[-];~~:

128 (i) the town ~~shall~~ may promptly engage an independent inspector with fees collected
 129 from the applicant~~[-];~~ or

130 (ii) the applicant may engage an independent third-party licensed building inspector to
 131 complete each required inspection on the applicant's behalf in accordance with Subsection
 132 (2)(d), if the construction project is for a one to two family dwelling or townhome.

133 (c) If an inspector identifies one or more violations of the State Construction Code or
 134 State Fire Code during an inspection, the inspector shall give the permit holder written
 135 notification that:

136 (i) identifies each violation;

137 (ii) upon request by the permit holder, includes a reference to each applicable provision
 138 of the State Construction Code or State Fire Code; and

139 (iii) is delivered:

140 (A) in hardcopy or by electronic means; and

141 (B) the day on which the inspection occurs.

142 (d) (i) An applicant who engages an independent third-party licensed building inspector
 143 to complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall
 144 promptly notify the town in writing of the name and address of the licensed building inspector
 145 at the time the applicant engages the licensed building inspector.

146 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:

147 (A) complete each required inspection of the construction project on the applicant's
 148 behalf;

149 (B) provide written notification to the town after completing the final required

150 inspection; and

151 (C) issue the applicant a certificate of occupancy for the construction project.

152 (3) (a) A town shall complete a plan review of a construction project for a one to two
153 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
154 ~~is submitted~~] applicant submits a complete building permit application to the town.

155 (b) A town shall complete a plan review of a construction project for a residential
156 structure built under the International Building Code, not including a lodging establishment, by
157 no later than 21 business days after the day on which the [~~plan is submitted~~] applicant submits
158 a complete building permit application to the town.

159 (c) (i) Subject to Subsection (3)(c)(ii), if a town does not complete a plan review before
160 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
161 town complete the plan review.

162 (ii) If an applicant makes a request under Subsection (3)(c)(i), the town shall perform
163 the plan review no later than:

164 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
165 applicant makes the request; or

166 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
167 applicant makes the request.

168 (d) An applicant may:

169 (i) waive the plan review time requirements described in this Subsection (3); or

170 (ii) with the town's consent, establish an alternative plan review time requirement.

171 (4) [~~(a)~~] A town may not enforce a requirement to have a plan review if:

172 [~~(i)~~] (a) the town does not complete the plan review within the time period described in
173 Subsection (3)(a) or (b); [~~and~~]

174 (b) the applicant makes a request under Subsection (3)(c)(i);

175 (c) the town does not complete the plan review within the time period described in
176 Subsection (3)(c)(ii); and

177 [~~(i)~~] (d) a licensed architect or structural engineer, or both when required by law,
178 stamps the plan.

179 [~~(b)~~] (5) (a) A town may attach to a reviewed plan a list that includes:

180 (i) items with which the town is concerned and may enforce during construction; and

181 (ii) building code violations found in the plan.

182 [~~(e)~~] (b) A town may not require an applicant to redraft a plan if the town requests
183 minor changes to the plan that the list described in Subsection [~~(4)(b)~~] (5)(a) identifies.

184 [~~(5) An applicant shall ensure that each construction project plan submitted for a plan
185 review under this section has a statement indicating that actual construction will comply with
186 applicable local ordinances and building codes.]~~

187 (c) A town may require a single resubmittal of plans for a one or two family dwelling
188 or townhome if the resubmission is required to address deficiencies identified by a third party
189 review of a geotechnical report or geological report.

190 (6) If a town charges a fee for a building permit, the town may not refuse payment of
191 the fee at the time the applicant submits a building permit application under Subsection (3).

192 (7) A town may not limit the number of building permit applications submitted under
193 Subsection (3).

194 (8) For purposes of Subsection (3), a building permit application is complete if the
195 application contains:

196 (a) the name, address, and contact information of:

197 (i) the applicant; and

198 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
199 the construction project;

200 (b) a site plan for the construction project that:

201 (i) is drawn to scale;

202 (ii) includes a north arrow and legend; and

203 (iii) provides specifications for the following:

204 (A) lot size and dimensions;

205 (B) setbacks and overhangs for setbacks;

206 (C) easements;

207 (D) property lines;

208 (E) topographical details, if the slope of the lot is greater than 10%;

209 (F) retaining walls;

210 (G) hard surface areas;

211 (H) curb and gutter elevations as indicated in the subdivision documents;

- 212 (I) utilities, including water meter and sewer lateral location;
- 213 (J) street names;
- 214 (K) driveway locations;
- 215 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 216 Interface Code adopted under Section [15A-2-103](#); and
- 217 (M) the location of the nearest hydrant;
- 218 (c) construction plans and drawings, including:
- 219 (i) elevations, only if the construction project is new construction;
- 220 (ii) floor plans for each level, including the location and size of doors and windows;
- 221 (iii) foundation, structural, and framing detail; and
- 222 (iv) electrical, mechanical, and plumbing design;
- 223 (d) documentation of energy code compliance;
- 224 (e) structural calculations, except for trusses;
- 225 (f) a geotechnical report, including a slope stability evaluation and retaining wall
- 226 design, if:
- 227 (i) the slope of the lot is greater than 15%; and
- 228 (ii) required by the town; and
- 229 (g) a statement indicating that actual construction will comply with applicable local
- 230 ordinances and building codes.
- 231 Section 2. Section **10-6-160** is amended to read:
- 232 **10-6-160. Fees collected for construction approval -- Approval of plans.**
- 233 (1) As used in this section:
- 234 (a) "Business day" means the same as that term is defined in Section [54-8c-1](#).
- 235 ~~[(a)]~~ (b) "Construction project" means the same as that term is defined in Section
- 236 [38-1a-102](#).
- 237 (c) "Licensed building inspector" means an individual who is:
- 238 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,
- 239 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and
- 240 (ii) covered by liability insurance when providing private services as a licensed
- 241 building inspector.
- 242 ~~[(b)]~~ (d) "Lodging establishment" means a place providing temporary sleeping

243 accommodations to the public, including any of the following:

244 (i) a bed and breakfast establishment;

245 (ii) a boarding house;

246 (iii) a dormitory;

247 (iv) a hotel;

248 (v) an inn;

249 (vi) a lodging house;

250 (vii) a motel;

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253 [~~e~~] (e) "Planning review" means a review to verify that a city has approved the
254 following elements of a construction project:

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256 (ii) lot sizes;

257 (iii) setbacks;

258 (iv) easements;

259 (v) curb and gutter elevations;

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261 (vii) utilities;

262 (viii) street names;

263 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
264 Interface Code adopted under Section 15A-2-103; and

265 (x) subdivision.

266 [~~f~~] (f) (i) " Plan review" means all of the reviews and approvals of a plan that a city
267 requires to obtain a building permit from the city with a scope that may not exceed a review to
268 verify:

269 (A) that the construction project complies with the provisions of the State Construction
270 Code under Title 15A, State Construction and Fire Codes Act;

271 (B) that the construction project complies with the energy code adopted under Section
272 15A-2-103;

273 (C) that the construction project received a planning review;

- 274 (D) that the applicant paid any required fees;
- 275 (E) that the applicant obtained final approvals from any other required reviewing
- 276 agencies;
- 277 (F) that the construction project complies with federal, state, and local storm water
- 278 protection laws;
- 279 (G) that the construction project received a structural review;
- 280 (H) the total square footage for each building level of finished, garage, and unfinished
- 281 space; and
- 282 (I) that the plans include a printed statement indicating that the actual construction will
- 283 comply with applicable local ordinances and the state construction codes.
- 284 (ii) "Plan review" does not mean a review of a document:
- 285 (A) required to be re-submitted for a construction project other than a construction
- 286 project for a one to two family dwelling or townhome if additional modifications or substantive
- 287 changes are identified by the plan review;
- 288 (B) submitted as part of a deferred submittal when requested by the applicant and
- 289 approved by the building official; or
- 290 (C) that, due to the document's technical nature or on the request of the applicant, is
- 291 reviewed by a third party.
- 292 [~~(e)~~] (g) "State Construction Code" means the same as that term is defined in Section
- 293 15A-1-102.
- 294 [~~(f)~~] (h) "State Fire Code" means the same as that term is defined in Section
- 295 15A-1-102.
- 296 [~~(g)~~] (i) "Structural review" means:
- 297 (i) a review that verifies that a construction project complies with the following:
- 298 (A) footing size and bar placement;
- 299 (B) foundation thickness and bar placement;
- 300 (C) beam and header sizes;
- 301 (D) nailing patterns;
- 302 (E) bearing points;
- 303 (F) structural member size and span; and
- 304 (G) sheathing; or

305 (ii) if the review exceeds the scope of the review described in Subsection (1)~~(g)~~(i)(i),
306 a review that a licensed engineer conducts.

307 ~~(h)~~ (j) "Technical nature" means a characteristic that places an item outside the
308 training and expertise of an individual who regularly performs plan reviews.

309 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall
310 ensure that the construction project receives a prompt inspection.

311 (b) If a city cannot provide a building inspection within three business days after the
312 day on which the city receives the request for the inspection~~;~~;

313 (i) the city ~~shall~~ may promptly engage an independent inspector with fees collected
314 from the applicant~~;~~; or

315 (ii) the applicant may engage an independent third-party licensed building inspector to
316 complete each required inspection on the applicant's behalf in accordance with Subsection
317 (2)(d), if the construction project is for a one to two family dwelling or townhome.

318 (c) If an inspector identifies one or more violations of the State Construction Code or
319 State Fire Code during an inspection, the inspector shall give the permit holder written
320 notification that:

321 (i) identifies each violation;

322 (ii) upon request by the permit holder, includes a reference to each applicable provision
323 of the State Construction Code or State Fire Code; and

324 (iii) is delivered:

325 (A) in hardcopy or by electronic means; and

326 (B) the day on which the inspection occurs.

327 (d) (i) An applicant who engages an independent third-party licensed building inspector
328 to complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall
329 promptly notify the city in writing of the name and address of the licensed building inspector at
330 the time the applicant engages the licensed building inspector.

331 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:

332 (A) complete each required inspection of the construction project on the applicant's
333 behalf;

334 (B) provide written notification to the city after completing the final required
335 inspection; and

336 (C) issue the applicant a certificate of occupancy for the construction project.

337 (3) (a) A city shall complete a plan review of a construction project for a one to two
338 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
339 ~~is submitted~~] applicant submits a complete building permit application to the city.

340 (b) A city shall complete a plan review of a construction project for a residential
341 structure built under the International Building Code, not including a lodging establishment, by
342 no later than 21 business days after the day on which the [~~plan is submitted~~] applicant submits
343 a complete building permit application to the city.

344 (c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
345 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
346 city complete the plan review.

347 (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the
348 plan review no later than:

349 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
350 applicant makes the request; or

351 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
352 applicant makes the request.

353 (d) An applicant may:

354 (i) waive the plan review time requirements described in this Subsection (3); or

355 (ii) with the city's consent, establish an alternative plan review time requirement.

356 (4) [~~(a)~~] A city may not enforce a requirement to have a plan review if:

357 [~~(i)~~] (a) the city does not complete the plan review within the time period described in
358 Subsection (3)(a) or (b); [~~and~~]

359 (b) the applicant makes a request under Subsection (3)(c)(i);

360 (c) the city does not complete the plan review within the time period described in
361 Subsection (3)(c)(ii); and

362 [~~(i)~~] (d) a licensed architect or structural engineer, or both when required by law,
363 stamps the plan.

364 [~~(b)~~] (5) (a) A city may attach to a reviewed plan a list that includes:

365 (i) items with which the city is concerned and may enforce during construction; and

366 (ii) building code violations found in the plan.

367 ~~[(e)]~~ (b) A city may not require an applicant to redraft a plan if the city requests minor
368 changes to the plan that the list described in Subsection ~~[(4)(b)]~~ (5)(a) identifies.

369 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan
370 review under this section has a statement indicating that actual construction will comply with
371 applicable local ordinances and building codes.]~~

372 (c) A city may require a single resubmittal of plans for a one or two family dwelling or
373 townhome if the resubmission is required to address deficiencies identified by a third party
374 review of a geotechnical report or geological report.

375 (6) If a city charges a fee for a building permit, the city may not refuse payment of the
376 fee at the time the applicant submits a building permit application under Subsection (3).

377 (7) A city may not limit the number of building permit applications submitted under
378 Subsection (3).

379 (8) For purposes of Subsection (3), a building permit application is complete if the
380 application contains:

381 (a) the name, address, and contact information of:

382 (i) the applicant; and

383 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
384 the construction project;

385 (b) a site plan for the construction project that:

386 (i) is drawn to scale;

387 (ii) includes a north arrow and legend; and

388 (iii) provides specifications for the following:

389 (A) lot size and dimensions;

390 (B) setbacks and overhangs for setbacks;

391 (C) easements;

392 (D) property lines;

393 (E) topographical details, if the slope of the lot is greater than 10%;

394 (F) retaining walls;

395 (G) hard surface areas;

396 (H) curb and gutter elevations as indicated in the subdivision documents;

397 (I) utilities, including water meter and sewer lateral location;

- 398 (J) street names;
 399 (K) driveway locations;
 400 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
 401 Interface Code adopted under Section 15A-2-103; and
 402 (M) the location of the nearest hydrant;
 403 (c) construction plans and drawings, including:
 404 (i) elevations, only if the construction project is new construction;
 405 (ii) floor plans for each level, including the location and size of doors and windows;
 406 (iii) foundation, structural, and framing detail; and
 407 (iv) electrical, mechanical, and plumbing design;
 408 (d) documentation of energy code compliance;
 409 (e) structural calculations, except for trusses;
 410 (f) a geotechnical report, including a slope stability evaluation and retaining wall
 411 design, if:
 412 (i) the slope of the lot is greater than 15%; and
 413 (ii) required by the city; and
 414 (g) a statement indicating that actual construction will comply with applicable local
 415 ordinances and building codes.

416 Section 3. Section **10-9a-403** is amended to read:

417 **10-9a-403. General plan preparation.**

- 418 [~~(1) (a) As used in this section, "residential building design element" means for a~~
 419 ~~single-family residential building:]~~
 420 [~~(i) exterior building color;~~
 421 [~~(ii) type or style of exterior cladding material;~~
 422 [~~(iii) style or materials of a roof structure, roof pitch, or porch;~~
 423 [~~(iv) exterior nonstructural architectural ornamentation;~~
 424 [~~(v) location, design, placement, or architectural styling of a window or door, including~~
 425 ~~a garage door;]~~
 426 [~~(vi) the number or type of rooms;~~
 427 [~~(vii) the interior layout of a room; or]~~
 428 [~~(viii) the minimum square footage of a structure.]~~

429 ~~[(b) "Residential building design element" does not include for a single-family~~
430 ~~residential building:]~~

431 ~~[(i) the height, bulk, orientation, or location of a structure on a lot; or]~~

432 ~~[(ii) buffering or screening used to:]~~

433 ~~[(A) minimize visual impacts;]~~

434 ~~[(B) mitigate the impacts of light or noise; or]~~

435 ~~[(C) protect the privacy of neighbors.]~~

436 ~~[(2)]~~ (1) (a) The planning commission shall provide notice, as provided in Section
437 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
438 general plan or a comprehensive general plan amendment when the planning commission
439 initiates the process of preparing its recommendation.

440 (b) The planning commission shall make and recommend to the legislative body a
441 proposed general plan for the area within the municipality.

442 (c) The plan may include areas outside the boundaries of the municipality if, in the
443 planning commission's judgment, those areas are related to the planning of the municipality's
444 territory.

445 (d) Except as otherwise provided by law or with respect to a municipality's power of
446 eminent domain, when the plan of a municipality involves territory outside the boundaries of
447 the municipality, the municipality may not take action affecting that territory without the
448 concurrence of the county or other municipalities affected.

449 ~~[(3)]~~ (2) (a) At a minimum, the proposed general plan, with the accompanying maps,
450 charts, and descriptive and explanatory matter, shall include the planning commission's
451 recommendations for the following plan elements:

452 (i) a land use element that:

453 (A) designates the long-term goals and the proposed extent, general distribution, and
454 location of land for housing for residents of various income levels, business, industry,
455 agriculture, recreation, education, public buildings and grounds, open space, and other
456 categories of public and private uses of land as appropriate; and

457 (B) may include a statement of the projections for and standards of population density
458 and building intensity recommended for the various land use categories covered by the plan;

459 (ii) a transportation and traffic circulation element that:

460 (A) provides the general location and extent of existing and proposed freeways, arterial
461 and collector streets, public transit, active transportation facilities, and other modes of
462 transportation that the planning commission considers appropriate;

463 (B) for a municipality that has access to a major transit investment corridor, addresses
464 the municipality's plan for residential and commercial development around major transit
465 investment corridors to maintain and improve the connections between housing, employment,
466 education, recreation, and commerce;

467 (C) for a municipality that does not have access to a major transit investment corridor,
468 addresses the municipality's plan for residential and commercial development in areas that will
469 maintain and improve the connections between housing, transportation, employment,
470 education, recreation, and commerce; and

471 (D) correlates with the population projections, the employment projections, and the
472 proposed land use element of the general plan; and

473 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
474 realistic opportunity to meet the need for additional moderate income housing.

475 (b) In drafting the moderate income housing element, the planning commission:

476 (i) shall consider the Legislature's determination that municipalities shall facilitate a
477 reasonable opportunity for a variety of housing, including moderate income housing:

478 (A) to meet the needs of people of various income levels living, working, or desiring to
479 live or work in the community; and

480 (B) to allow people with various incomes to benefit from and fully participate in all
481 aspects of neighborhood and community life;

482 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
483 how the municipality will provide a realistic opportunity for the development of moderate
484 income housing within the next five years;

485 (iii) for a town, may include, and for other municipalities, shall include, a
486 recommendation to implement three or more of the following strategies:

487 (A) rezone for densities necessary to assure the production of moderate income
488 housing;

489 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
490 construction of moderate income housing;

- 491 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
492 income housing;
- 493 (D) consider general fund subsidies or other sources of revenue to waive construction
494 related fees that are otherwise generally imposed by the city;
- 495 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
496 residential zones;
- 497 (F) allow for higher density or moderate income residential development in
498 commercial and mixed-use zones, commercial centers, or employment centers;
- 499 (G) encourage higher density or moderate income residential development near major
500 transit investment corridors;
- 501 (H) eliminate or reduce parking requirements for residential development where a
502 resident is less likely to rely on the resident's own vehicle, such as residential development near
503 major transit investment corridors or senior living facilities;
- 504 (I) allow for single room occupancy developments;
- 505 (J) implement zoning incentives for low to moderate income units in new
506 developments;
- 507 (K) utilize strategies that preserve subsidized low to moderate income units on a
508 long-term basis;
- 509 (L) preserve existing moderate income housing;
- 510 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
511 income housing;
- 512 (N) participate in a community land trust program for low or moderate income
513 housing;
- 514 (O) implement a mortgage assistance program for employees of the municipality or of
515 an employer that provides contracted services to the municipality;
- 516 (P) apply for or partner with an entity that applies for state or federal funds or tax
517 incentives to promote the construction of moderate income housing;
- 518 (Q) apply for or partner with an entity that applies for programs offered by the Utah
519 Housing Corporation within that agency's funding capacity;
- 520 (R) apply for or partner with an entity that applies for affordable housing programs
521 administered by the Department of Workforce Services;

522 (S) apply for or partner with an entity that applies for programs administered by an
523 association of governments established by an interlocal agreement under Title 11, Chapter 13,
524 Interlocal Cooperation Act;

525 (T) apply for or partner with an entity that applies for services provided by a public
526 housing authority to preserve and create moderate income housing;

527 (U) apply for or partner with an entity that applies for programs administered by a
528 metropolitan planning organization or other transportation agency that provides technical
529 planning assistance;

530 (V) utilize a moderate income housing set aside from a community reinvestment
531 agency, redevelopment agency, or community development and renewal agency; and

532 [~~(W) reduce residential building design elements; and~~]

533 [~~(X)~~] (W) any other program or strategy implemented by the municipality to address
534 the housing needs of residents of the municipality who earn less than 80% of the area median
535 income; and

536 (iv) in addition to the recommendations required under Subsection [~~(3)~~] (2)(b)(iii), for
537 a municipality that has a fixed guideway public transit station, shall include a recommendation
538 to implement the strategies described in Subsection [~~(3)~~] (2)(b)(iii)(G) or (H).

539 (c) In drafting the land use element, the planning commission shall:

540 (i) identify and consider each agriculture protection area within the municipality; and

541 (ii) avoid proposing a use of land within an agriculture protection area that is
542 inconsistent with or detrimental to the use of the land for agriculture.

543 (d) In drafting the transportation and traffic circulation element, the planning
544 commission shall:

545 (i) consider the regional transportation plan developed by its region's metropolitan
546 planning organization, if the municipality is within the boundaries of a metropolitan planning
547 organization; or

548 (ii) consider the long-range transportation plan developed by the Department of
549 Transportation, if the municipality is not within the boundaries of a metropolitan planning
550 organization.

551 [~~(4)~~] (3) The proposed general plan may include:

552 (a) an environmental element that addresses:

553 (i) the protection, conservation, development, and use of natural resources, including
554 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
555 and other natural resources; and

556 (ii) the reclamation of land, flood control, prevention and control of the pollution of
557 streams and other waters, regulation of the use of land on hillsides, stream channels and other
558 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
559 protection of watersheds and wetlands, and the mapping of known geologic hazards;

560 (b) a public services and facilities element showing general plans for sewage, water,
561 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
562 police and fire protection, and other public services;

563 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
564 programs for:

565 (i) historic preservation;

566 (ii) the diminution or elimination of a development impediment as defined in Section
567 [17C-1-102](#); and

568 (iii) redevelopment of land, including housing sites, business and industrial sites, and
569 public building sites;

570 (d) an economic element composed of appropriate studies and forecasts, as well as an
571 economic development plan, which may include review of existing and projected municipal
572 revenue and expenditures, revenue sources, identification of basic and secondary industry,
573 primary and secondary market areas, employment, and retail sales activity;

574 (e) recommendations for implementing all or any portion of the general plan, including
575 the use of land use ordinances, capital improvement plans, community development and
576 promotion, and any other appropriate action;

577 (f) provisions addressing any of the matters listed in Subsection [10-9a-401](#)(2) or (3);
578 and

579 (g) any other element the municipality considers appropriate.

580 Section 4. Section [10-9a-530](#) is enacted to read:

581 **[10-9a-530. Regulation of building design elements prohibited -- Exceptions.](#)**

582 (1) As used in this section, "building design element" means:

583 (a) exterior color;

- 584 (b) type or style of exterior cladding material;
- 585 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 586 (d) exterior nonstructural architectural ornamentation;
- 587 (e) location, design, placement, or architectural styling of a window or door;
- 588 (f) location, design, placement, or architectural styling of a garage door, not including a
- 589 rear-loading garage door;
- 590 (g) number or type of rooms;
- 591 (h) interior layout of a room;
- 592 (i) minimum square footage over 1,000 square feet, not including a garage;
- 593 (j) rear yard landscaping requirements;
- 594 (k) minimum building dimensions; or
- 595 (l) ~~the~~ **requirement to install** ~~front yard fencing~~ **requirements** .
- 596 (2) Except as provided in Subsection (3), a municipality may not impose a requirement
- 597 for a building design element on a one to two family dwelling or townhome.
- 598 (3) Subsection (2) does not apply to:
- 599 (a) a dwelling located within an area designated as a historic district in:
- 600 (i) the National Register of Historic Places;
- 601 (ii) the state register as defined in Section [9-8-402](#); or
- 602 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 603 ordinance before January 1, 2021;
- 604 (b) an ordinance enacted as a condition for participation in the National Flood
- 605 Insurance Program administered by the Federal Emergency Management Agency;
- 606 (c) an ordinance enacted to implement the requirements of the Utah ~~Wildland~~ **Wildland** ~~Urban Interface~~
- 606a Urban Interface
- 607 Code adopted under Section [15A-2-103](#);
- 608 (d) building design elements agreed to under a development agreement;
- 609 (e) a dwelling located within an area that:
- 610 (i) is zoned primarily for residential use; and
- 611 (ii) was substantially developed before calendar year 1940;
- 612 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 613 (g) an ordinance enacted to regulate type of cladding, in response to findings or
- 614 evidence from the construction industry of:

- 615 (i) defects in the material of existing cladding; or
- 616 (ii) consistent defects in the installation of existing cladding; or
- 617 (h) a land use regulation, including a planned unit development or overlay zone, that a
- 618 property owner requests:
- 619 (i) the municipality to apply to the owner's property; and
- 620 (ii) in exchange for an increase in density or other benefit not otherwise available as a
- 621 permitted use in the zoning area or district.

622 Section 5. Section **15A-1-104** is amended to read:

623 **15A-1-104. Permit approval required -- Certificate of occupancy valid.**

624 (1) As used in this section:

- 625 (a) "Compliance agency" is as defined in Section [15A-1-202](#).
- 626 (b) "Project" is as defined in Section [15A-1-209](#).

627 (2) A compliance agency for a political subdivision may not reject a permit, or
628 otherwise withhold approval of a project whenever approval is required, for failure to comply
629 with the applicable provisions of this title unless the compliance agency:

- 630 (a) cites with specificity the applicable provision with which the project has failed to
631 comply; and
- 632 (b) describes how the project has failed to comply.

633 (3) If a compliance agency [~~or a~~], representative of a compliance agency, or building
634 inspector that has the authority to issue a certificate of occupancy under Section [10-5-132](#),
635 [10-6-160](#), or [17-36-55](#) issues a certificate of occupancy, the [~~compliance agency~~] individual or
636 entity that issued the certificate of occupancy may not withdraw the certificate of occupancy or
637 exert additional jurisdiction over the elements of the project for which the certificate was
638 issued unless additional changes or modifications requiring a building permit are made to
639 elements of the project after the certificate was issued.

640 Section 6. Section **15A-1-202** is amended to read:

641 **15A-1-202. Definitions.**

642 As used in this chapter:

- 643 (1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops,
644 or keeping or raising domestic animals.
- 645 (2) (a) "Approved code" means a code, including the standards and specifications

646 contained in the code, approved by the division under Section [15A-1-204](#) for use by a
647 compliance agency.

648 (b) "Approved code" does not include the State Construction Code.

649 (3) "Building" means a structure used or intended for supporting or sheltering any use
650 or occupancy and any improvements attached to it.

651 (4) "Code" means:

652 (a) the State Construction Code; or

653 (b) an approved code.

654 (5) "Commission" means the Uniform Building Code Commission created in Section
655 [15A-1-203](#).

656 (6) "Compliance agency" means:

657 (a) an agency of the state or any of its political subdivisions which issues permits for
658 construction regulated under the codes;

659 (b) any other agency of the state or its political subdivisions specifically empowered to
660 enforce compliance with the codes; or

661 (c) any other state agency which chooses to enforce codes adopted under this chapter
662 by authority given the agency under a title other than this part and Part 3, Factory Built
663 Housing and Modular Units Administration Act.

664 (7) "Construction code" means standards and specifications published by a nationally
665 recognized code authority for use in circumstances described in Subsection [15A-1-204\(1\)](#),
666 including:

667 (a) a building code;

668 (b) an electrical code;

669 (c) a residential one and two family dwelling code;

670 (d) a plumbing code;

671 (e) a mechanical code;

672 (f) a fuel gas code;

673 (g) an energy conservation code;

674 (h) a swimming pool and spa code; and

675 (i) a manufactured housing installation standard code.

676 (8) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

677 [~~(8)~~] (9) "Executive director" means the executive director of the Department of
678 Commerce.

679 [~~(9)~~] (10) "Legislative action" includes legislation that:

680 (a) adopts a new State Construction Code;

681 (b) amends the State Construction Code; or

682 (c) repeals one or more provisions of the State Construction Code.

683 [~~(10)~~] (11) "Local regulator" means a political subdivision of the state that is
684 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
685 and other activities subject to the codes.

686 (12) "Membrane-covered frame structure" means a nonpressurized building with a
687 structure composed of a rigid framework to support a tensioned membrane that provides a
688 weather barrier.

689 (13) "Natural disaster" means:

690 ~~Ĥ→~~ [~~(a)~~] ~~an explosion;~~

691 ~~——~~ [~~(b)~~] ~~fire;~~

692 ~~——~~ [~~(c)~~] (a) ~~←Ĥ~~ a flood;

693 ~~Ĥ→~~ [~~(d)~~] (b) ~~←Ĥ~~ a storm;

694 ~~Ĥ→~~ [~~(e)~~] (c) ~~←Ĥ~~ a tornado;

695 ~~Ĥ→~~ [~~(f)~~] (d) ~~←Ĥ~~ winds;

696 ~~Ĥ→~~ [~~(g)~~] (e) ~~←Ĥ~~ an earthquake;

697 ~~Ĥ→~~ [~~(h)~~] (f) ~~←Ĥ~~ lightning; or

698 ~~Ĥ→~~ [~~(i)~~] (g) ~~←Ĥ~~ any other adverse weather event.

699 [~~(11)~~] (14) "Not for human occupancy" means use of a structure for purposes other
700 than protection or comfort of human beings, but allows people to enter the structure for:

701 (a) maintenance and repair; and

702 (b) the care of livestock, crops, or equipment intended for agricultural use which are
703 kept there.

704 [~~(12)~~] (15) "Opinion" means a written, nonbinding, and advisory statement issued by
705 the commission concerning an interpretation of the meaning of the codes or the application of
706 the codes in a specific circumstance issued in response to a specific request by a party to the
707 issue.

- 708 (16) "Remote yurt" means a membrane-covered frame structure that:
- 709 (a) is no larger than 710 square feet;
- 710 (b) is not used as a permanent residence;
- 711 (c) is located in an unincorporated county area that is not zoned for residential,
- 712 commercial, industrial, or agricultural use;
- 713 (d) does not have plumbing or electricity;
- 714 (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and
- 715 (f) is registered with the local health department.

716 ~~[(13)]~~ (17) "State regulator" means an agency of the state which is empowered to
717 engage in the regulation of construction, alteration, remodeling, building, repair, and other
718 activities subject to the codes adopted pursuant to this chapter.

719 Section 7. Section **15A-1-204** is amended to read:

720 **15A-1-204. Adoption of State Construction Code -- Amendments by commission**
721 **-- Approved codes -- Exemptions.**

722 (1) (a) The State Construction Code is the construction codes adopted with any
723 modifications in accordance with this section that the state and each political subdivision of the
724 state shall follow.

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

- 727 (i) new construction is involved; and
- 728 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

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

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

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

- 735 (i) a new State Construction Code is adopted; or
- 736 (ii) one or more provisions of the State Construction Code are amended or repealed in
737 accordance with this section.

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

739 (i) to the entire state; or

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

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

743 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
744 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the
745 legislation.

746 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is
747 the State Construction Code until, in accordance with this section, the Legislature adopts a new
748 State Construction Code by:

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

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

751 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
752 recognized construction code, the commission shall prepare a report described in Subsection
753 (4).

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

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

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

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

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

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

769 (b) After the Business and Labor Interim Committee receives the report described in

770 Subsection (4)(a), the Business and Labor Interim Committee shall:

771 (i) study the recommendations; and

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

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

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

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

784 (i) on its own initiative;

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

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

788 (A) a local regulator;

789 (B) a state regulator;

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

791 (D) the Construction Services Commission;

792 (E) the Electrician Licensing Board;

793 (F) the Plumbers Licensing Board; or

794 (G) a recognized construction-related association.

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

798 (6) (a) Notwithstanding the provisions of this section, the commission may, in
799 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State
800 Construction Code if the commission determines that waiting for legislative action in the next

801 general legislative session would:

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

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

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

805 Subsection (6), the commission shall file with the division:

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

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

809 (c) If the State Construction Code is amended under this Subsection (6), the division
810 shall:

811 (i) publish the amendment to the State Construction Code in accordance with Section
812 [15A-1-205](#); and

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

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

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

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

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

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

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

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

832 (9) A state executive branch entity or political subdivision of the state may:
833 (a) enforce a federal law or regulation;
834 (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or
835 requirement applies only to a facility or construction owned or used by a state entity or a
836 political subdivision of the state; or
837 (c) enforce a rule, ordinance, or requirement:
838 (i) that the state executive branch entity or political subdivision adopted or made
839 effective before July 1, 2015; and
840 (ii) for which the state executive branch entity or political subdivision can demonstrate,
841 with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an
842 individual from a condition likely to cause imminent injury or death.
843 (10) The Department of Health or the Department of Environmental Quality may
844 enforce a rule or requirement adopted before January 1, 2015.
845 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in
846 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
847 than 1,500 square feet and used solely for the type of sales described in Subsection
848 [59-12-104\(20\)](#), is exempt from the requirements of the State Construction Code.
849 (b) (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing,
850 electrical, and mechanical permit may be required when that work is included in a structure
851 described in Subsection (11)(a).
852 (ii) Unless located in whole or in part in an agricultural protection area created under
853 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
854 Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if
855 the structure is located on land that is:
856 (A) within the boundaries of a city or town, and less than five contiguous acres; or
857 (B) within a subdivision for which the county has approved a subdivision plat under
858 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.
859 ~~[(12)(a) As used in this Subsection (12):]~~
860 ~~[(i) "Membrane-covered frame structure" means a nonpressurized building wherein the~~
861 ~~structure is composed of a rigid framework to support a tensioned membrane that provides the~~
862 ~~weather barrier.]~~

863 ~~[(ii) "Remote yurt" means a membrane-covered frame structure that:]~~
864 ~~[(A) is no larger than 710 square feet;]~~
865 ~~[(B) is not used as a permanent residence;]~~
866 ~~[(C) is located in an unincorporated county area that is not zoned for residential,~~
867 ~~commercial, industrial, or agricultural use;]~~
868 ~~[(D) does not have plumbing or electricity;]~~
869 ~~[(E) is set back at least 300 feet from any river, stream, lake, or other body of water;~~
870 ~~and]~~
871 ~~[(F) registers with the local health department.]~~

872 ~~[(b)]~~ (12) (a) A remote yurt is exempt from the State Construction Code including the
873 permit requirements of the State Construction Code.

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

877 (i) the State Construction Code;
878 (ii) notwithstanding Section [15A-5-104](#), the State Fire Code; and
879 (iii) notwithstanding Section [19-5-125](#), Title 19, Chapter 5, Water Quality Act, rules
880 made under that chapter, and local health department's jurisdiction over onsite wastewater
881 disposal.

882 (13) (a) Subsection (1)(b) does not apply to a person repairing damage to an existing
883 structure caused by a natural disaster, if the sole purpose of the repairs is to restore the structure
884 to the same or substantially the same condition as before the natural disaster.

885 (b) Subject to Subsection (13)(c), the permit requirements of the State Construction
886 Code do not apply to a construction project involving repairs to an existing structure described
887 in Subsection (13)(a).

888 (c) Upon the completion of a construction project involving repairs to an existing
889 structure described in Subsection (13)(a), the owner of the structure shall ensure that the
890 structure, to determine compliance with Subsection (13)(a), is inspected by:

891 (i) the local regulator within the political subdivision in which the construction project
892 takes place; or
893 (ii) a licensed building inspector, as defined in Section [10-6-160](#), in accordance with:

894 (A) Subsection 10-5-132(6), if the local regulator described in Subsection (13)(c)(i) is
895 a town;

896 (B) Subsection 10-6-160(6), if the local regulator described in Subsection (13)(c)(i) is a
897 city; or

898 (C) Subsection 17-36-55(6), if the local regulator described in Subsection (13)(c)(i) is a
899 county.

900 Section 8. Section 15A-3-102 is amended to read:

901 **15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

902 (1) IBC, Section 106, is deleted.

903 (2) In IBC, Section 110, a new section is added as follows: " 110.3.5.1,
904 Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant
905 exterior wall envelope as required by Section 1404.2, and flashing as required by Section
906 1404.4 to prevent water from entering the weather-resistive barrier."

907 (3) In IBC, Section 111.2, a new exception is added as follows: "Exception: A licensed
908 building inspector who conducts an inspection on behalf of the owner or the owner's authorized
909 agent in accordance with Utah Code, Section 10-5-132, 10-6-160, or 17-36-55 may issue a
910 certificate of occupancy."

911 [~~(3)~~] (4) IBC, Section 115.1, is deleted and replaced with the following: "115.1
912 Authority. Whenever the building official finds any work regulated by this code being
913 performed in a manner either contrary to the provisions of this code or other pertinent laws or
914 ordinances or is dangerous or unsafe, the building official is authorized to stop work."

915 [~~(4)~~] (5) In IBC, Section 202, the following definition is added for Ambulatory
916 Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building
917 licensed by the Utah Department of Health where procedures are performed that may render
918 patients incapable of self preservation where care is less than 24 hours. See Utah
919 Administrative Code R432-13."

920 [~~(5)~~] (6) In IBC, Section 202, the following definition is added for Assisted Living
921 Facility: "ASSISTED LIVING FACILITY. See Residential Treatment/Support Assisted Living
922 Facility, Type I Assisted Living Facility, and Type II Assisted Living Facility."

923 [~~(6)~~] (7) In IBC, Section 202, the definition for Foster Care Facilities is modified by
924 deleting the word "Foster" and replacing it with the word "Child."

925 (8) In IBC, Section 202, the following definition is added for Licensed Building
 926 Inspector: "LICENSED BUILDING INSPECTOR. An individual who is licensed by the Utah
 927 Division of Occupational and Professional Licensing under Utah Code, Title 58, Chapter 56,
 928 Building Inspector and Factory Built Housing Licensing Act, and is covered by liability
 929 insurance when providing private services as a licensed building inspector."

930 ~~[(7)]~~ (9) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by
 931 deleting the words "a fire alarm system" and replacing them with "any fire protection system."

932 ~~[(8)]~~ (10) In IBC, Section 202, the following definition is added for Residential
 933 Treatment/Support Assisted Living Facility: "RESIDENTIAL TREATMENT/SUPPORT
 934 ASSISTED LIVING FACILITY. A residential facility that provides a group living
 935 environment for four or more residents licensed by the Department of Human Services, and
 936 provides a protected living arrangement for ambulatory, non-restrained persons who are
 937 capable of achieving mobility sufficient to exit the facility without the physical assistance of
 938 another person."

939 ~~[(9)]~~ (11) In IBC, Section 202, the following definition is added for Type I Assisted
 940 Living Facility: "TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the
 941 Department of Health that provides a protected living arrangement, assistance with activities of
 942 daily living and social care to two or more ambulatory, non-restrained persons who are capable
 943 of mobility sufficient to exit the facility without the assistance of another person. Subcategories
 944 are:

945 Limited Capacity: two to five residents;
 946 Small: six to sixteen residents; and
 947 Large: over sixteen residents."

948 ~~[(10)]~~ (12) In IBC, Section 202, the following definition is added for Type II Assisted
 949 Living Facility: "TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by
 950 the Department of Health that provides an array of coordinated supportive personal and health
 951 care services to two or more residents who are:

952 A. Physically disabled but able to direct his or her own care; or
 953 B. Cognitively impaired or physically disabled but able to evacuate from the facility, or
 954 to a zone or area of safety, with the physical assistance of one person. Subcategories are:

955 Limited Capacity: two to five residents;

956 Small: six to sixteen residents; and

957 Large: over sixteen residents."

958 ~~[(11)]~~ (13) In IBC, Section 305.2, the following changes are made:

959 (a) delete the words "more than five children older than 2 1/2 years of age" and replace
960 with the words "five or more children 2 years of age or older";

961 (b) after the word "supervision" insert the words "child care services"; and

962 (c) add the following sentence at the end of the paragraph: "See Section 429, Day Care,
963 for special requirements for day care."

964 ~~[(12)]~~ (14) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced
965 with the word "four" in all places.

966 ~~[(13)]~~ (15) A new IBC Section 305.2.4 is added as follows: "305.2.4 Child day care --

967 residential child care certificate or a license. Areas used for child day care purposes with a

968 residential child care certificate, as described in Utah Administrative Code, R430-50,

969 Residential Certificate Child Care, or a residential child care license, as described in Utah

970 Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or

971 R-3 occupancy as provided in Sections 310.3 and 310.4 comply with the International

972 Residential Code in accordance with Section R101.2."

973 ~~[(14)]~~ (16) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child care

974 centers. Each of the following areas may be classified as accessory occupancies, if the area

975 complies with Section 508.2:

976 1. Hourly child care centers, as described in Utah Administrative Code, R381-60,

977 Hourly Child Care Centers;

978 2. Child care centers, as described in Utah Administrative Code, R381-100, Child Care

979 Centers; and

980 3. Out-of-school-time programs, as described in Utah Administrative Code, R381-70,

981 Out of School Time Child Care Programs."

982 ~~[(15)]~~ (17) In IBC, Table 307.1(1), footnote "d" is added to the row for Explosives,

983 Division 1.4G in the column titled STORAGE - Solid Pounds (cubic feet).

984 ~~[(16)]~~ (18) In IBC, Section 308.2, in the list of items under "This group shall include,"

985 the words "Type-I Large and Type-II Small, see Section 308.2.5" are added after "Assisted

986 living facilities."

987 [~~(17)~~] (19) In IBC, Section 308.2.4, all of the words after the first International
988 Residential Code are deleted.

989 [~~(18)~~] (20) A new IBC, Section 308.2.5 is added as follows:

990 "308.2.5 Group I-1 assisted living facility occupancy groups. The following occupancy
991 groups shall apply to assisted living facilities:

992 Type I assisted living facilities with seventeen or more residents are Large Facilities
993 classified as an Institutional Group I-1, Condition 1 occupancy.

994 Type II assisted living facilities with six to sixteen residents are Small Facilities
995 classified as an Institutional Group I-1, Condition 2 occupancy. See Section 202 for
996 definitions."

997 [~~(19)~~] (21) In IBC, Section 308.3 Institutional Group I-2, the following changes are
998 made:

999 (a) The words "more than five" are deleted and replaced with "four or more";

1000 (b) The group "Assisted living facilities, Type-II Large" is added to the list of groups;

1001 (c) The words "Foster care facilities" are deleted and replaced with the words "Child
1002 care facilities"; and

1003 (d) The words "(both intermediate care facilities and skilled nursing facilities)" are
1004 added after "Nursing homes."

1005 [~~(20)~~] (22) In IBC, Section 308.3.2, the number "five" is deleted and replaced with the
1006 number "four" in each location.

1007 [~~(21)~~] (23) A new IBC, Section 308.3.3 is added as follows:

1008 "308.3.3 Group I-2 assisted living facilities. Type II assisted living facilities with
1009 seventeen or more residents are Large Facilities classified as an Institutional Group I-2,
1010 Condition 1 occupancy. See Section 202 for definitions."

1011 [~~(22)~~] (24) In IBC, Section 308.5, the words "more than five" are deleted and replaced
1012 with the words "five or more."

1013 [~~(23)~~] (25) In IBC, Section 308.5.1, the following changes are made:

1014 (a) The words "more than five" are deleted and replaced with the words "five or more."

1015 (b) The words "2-1/2 years or less of age" are deleted and replaced with "under the age
1016 of two."

1017 (c) The following sentence is added at the end: "See Section 429 for special

1018 requirements for Day Care."

1019 ~~[(24)]~~ (26) In IBC, Sections 308.5.3 and 308.5.4, the words "five or fewer" are deleted
1020 and replaced with the words "four or fewer" in both places and the following sentence is added
1021 at the end: "See Section 429 for special requirements for Day Care."

1022 ~~[(25)]~~ (27) In IBC, Section 310.4, the following changes are made:

1023 (a) The words "and single family dwellings complying with the IRC" are added after
1024 "Residential Group-3 occupancies."

1025 (b) The words "Assisted Living Facilities, limited capacity" are added to the list of
1026 occupancies.

1027 ~~[(26)]~~ (28) In IBC, Section 310.4.1, the following changes are made:

1028 (a) The words "other than Child Care" are inserted after the words "Care facilities" in
1029 the first sentence.

1030 (b) All of the words after the first "International Residential Code" are deleted.

1031 (c) The following sentence is added at the end of the last sentence: "See Section 429
1032 for special requirements for Child Day Care."

1033 ~~[(27)]~~ (29) A new IBC Section 310.4.3 is added as follows: " 310.4.3 Child Care.

1034 Areas used for child care purposes may be located in a residential dwelling unit under all of the
1035 following conditions and Section 429:

1036 1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the
1037 authority of the Utah Fire Prevention Board.

1038 2. Use is approved by the Utah Department of Health, as enacted under the authority of the
1039 Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
1040 categories:

1041 a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

1042 b. Utah Administrative Code, R430-90, Licensed Family Child Care.

1043 3. Compliance with all zoning regulations of the local regulator."

1044 ~~[(28)]~~ (30) A new IBC, Section 310.4.4 is added as follows: "310.4.4 Assisted living
1045 facilities. Type I assisted living facilities with two to five residents are Limited Capacity
1046 facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the
1047 International Residential Code. See Section 202 for definitions."

1048 ~~[(29)]~~ (31) In IBC, Section 310.5, the words "Type II Limited Capacity and Type I

1049 Small, see Section 310.5.3" are added after the words "assisted living facilities."

1050 ~~[(30)]~~ (32) A new IBC, Section 310.5.3, is added as follows: "310.5.3 Group R-4
1051 Assisted living facility occupancy groups. The following occupancy groups shall apply to
1052 Assisted Living Facilities: Type II Assisted Living Facilities with two to five residents are
1053 Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy. Type
1054 I assisted living facilities with six to sixteen residents are Small Facilities classified as
1055 Residential Group R-4, Condition 1 occupancies. See Section 202 for definitions."

1056 Section 9. Section **15A-5-104** is amended to read:

1057 **15A-5-104. Exemptions from State Fire Code.**

1058 (1) As used in this section, "remote yurt" means the same as that term is defined in
1059 ~~[Subsection 15A-1-204(12)]~~ Section 15A-1-202.

1060 (2) A remote yurt is exempt from the State Fire Code unless otherwise provided by
1061 ordinance in accordance with Subsection ~~15A-1-204(12)~~~~(c)~~(b).

1062 (3) An owner of a remote yurt shall ensure that a fire extinguisher is in the remote yurt.

1063 Section 10. Section **17-27a-403** is amended to read:

1064 **17-27a-403. Plan preparation.**

1065 (1) (a) The planning commission shall provide notice, as provided in Section
1066 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1067 plan or a comprehensive general plan amendment when the planning commission initiates the
1068 process of preparing its recommendation.

1069 (b) The planning commission shall make and recommend to the legislative body a
1070 proposed general plan for:

1071 (i) the unincorporated area within the county; or

1072 (ii) if the planning commission is a planning commission for a mountainous planning
1073 district, the mountainous planning district.

1074 (c) (i) The plan may include planning for incorporated areas if, in the planning
1075 commission's judgment, they are related to the planning of the unincorporated territory or of
1076 the county as a whole.

1077 (ii) Elements of the county plan that address incorporated areas are not an official plan
1078 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1079 planning commission and adopted by the governing body of the municipality.

1080 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1081 planning district, the plan for the mountainous planning district controls and precedes a
1082 municipal plan, if any, to which the property would be subject.

1083 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1084 and descriptive and explanatory matter, shall include the planning commission's
1085 recommendations for the following plan elements:

1086 (i) a land use element that:

1087 (A) designates the long-term goals and the proposed extent, general distribution, and
1088 location of land for housing for residents of various income levels, business, industry,
1089 agriculture, recreation, education, public buildings and grounds, open space, and other
1090 categories of public and private uses of land as appropriate; and

1091 (B) may include a statement of the projections for and standards of population density
1092 and building intensity recommended for the various land use categories covered by the plan;

1093 (ii) a transportation and traffic circulation element that:

1094 (A) provides the general location and extent of existing and proposed freeways, arterial
1095 and collector streets, public transit, active transportation facilities, and other modes of
1096 transportation that the planning commission considers appropriate;

1097 (B) addresses the county's plan for residential and commercial development around
1098 major transit investment corridors to maintain and improve the connections between housing,
1099 employment, education, recreation, and commerce; and

1100 (C) correlates with the population projections, the employment projections, and the
1101 proposed land use element of the general plan;

1102 (iii) a plan for the development of additional moderate income housing within the
1103 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1104 realistic opportunity to meet the need for additional moderate income housing; and

1105 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1106 and policies required by Subsection [17-27a-401\(3\)](#).

1107 (b) In drafting the moderate income housing element, the planning commission:

1108 (i) shall consider the Legislature's determination that counties should facilitate a
1109 reasonable opportunity for a variety of housing, including moderate income housing:

1110 (A) to meet the needs of people of various income levels living, working, or desiring to

1111 live or work in the community; and

1112 (B) to allow people with various incomes to benefit from and fully participate in all
1113 aspects of neighborhood and community life; and

1114 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1115 the development of moderate income housing within the planning horizon, which may include
1116 a recommendation to implement three or more of the following strategies:

1117 (A) rezone for densities necessary to assure the production of moderate income
1118 housing;

1119 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1120 construction of moderate income housing;

1121 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
1122 income housing;

1123 (D) consider county general fund subsidies or other sources of revenue to waive
1124 construction related fees that are otherwise generally imposed by the county;

1125 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1126 residential zones;

1127 (F) allow for higher density or moderate income residential development in
1128 commercial and mixed-use zones, commercial centers, or employment centers;

1129 (G) encourage higher density or moderate income residential development near major
1130 transit investment corridors;

1131 (H) eliminate or reduce parking requirements for residential development where a
1132 resident is less likely to rely on the resident's own vehicle, such as residential development near
1133 major transit investment corridors or senior living facilities;

1134 (I) allow for single room occupancy developments;

1135 (J) implement zoning incentives for low to moderate income units in new
1136 developments;

1137 (K) utilize strategies that preserve subsidized low to moderate income units on a
1138 long-term basis;

1139 (L) preserve existing moderate income housing;

1140 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
1141 income housing;

- 1142 (N) participate in a community land trust program for low or moderate income
1143 housing;
- 1144 (O) implement a mortgage assistance program for employees of the county or of an
1145 employer that provides contracted services for the county;
- 1146 (P) apply for or partner with an entity that applies for state or federal funds or tax
1147 incentives to promote the construction of moderate income housing;
- 1148 (Q) apply for or partner with an entity that applies for programs offered by the Utah
1149 Housing Corporation within that agency's funding capacity;
- 1150 (R) apply for or partner with an entity that applies for affordable housing programs
1151 administered by the Department of Workforce Services;
- 1152 (S) apply for or partner with an entity that applies for services provided by a public
1153 housing authority to preserve and create moderate income housing;
- 1154 (T) apply for or partner with an entity that applies for programs administered by a
1155 metropolitan planning organization or other transportation agency that provides technical
1156 planning assistance;
- 1157 (U) utilize a moderate income housing set aside from a community reinvestment
1158 agency, redevelopment agency, or community development and renewal agency; and
- 1159 ~~[(V) reduce residential building design elements as defined in Section 10-9a-403; and]~~
- 1160 ~~[(W)]~~ (V) consider any other program or strategy implemented by the county to address
1161 the housing needs of residents of the county who earn less than 80% of the area median
1162 income.
- 1163 (c) In drafting the land use element, the planning commission shall:
- 1164 (i) identify and consider each agriculture protection area within the unincorporated area
1165 of the county or mountainous planning district; and
- 1166 (ii) avoid proposing a use of land within an agriculture protection area that is
1167 inconsistent with or detrimental to the use of the land for agriculture.
- 1168 (d) In drafting the transportation and traffic circulation element, the planning
1169 commission shall:
- 1170 (i) consider the regional transportation plan developed by its region's metropolitan
1171 planning organization, if the relevant areas of the county are within the boundaries of a
1172 metropolitan planning organization; or

1173 (ii) consider the long-range transportation plan developed by the Department of
1174 Transportation, if the relevant areas of the county are not within the boundaries of a
1175 metropolitan planning organization.

1176 (3) The proposed general plan may include:

1177 (a) an environmental element that addresses:

1178 (i) to the extent not covered by the county's resource management plan, the protection,
1179 conservation, development, and use of natural resources, including the quality of air, forests,
1180 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1181 and

1182 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1183 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1184 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1185 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1186 (b) a public services and facilities element showing general plans for sewage, water,
1187 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1188 police and fire protection, and other public services;

1189 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1190 programs for:

1191 (i) historic preservation;

1192 (ii) the diminution or elimination of a development impediment as defined in Section
1193 [17C-1-102](#); and

1194 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1195 public building sites;

1196 (d) an economic element composed of appropriate studies and forecasts, as well as an
1197 economic development plan, which may include review of existing and projected county
1198 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1199 primary and secondary market areas, employment, and retail sales activity;

1200 (e) recommendations for implementing all or any portion of the general plan, including
1201 the use of land use ordinances, capital improvement plans, community development and
1202 promotion, and any other appropriate action;

1203 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or

1204 (3)(a)(i); and

1205 (g) any other element the county considers appropriate.

1206 Section 11. Section **17-27a-527** is enacted to read:

1207 **17-27a-527. Regulation of building design elements prohibited -- Exceptions.**

1208 (1) As used in this section, "building design element" means:

1209 (a) exterior color;

1210 (b) type or style of exterior cladding material;

1211 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

1212 (d) exterior nonstructural architectural ornamentation;

1213 (e) location, design, placement, or architectural styling of a window or door;

1214 (f) location, design, placement, or architectural styling of a garage door, not including a
1215 rear-loading garage door;

1216 (g) number or type of rooms;

1217 (h) interior layout of a room;

1218 (i) minimum square footage over 1,000 square feet, not including a garage;

1219 (j) rear yard landscaping requirements;

1220 (k) minimum building dimensions; or

1221 (l) ~~Ĥ→~~ **a requirement to install** ~~←Ĥ~~ front yard fencing ~~Ĥ→~~ **[requirements]** ~~←Ĥ~~ .

1222 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
1223 building design element on a one to two family dwelling or townhome.

1224 (3) Subsection (2) does not apply to:

1225 (a) a dwelling located within an area designated as a historic district in:

1226 (i) the National Register of Historic Places;

1227 (ii) the state register as defined in Section [9-8-402](#); or

1228 (iii) a local historic district or area, or a site designated as a local landmark, created by
1229 ordinance before January 1, 2021;

1230 (b) an ordinance enacted as a condition for participation in the National Flood
1231 Insurance Program administered by the Federal Emergency Management Agency;

1232 (c) an ordinance enacted to implement the requirements of the Utah ~~Ĥ→~~ **Wildland** ~~←Ĥ~~
1232a Urban Interface

1233 Code adopted under Section [15A-2-103](#);

1234 (d) building design elements agreed to under a development agreement;

- 1235 (e) a dwelling located within an area that:
- 1236 (i) is zoned primarily for residential use; and
- 1237 (ii) was substantially developed before calendar year 1940;
- 1238 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 1239 (g) an ordinance enacted to regulate type of cladding, in response to findings or
- 1240 evidence from the construction industry of:
- 1241 (i) defects in the material of existing cladding; or
- 1242 (ii) consistent defects in the installation of existing cladding; or
- 1243 (h) a land use regulation, including a planned unit development or overlay zone, that a
- 1244 property owner requests:
- 1245 (i) the county to apply to the owner's property; and
- 1246 (ii) in exchange for an increase in density or other benefit not otherwise available as a
- 1247 permitted use in the zoning area or district.

1248 Section 12. Section **17-36-55** is amended to read:

1249 **17-36-55. Fees collected for construction approval -- Approval of plans.**

1250 (1) As used in this section:

1251 (a) "Business day" means the same as that term is defined in Section [54-8c-1](#).

1252 ~~[(a)]~~ (b) "Construction project" means the same as that term is defined in Section
1253 [38-1a-102](#).

1254 (c) "Licensed building inspector" means an individual who is:

- 1255 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,
- 1256 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and
- 1257 (ii) covered by liability insurance when providing private services as a licensed
- 1258 building inspector.

1259 ~~[(b)]~~ (d) "Lodging establishment" means a place providing temporary sleeping
1260 accommodations to the public, including any of the following:

- 1261 (i) a bed and breakfast establishment;
- 1262 (ii) a boarding house;
- 1263 (iii) a dormitory;
- 1264 (iv) a hotel;
- 1265 (v) an inn;

1266 (vi) a lodging house;

1267 (vii) a motel;

1268 (viii) a resort; or

1269 (ix) a rooming house.

1270 [~~(e)~~] (e) "Planning review" means a review to verify that a county has approved the
1271 following elements of a construction project:

1272 (i) zoning;

1273 (ii) lot sizes;

1274 (iii) setbacks;

1275 (iv) easements;

1276 (v) curb and gutter elevations;

1277 (vi) grades and slopes;

1278 (vii) utilities;

1279 (viii) street names;

1280 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
1281 Interface Code adopted under Section 15A-2-103; and

1282 (x) subdivision.

1283 [~~(f)~~] (f) (i) "Plan review" means all of the reviews and approvals of a plan that a county
1284 requires to obtain a building permit from the county with a scope that may not exceed a review
1285 to verify:

1286 (A) that the construction project complies with the provisions of the State Construction
1287 Code under Title 15A, State Construction and Fire Codes Act;

1288 (B) that the construction project complies with the energy code adopted under Section
1289 15A-2-103;

1290 (C) that the construction project received a planning review;

1291 (D) that the applicant paid any required fees;

1292 (E) that the applicant obtained final approvals from any other required reviewing
1293 agencies;

1294 (F) that the construction project complies with federal, state, and local storm water
1295 protection laws;

1296 (G) that the construction project received a structural review;

1297 (H) the total square footage for each building level of finished, garage, and unfinished
1298 space; and

1299 (I) that the plans include a printed statement indicating that the actual construction will
1300 comply with applicable local ordinances and the state construction codes.

1301 (ii) "Plan review" does not mean a review of a document:

1302 (A) required to be re-submitted for a construction project other than a construction
1303 project for a one to two family dwelling or townhome if additional modifications or substantive
1304 changes are identified by the plan review;

1305 (B) submitted as part of a deferred submittal when requested by the applicant and
1306 approved by the building official; or

1307 (C) that, due to the document's technical nature or on the request of the applicant, is
1308 reviewed by a third party.

1309 [~~(e)~~] (g) "State Construction Code" means the same as that term is defined in Section
1310 15A-1-102.

1311 [~~(f)~~] (h) "State Fire Code" means the same as that term is defined in Section
1312 15A-1-102.

1313 [~~(g)~~] (i) "Structural review" means:

1314 (i) a review that verifies that a construction project complies with the following:

1315 (A) footing size and bar placement;

1316 (B) foundation thickness and bar placement;

1317 (C) beam and header sizes;

1318 (D) nailing patterns;

1319 (E) bearing points;

1320 (F) structural member size and span; and

1321 (G) sheathing; or

1322 (ii) if the review exceeds the scope of the review described in Subsection (1)[~~(g)~~](i)(i),
1323 a review that a licensed engineer conducts.

1324 [~~(h)~~] (j) "Technical nature" means a characteristic that places an item outside the
1325 training and expertise of an individual who regularly performs plan reviews.

1326 (2) (a) If a county collects a fee for the inspection of a construction project, the county
1327 shall ensure that the construction project receives a prompt inspection.

1328 (b) If a county cannot provide a building inspection within three business days after the
1329 day on which the county receives the request for the inspection[~~;~~];

1330 (i) the county [~~shall~~] may promptly engage an independent inspector with fees
1331 collected from the applicant[~~;~~]; or

1332 (ii) the applicant may engage an independent third-party licensed building inspector to
1333 complete each required inspection on the applicant's behalf in accordance with Subsection
1334 (2)(d), if the construction project is for a one to two family dwelling or townhome.

1335 (c) If an inspector identifies one or more violations of the State Construction Code or
1336 State Fire Code during an inspection, the inspector shall give the permit holder written
1337 notification that:

1338 (i) identifies each violation;

1339 (ii) upon request by the permit holder, includes a reference to each applicable provision
1340 of the State Construction Code or State Fire Code; and

1341 (iii) is delivered:

1342 (A) in hardcopy or by electronic means; and

1343 (B) the day on which the inspection occurs.

1344 (d) (i) An applicant who engages an independent licensed building inspector to
1345 complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall
1346 promptly notify the county in writing of the name and address of the licensed building
1347 inspector at the time the applicant engages the licensed building inspector.

1348 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:

1349 (A) complete each required inspection of the construction project on the applicant's
1350 behalf;

1351 (B) provide written notification to the county after completing the final required
1352 inspection; and

1353 (C) issue the applicant a certificate of occupancy for the construction project.

1354 (3) (a) A county shall complete a plan review of a construction project for a one to two
1355 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
1356 ~~is submitted~~] applicant submits a complete building permit application to the county.

1357 (b) A county shall complete a plan review of a construction project for a residential
1358 structure built under the International Building Code, not including a lodging establishment, by

1359 no later than 21 business days after the day on which the ~~[plan is submitted]~~ applicant submits
 1360 a complete building permit application to the county.

1361 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
 1362 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
 1363 that the county complete the plan review.

1364 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
 1365 the plan review no later than:

1366 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
 1367 applicant makes the request; or

1368 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
 1369 applicant makes the request.

1370 (d) An applicant may:

1371 (i) waive the plan review time requirements described in this Subsection (3); or

1372 (ii) with the county's consent, establish an alternative plan review time requirement.

1373 (4) ~~[(a)]~~ A county may not enforce a requirement to have a plan review if:

1374 ~~[(i)]~~ (a) the county does not complete the plan review within the time period described
 1375 in Subsection (3)(a) or (b); ~~[and]~~

1376 (b) the applicant makes a request under Subsection (3)(c)(i);

1377 (c) the county does not complete the plan review within the time period described in
 1378 Subsection (3)(c)(ii); and

1379 ~~[(i)]~~ (d) a licensed architect or structural engineer, or both when required by law,
 1380 stamps the plan.

1381 ~~[(b)]~~ (5) (a) A county may attach to a reviewed plan a list that includes:

1382 (i) items with which the county is concerned and may enforce during construction; and

1383 (ii) building code violations found in the plan.

1384 ~~[(c)]~~ (b) A county may not require an applicant to redraft a plan if the county requests
 1385 minor changes to the plan that the list described in Subsection ~~[(4)(b)]~~ (5)(a) identifies.

1386 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan~~
 1387 ~~review under this section has a statement indicating that actual construction will comply with~~
 1388 ~~applicable local ordinances and building codes.]~~

1389 (c) A county may require a single resubmittal of plans for a one or two family dwelling

1390 or townhome if the resubmission is required to address deficiencies identified by a third party
1391 review of a geotechnical report or geological report.

1392 (6) If a county charges a fee for a building permit, the county may not refuse payment
1393 of the fee at the time the applicant submits a building permit application under Subsection (3).

1394 (7) A county may not limit the number of building permit applications submitted under
1395 Subsection (3).

1396 (8) For purposes of Subsection (3), a building permit application is complete if the
1397 application contains:

1398 (a) the name, address, and contact information of:

1399 (i) the applicant; and

1400 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
1401 the construction project;

1402 (b) a site plan for the construction project that:

1403 (i) is drawn to scale;

1404 (ii) includes a north arrow and legend; and

1405 (iii) provides specifications for the following:

1406 (A) lot size and dimensions;

1407 (B) setbacks and overhangs for setbacks;

1408 (C) easements;

1409 (D) property lines;

1410 (E) topographical details, if the slope of the lot is greater than 10%;

1411 (F) retaining walls;

1412 (G) hard surface areas;

1413 (H) curb and gutter elevations as indicated in the subdivision documents;

1414 (I) utilities, including water meter and sewer lateral location;

1415 (J) street names;

1416 (K) driveway locations;

1417 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
1418 Interface Code adopted under Section [15A-2-103](#); and

1419 (M) the location of the nearest hydrant;

1420 (c) construction plans and drawings, including:

- 1421 (i) elevations, only if the construction project is new construction;
- 1422 (ii) floor plans for each level, including the location and size of doors and windows;
- 1423 (iii) foundation, structural, and framing detail; and
- 1424 (iv) electrical, mechanical, and plumbing design;
- 1425 (d) documentation of energy code compliance;
- 1426 (e) structural calculations, except for trusses;
- 1427 (f) a geotechnical report, including a slope stability evaluation and retaining wall
- 1428 design, if:

- 1429 (i) the slope of the lot is greater than 15%; and
- 1430 (ii) required by the county; and
- 1431 (g) a statement indicating that actual construction will comply with applicable local
- 1432 ordinances and building codes.

1433 Section 13. Section **38-1a-102** is amended to read:

1434 **38-1a-102. Definitions.**

1435 As used in this chapter:

1436 (1) "Alternate means" means a method of filing a legible and complete notice or other
1437 document with the registry other than electronically, as established by the division by rule.

1438 (2) "Anticipated improvement" means the improvement:

1439 (a) for which preconstruction service is performed; and

1440 (b) that is anticipated to follow the performing of preconstruction service.

1441 (3) "Applicable county recorder" means the office of the recorder of each county in
1442 which any part of the property on which a claimant claims or intends to claim a preconstruction
1443 or construction lien is located.

1444 (4) "Bona fide loan" means a loan to an owner or owner-builder by a lender in which
1445 the owner or owner-builder has no financial or beneficial interest greater than 5% of the voting
1446 shares or other ownership interest.

1447 (5) "Claimant" means a person entitled to claim a preconstruction or construction lien.

1448 (6) "Compensation" means the payment of money for a service rendered or an expense
1449 incurred, whether based on:

1450 (a) time and expense, lump sum, stipulated sum, percentage of cost, cost plus fixed or
1451 percentage fee, or commission; or

- 1452 (b) a combination of the bases listed in Subsection (6)(a).
1453 (7) "Construction lender" means a person who makes a construction loan.
1454 (8) "Construction lien" means a lien under this chapter for construction work.
1455 (9) "Construction loan" does not include a consumer loan secured by the equity in the
1456 consumer's home.
1457 (10) "Construction project" means an improvement that is constructed pursuant to an
1458 original contract.
1459 (11) "Construction work":
1460 (a) means labor, service, material, or equipment provided for the purpose and during
1461 the process of constructing, altering, or repairing an improvement; and
1462 (b) includes scheduling, estimating, staking, supervising, managing, materials testing,
1463 inspection, observation, and quality control or assurance involved in constructing, altering, or
1464 repairing an improvement.
1465 (12) "Contestable notice" means a notice of preconstruction service under Section
1466 [38-1a-401](#), a preliminary notice under Section [38-1a-501](#), or a notice of completion under
1467 Section [38-1a-506](#).
1468 (13) "Contesting person" means an owner, original contractor, subcontractor, or other
1469 interested person.
1470 (14) "Designated agent" means the third party the division contracts with as provided
1471 in Section [38-1a-202](#) to create and maintain the registry.
1472 (15) "Division" means the Division of Occupational and Professional Licensing created
1473 in Section [58-1-103](#).
1474 (16) "Entry number" means the reference number that:
1475 (a) the designated agent assigns to each notice or other document filed with the
1476 registry; and
1477 (b) is unique for each notice or other document.
1478 (17) "Final completion" means:
1479 (a) the date of issuance of a permanent certificate of occupancy by the local
1480 government entity having jurisdiction over the construction project or building inspector that
1481 has the authority to issue a certificate of occupancy for the construction project under Section
1482 [10-5-132](#), [10-6-160](#), or [17-36-55](#), if a permanent certificate of occupancy is required;

1483 (b) the date of the final inspection of the construction work by the local government
1484 entity having jurisdiction over the construction project or building inspector described in
1485 Subsection (17)(a), if an inspection is required under a state-adopted building code applicable
1486 to the construction work, but no certificate of occupancy is required;

1487 (c) unless the owner is holding payment to ensure completion of construction work, the
1488 date on which there remains no substantial work to be completed to finish the construction
1489 work under the original contract, if a certificate of occupancy is not required and a final
1490 inspection is not required under an applicable state-adopted building code; or

1491 (d) the last date on which substantial work was performed under the original contract,
1492 if, because the original contract is terminated before completion of the construction work
1493 defined by the original contract, the local government entity having jurisdiction over the
1494 construction project or building inspector described in Subsection (17)(a) does not issue a
1495 certificate of occupancy or perform a final inspection.

1496 (18) "Final lien waiver" means a form that complies with Subsection 38-1a-802(4)(c).

1497 (19) "First preliminary notice filing" means a preliminary notice that:

1498 (a) is the earliest preliminary notice filed on the construction project for which the
1499 preliminary notice is filed;

1500 (b) is filed on a construction project that, at the time the preliminary notice is filed, has
1501 not reached final completion; and

1502 (c) is not cancelled under Section 38-1a-307.

1503 (20) "Government project-identifying information" has the same meaning as defined in
1504 Section 38-1b-102.

1505 (21) "Improvement" means:

1506 (a) a building, infrastructure, utility, or other human-made structure or object
1507 constructed on or for and affixed to real property; or

1508 (b) a repair, modification, or alteration of a building, infrastructure, utility, or object
1509 referred to in Subsection (21)(a).

1510 (22) "Interested person" means a person that may be affected by a construction project.

1511 (23) "Notice of commencement" means a notice required under Section 38-1b-201 for
1512 a government project, as defined in Section 38-1b-102.

1513 (24) "Original contract":

1514 (a) means a contract between an owner and an original contractor for preconstruction
1515 service or construction work; and

1516 (b) does not include a contract between an owner-builder and another person.

1517 (25) "Original contractor" means a person, including an owner-builder, that contracts
1518 with an owner to provide preconstruction service or construction work.

1519 (26) "Owner" means the person that owns the project property.

1520 (27) "Owner-builder" means an owner, including an owner who is also an original
1521 contractor, who:

1522 (a) contracts with one or more other persons for preconstruction service or construction
1523 work for an improvement on the owner's real property; and

1524 (b) obtains a building permit for the improvement.

1525 (28) "Preconstruction lien" means a lien under this chapter for a preconstruction
1526 service.

1527 (29) "Preconstruction service":

1528 (a) means to plan or design, or to assist in the planning or design of, an improvement or
1529 a proposed improvement:

1530 (i) before construction of the improvement commences; and

1531 (ii) for compensation separate from any compensation paid or to be paid for
1532 construction work for the improvement; and

1533 (b) includes consulting, conducting a site investigation or assessment, programming,
1534 preconstruction cost or quantity estimating, preconstruction scheduling, performing a
1535 preconstruction construction feasibility review, procuring construction services, and preparing
1536 a study, report, rendering, model, boundary or topographic survey, plat, map, design, plan,
1537 drawing, specification, or contract document.

1538 (30) "Private project" means a construction project that is not a government project.

1539 (31) "Project property" means the real property on or for which preconstruction service
1540 or construction work is or will be provided.

1541 (32) "Registry" means the State Construction Registry under Part 2, State Construction
1542 Registry.

1543 (33) "Required notice" means:

1544 (a) a notice of preconstruction service under Section [38-1a-401](#);

- 1545 (b) a preliminary notice under Section 38-1a-501 or Section 38-1b-202;
- 1546 (c) a notice of commencement;
- 1547 (d) a notice of construction loan under Section 38-1a-601;
- 1548 (e) a notice under Section 38-1a-602 concerning a construction loan default;
- 1549 (f) a notice of intent to obtain final completion under Section 38-1a-506; or
- 1550 (g) a notice of completion under Section 38-1a-507.
- 1551 (34) "Subcontractor" means a person that contracts to provide preconstruction service
- 1552 or construction work to:
- 1553 (a) a person other than the owner; or
- 1554 (b) the owner, if the owner is an owner-builder.
- 1555 (35) "Substantial work" does not include repair work or warranty work.
- 1556 (36) "Supervisory subcontractor" means a person that:
- 1557 (a) is a subcontractor under contract to provide preconstruction service or construction
- 1558 work; and
- 1559 (b) contracts with one or more other subcontractors for the other subcontractor or
- 1560 subcontractors to provide preconstruction service or construction work that the person is under
- 1561 contract to provide.
- 1562 Section 14. Section 78B-2-225 is amended to read:
- 1563 **78B-2-225. Actions related to improvements in real property.**
- 1564 (1) As used in this section:
- 1565 (a) "Abandonment" means that there has been no design or construction activity on an
- 1566 improvement for a continuous period of at least one year.
- 1567 (b) "Action" means any claim for judicial, arbitral, or administrative relief for acts,
- 1568 errors, omissions, or breach of duty arising out of or related to the design, construction, or
- 1569 installation of an improvement, regardless of whether that action is based in tort, contract,
- 1570 warranty, strict liability, product liability, indemnity, contribution, or other source of law.
- 1571 (c) "Completion" means the date of substantial completion of an improvement to real
- 1572 property as established by the earliest of:
- 1573 (i) a [~~Certificate of Substantial Completion~~] certificate of substantial completion;
- 1574 (ii) a [~~Certificate of Occupancy~~] certificate of occupancy issued by a governing agency
- 1575 or building inspector that has the authority to issue the certificate of occupancy under Section

1576 [10-5-132](#), [10-6-160](#), or [17-36-55](#); or

1577 (iii) the date of first use or possession of the improvement.

1578 (d) "Improvement" means any building, structure, infrastructure, road, utility, or other
1579 similar man-made change, addition, modification, or alteration to real property.

1580 (e) "Person" means an individual, corporation, limited liability company, partnership,
1581 joint venture, association, proprietorship, or any other legal or governmental entity.

1582 (f) "Provider" means any person:

1583 (i) contributing to, providing, or performing:

1584 (A) studies, plans, specifications, drawings, designs, value engineering, cost or quantity
1585 estimates, surveys, staking, construction, installation, or labor to an improvement; or

1586 (B) the review, observation, administration, management, supervision, inspections, and
1587 tests of construction for or in relation to an improvement; or

1588 (ii) providing or contributing materials, products, or equipment that is incorporated
1589 into an improvement.

1590 (2) The Legislature finds that:

1591 (a) exposing a provider to suits and liability for acts, errors, omissions, or breach of
1592 duty after the possibility of injury or damage has become highly remote and unexpectedly
1593 creates costs and hardships to the provider and the citizens of the state;

1594 (b) these costs and hardships include liability insurance costs, records storage costs,
1595 undue and unlimited liability risks during the life of both a provider and an improvement, and
1596 difficulties in defending against claims many years after completion of an improvement;

1597 (c) these costs and hardships constitute clear social and economic evils;

1598 (d) the possibility of injury and damage becomes highly remote and unexpected seven
1599 years following completion or abandonment; and

1600 (e) except as provided in Subsection (7), it is in the best interests of the citizens of the
1601 state to impose the periods of limitation and repose provided in this chapter upon all causes of
1602 action by or against a provider arising out of or related to the design, construction, or
1603 installation of an improvement.

1604 (3) (a) Except as provided in Subsections (3)(b) and (c), an action by or against a
1605 provider based in contract or warranty shall be commenced within six years after the date of
1606 completion or abandonment of an improvement.

1607 (b) If a provider is required by an express term of a contract or warranty to perform an
1608 obligation later than the six-year period described in Subsection (3)(a), and the provider fails to
1609 perform the obligation as required, an action for that breach of the contract or warranty shall be
1610 commenced within two years after the day on which the breach is discovered or should have
1611 been discovered.

1612 (c) If a contract or warranty expressly establishes a different period of limitations than
1613 this section, the action shall be commenced within that limitations period.

1614 (4) (a) All other actions by or against a provider shall be commenced within two years
1615 from the earlier of the date of discovery of a cause of action or the date upon which a cause of
1616 action should have been discovered through reasonable diligence.

1617 (b) If the cause of action is discovered or discoverable before completion or
1618 abandonment of an improvement, the two-year period begins to run upon completion or
1619 abandonment.

1620 (c) Notwithstanding Subsection (4)(a), and except as provided in Subsection (4)(d), an
1621 action under this Subsection (4) may not be commenced against a provider more than nine
1622 years after completion or abandonment of an improvement.

1623 (d) If an action under Subsection (4)(a) is discovered or discoverable in the eighth or
1624 ninth year of the nine-year period, a claimant shall have two years from the date of discovery to
1625 commence an action.

1626 (5) Subsection (4) does not apply to an action against a provider:

1627 (a) who has fraudulently concealed the provider's act, error, omission, or breach of
1628 duty, or the injury, damage, or other loss caused by the provider's act, error, omission, or breach
1629 of duty; or

1630 (b) for a willful or intentional act, error, omission, or breach of duty.

1631 (6) If an individual otherwise entitled to bring an action did not commence the action
1632 within the periods prescribed by Subsections (3) and (4) solely because that individual was a
1633 minor or mentally incompetent and without a legal guardian, that individual shall have two
1634 years from the date the disability is removed to commence the action.

1635 (7) This section shall not apply to an action for the death of or bodily injury to an
1636 individual while engaged in the design, installation, or construction of an improvement.

1637 (8) This section does not apply to any action against any person in actual possession or

1638 control of the improvement as owner, tenant, or otherwise, at the time any defective or unsafe
1639 condition of the improvement proximately causes the injury for which the action is brought.

1640 (9) This section does not extend the period of limitation or repose otherwise prescribed
1641 by law or a valid and enforceable contract.

1642 (10) This section does not create or modify any claim or cause of action.

1643 (11) This section applies to all causes of action that accrue after May 3, 2003,
1644 notwithstanding that the improvement was completed or abandoned before May 3, 2004.