

Effective 5/10/2016

11-17-2 Definitions.

As used in this chapter:

- (1) "Bonds" means bonds, notes, or other evidences of indebtedness.
- (2) "Energy efficiency upgrade" means an improvement that is permanently affixed to real property and that is designed to reduce energy consumption, including:
 - (a) insulation in:
 - (i) a wall, ceiling, roof, floor, or foundation; or
 - (ii) a heating or cooling distribution system;
 - (b) an insulated window or door, including:
 - (i) a storm window or door;
 - (ii) a multiglazed window or door;
 - (iii) a heat-absorbing window or door;
 - (iv) a heat-reflective glazed and coated window or door;
 - (v) additional window or door glazing;
 - (vi) a window or door with reduced glass area; or
 - (vii) other window or door modifications that reduce energy loss;
 - (c) an automatic energy control system;
 - (d) in a building or a central plant, a heating, ventilation, or air conditioning and distribution system;
 - (e) caulking or weatherstripping;
 - (f) a light fixture that does not increase the overall illumination of a building unless an increase is necessary to conform with the applicable building code;
 - (g) an energy recovery system;
 - (h) a daylighting system;
 - (i) measures to reduce the consumption of water, through conservation or more efficient use of water, including:
 - (i) installation of a low-flow toilet or showerhead;
 - (ii) installation of a timer or timing system for a hot water heater; or
 - (iii) installation of a rain catchment system; or
 - (j) any other modified, installed, or remodeled fixture that is approved as a utility cost-savings measure by the governing body.
- (3) "Finance" or "financing" includes the issuing of bonds by a municipality, county, or state university for the purpose of using a portion, or all or substantially all of the proceeds to pay for or to reimburse the user, lender, or the user or lender's designee for the costs of the acquisition of facilities of a project, or to create funds for the project itself where appropriate, whether these costs are incurred by the municipality, the county, the state university, the user, or a designee of the user. If title to or in these facilities at all times remains in the user, the bonds of the municipality or county shall be secured by a pledge of one or more notes, debentures, bonds, other secured or unsecured debt obligations of the user or lender, or the sinking fund or other arrangement as in the judgment of the governing body is appropriate for the purpose of assuring repayment of the bond obligations to investors in accordance with their terms.
- (4) "Governing body" means:
 - (a) for a county, city, town, or metro township, the legislative body of the county, city, town, or metro township;
 - (b) for the military installation development authority created in Section 63H-1-201, the authority board, as defined in Section 63H-1-102;

- (c) for a state university except as provided in Subsection (4)(d), the board or body having the control and supervision of the state university; and
 - (d) for a nonprofit corporation or foundation created by and operating under the auspices of a state university, the board of directors or board of trustees of that corporation or foundation.
- (5)
- (a) "Industrial park" means land, including all necessary rights, appurtenances, easements, and franchises relating to it, acquired and developed by a municipality, county, or state university for the establishment and location of a series of sites for plants and other buildings for industrial, distribution, and wholesale use.
 - (b) "Industrial park" includes the development of the land for an industrial park under this chapter or the acquisition and provision of water, sewerage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad, or docking facilities, or any combination of them, but only to the extent that these facilities are incidental to the use of the land as an industrial park.
- (6) "Lender" means a trust company, savings bank, savings and loan association, bank, credit union, or any other lending institution that lends, loans, or leases proceeds of a financing to the user or a user's designee.
- (7) "Mortgage" means a mortgage, trust deed, or other security device.
- (8) "Municipality" means any incorporated city, town, or metro township in the state, including cities or towns operating under home rule charters.
- (9) "Pollution" means any form of environmental pollution including water pollution, air pollution, pollution caused by solid waste disposal, thermal pollution, radiation contamination, or noise pollution.
- (10)
- (a) "Project" means:
 - (i) an industrial park, land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination of them, whether or not in existence or under construction:
 - (A) that is suitable for industrial, manufacturing, warehousing, research, business, and professional office building facilities, commercial, shopping services, food, lodging, low income rental housing, recreational, or any other business purposes;
 - (B) that is suitable to provide services to the general public;
 - (C) that is suitable for use by any corporation, person, or entity engaged in health care services, including hospitals, nursing homes, extended care facilities, facilities for the care of persons with a physical or mental disability, and administrative and support facilities; or
 - (D) that is suitable for use by a state university for the purpose of aiding in the accomplishment of its authorized academic, scientific, engineering, technical, and economic development functions;
 - (ii) any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination of them, used by any individual, partnership, firm, company, corporation, public utility, association, trust, estate, political subdivision, state agency, or any other legal entity, or its legal representative, agent, or assigns, for the reduction, abatement, or prevention of pollution, including the removal or treatment of any substance in process material, if that material would cause pollution if used without the removal or treatment;
 - (iii) an energy efficiency upgrade;
 - (iv) a renewable energy system;

- (v) facilities, machinery, or equipment, the manufacturing and financing of which will maintain or enlarge domestic or foreign markets for Utah industrial products; or
 - (vi) any economic development or new venture investment fund to be raised other than from:
 - (A) municipal or county general fund money;
 - (B) money raised under the taxing power of any county or municipality; or
 - (C) money raised against the general credit of any county or municipality.
 - (b) "Project" does not include any property, real, personal, or mixed, for the purpose of the construction, reconstruction, improvement, or maintenance of a public utility as defined in Section 54-2-1.
- (11) "Renewable energy system" means a product, system, device, or interacting group of devices that is permanently affixed to real property and that produces energy from renewable resources, including:
- (a) a photovoltaic system;
 - (b) a solar thermal system;
 - (c) a wind system;
 - (d) a geothermal system, including:
 - (i) a direct-use system; or
 - (ii) a ground source heat pump system;
 - (e) a micro-hydro system; or
 - (f) another renewable energy system approved by the governing body.
- (12) "State university" means an institution of higher education as described in Section 53B-2-101 and includes any nonprofit corporation or foundation created by and operating under their authority.
- (13) "User" means the person, whether natural or corporate, who will occupy, operate, maintain, and employ the facilities of, or manage and administer a project after the financing, acquisition, or construction of it, whether as owner, manager, purchaser, lessee, or otherwise.

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