

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 opt out of certain local building inspection and plan review requirements;

▶ allows an independent building inspector to issue a certificate of occupancy to a building permit applicant in certain circumstances;

▶ 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:

None

Utah Code Sections Affected:

AMENDS:



- 28 [10-5-132](#), as last amended by Laws of Utah 2020, Chapters 354 and 441
- 29 [10-6-160](#), as last amended by Laws of Utah 2020, Chapter 441
- 30 [10-9a-403](#), as last amended by Laws of Utah 2020, Chapter 136
- 31 [15A-1-104](#), as enacted by Laws of Utah 2014, Chapter 197
- 32 [15A-1-202](#), as last amended by Laws of Utah 2020, Chapter 441
- 33 [15A-1-204](#), as last amended by Laws of Utah 2020, Chapters 111 and 441
- 34 [15A-3-102](#), as last amended by Laws of Utah 2019, Chapter 20
- 35 [15A-5-104](#), as enacted by Laws of Utah 2020, Chapter 111
- 36 [17-27a-403](#), as last amended by Laws of Utah 2020, Chapter 136
- 37 [17-36-55](#), as last amended by Laws of Utah 2020, Chapter 441
- 38 [38-1a-102](#), as last amended by Laws of Utah 2019, Chapter 250
- 39 [78B-2-225](#), as last amended by Laws of Utah 2020, Chapter 97

40 ENACTS:

- 41 [10-9a-530](#), Utah Code Annotated 1953
- 42 [17-27a-527](#), Utah Code Annotated 1953



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

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

46 **10-5-132. Fees collected for construction approval -- Approval of plans.**

47 (1) As used in this section:

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

49 (b) "Licensed building inspector" means an individual who is licensed by the Division
50 of Occupational and Professional Licensing under Title 58, Chapter 56, Building Inspector and
51 Factory Built Housing Licensing Act.

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

- 54 (i) a bed and breakfast establishment;
- 55 (ii) a boarding house;
- 56 (iii) a dormitory;
- 57 (iv) a hotel;
- 58 (v) an inn;

- 59 (vi) a lodging house;
- 60 (vii) a motel;
- 61 (viii) a resort; or
- 62 (ix) a rooming house.
- 63 ~~[(c)]~~ (d) "Planning review" means a review to verify that a town has approved the
- 64 following elements of a construction project:
 - 65 (i) zoning;
 - 66 (ii) lot sizes;
 - 67 (iii) setbacks;
 - 68 (iv) easements;
 - 69 (v) curb and gutter elevations;
 - 70 (vi) grades and slopes;
 - 71 (vii) utilities;
 - 72 (viii) street names;
 - 73 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
 - 74 Interface Code adopted under Section 15A-2-103; and
 - 75 (x) subdivision.
- 76 ~~[(d)]~~ (e) (i) "Plan review" means all of the reviews and approvals of a plan that a town
- 77 requires to obtain a building permit from the town with a scope that may not exceed a review to
- 78 verify:
 - 79 (A) that the construction project complies with the provisions of the State Construction
 - 80 Code under Title 15A, State Construction and Fire Codes Act;
 - 81 (B) that the construction project complies with the energy code adopted under Section
 - 82 15A-2-103;
 - 83 (C) that the construction project received a planning review;
 - 84 (D) that the applicant paid any required fees;
 - 85 (E) that the applicant obtained final approvals from any other required reviewing
 - 86 agencies;
 - 87 (F) that the construction project complies with federal, state, and local storm water
 - 88 protection laws;
 - 89 (G) that the construction project received a structural review;

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

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

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

95 (A) required to be re-submitted for additional modifications or substantive changes
96 identified by the plan review;

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

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

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

103 [~~(f)~~] (g) "State Fire Code" means the same as that term is defined in Section
104 15A-1-102.

105 [~~(g)~~] (h) "Structural review" means:

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

107 (A) footing size and bar placement;

108 (B) foundation thickness and bar placement;

109 (C) beam and header sizes;

110 (D) nailing patterns;

111 (E) bearing points;

112 (F) structural member size and span; and

113 (G) sheathing; or

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

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

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

120 (b) If a town cannot provide a building inspection within three business days after the

121 day on which the town receives the request for the inspection, the town shall promptly engage
122 an independent inspector with fees collected from the applicant.

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

126 (i) identifies each violation;

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

129 (iii) is delivered:

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

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

132 (3) (a) A town shall complete a plan review of a construction project for a one to two
133 family dwelling or townhome by no later than 14 business days after the day on which the plan
134 is submitted to the town.

135 (b) A town shall complete a plan review of a construction project for a residential
136 structure built under the International Building Code, not including a lodging establishment, by
137 no later than 21 business days after the day on which the plan is submitted to the town.

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

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

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

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

147 (d) An applicant may:

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

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

150 (4) (a) A town may not enforce a requirement to have a plan review if:

151 (i) (A) the town does not complete the plan review within the time period described in

152 Subsection (3)(a) or (b); and

153 ~~[(ii)]~~ (B) a licensed architect or structural engineer, or both when required by law,
154 stamps the plan[-]; or

155 (ii) the applicant opts out of the plan review requirement in accordance with

156 Subsection (7).

157 (b) A town may attach to a reviewed plan a list that includes:

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

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

160 (c) A town may not require an applicant to redraft a plan if the town requests minor
161 changes to the plan that the list described in Subsection (4)(b) identifies.

162 (5) An applicant shall ensure that each construction project plan submitted for a plan
163 review under this section has a statement indicating that actual construction will comply with
164 applicable local ordinances and building codes.

165 (6) (a) An applicant may opt out of an inspection requirement under this section if:

166 (i) the applicant:

167 (A) engages a licensed building inspector to complete all required inspections of the
168 construction project on the applicant's behalf; and

169 (B) at the time the applicant opts out of the inspection, notifies the town in writing of
170 the name and address of the licensed building inspector described in Subsection (6)(a)(i)(A);
171 and

172 (ii) the licensed building inspector described in Subsection (6)(a)(i)(A):

173 (A) completes all required inspections of the construction project on the applicant's
174 behalf; and

175 (B) notifies the town in writing after the licensed building inspector completes the final
176 inspection of the construction project.

177 (b) A licensed building inspector who inspects a construction project on an applicant's
178 behalf under Subsection (6)(a) shall issue the applicant a certificate of occupancy after
179 providing the notification described in Subsection (6)(a)(ii)(B).

180 (7) (a) An applicant may opt out of a plan review requirement under this section if the
181 applicant:

182 (i) engages a licensed building inspector to review the plan on the applicant's behalf;

183 and

184 (ii) at the time the applicant opts out of the plan review, notifies the town in writing of
 185 the name and address of the licensed building inspector described in Subsection (7)(a)(i).

186 (b) (i) If an applicant opts out of a plan review requirement under Subsection (7)(a), the
 187 town may require a zoning review to verify that the construction project complies with
 188 applicable zoning ordinances.

189 (ii) A town that requires a zoning review under Subsection (7)(b)(i):

190 (A) shall complete the zoning review no later than two business days after the day on
 191 which the applicant opts out of the plan review; and

192 (B) may charge the applicant a zoning review fee not to exceed \$200.

193 (8) (a) Except as provided in Subsection (8)(b), a town may not charge an applicant a
 194 fee for a building permit, other than the fee described in Subsection (7)(b)(ii)(B), that exceeds
 195 one-half of the regular fee amount that the town charges for a building permit, if the applicant
 196 opts out of either:

197 (i) an inspection requirement under Subsection (6); or

198 (ii) a plan review requirement under Subsection (7).

199 (b) If an applicant opts out of both an inspection requirement under Subsection (6) and
 200 a plan review requirement under Subsection (7), the town may not charge the applicant a fee
 201 for a building permit, other than the fee described in Subsection (7)(b)(ii)(B).

202 Section 2. Section **10-6-160** is amended to read:

203 **10-6-160. Fees collected for construction approval -- Approval of plans.**

204 (1) As used in this section:

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

206 (b) "Licensed building inspector" means an individual who is licensed by the Division
 207 of Occupational and Professional Licensing under Title 58, Chapter 56, Building Inspector and
 208 Factory Built Housing Licensing Act.

209 ~~(b)~~ (c) "Lodging establishment" means a place providing temporary sleeping
 210 accommodations to the public, including any of the following:

211 (i) a bed and breakfast establishment;

212 (ii) a boarding house;

213 (iii) a dormitory;

- 214 (iv) a hotel;
- 215 (v) an inn;
- 216 (vi) a lodging house;
- 217 (vii) a motel;
- 218 (viii) a resort; or
- 219 (ix) a rooming house.
- 220 ~~[(c)]~~ (d) "Planning review" means a review to verify that a city has approved the
- 221 following elements of a construction project:
 - 222 (i) zoning;
 - 223 (ii) lot sizes;
 - 224 (iii) setbacks;
 - 225 (iv) easements;
 - 226 (v) curb and gutter elevations;
 - 227 (vi) grades and slopes;
 - 228 (vii) utilities;
 - 229 (viii) street names;
 - 230 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
 - 231 Interface Code adopted under Section [15A-2-103](#); and
 - 232 (x) subdivision.
- 233 ~~[(d)]~~ (e) (i) " Plan review" means all of the reviews and approvals of a plan that a city
- 234 requires to obtain a building permit from the city with a scope that may not exceed a review to
- 235 verify:
 - 236 (A) that the construction project complies with the provisions of the State Construction
 - 237 Code under Title 15A, State Construction and Fire Codes Act;
 - 238 (B) that the construction project complies with the energy code adopted under Section
 - 239 [15A-2-103](#);
 - 240 (C) that the construction project received a planning review;
 - 241 (D) that the applicant paid any required fees;
 - 242 (E) that the applicant obtained final approvals from any other required reviewing
 - 243 agencies;
 - 244 (F) that the construction project complies with federal, state, and local storm water

245 protection laws;

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

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

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

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

252 (A) required to be re-submitted for additional modifications or substantive changes
253 identified by the plan review;

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

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

258 ~~(f)~~ (f) "State Construction Code" means the same as that term is defined in Section
259 15A-1-102.

260 ~~(g)~~ (g) "State Fire Code" means the same as that term is defined in Section
261 15A-1-102.

262 ~~(h)~~ (h) "Structural review" means:

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

264 (A) footing size and bar placement;

265 (B) foundation thickness and bar placement;

266 (C) beam and header sizes;

267 (D) nailing patterns;

268 (E) bearing points;

269 (F) structural member size and span; and

270 (G) sheathing; or

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

273 ~~(i)~~ (i) "Technical nature" means a characteristic that places an item outside the
274 training and expertise of an individual who regularly performs plan reviews.

275 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall

276 ensure that the construction project receives a prompt inspection.

277 (b) If a city cannot provide a building inspection within three business days after the
278 day on which the city receives the request for the inspection, the city shall promptly engage an
279 independent inspector with fees collected from the applicant.

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

283 (i) identifies each violation;

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

286 (iii) is delivered:

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

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

289 (3) (a) A city shall complete a plan review of a construction project for a one to two
290 family dwelling or townhome by no later than 14 business days after the day on which the plan
291 is submitted to the city.

292 (b) A city shall complete a plan review of a construction project for a residential
293 structure built under the International Building Code, not including a lodging establishment, by
294 no later than 21 business days after the day on which the plan is submitted to the city.

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

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

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

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

304 (d) An applicant may:

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

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

- 307 (4) (a) A city may not enforce a requirement to have a plan review if:
- 308 (i) (A) the city does not complete the plan review within the time period described in
- 309 Subsection (3)(a) or (b); and
- 310 ~~(ii)~~ (B) a licensed architect or structural engineer, or both when required by law,
- 311 stamps the plan[-]; or
- 312 (ii) the applicant opts out of the plan review requirement in accordance with
- 313 Subsection (7).
- 314 (b) A city may attach to a reviewed plan a list that includes:
- 315 (i) items with which the city is concerned and may enforce during construction; and
- 316 (ii) building code violations found in the plan.
- 317 (c) A city may not require an applicant to redraft a plan if the city requests minor
- 318 changes to the plan that the list described in Subsection (4)(b) identifies.
- 319 (5) An applicant shall ensure that each construction project plan submitted for a plan
- 320 review under this section has a statement indicating that actual construction will comply with
- 321 applicable local ordinances and building codes.
- 322 (6) (a) An applicant may opt out of an inspection requirement under this section if:
- 323 (i) the applicant:
- 324 (A) engages a licensed building inspector to complete all required inspections of the
- 325 construction project on the applicant's behalf; and
- 326 (B) at the time the applicant opts out of the inspection, notifies the city in writing of the
- 327 name and address of the licensed building inspector described in Subsection (6)(a)(i)(A); and
- 328 (ii) the licensed building inspector described in Subsection (6)(a)(i)(A):
- 329 (A) completes all required inspections of the construction project on the applicant's
- 330 behalf; and
- 331 (B) notifies the city in writing after the licensed building inspector completes the final
- 332 inspection of the construction project.
- 333 (b) A licensed building inspector who inspects a construction project on an applicant's
- 334 behalf under Subsection (6)(a) shall issue the applicant a certificate of occupancy after
- 335 providing the notification described in Subsection (6)(a)(ii)(B).
- 336 (7) (a) An applicant may opt out of a plan review requirement under this section if the
- 337 applicant:

338 (i) engages a licensed building inspector to review the plan on the applicant's behalf;
339 and

340 (ii) at the time the applicant opts out of the plan review, notifies the city in writing of
341 the name and address of the licensed building inspector described in Subsection (7)(a)(i).

342 (b) (i) If an applicant opts out of a plan review requirement under Subsection (7)(a), the
343 city may require a zoning review to verify that the construction project complies with
344 applicable zoning ordinances.

345 (ii) A city that requires a zoning review under Subsection (7)(b)(i):

346 (A) shall complete the zoning review no later than two business days after the day on
347 which the applicant opts out of the plan review; and

348 (B) may charge the applicant a zoning review fee not to exceed \$200.

349 (8) (a) Except as provided in Subsection (8)(b), a city may not charge an applicant a fee
350 for a building permit, other than the fee described in Subsection (7)(b)(ii)(B), that exceeds
351 one-half of the regular fee amount that the city charges for a building permit, if the applicant
352 opts out of either:

353 (i) an inspection requirement under Subsection (6); or

354 (ii) a plan review requirement under Subsection (7).

355 (b) If an applicant opts out of both an inspection requirement under Subsection (6) and
356 a plan review requirement under Subsection (7), the city may not charge the applicant a fee for
357 a building permit, other than the fee described in Subsection (7)(b)(ii)(B).

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

359 **10-9a-403. General plan preparation.**

360 [~~(1) (a) As used in this section, "residential building design element" means for a~~
361 ~~single-family residential building;~~]

362 [~~(i) exterior building color;~~]

363 [~~(ii) type or style of exterior cladding material;~~]

364 [~~(iii) style or materials of a roof structure, roof pitch, or porch;~~]

365 [~~(iv) exterior nonstructural architectural ornamentation;~~]

366 [~~(v) location, design, placement, or architectural styling of a window or door, including~~
367 ~~a garage door;~~]

368 [~~(vi) the number or type of rooms;~~]

369 ~~[(vii) the interior layout of a room; or]~~

370 ~~[(viii) the minimum square footage of a structure.]~~

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

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

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

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

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

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

378 ~~[(2)]~~ (1) (a) The planning commission shall provide notice, as provided in Section
379 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
380 general plan or a comprehensive general plan amendment when the planning commission
381 initiates the process of preparing its recommendation.

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

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

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

391 ~~[(3)]~~ (2) (a) At a minimum, the proposed general plan, with the accompanying maps,
392 charts, and descriptive and explanatory matter, shall include the planning commission's
393 recommendations for the following plan elements:

394 (i) a land use element that:

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

399 (B) may include a statement of the projections for and standards of population density

400 and building intensity recommended for the various land use categories covered by the plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 431 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
432 construction of moderate income housing;
- 433 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
434 income housing;
- 435 (D) consider general fund subsidies or other sources of revenue to waive construction
436 related fees that are otherwise generally imposed by the city;
- 437 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
438 residential zones;
- 439 (F) allow for higher density or moderate income residential development in
440 commercial and mixed-use zones, commercial centers, or employment centers;
- 441 (G) encourage higher density or moderate income residential development near major
442 transit investment corridors;
- 443 (H) eliminate or reduce parking requirements for residential development where a
444 resident is less likely to rely on the resident's own vehicle, such as residential development near
445 major transit investment corridors or senior living facilities;
- 446 (I) allow for single room occupancy developments;
- 447 (J) implement zoning incentives for low to moderate income units in new
448 developments;
- 449 (K) utilize strategies that preserve subsidized low to moderate income units on a
450 long-term basis;
- 451 (L) preserve existing moderate income housing;
- 452 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
453 income housing;
- 454 (N) participate in a community land trust program for low or moderate income
455 housing;
- 456 (O) implement a mortgage assistance program for employees of the municipality or of
457 an employer that provides contracted services to the municipality;
- 458 (P) apply for or partner with an entity that applies for state or federal funds or tax
459 incentives to promote the construction of moderate income housing;
- 460 (Q) apply for or partner with an entity that applies for programs offered by the Utah
461 Housing Corporation within that agency's funding capacity;

462 (R) apply for or partner with an entity that applies for affordable housing programs
463 administered by the Department of Workforce Services;

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

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

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

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

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

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

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

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

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

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

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

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

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

493 [~~(4)~~] (3) The proposed general plan may include:

494 (a) an environmental element that addresses:

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

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

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

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

507 (i) historic preservation;

508 (ii) the diminution or elimination of a development impediment as defined in Section
509 [17C-1-102](#); and

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

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

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

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

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

522 Section 4. Section **10-9a-530** is enacted to read:

523 **10-9a-530. Regulation of building design elements prohibited -- Exceptions.**

- 524 (1) As used in this section, "building design element" means for a building:
- 525 (a) exterior color;
- 526 (b) type or style of exterior cladding material;
- 527 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 528 (d) exterior nonstructural architectural ornamentation;
- 529 (e) location, design, placement, or architectural styling of a window or door, including
- 530 a garage door;
- 531 (f) number or type of rooms;
- 532 (g) interior layout of a room;
- 533 (h) minimum square footage;
- 534 (i) landscaping requirements; or
- 535 (j) minimum dimensions.

536 (2) A municipal legislative body may not adopt or enforce an ordinance regulating a
 537 building design element.

- 538 (3) This section does not apply to:
- 539 (a) an ordinance regulating a structure located within an area designated as a historic
- 540 district on the National Register of Historic Places; or
- 541 (b) an ordinance enacted as a condition for participation in the National Flood
- 542 Insurance Program administered by the Federal Emergency Management Agency.

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

544 **15A-1-104. Permit approval required -- Certificate of occupancy valid.**

- 545 (1) As used in this section:
- 546 (a) "Compliance agency" is as defined in Section 15A-1-202.
- 547 (b) "Project" is as defined in Section 15A-1-209.
- 548 (2) A compliance agency for a political subdivision may not reject a permit, or
- 549 otherwise withhold approval of a project whenever approval is required, for failure to comply
- 550 with the applicable provisions of this title unless the compliance agency:
- 551 (a) cites with specificity the applicable provision with which the project has failed to
- 552 comply; and
- 553 (b) describes how the project has failed to comply.
- 554 (3) If a compliance agency [~~or a~~], representative of a compliance agency, or building

555 inspector that has the authority to issue a certificate of occupancy under Section 10-5-132,
556 10-6-160, or 17-36-55 issues a certificate of occupancy, the [~~compliance agency~~] individual or
557 entity that issued the certificate of occupancy may not withdraw the certificate of occupancy or
558 exert additional jurisdiction over the elements of the project for which the certificate was
559 issued unless additional changes or modifications requiring a building permit are made to
560 elements of the project after the certificate was issued.

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

562 **15A-1-202. Definitions.**

563 As used in this chapter:

564 (1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops,
565 or keeping or raising domestic animals.

566 (2) (a) "Approved code" means a code, including the standards and specifications
567 contained in the code, approved by the division under Section 15A-1-204 for use by a
568 compliance agency.

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

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

572 (4) "Code" means:

573 (a) the State Construction Code; or

574 (b) an approved code.

575 (5) "Commission" means the Uniform Building Code Commission created in Section
576 15A-1-203.

577 (6) "Compliance agency" means:

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

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

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

585 (7) "Construction code" means standards and specifications published by a nationally

586 recognized code authority for use in circumstances described in Subsection [15A-1-204\(1\)](#),
587 including:

- 588 (a) a building code;
- 589 (b) an electrical code;
- 590 (c) a residential one and two family dwelling code;
- 591 (d) a plumbing code;
- 592 (e) a mechanical code;
- 593 (f) a fuel gas code;
- 594 (g) an energy conservation code;
- 595 (h) a swimming pool and spa code; and
- 596 (i) a manufactured housing installation standard code.

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

598 ~~[(8)]~~ (9) "Executive director" means the executive director of the Department of
599 Commerce.

600 ~~[(9)]~~ (10) "Legislative action" includes legislation that:

- 601 (a) adopts a new State Construction Code;
- 602 (b) amends the State Construction Code; or
- 603 (c) repeals one or more provisions of the State Construction Code.

604 ~~[(10)]~~ (11) "Local regulator" means a political subdivision of the state that is
605 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
606 and other activities subject to the codes.

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

610 (13) "Natural disaster" means:

- 611 (a) an explosion;
- 612 (b) fire;
- 613 (c) a flood;
- 614 (d) a storm;
- 615 (e) a tornado;
- 616 (f) winds;

617 (g) an earthquake;

618 (h) lightning; or

619 (i) any other adverse weather event.

620 ~~[(11)]~~ (14) "Not for human occupancy" means use of a structure for purposes other
621 than protection or comfort of human beings, but allows people to enter the structure for:

622 (a) maintenance and repair; and

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

625 ~~[(12)]~~ (15) "Opinion" means a written, nonbinding, and advisory statement issued by
626 the commission concerning an interpretation of the meaning of the codes or the application of
627 the codes in a specific circumstance issued in response to a specific request by a party to the
628 issue.

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

630 (a) is no larger than 710 square feet;

631 (b) is not used as a permanent residence;

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

634 (d) does not have plumbing or electricity;

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

636 (f) is registered with the local health department.

637 ~~[(13)]~~ (17) "State regulator" means an agency of the state which is empowered to
638 engage in the regulation of construction, alteration, remodeling, building, repair, and other
639 activities subject to the codes adopted pursuant to this chapter.

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

641 **15A-1-204. Adoption of State Construction Code -- Amendments by commission**
642 **-- Approved codes -- Exemptions.**

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

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

648 (i) new construction is involved; and
649 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
650 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
651 conservation, or reconstruction of the building; or
652 (B) changing the character or use of the building in a manner that increases the
653 occupancy loads, other demands, or safety risks of the building.
654 (c) On and after July 1, 2010, the State Construction Code is the State Construction
655 Code in effect on July 1, 2010, until in accordance with this section:
656 (i) a new State Construction Code is adopted; or
657 (ii) one or more provisions of the State Construction Code are amended or repealed in
658 accordance with this section.
659 (d) A provision of the State Construction Code may be applicable:
660 (i) to the entire state; or
661 (ii) within a county, city, or town.
662 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
663 that adopts a nationally recognized construction code with any modifications.
664 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
665 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the
666 legislation.
667 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is
668 the State Construction Code until, in accordance with this section, the Legislature adopts a new
669 State Construction Code by:
670 (i) adopting a new State Construction Code in its entirety; or
671 (ii) amending or repealing one or more provisions of the State Construction Code.
672 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
673 recognized construction code, the commission shall prepare a report described in Subsection
674 (4).
675 (b) For the provisions of a nationally recognized construction code that apply only to
676 detached one- and two-family dwellings and townhouses not more than three stories above
677 grade plane in height with separate means of egress and their accessory structures, the
678 commission shall:

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

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

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

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

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

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

692 (i) study the recommendations; and

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

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

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

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

705 (i) on its own initiative;

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

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

709 (A) a local regulator;

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

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

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

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

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

- 727 (i) the text of the amendment to the State Construction Code; and
- 728 (ii) an analysis that includes the specific reasons and justifications for the commission's
729 findings.

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

732 (i) publish the amendment to the State Construction Code in accordance with Section
733 [15A-1-205](#); and

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

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

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

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

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

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

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

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

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

754 (a) enforce a federal law or regulation;

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

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

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

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

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

766 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in
767 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
768 than 1,500 square feet and used solely for the type of sales described in Subsection
769 [59-12-104\(20\)](#), is exempt from the requirements of the State Construction Code.

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

772 described in Subsection (11)(a).

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

777 (A) within the boundaries of a city or town, and less than five contiguous acres; or

778 (B) within a subdivision for which the county has approved a subdivision plat under
779 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

780 [~~(12) (a) As used in this Subsection (12):~~]

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

784 [~~(ii) "Remote yurt" means a membrane-covered frame structure that:~~]

785 [~~(A) is no larger than 710 square feet;~~]

786 [~~(B) is not used as a permanent residence;~~]

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

789 [~~(D) does not have plumbing or electricity;~~]

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

792 [~~(F) registers with the local health department.~~]

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

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

798 (i) the State Construction Code;

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

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

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

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

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

812 (i) the local regulator within the political subdivision in which the construction project
813 takes place; or

814 (ii) a licensed building inspector, as defined in Section 10-6-160, in accordance with:

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

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

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

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

822 **15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

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

824 (2) In IBC, Section 110, a new section is added as follows: " 110.3.5.1,
825 Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant
826 exterior wall envelope as required by Section 1404.2, and flashing as required by Section
827 1404.4 to prevent water from entering the weather-resistive barrier."

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

832 [~~3~~] (4) IBC, Section 115.1, is deleted and replaced with the following: "115.1
833 Authority. Whenever the building official finds any work regulated by this code being

834 performed in a manner either contrary to the provisions of this code or other pertinent laws or
835 ordinances or is dangerous or unsafe, the building official is authorized to stop work."

836 [~~(4)~~] (5) In IBC, Section 202, the following definition is added for Ambulatory
837 Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building
838 licensed by the Utah Department of Health where procedures are performed that may render
839 patients incapable of self preservation where care is less than 24 hours. See Utah
840 Administrative Code R432-13."

841 [~~(5)~~] (6) In IBC, Section 202, the following definition is added for Assisted Living
842 Facility: "ASSISTED LIVING FACILITY. See Residential Treatment/Support Assisted Living
843 Facility, Type I Assisted Living Facility, and Type II Assisted Living Facility."

844 [~~(6)~~] (7) In IBC, Section 202, the definition for Foster Care Facilities is modified by
845 deleting the word "Foster" and replacing it with the word "Child."

846 (8) In IBC, Section 202, the following definition is added for Licensed Building
847 Inspector: "LICENSED BUILDING INSPECTOR. An individual who is licensed by the Utah
848 Division of Occupational and Professional Licensing under Utah Code, Title 58, Chapter 56,
849 Building Inspector and Factory Built Housing Licensing Act."

850 [~~(7)~~] (9) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by
851 deleting the words "a fire alarm system" and replacing them with "any fire protection system."

852 [~~(8)~~] (10) In IBC, Section 202, the following definition is added for Residential
853 Treatment/Support Assisted Living Facility: "RESIDENTIAL TREATMENT/SUPPORT
854 ASSISTED LIVING FACILITY. A residential facility that provides a group living
855 environment for four or more residents licensed by the Department of Human Services, and
856 provides a protected living arrangement for ambulatory, non-restrained persons who are
857 capable of achieving mobility sufficient to exit the facility without the physical assistance of
858 another person."

859 [~~(9)~~] (11) In IBC, Section 202, the following definition is added for Type I Assisted
860 Living Facility: "TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the
861 Department of Health that provides a protected living arrangement, assistance with activities of
862 daily living and social care to two or more ambulatory, non-restrained persons who are capable
863 of mobility sufficient to exit the facility without the assistance of another person. Subcategories
864 are:

865 Limited Capacity: two to five residents;
866 Small: six to sixteen residents; and
867 Large: over sixteen residents."

868 ~~[(10)]~~ (12) In IBC, Section 202, the following definition is added for Type II Assisted
869 Living Facility: "TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by
870 the Department of Health that provides an array of coordinated supportive personal and health
871 care services to two or more residents who are:

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

873 B. Cognitively impaired or physically disabled but able to evacuate from the facility, or
874 to a zone or area of safety, with the physical assistance of one person. Subcategories are:

875 Limited Capacity: two to five residents;

876 Small: six to sixteen residents; and

877 Large: over sixteen residents."

878 ~~[(11)]~~ (13) In IBC, Section 305.2, the following changes are made:

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

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

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

884 ~~[(12)]~~ (14) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced
885 with the word "four" in all places.

886 ~~[(13)]~~ (15) A new IBC Section 305.2.4 is added as follows: "305.2.4 Child day care --
887 residential child care certificate or a license. Areas used for child day care purposes with a
888 residential child care certificate, as described in Utah Administrative Code, R430-50,
889 Residential Certificate Child Care, or a residential child care license, as described in Utah
890 Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or
891 R-3 occupancy as provided in Sections 310.3 and 310.4 comply with the International
892 Residential Code in accordance with Section R101.2."

893 ~~[(14)]~~ (16) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child care
894 centers. Each of the following areas may be classified as accessory occupancies, if the area
895 complies with Section 508.2:

896 1. Hourly child care centers, as described in Utah Administrative Code, R381-60,
897 Hourly Child Care Centers;

898 2. Child care centers, as described in Utah Administrative Code, R381-100, Child Care
899 Centers; and

900 3. Out-of-school-time programs, as described in Utah Administrative Code, R381-70,
901 Out of School Time Child Care Programs."

902 [~~(15)~~] (17) In IBC, Table 307.1(1), footnote "d" is added to the row for Explosives,
903 Division 1.4G in the column titled STORAGE - Solid Pounds (cubic feet).

904 [~~(16)~~] (18) In IBC, Section 308.2, in the list of items under "This group shall include,"
905 the words "Type-I Large and Type-II Small, see Section 308.2.5" are added after "Assisted
906 living facilities."

907 [~~(17)~~] (19) In IBC, Section 308.2.4, all of the words after the first International
908 Residential Code are deleted.

909 [~~(18)~~] (20) A new IBC, Section 308.2.5 is added as follows:
910 "308.2.5 Group I-1 assisted living facility occupancy groups. The following occupancy
911 groups shall apply to assisted living facilities:

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

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

917 [~~(19)~~] (21) In IBC, Section 308.3 Institutional Group I-2, the following changes are
918 made:

919 (a) The words "more than five" are deleted and replaced with "four or more";
920 (b) The group "Assisted living facilities, Type-II Large" is added to the list of groups;
921 (c) The words "Foster care facilities" are deleted and replaced with the words "Child
922 care facilities"; and

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

925 [~~(20)~~] (22) In IBC, Section 308.3.2, the number "five" is deleted and replaced with the
926 number "four" in each location.

927 [~~(21)~~] (23) A new IBC, Section 308.3.3 is added as follows:

928 "308.3.3 Group I-2 assisted living facilities. Type II assisted living facilities with
929 seventeen or more residents are Large Facilities classified as an Institutional Group I-2,
930 Condition 1 occupancy. See Section 202 for definitions."

931 [~~(22)~~] (24) In IBC, Section 308.5, the words "more than five" are deleted and replaced
932 with the words "five or more."

933 [~~(23)~~] (25) In IBC, Section 308.5.1, the following changes are made:

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

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

937 (c) The following sentence is added at the end: "See Section 429 for special
938 requirements for Day Care."

939 [~~(24)~~] (26) In IBC, Sections 308.5.3 and 308.5.4, the words "five or fewer" are deleted
940 and replaced with the words "four or fewer" in both places and the following sentence is added
941 at the end: "See Section 429 for special requirements for Day Care."

942 [~~(25)~~] (27) In IBC, Section 310.4, the following changes are made:

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

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

947 [~~(26)~~] (28) In IBC, Section 310.4.1, the following changes are made:

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

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

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

953 [~~(27)~~] (29) A new IBC Section 310.4.3 is added as follows: " 310.4.3 Child Care.

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

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

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

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

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

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

964 [~~(28)~~] (30) A new IBC, Section 310.4.4 is added as follows: "310.4.4 Assisted living
965 facilities. Type I assisted living facilities with two to five residents are Limited Capacity
966 facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the
967 International Residential Code. See Section 202 for definitions."

968 [~~(29)~~] (31) In IBC, Section 310.5, the words "Type II Limited Capacity and Type I
969 Small, see Section 310.5.3" are added after the words "assisted living facilities."

970 [~~(30)~~] (32) A new IBC, Section 310.5.3, is added as follows: "310.5.3 Group R-4
971 Assisted living facility occupancy groups. The following occupancy groups shall apply to
972 Assisted Living Facilities: Type II Assisted Living Facilities with two to five residents are
973 Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy. Type
974 I assisted living facilities with six to sixteen residents are Small Facilities classified as
975 Residential Group R-4, Condition 1 occupancies. See Section 202 for definitions."

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

977 **15A-5-104. Exemptions from State Fire Code.**

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

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

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

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

984 **17-27a-403. Plan preparation.**

985 (1) (a) The planning commission shall provide notice, as provided in Section
986 ~~17-27a-203~~, of its intent to make a recommendation to the county legislative body for a general
987 plan or a comprehensive general plan amendment when the planning commission initiates the
988 process of preparing its recommendation.

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

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

992 (ii) if the planning commission is a planning commission for a mountainous planning
993 district, the mountainous planning district.

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

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

1000 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1001 planning district, the plan for the mountainous planning district controls and precedes a
1002 municipal plan, if any, to which the property would be subject.

1003 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1004 and descriptive and explanatory matter, shall include the planning commission's
1005 recommendations for the following plan elements:

1006 (i) a land use element that:

1007 (A) designates the long-term goals and the proposed extent, general distribution, and
1008 location of land for housing for residents of various income levels, business, industry,
1009 agriculture, recreation, education, public buildings and grounds, open space, and other
1010 categories of public and private uses of land as appropriate; and

1011 (B) may include a statement of the projections for and standards of population density
1012 and building intensity recommended for the various land use categories covered by the plan;

1013 (ii) a transportation and traffic circulation element that:

1014 (A) provides the general location and extent of existing and proposed freeways, arterial
1015 and collector streets, public transit, active transportation facilities, and other modes of
1016 transportation that the planning commission considers appropriate;

1017 (B) addresses the county's plan for residential and commercial development around
1018 major transit investment corridors to maintain and improve the connections between housing,
1019 employment, education, recreation, and commerce; and

1020 (C) correlates with the population projections, the employment projections, and the
1021 proposed land use element of the general plan;

1022 (iii) a plan for the development of additional moderate income housing within the
1023 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1024 realistic opportunity to meet the need for additional moderate income housing; and

1025 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1026 and policies required by Subsection [17-27a-401\(3\)](#).

1027 (b) In drafting the moderate income housing element, the planning commission:

1028 (i) shall consider the Legislature's determination that counties should facilitate a
1029 reasonable opportunity for a variety of housing, including moderate income housing:

1030 (A) to meet the needs of people of various income levels living, working, or desiring to
1031 live or work in the community; and

1032 (B) to allow people with various incomes to benefit from and fully participate in all
1033 aspects of neighborhood and community life; and

1034 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1035 the development of moderate income housing within the planning horizon, which may include
1036 a recommendation to implement three or more of the following strategies:

1037 (A) rezone for densities necessary to assure the production of moderate income
1038 housing;

1039 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1040 construction of moderate income housing;

1041 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
1042 income housing;

1043 (D) consider county general fund subsidies or other sources of revenue to waive
1044 construction related fees that are otherwise generally imposed by the county;

1045 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1046 residential zones;

1047 (F) allow for higher density or moderate income residential development in
1048 commercial and mixed-use zones, commercial centers, or employment centers;

1049 (G) encourage higher density or moderate income residential development near major
1050 transit investment corridors;

- 1051 (H) eliminate or reduce parking requirements for residential development where a
1052 resident is less likely to rely on the resident's own vehicle, such as residential development near
1053 major transit investment corridors or senior living facilities;
- 1054 (I) allow for single room occupancy developments;
- 1055 (J) implement zoning incentives for low to moderate income units in new
1056 developments;
- 1057 (K) utilize strategies that preserve subsidized low to moderate income units on a
1058 long-term basis;
- 1059 (L) preserve existing moderate income housing;
- 1060 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
1061 income housing;
- 1062 (N) participate in a community land trust program for low or moderate income
1063 housing;
- 1064 (O) implement a mortgage assistance program for employees of the county or of an
1065 employer that provides contracted services for the county;
- 1066 (P) apply for or partner with an entity that applies for state or federal funds or tax
1067 incentives to promote the construction of moderate income housing;
- 1068 (Q) apply for or partner with an entity that applies for programs offered by the Utah
1069 Housing Corporation within that agency's funding capacity;
- 1070 (R) apply for or partner with an entity that applies for affordable housing programs
1071 administered by the Department of Workforce Services;
- 1072 (S) apply for or partner with an entity that applies for services provided by a public
1073 housing authority to preserve and create moderate income housing;
- 1074 (T) apply for or partner with an entity that applies for programs administered by a
1075 metropolitan planning organization or other transportation agency that provides technical
1076 planning assistance;
- 1077 (U) utilize a moderate income housing set aside from a community reinvestment
1078 agency, redevelopment agency, or community development and renewal agency; and
- 1079 ~~[(V) reduce residential building design elements as defined in Section [10-9a-403](#); and]~~
- 1080 ~~[(W)]~~ (V) consider any other program or strategy implemented by the county to address
1081 the housing needs of residents of the county who earn less than 80% of the area median

1082 income.

1083 (c) In drafting the land use element, the planning commission shall:

1084 (i) identify and consider each agriculture protection area within the unincorporated area
1085 of the county or mountainous planning district; and

1086 (ii) avoid proposing a use of land within an agriculture protection area that is
1087 inconsistent with or detrimental to the use of the land for agriculture.

1088 (d) In drafting the transportation and traffic circulation element, the planning
1089 commission shall:

1090 (i) consider the regional transportation plan developed by its region's metropolitan
1091 planning organization, if the relevant areas of the county are within the boundaries of a
1092 metropolitan planning organization; or

1093 (ii) consider the long-range transportation plan developed by the Department of
1094 Transportation, if the relevant areas of the county are not within the boundaries of a
1095 metropolitan planning organization.

1096 (3) The proposed general plan may include:

1097 (a) an environmental element that addresses:

1098 (i) to the extent not covered by the county's resource management plan, the protection,
1099 conservation, development, and use of natural resources, including the quality of air, forests,
1100 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1101 and

1102 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1103 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1104 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1105 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1106 (b) a public services and facilities element showing general plans for sewage, water,
1107 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1108 police and fire protection, and other public services;

1109 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1110 programs for:

1111 (i) historic preservation;

1112 (ii) the diminution or elimination of a development impediment as defined in Section

1113 17C-1-102; and

1114 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1115 public building sites;

1116 (d) an economic element composed of appropriate studies and forecasts, as well as an
1117 economic development plan, which may include review of existing and projected county
1118 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1119 primary and secondary market areas, employment, and retail sales activity;

1120 (e) recommendations for implementing all or any portion of the general plan, including
1121 the use of land use ordinances, capital improvement plans, community development and
1122 promotion, and any other appropriate action;

1123 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1124 (3)(a)(i); and

1125 (g) any other element the county considers appropriate.

1126 Section 11. Section 17-27a-527 is enacted to read:

1127 **17-27a-527. Regulation of building design elements prohibited -- Exceptions.**

1128 (1) As used in this section, "building design element" means the same as that term is
1129 defined in Section 10-9a-530.

1130 (2) A county legislative body may not adopt or enforce an ordinance regulating a
1131 building design element.

1132 (3) This section does not apply to:

1133 (a) an ordinance regulating a structure located within an area designated as a historic
1134 district on the National Register of Historic Places; or

1135 (b) an ordinance enacted as a condition for participation in the National Flood
1136 Insurance Program administered by the Federal Emergency Management Agency.

1137 Section 12. Section 17-36-55 is amended to read:

1138 **17-36-55. Fees collected for construction approval -- Approval of plans.**

1139 (1) As used in this section:

1140 (a) "Construction project" means the same as that term is defined in Section 38-1a-102.

1141 (b) "Licensed building inspector" means an individual who is licensed by the Division
1142 of Occupational and Professional Licensing under Title 58, Chapter 56, Building Inspector and
1143 Factory Built Housing Licensing Act.

1144 ~~[(b)]~~ (c) "Lodging establishment" means a place providing temporary sleeping
1145 accommodations to the public, including any of the following:

- 1146 (i) a bed and breakfast establishment;
- 1147 (ii) a boarding house;
- 1148 (iii) a dormitory;
- 1149 (iv) a hotel;
- 1150 (v) an inn;
- 1151 (vi) a lodging house;
- 1152 (vii) a motel;
- 1153 (viii) a resort; or
- 1154 (ix) a rooming house.

1155 ~~[(e)]~~ (d) "Planning review" means a review to verify that a county has approved the
1156 following elements of a construction project:

- 1157 (i) zoning;
- 1158 (ii) lot sizes;
- 1159 (iii) setbacks;
- 1160 (iv) easements;
- 1161 (v) curb and gutter elevations;
- 1162 (vi) grades and slopes;
- 1163 (vii) utilities;
- 1164 (viii) street names;
- 1165 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
1166 Interface Code adopted under Section [15A-2-103](#); and
- 1167 (x) subdivision.

1168 ~~[(f)]~~ (e) (i) "Plan review" means all of the reviews and approvals of a plan that a
1169 county requires to obtain a building permit from the county with a scope that may not exceed a
1170 review to verify:

- 1171 (A) that the construction project complies with the provisions of the State Construction
1172 Code under Title 15A, State Construction and Fire Codes Act;
- 1173 (B) that the construction project complies with the energy code adopted under Section
1174 [15A-2-103](#);

- 1175 (C) that the construction project received a planning review;
- 1176 (D) that the applicant paid any required fees;
- 1177 (E) that the applicant obtained final approvals from any other required reviewing
- 1178 agencies;
- 1179 (F) that the construction project complies with federal, state, and local storm water
- 1180 protection laws;
- 1181 (G) that the construction project received a structural review;
- 1182 (H) the total square footage for each building level of finished, garage, and unfinished
- 1183 space; and
- 1184 (I) that the plans include a printed statement indicating that the actual construction will
- 1185 comply with applicable local ordinances and the state construction codes.
- 1186 (ii) "Plan review" does not mean a review of a document:
- 1187 (A) required to be re-submitted for additional modifications or substantive changes
- 1188 identified by the plan review;
- 1189 (B) submitted as part of a deferred submittal when requested by the applicant and
- 1190 approved by the building official; or
- 1191 (C) that, due to the document's technical nature or on the request of the applicant, is
- 1192 reviewed by a third party.
- 1193 [~~(e)~~] (f) "State Construction Code" means the same as that term is defined in Section
- 1194 [15A-1-102](#).
- 1195 [~~(f)~~] (g) "State Fire Code" means the same as that term is defined in Section
- 1196 [15A-1-102](#).
- 1197 [~~(g)~~] (h) "Structural review" means:
- 1198 (i) a review that verifies that a construction project complies with the following:
- 1199 (A) footing size and bar placement;
- 1200 (B) foundation thickness and bar placement;
- 1201 (C) beam and header sizes;
- 1202 (D) nailing patterns;
- 1203 (E) bearing points;
- 1204 (F) structural member size and span; and
- 1205 (G) sheathing; or

1206 (ii) if the review exceeds the scope of the review described in Subsection (1)~~(g)~~(h)(i),
1207 a review that a licensed engineer conducts.

1208 ~~(h)~~ (i) "Technical nature" means a characteristic that places an item outside the
1209 training and expertise of an individual who regularly performs plan reviews.

1210 (2) (a) If a county collects a fee for the inspection of a construction project, the county
1211 shall ensure that the construction project receives a prompt inspection.

1212 (b) If a county cannot provide a building inspection within three business days after the
1213 day on which the county receives the request for the inspection, the county shall promptly
1214 engage an independent inspector with fees collected from the applicant.

1215 (c) If an inspector identifies one or more violations of the State Construction Code or
1216 State Fire Code during an inspection, the inspector shall give the permit holder written
1217 notification that:

1218 (i) identifies each violation;

1219 (ii) upon request by the permit holder, includes a reference to each applicable provision
1220 of the State Construction Code or State Fire Code; and

1221 (iii) is delivered:

1222 (A) in hardcopy or by electronic means; and

1223 (B) the day on which the inspection occurs.

1224 (3) (a) A county shall complete a plan review of a construction project for a one to two
1225 family dwelling or townhome by no later than 14 business days after the day on which the plan
1226 is submitted to the county.

1227 (b) A county shall complete a plan review of a construction project for a residential
1228 structure built under the International Building Code, not including a lodging establishment, by
1229 no later than 21 business days after the day on which the plan is submitted to the county.

1230 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
1231 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
1232 that the county complete the plan review.

1233 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
1234 the plan review no later than:

1235 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
1236 applicant makes the request; or

1237 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
1238 applicant makes the request.

1239 (d) An applicant may:

1240 (i) waive the plan review time requirements described in this Subsection (3); or

1241 (ii) with the county's consent, establish an alternative plan review time requirement.

1242 (4) (a) A county may not enforce a requirement to have a plan review if:

1243 (i) (A) the county does not complete the plan review within the time period described
1244 in Subsection (3)(a) or (b); and

1245 [(ii)] (B) a licensed architect or structural engineer, or both when required by law,
1246 stamps the plan[-]; or

1247 (ii) the applicant opts out of the plan review requirement in accordance with
1248 Subsection (7).

1249 (b) A county may attach to a reviewed plan a list that includes:

1250 (i) items with which the county is concerned and may enforce during construction; and

1251 (ii) building code violations found in the plan.

1252 (c) A county may not require an applicant to redraft a plan if the county requests minor
1253 changes to the plan that the list described in Subsection (4)(b) identifies.

1254 (5) An applicant shall ensure that each construction project plan submitted for a plan
1255 review under this section has a statement indicating that actual construction will comply with
1256 applicable local ordinances and building codes.

1257 (6) (a) An applicant may opt out of an inspection requirement under this section if:

1258 (i) the applicant:

1259 (A) engages a licensed building inspector to complete all required inspections of the
1260 construction project on the applicant's behalf; and

1261 (B) at the time the applicant opts out of the inspection, notifies the county in writing of
1262 the name and address of the licensed building inspector described in Subsection (6)(a)(i)(A);
1263 and

1264 (ii) the licensed building inspector described in Subsection (6)(a)(i)(A):

1265 (A) completes all required inspections of the construction project on the applicant's
1266 behalf; and

1267 (B) notifies the county in writing after the licensed building inspector completes the

1268 final inspection of the construction project.

1269 (b) A licensed building inspector who inspects a construction project on an applicant's
1270 behalf under Subsection (6)(a) shall issue the applicant a certificate of occupancy after
1271 providing the notification described in Subsection (6)(a)(ii)(B).

1272 (7) (a) An applicant may opt out of a plan review requirement under this section if the
1273 applicant:

1274 (i) engages a licensed building inspector to review the plan on the applicant's behalf;
1275 and

1276 (ii) at the time the applicant opts out of the plan review, notifies the county in writing
1277 of the name and address of the licensed building inspector described in Subsection (7)(a)(i).

1278 (b) (i) If an applicant opts out of a plan review requirement under Subsection (7)(a), the
1279 county may require a zoning review to verify that the construction project complies with
1280 applicable zoning ordinances.

1281 (ii) A county that requires a zoning review under Subsection (7)(b)(i):

1282 (A) shall complete the zoning review no later than two business days after the day on
1283 which the applicant opts out of the plan review; and

1284 (B) may charge the applicant a zoning review fee not to exceed \$200.

1285 (8) (a) Except as provided in Subsection (8)(b), a county may not charge an applicant a
1286 fee for a building permit, other than the fee described in Subsection (7)(b)(ii)(B), that exceeds
1287 one-half of the regular fee amount that the county charges for a building permit, if the applicant
1288 opts out of either:

1289 (i) an inspection requirement under Subsection (6); or

1290 (ii) a plan review requirement under Subsection (7).

1291 (b) If an applicant opts out of both an inspection requirement under Subsection (6) and
1292 a plan review requirement under Subsection (7), the county may not charge the applicant a fee
1293 for a building permit, other than the fee described in Subsection (7)(b)(ii)(B).

1294 Section 13. Section **38-1a-102** is amended to read:

1295 **38-1a-102. Definitions.**

1296 As used in this chapter:

1297 (1) "Alternate means" means a method of filing a legible and complete notice or other
1298 document with the registry other than electronically, as established by the division by rule.

- 1299 (2) "Anticipated improvement" means the improvement:
1300 (a) for which preconstruction service is performed; and
1301 (b) that is anticipated to follow the performing of preconstruction service.
- 1302 (3) "Applicable county recorder" means the office of the recorder of each county in
1303 which any part of the property on which a claimant claims or intends to claim a preconstruction
1304 or construction lien is located.
- 1305 (4) "Bona fide loan" means a loan to an owner or owner-builder by a lender in which
1306 the owner or owner-builder has no financial or beneficial interest greater than 5% of the voting
1307 shares or other ownership interest.
- 1308 (5) "Claimant" means a person entitled to claim a preconstruction or construction lien.
- 1309 (6) "Compensation" means the payment of money for a service rendered or an expense
1310 incurred, whether based on:
1311 (a) time and expense, lump sum, stipulated sum, percentage of cost, cost plus fixed or
1312 percentage fee, or commission; or
1313 (b) a combination of the bases listed in Subsection (6)(a).
- 1314 (7) "Construction lender" means a person who makes a construction loan.
- 1315 (8) "Construction lien" means a lien under this chapter for construction work.
- 1316 (9) "Construction loan" does not include a consumer loan secured by the equity in the
1317 consumer's home.
- 1318 (10) "Construction project" means an improvement that is constructed pursuant to an
1319 original contract.
- 1320 (11) "Construction work":
1321 (a) means labor, service, material, or equipment provided for the purpose and during
1322 the process of constructing, altering, or repairing an improvement; and
1323 (b) includes scheduling, estimating, staking, supervising, managing, materials testing,
1324 inspection, observation, and quality control or assurance involved in constructing, altering, or
1325 repairing an improvement.
- 1326 (12) "Contestable notice" means a notice of preconstruction service under Section
1327 [38-1a-401](#), a preliminary notice under Section [38-1a-501](#), or a notice of completion under
1328 Section [38-1a-506](#).
- 1329 (13) "Contesting person" means an owner, original contractor, subcontractor, or other

1330 interested person.

1331 (14) "Designated agent" means the third party the division contracts with as provided
1332 in Section [38-1a-202](#) to create and maintain the registry.

1333 (15) "Division" means the Division of Occupational and Professional Licensing created
1334 in Section [58-1-103](#).

1335 (16) "Entry number" means the reference number that:

1336 (a) the designated agent assigns to each notice or other document filed with the
1337 registry; and

1338 (b) is unique for each notice or other document.

1339 (17) "Final completion" means:

1340 (a) the date of issuance of a permanent certificate of occupancy by the local
1341 government entity having jurisdiction over the construction project or building inspector that
1342 has the authority to issue a certificate of occupancy for the construction project under Section
1343 [10-5-132](#), [10-6-160](#), or [17-36-55](#), if a permanent certificate of occupancy is required;

1344 (b) the date of the final inspection of the construction work by the local government
1345 entity having jurisdiction over the construction project or building inspector described in
1346 Subsection (17)(a), if an inspection is required under a state-adopted building code applicable
1347 to the construction work, but no certificate of occupancy is required;

1348 (c) unless the owner is holding payment to ensure completion of construction work, the
1349 date on which there remains no substantial work to be completed to finish the construction
1350 work under the original contract, if a certificate of occupancy is not required and a final
1351 inspection is not required under an applicable state-adopted building code; or

1352 (d) the last date on which substantial work was performed under the original contract,
1353 if, because the original contract is terminated before completion of the construction work
1354 defined by the original contract, the local government entity having jurisdiction over the
1355 construction project or building inspector described in Subsection (17)(a) does not issue a
1356 certificate of occupancy or perform a final inspection.

1357 (18) "Final lien waiver" means a form that complies with Subsection [38-1a-802\(4\)\(c\)](#).

1358 (19) "First preliminary notice filing" means a preliminary notice that:

1359 (a) is the earliest preliminary notice filed on the construction project for which the
1360 preliminary notice is filed;

1361 (b) is filed on a construction project that, at the time the preliminary notice is filed, has
1362 not reached final completion; and

1363 (c) is not cancelled under Section 38-1a-307.

1364 (20) "Government project-identifying information" has the same meaning as defined in
1365 Section 38-1b-102.

1366 (21) "Improvement" means:

1367 (a) a building, infrastructure, utility, or other human-made structure or object
1368 constructed on or for and affixed to real property; or

1369 (b) a repair, modification, or alteration of a building, infrastructure, utility, or object
1370 referred to in Subsection (21)(a).

1371 (22) "Interested person" means a person that may be affected by a construction project.

1372 (23) "Notice of commencement" means a notice required under Section 38-1b-201 for
1373 a government project, as defined in Section 38-1b-102.

1374 (24) "Original contract":

1375 (a) means a contract between an owner and an original contractor for preconstruction
1376 service or construction work; and

1377 (b) does not include a contract between an owner-builder and another person.

1378 (25) "Original contractor" means a person, including an owner-builder, that contracts
1379 with an owner to provide preconstruction service or construction work.

1380 (26) "Owner" means the person that owns the project property.

1381 (27) "Owner-builder" means an owner, including an owner who is also an original
1382 contractor, who:

1383 (a) contracts with one or more other persons for preconstruction service or construction
1384 work for an improvement on the owner's real property; and

1385 (b) obtains a building permit for the improvement.

1386 (28) "Preconstruction lien" means a lien under this chapter for a preconstruction
1387 service.

1388 (29) "Preconstruction service":

1389 (a) means to plan or design, or to assist in the planning or design of, an improvement or
1390 a proposed improvement:

1391 (i) before construction of the improvement commences; and

1392 (ii) for compensation separate from any compensation paid or to be paid for
1393 construction work for the improvement; and

1394 (b) includes consulting, conducting a site investigation or assessment, programming,
1395 preconstruction cost or quantity estimating, preconstruction scheduling, performing a
1396 preconstruction construction feasibility review, procuring construction services, and preparing
1397 a study, report, rendering, model, boundary or topographic survey, plat, map, design, plan,
1398 drawing, specification, or contract document.

1399 (30) "Private project" means a construction project that is not a government project.

1400 (31) "Project property" means the real property on or for which preconstruction service
1401 or construction work is or will be provided.

1402 (32) "Registry" means the State Construction Registry under Part 2, State Construction
1403 Registry.

1404 (33) "Required notice" means:

1405 (a) a notice of preconstruction service under Section [38-1a-401](#);

1406 (b) a preliminary notice under Section [38-1a-501](#) or Section [38-1b-202](#);

1407 (c) a notice of commencement;

1408 (d) a notice of construction loan under Section [38-1a-601](#);

1409 (e) a notice under Section [38-1a-602](#) concerning a construction loan default;

1410 (f) a notice of intent to obtain final completion under Section [38-1a-506](#); or

1411 (g) a notice of completion under Section [38-1a-507](#).

1412 (34) "Subcontractor" means a person that contracts to provide preconstruction service
1413 or construction work to:

1414 (a) a person other than the owner; or

1415 (b) the owner, if the owner is an owner-builder.

1416 (35) "Substantial work" does not include repair work or warranty work.

1417 (36) "Supervisory subcontractor" means a person that:

1418 (a) is a subcontractor under contract to provide preconstruction service or construction
1419 work; and

1420 (b) contracts with one or more other subcontractors for the other subcontractor or
1421 subcontractors to provide preconstruction service or construction work that the person is under
1422 contract to provide.

1423 Section 14. Section **78B-2-225** is amended to read:

1424 **78B-2-225. Actions related to improvements in real property.**

1425 (1) As used in this section:

1426 (a) "Abandonment" means that there has been no design or construction activity on an
1427 improvement for a continuous period of at least one year.

1428 (b) "Action" means any claim for judicial, arbitral, or administrative relief for acts,
1429 errors, omissions, or breach of duty arising out of or related to the design, construction, or
1430 installation of an improvement, regardless of whether that action is based in tort, contract,
1431 warranty, strict liability, product liability, indemnity, contribution, or other source of law.

1432 (c) "Completion" means the date of substantial completion of an improvement to real
1433 property as established by the earliest of:

1434 (i) a [~~Certificate of Substantial Completion~~] certificate of substantial completion;

1435 (ii) a [~~Certificate of Occupancy~~] certificate of occupancy issued by a governing agency
1436 or building inspector that has the authority to issue the certificate of occupancy under Section
1437 10-5-132, 10-6-160, or 17-36-55; or

1438 (iii) the date of first use or possession of the improvement.

1439 (d) "Improvement" means any building, structure, infrastructure, road, utility, or other
1440 similar man-made change, addition, modification, or alteration to real property.

1441 (e) "Person" means an individual, corporation, limited liability company, partnership,
1442 joint venture, association, proprietorship, or any other legal or governmental entity.

1443 (f) "Provider" means any person:

1444 (i) contributing to, providing, or performing:

1445 (A) studies, plans, specifications, drawings, designs, value engineering, cost or quantity
1446 estimates, surveys, staking, construction, installation, or labor to an improvement; or

1447 (B) the review, observation, administration, management, supervision, inspections, and
1448 tests of construction for or in relation to an improvement; or

1449 (ii) providing or contributing materials, products, or equipment that is incorporated
1450 into an improvement.

1451 (2) The Legislature finds that:

1452 (a) exposing a provider to suits and liability for acts, errors, omissions, or breach of
1453 duty after the possibility of injury or damage has become highly remote and unexpectedly

1454 creates costs and hardships to the provider and the citizens of the state;

1455 (b) these costs and hardships include liability insurance costs, records storage costs,
1456 undue and unlimited liability risks during the life of both a provider and an improvement, and
1457 difficulties in defending against claims many years after completion of an improvement;

1458 (c) these costs and hardships constitute clear social and economic evils;

1459 (d) the possibility of injury and damage becomes highly remote and unexpected seven
1460 years following completion or abandonment; and

1461 (e) except as provided in Subsection (7), it is in the best interests of the citizens of the
1462 state to impose the periods of limitation and repose provided in this chapter upon all causes of
1463 action by or against a provider arising out of or related to the design, construction, or
1464 installation of an improvement.

1465 (3) (a) Except as provided in Subsections (3)(b) and (c), an action by or against a
1466 provider based in contract or warranty shall be commenced within six years after the date of
1467 completion or abandonment of an improvement.

1468 (b) If a provider is required by an express term of a contract or warranty to perform an
1469 obligation later than the six-year period described in Subsection (3)(a), and the provider fails to
1470 perform the obligation as required, an action for that breach of the contract or warranty shall be
1471 commenced within two years after the day on which the breach is discovered or should have
1472 been discovered.

1473 (c) If a contract or warranty expressly establishes a different period of limitations than
1474 this section, the action shall be commenced within that limitations period.

1475 (4) (a) All other actions by or against a provider shall be commenced within two years
1476 from the earlier of the date of discovery of a cause of action or the date upon which a cause of
1477 action should have been discovered through reasonable diligence.

1478 (b) If the cause of action is discovered or discoverable before completion or
1479 abandonment of an improvement, the two-year period begins to run upon completion or
1480 abandonment.

1481 (c) Notwithstanding Subsection (4)(a), and except as provided in Subsection (4)(d), an
1482 action under this Subsection (4) may not be commenced against a provider more than nine
1483 years after completion or abandonment of an improvement.

1484 (d) If an action under Subsection (4)(a) is discovered or discoverable in the eighth or

1485 ninth year of the nine-year period, a claimant shall have two years from the date of discovery to
1486 commence an action.

1487 (5) Subsection (4) does not apply to an action against a provider:

1488 (a) who has fraudulently concealed the provider's act, error, omission, or breach of
1489 duty, or the injury, damage, or other loss caused by the provider's act, error, omission, or breach
1490 of duty; or

1491 (b) for a willful or intentional act, error, omission, or breach of duty.

1492 (6) If an individual otherwise entitled to bring an action did not commence the action
1493 within the periods prescribed by Subsections (3) and (4) solely because that individual was a
1494 minor or mentally incompetent and without a legal guardian, that individual shall have two
1495 years from the date the disability is removed to commence the action.

1496 (7) This section shall not apply to an action for the death of or bodily injury to an
1497 individual while engaged in the design, installation, or construction of an improvement.

1498 (8) This section does not apply to any action against any person in actual possession or
1499 control of the improvement as owner, tenant, or otherwise, at the time any defective or unsafe
1500 condition of the improvement proximately causes the injury for which the action is brought.

1501 (9) This section does not extend the period of limitation or repose otherwise prescribed
1502 by law or a valid and enforceable contract.

1503 (10) This section does not create or modify any claim or cause of action.

1504 (11) This section applies to all causes of action that accrue after May 3, 2003,
1505 notwithstanding that the improvement was completed or abandoned before May 3, 2004.