

1 **CODIFICATION OF STATE CONSTRUCTION AND FIRE**

2 **CODES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael T. Morley**

6 Senate Sponsor: J. Stuart Adams

7

LONG TITLE

8 **General Description:**

9 This bill enacts a new title to codify the existing State Construction Code and State Fire
10 Code.
11

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ codifies the State Construction Code;
- 15 ▶ codifies the State Fire Code;
- 16 ▶ updates the NFPA referenced standards in the State Construction Code and State
17 Fire Code;
- 18 ▶ provides local amendments for fire sprinkler requirements for the Town of Brian
19 Head in the State Construction Code;
- 20 ▶ addresses codes incorporated by reference into the State Fire Code;
- 21 ▶ addresses emergency evacuation drill requirements in the State Fire Code;
- 22 ▶ addresses door ~~H→~~ [closures] closers ←~~H~~ on classroom doors as part of the State Fire
22a Code;
- 23 ▶ addresses use of antifreeze in automatic sprinklers as part of the State Fire Code;
- 24 ▶ addresses provisions in the State Fire Code related to liquified petroleum gas;
- 25 ▶ includes provisions related to procedures to adopt and requirements related to the
26 administration of the State Construction Code and State Fire Code; and
- 27 ▶ makes technical and conforming amendments.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill takes effect on July 1, 2011.

31a **H→ This bill coordinates with H.B. 260, Mechanics' Liens Revisions, to technically merge**
31b **substantive amendments. ←H**

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **9-4-102**, as last amended by Laws of Utah 2004, Chapter 18

35 **10-8-85.5**, as last amended by Laws of Utah 2008, Chapter 78

36 **10-9a-514**, as last amended by Laws of Utah 2010, Chapter 378

37 **11-36-102 (Effective 05/11/11)**, as last amended by Laws of Utah 2010, Chapter 203

38 **11-45-102**, as enacted by Laws of Utah 2010, Chapter 72

39 **17-27a-513**, as renumbered and amended by Laws of Utah 2005, Chapter 254

40 **26-15-3**, as last amended by Laws of Utah 2010, Chapter 310

41 **26A-1-113**, as last amended by Laws of Utah 2009, Chapter 339

42 **26A-1-114**, as last amended by Laws of Utah 2009, Chapters 304 and 339

43 **38-11-102**, as last amended by Laws of Utah 2007, Chapter 84

44 **53-7-102**, as last amended by Laws of Utah 2010, Chapters 310 and 324

45 **53-7-204**, as last amended by Laws of Utah 2010, Chapters 61 and 310

46 **57-23-4**, as enacted by Laws of Utah 1991, Chapter 262

47 **58-3a-102**, as enacted by Laws of Utah 1996, Chapter 260

48 **58-3a-602**, as enacted by Laws of Utah 1996, Chapter 260

49 **58-22-102**, as last amended by Laws of Utah 2008, Chapter 277

50 **58-22-602**, as enacted by Laws of Utah 1996, Chapter 259

51 **58-53-602**, as enacted by Laws of Utah 1998, Chapter 191

52 **58-55-102**, as last amended by Laws of Utah 2010, Chapters 27, 53, and 227

53 **58-55-305**, as last amended by Laws of Utah 2010, Chapters 27, 227, and 310

54 **58-56-1**, as enacted by Laws of Utah 1989, Chapter 269

55 **58-56-3**, as last amended by Laws of Utah 2010, Chapters 76, 310, and 372

56 **58-56-9**, as last amended by Laws of Utah 2010, Chapters 310 and 391

57 **58-56-17.5**, as last amended by Laws of Utah 2010, Chapter 310

58 **59-12-102**, as last amended by Laws of Utah 2010, Chapters 88, 142, 234, and 263

- 59 **63A-5-206**, as last amended by Laws of Utah 2010, Chapter 338
- 60 **70D-2-102**, as renumbered and amended by Laws of Utah 2009, Chapter 72
- 61 **73-3-1.5**, as enacted by Laws of Utah 2010, Chapter 19

62 ENACTS:

- 63 **15A-1-101**, Utah Code Annotated 1953
- 64 **15A-1-102**, Utah Code Annotated 1953
- 65 **15A-1-103**, Utah Code Annotated 1953
- 66 **15A-1-201**, Utah Code Annotated 1953
- 67 **15A-1-202**, Utah Code Annotated 1953
- 68 **15A-1-203**, Utah Code Annotated 1953
- 69 **15A-1-204**, Utah Code Annotated 1953
- 70 **15A-1-205**, Utah Code Annotated 1953
- 71 **15A-1-206**, Utah Code Annotated 1953
- 72 **15A-1-207**, Utah Code Annotated 1953
- 73 **15A-1-208**, Utah Code Annotated 1953
- 74 **15A-1-209**, Utah Code Annotated 1953
- 75 **15A-1-210**, Utah Code Annotated 1953
- 76 **15A-1-301**, Utah Code Annotated 1953
- 77 **15A-1-302**, Utah Code Annotated 1953
- 78 **15A-1-303**, Utah Code Annotated 1953
- 79 **15A-1-304**, Utah Code Annotated 1953
- 80 **15A-1-305**, Utah Code Annotated 1953
- 81 **15A-1-306**, Utah Code Annotated 1953
- 82 **15A-1-401**, Utah Code Annotated 1953
- 83 **15A-1-402**, Utah Code Annotated 1953
- 84 **15A-1-403**, Utah Code Annotated 1953
- 85 **15A-2-101**, Utah Code Annotated 1953
- 86 **15A-2-102**, Utah Code Annotated 1953
- 87 **15A-2-103**, Utah Code Annotated 1953
- 88 **15A-2-104**, Utah Code Annotated 1953
- 89 **15A-2-105**, Utah Code Annotated 1953

- 90 **15A-3-101**, Utah Code Annotated 1953
- 91 **15A-3-102**, Utah Code Annotated 1953
- 92 **15A-3-103**, Utah Code Annotated 1953
- 93 **15A-3-104**, Utah Code Annotated 1953
- 94 **15A-3-105**, Utah Code Annotated 1953
- 95 **15A-3-106**, Utah Code Annotated 1953
- 96 **15A-3-107**, Utah Code Annotated 1953
- 97 **15A-3-108**, Utah Code Annotated 1953
- 98 **15A-3-109**, Utah Code Annotated 1953
- 99 **15A-3-110**, Utah Code Annotated 1953
- 100 **15A-3-111**, Utah Code Annotated 1953
- 101 **15A-3-112**, Utah Code Annotated 1953
- 102 **15A-3-113**, Utah Code Annotated 1953
- 103 **15A-3-201**, Utah Code Annotated 1953
- 104 **15A-3-202**, Utah Code Annotated 1953
- 105 **15A-3-203**, Utah Code Annotated 1953
- 106 **15A-3-204**, Utah Code Annotated 1953
- 107 **15A-3-205**, Utah Code Annotated 1953
- 108 **15A-3-206**, Utah Code Annotated 1953
- 109 **15A-3-301**, Utah Code Annotated 1953
- 110 **15A-3-302**, Utah Code Annotated 1953
- 111 **15A-3-303**, Utah Code Annotated 1953
- 112 **15A-3-304**, Utah Code Annotated 1953
- 113 **15A-3-305**, Utah Code Annotated 1953
- 114 **15A-3-306**, Utah Code Annotated 1953
- 115 **15A-3-307**, Utah Code Annotated 1953
- 116 **15A-3-308**, Utah Code Annotated 1953
- 117 **15A-3-309**, Utah Code Annotated 1953
- 118 **15A-3-310**, Utah Code Annotated 1953
- 119 **15A-3-311**, Utah Code Annotated 1953
- 120 **15A-3-312**, Utah Code Annotated 1953

- 121 **15A-3-313**, Utah Code Annotated 1953
- 122 **15A-3-314**, Utah Code Annotated 1953
- 123 **15A-3-401**, Utah Code Annotated 1953
- 124 **15A-3-501**, Utah Code Annotated 1953
- 125 **15A-3-601**, Utah Code Annotated 1953
- 126 **15A-3-701**, Utah Code Annotated 1953
- 127 **15A-3-801**, Utah Code Annotated 1953
- 128 **15A-4-101**, Utah Code Annotated 1953
- 129 **15A-4-102**, Utah Code Annotated 1953
- 130 **15A-4-103**, Utah Code Annotated 1953
- 131 **15A-4-104**, Utah Code Annotated 1953
- 132 **15A-4-105**, Utah Code Annotated 1953
- 133 **15A-4-106**, Utah Code Annotated 1953
- 134 **15A-4-107**, Utah Code Annotated 1953
- 135 **15A-4-201**, Utah Code Annotated 1953
- 136 **15A-4-202**, Utah Code Annotated 1953
- 137 **15A-4-203**, Utah Code Annotated 1953
- 138 **15A-4-204**, Utah Code Annotated 1953
- 139 **15A-4-205**, Utah Code Annotated 1953
- 140 **15A-4-206**, Utah Code Annotated 1953
- 141 **15A-4-207**, Utah Code Annotated 1953
- 142 **15A-4-301**, Utah Code Annotated 1953
- 143 **15A-4-302**, Utah Code Annotated 1953
- 144 **15A-4-303**, Utah Code Annotated 1953
- 145 **15A-4-401**, Utah Code Annotated 1953
- 146 **15A-4-501**, Utah Code Annotated 1953
- 147 **15A-4-601**, Utah Code Annotated 1953
- 148 **15A-4-701**, Utah Code Annotated 1953
- 149 **15A-5-101**, Utah Code Annotated 1953
- 150 **15A-5-102**, Utah Code Annotated 1953
- 151 **15A-5-103**, Utah Code Annotated 1953

- 152 **15A-5-201**, Utah Code Annotated 1953
- 153 **15A-5-202**, Utah Code Annotated 1953
- 154 **15A-5-203**, Utah Code Annotated 1953
- 155 **15A-5-204**, Utah Code Annotated 1953
- 156 **15A-5-205**, Utah Code Annotated 1953
- 157 **15A-5-206**, Utah Code Annotated 1953
- 158 **15A-5-207**, Utah Code Annotated 1953
- 159 **15A-5-301**, Utah Code Annotated 1953
- 160 **15A-5-302**, Utah Code Annotated 1953
- 161 **15A-5-303**, Utah Code Annotated 1953
- 162 **15A-5-401**, Utah Code Annotated 1953
- 163 **58-56-15.1**, Utah Code Annotated 1953

164 REPEALS:

- 165 **53-7-106**, as last amended by Laws of Utah 2010, Chapter 310
- 166 **58-56-4**, as last amended by Laws of Utah 2010, Chapters 310 and 372
- 167 **58-56-5**, as last amended by Laws of Utah 2010, Chapters 286 and 310
- 168 **58-56-6**, as last amended by Laws of Utah 2010, Chapter 310
- 169 **58-56-7**, as last amended by Laws of Utah 2010, Chapter 310
- 170 **58-56-8**, as last amended by Laws of Utah 2002, Chapter 75
- 171 **58-56-11**, as last amended by Laws of Utah 1997, Chapter 196
- 172 **58-56-12**, as last amended by Laws of Utah 2010, Chapter 310
- 173 **58-56-13**, as last amended by Laws of Utah 2010, Chapter 310
- 174 **58-56-14**, as last amended by Laws of Utah 2010, Chapter 310
- 175 **58-56-15**, as last amended by Laws of Utah 2010, Chapter 310
- 176 **58-56-19**, as last amended by Laws of Utah 2009, Chapter 50
- 177 **58-56-20**, as last amended by Laws of Utah 2010, Chapter 310
- 178 **58-56-21**, as last amended by Laws of Utah 2010, Chapter 310

178a **H→ Utah Code Sections Affected by Coordination Clause:**

178b **15A-1-209, Utah Code Annotated 1953 ←H**



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

181 Section 1. Section **9-4-102** is amended to read:

182 **9-4-102. Definitions.**

183 As used in this chapter:

184 (1) "Accessible housing" means housing which has been constructed or modified to be
185 accessible, as described in the [~~construction codes adopted under Section 58-56-4~~] State
186 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
187 Act.

188 (2) "Director" means the director of the division.

189 (3) "Division" means the Division of Housing and Community Development.

190 Section 2. Section **10-8-85.5** is amended to read:

191 **10-8-85.5. "Rental dwelling" defined -- Municipality may require a business**
192 **license or a regulatory business license and inspections -- Exception.**

193 (1) As used in this section, "rental dwelling" means a building or portion of a building
194 that is:

195 (a) used or designated for use as a residence by one or more persons; and

196 (b) (i) available to be rented, loaned, leased, or hired out for a period of one month or
197 longer; or

198 (ii) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of
199 one month or longer.

200 (2) (a) The legislative body of a municipality may by ordinance require the owner of a
201 rental dwelling located within the municipality:

202 (i) to obtain a business license pursuant to Section 10-1-203; or

203 (ii) (A) to obtain a regulatory business license to operate and maintain the rental
204 dwelling; and

205 (B) to allow inspections of the rental dwelling as a condition of obtaining a regulatory
206 business license.

207 (b) A municipality may not require an owner of multiple rental dwellings or multiple
208 buildings containing rental dwellings to obtain more than one regulatory business license for
209 the operation and maintenance of those rental dwellings.

210 (c) (i) Notwithstanding Subsection (2)(b), a municipality may, until August 31, 2008,
211 impose upon an owner subject to Subsection (2)(a) a reasonable inspection fee for the
212 inspection of each rental dwelling owned by that owner.

213 (ii) Beginning September 1, 2008, a municipality may not charge a fee for the

214 inspection of a rental dwelling.

215 (d) If a municipality's inspection of a rental dwelling, allowed under Subsection
216 (2)(a)(ii)(B), approves the rental dwelling for purposes of a regulatory business license, a
217 municipality may not inspect that rental dwelling during the next 36 months, unless the
218 municipality has reasonable cause to believe that a condition in the rental dwelling is in
219 violation of an applicable law or ordinance.

220 (3) A municipality may not:

221 (a) interfere with the ability of an owner of a rental dwelling to contract with a tenant
222 concerning the payment of the cost of a utility or municipal service provided to the rental
223 dwelling; or

224 (b) except as required under [~~Title 58, Chapter 56, Utah Uniform Building Act~~] the
225 State Construction Code or an approved code under Title 15A, State Construction and Fire
226 Codes Act, for a structural change to the rental dwelling, or as required in an ordinance adopted
227 before January 1, 2008, require the owner of a rental dwelling to retrofit the rental dwelling
228 with or install in the rental dwelling a safety feature that was not required when the rental
229 dwelling was constructed.

230 (4) Nothing in this section shall be construed to affect the rights and duties established
231 under Title 57, Chapter 22, Utah Fit Premises Act, or to restrict a municipality's ability to
232 enforce its generally applicable health ordinances or building code, a local health department's
233 authority under Title 26A, Chapter 1, Local Health Departments, or the Utah Department of
234 Health's authority under Title 26, Utah Health Code.

235 Section 3. Section **10-9a-514** is amended to read:

236 **10-9a-514. Manufactured homes.**

237 (1) For purposes of this section, a manufactured home is the same as defined in Section
238 [~~58-56-3~~] 15A-1-302, except that the manufactured home shall be attached to a permanent
239 foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and
240 frost protection in compliance with the applicable building code. All appendages, including
241 carports, garages, storage buildings, additions, or alterations shall be built in compliance with
242 the applicable building code.

243 (2) A manufactured home may not be excluded from any land use zone or area in
244 which a single-family residence would be permitted, provided the manufactured home

245 complies with all local land use ordinances, building codes, and any restrictive covenants,
246 applicable to a single family residence within that zone or area.

247 (3) A municipality may not:

248 (a) adopt or enforce an ordinance or regulation that treats a proposed development that
249 includes manufactured homes differently than one that does not include manufactured homes;
250 or

251 (b) reject a development plan based on the fact that the development is expected to
252 contain manufactured homes.

253 Section 4. Section **11-36-102 (Effective 05/11/11)** is amended to read:

254 **11-36-102 (Effective 05/11/11). Definitions.**

255 As used in this chapter:

256 (1) "Building permit fee" means the fees charged to enforce [~~the uniform codes~~
257 ~~adopted pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not~~
258 ~~greater than the fees indicated in the appendix to the International Building Code]~~ the State
259 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
260 Act.

261 (2) "Capital facilities plan" means the plan required by Section 11-36-201.

262 (3) "Charter school" includes:

263 (a) an operating charter school;

264 (b) an applicant for a charter school whose application has been approved by a
265 chartering entity as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;
266 and

267 (c) an entity that is working on behalf of a charter school or approved charter applicant
268 to develop or construct a charter school building.

269 (4) "Development activity" means any construction or expansion of a building,
270 structure, or use, any change in use of a building or structure, or any changes in the use of land
271 that creates additional demand and need for public facilities.

272 (5) "Development approval" means:

273 (a) except as provided in Subsection (5)(b), any written authorization from a local
274 political subdivision that authorizes the commencement of development activity;

275 (b) development activity, for a public entity that may develop without written

276 authorization from a local political subdivision;

277 (c) a written agreement between a local political subdivision and a public water

278 supplier, as defined in Section 73-1-4, or a private water company:

279 (i) to reserve:

280 (A) a water right;

281 (B) system capacity; or

282 (C) a distribution facility; or

283 (ii) to deliver for new development:

284 (A) culinary water; or

285 (B) irrigation water; or

286 (d) a written agreement between a local political subdivision and a sanitary sewer

287 authority, as defined in Section 10-9a-103:

288 (i) to reserve:

289 (A) sewer collection capacity; or

290 (B) treatment capacity; or

291 (ii) to provide sewer service for a new development.

292 (6) "Enactment" means:

293 (a) a municipal ordinance, for a municipality;

294 (b) a county ordinance, for a county; and

295 (c) a governing board resolution, for a local district, special service district, or private

296 entity.

297 (7) "Encumber" means:

298 (a) a pledge to retire a debt; or

299 (b) an allocation to a current purchase order or contract.

300 (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

301 meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility

302 system of a municipality, county, local district, special service district, or private entity.

303 (9) (a) "Impact fee" means a payment of money imposed upon new development

304 activity as a condition of development approval to mitigate the impact of the new development

305 on public facilities.

306 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a

307 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

308 (10) (a) "Local political subdivision" means a county, a municipality, a local district
309 under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special
310 service district under Title 17D, Chapter 1, Special Service District Act.

311 (b) "Local political subdivision" does not mean a school district, whose impact fee
312 activity is governed by Section 53A-20-100.5.

313 (11) "Private entity" means an entity with private ownership that provides culinary
314 water that is required to be used as a condition of development.

315 (12) (a) "Project improvements" means site improvements and facilities that are:

316 (i) planned and designed to provide service for development resulting from a
317 development activity;

318 (ii) necessary for the use and convenience of the occupants or users of development
319 resulting from a development activity; and

320 (iii) not identified or reimbursed as a system improvement.

321 (b) "Project improvements" does not mean system improvements.

322 (13) "Proportionate share" means the cost of public facility improvements that are
323 roughly proportionate and reasonably related to the service demands and needs of any
324 development activity.

325 (14) "Public facilities" means only the following capital facilities that have a life
326 expectancy of 10 or more years and are owned or operated by or on behalf of a local political
327 subdivision or private entity:

328 (a) water rights and water supply, treatment, and distribution facilities;

329 (b) wastewater collection and treatment facilities;

330 (c) storm water, drainage, and flood control facilities;

331 (d) municipal power facilities;

332 (e) roadway facilities;

333 (f) parks, recreation facilities, open space, and trails; and

334 (g) public safety facilities.

335 (15) (a) "Public safety facility" means:

336 (i) a building constructed or leased to house police, fire, or other public safety entities;

337 or

338 (ii) a fire suppression vehicle costing in excess of \$500,000.

339 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
340 incarceration.

341 (16) (a) "Roadway facilities" means streets or roads that have been designated on an
342 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,
343 together with all necessary appurtenances.

344 (b) "Roadway facilities" includes associated improvements to federal or state roadways
345 only when the associated improvements:

346 (i) are necessitated by the new development; and

347 (ii) are not funded by the state or federal government.

348 (c) "Roadway facilities" does not mean federal or state roadways.

349 (17) (a) "Service area" means a geographic area designated by a local political
350 subdivision on the basis of sound planning or engineering principles in which a defined set of
351 public facilities provide service within the area.

352 (b) "Service area" may include the entire local political subdivision.

353 (18) "Specified public agency" means:

354 (a) the state;

355 (b) a school district; or

356 (c) a charter school.

357 (19) (a) "System improvements" means:

358 (i) existing public facilities that are:

359 (A) identified in the impact fee analysis under Section 11-36-201; and

360 (B) designed to provide services to service areas within the community at large; and

361 (ii) future public facilities identified in the impact fee analysis under Section 11-36-201
362 that are intended to provide services to service areas within the community at large.

363 (b) "System improvements" does not mean project improvements.

364 Section 5. Section **11-45-102** is amended to read:

365 **11-45-102. Definitions.**

366 As used in this section:

367 (1) "Board" means the Board of the Utah Geological Survey.

368 (2) "Energy code" means the energy efficiency code adopted under Section [~~58-56-4~~]

369 15A-1-204.

370 (3) (a) "Energy efficiency project" means:

371 (i) for an existing building, a retrofit to improve energy efficiency; or

372 (ii) for a new building, an enhancement to improve energy efficiency beyond the

373 minimum required by the energy code.

374 (b) "Energy efficiency projects" include the following expenses:

375 (i) construction;

376 (ii) engineering;

377 (iii) energy audit; or

378 (iv) inspection.

379 (4) "Fund" means the Energy Efficiency Fund created in Part 2, Energy Efficiency

380 Fund.

381 (5) "Political subdivision" means a county, city, town, or school district.

382 Section 6. Section **15A-1-101** is enacted to read:

383 **TITLE 15A. STATE CONSTRUCTION AND FIRE CODES ACT**

384 **CHAPTER 1. GENERAL CHAPTER**

385 **Part 1. General Provisions**

386 **15A-1-101. Titles.**

387 (1) This title is known as the "State Construction and Fire Codes Act."

388 (2) This chapter is known as "General Chapter."

389 Section 7. Section **15A-1-102** is enacted to read:

390 **15A-1-102. Definitions.**

391 As used in this title:

392 (1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203.

393 (2) "Division" means the Division of Occupational and Professional Licensing created

394 in Section 58-1-103, except as provided in:

395 (a) Part 4, State Fire Code Administration Act; and

396 (b) Chapter 5, State Fire Code Act.

397 (3) "State Construction Code" means the State Construction Code adopted by:

398 (a) Chapter 2, Adoption of State Construction Code;

399 (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction

400 Code; and

401 (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

402 (4) "State Fire Code" means the State Fire Code adopted by Chapter 5, State Fire Code

403 Act.

404 (5) "Utah Code" means the Utah Code Annotated (1953), as amended.

405 Section 8. Section **15A-1-103** is enacted to read:

406 **15A-1-103. Formatting powers.**

407 (1) As part of the division's compliance with Section 15A-1-205, the division may
408 modify the format of the State Construction Code to provide accessibility to users of the State
409 Construction Code.

410 (2) Consistent with Part 4, State Fire Code Administration Act, and Title 53, Chapter
411 7, Utah Fire Prevention and Safety Act, the State Fire Marshall Division under the direction of
412 the board may modify the format of the State Fire Code to provide accessibility to users of the
413 State Fire Code.

414 Section 9. Section **15A-1-201** is enacted to read:

415 **Part 2. State Construction Code Administration Act**

416 **15A-1-201. Title.**

417 This part is known as the "State Construction Code Administration Act."

418 Section 10. Section **15A-1-202** is enacted to read:

419 **15A-1-202. Definitions.**

420 As used in this chapter:

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

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

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

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

429 (4) "Code" means:

430 (a) the State Construction Code; or

- 431 (b) an approved code.
- 432 (5) "Commission" means the Uniform Building Code Commission created in Section
433 15A-1-203.
- 434 (6) "Compliance agency" means:
- 435 (a) an agency of the state or any of its political subdivisions which issues permits for
436 construction regulated under the codes;
- 437 (b) any other agency of the state or its political subdivisions specifically empowered to
438 enforce compliance with the codes; or
- 439 (c) any other state agency which chooses to enforce codes adopted under this chapter
440 by authority given the agency under a title other than this part and Part 3, Factory Built
441 Housing and Modular Units Administration Act.
- 442 (7) "Construction code" means standards and specifications published by a nationally
443 recognized code authority for use in circumstances described in Subsection 15A-1-204(1),
444 including:
- 445 (a) a building code;
- 446 (b) an electrical code;
- 447 (c) a residential one and two family dwelling code;
- 448 (d) a plumbing code;
- 449 (e) a mechanical code;
- 450 (f) a fuel gas code;
- 451 (g) an energy conservation code; and
- 452 (h) a manufactured housing installation standard code.
- 453 (8) "Legislative action" includes legislation that:
- 454 (a) adopts a new State Construction Code;
- 455 (b) amends the State Construction Code; or
- 456 (c) repeals one or more provisions of the State Construction Code.
- 457 (9) "Local regulator" means a political subdivision of the state that is empowered to
458 engage in the regulation of construction, alteration, remodeling, building, repair, and other
459 activities subject to the codes.
- 460 (10) "Not for human occupancy" means use of a structure for purposes other than
461 protection or comfort of human beings, but allows people to enter the structure for:

462 (a) maintenance and repair; and

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

465 (11) "Opinion" means a written, nonbinding, and advisory statement issued by the
466 commission concerning an interpretation of the meaning of the codes or the application of the
467 codes in a specific circumstance issued in response to a specific request by a party to the issue.

468 (12) "State regulator" means an agency of the state which is empowered to engage in
469 the regulation of construction, alteration, remodeling, building, repair, and other activities
470 subject to the codes adopted pursuant to this chapter.

471 Section 11. Section **15A-1-203** is enacted to read:

472 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**
473 **Council.**

474 (1) There is created a Uniform Building Code Commission to advise the division with
475 respect to the division's responsibilities in administering the codes.

476 (2) The commission shall consist of 11 members as follows:

477 (a) one member shall be from among candidates nominated by the Utah League of
478 Cities and Towns and the Utah Association of Counties;

479 (b) one member shall be a licensed building inspector employed by a political
480 subdivision of the state;

481 (c) one member shall be a licensed professional engineer;

482 (d) one member shall be a licensed architect;

483 (e) one member shall be a fire official;

484 (f) three members shall be contractors licensed by the state, of which one shall be a
485 general contractor, one an electrical contractor, and one a plumbing contractor;

486 (g) two members shall be from the general public and have no affiliation with the
487 construction industry or real estate development industry; and

488 (h) one member shall be from the Division of Facilities Construction Management of
489 the Department of Administrative Services.

490 (3) (a) The executive director shall appoint each commission member after submitting
491 a nomination to the governor for confirmation or rejection.

492 (b) If the governor rejects a nominee, the executive director shall submit an alternative

493 nominee until the governor confirms the nomination. An appointment is effective after the
494 governor confirms the nomination.

495 (4) (a) Except as required by Subsection (4)(b), as terms of commission members
496 expire, the executive director shall appoint each new commission member or reappointed
497 commission member to a four-year term.

498 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
499 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
500 of commission members are staggered so that approximately half of the commission is
501 appointed every two years.

502 (5) When a vacancy occurs in the commission membership for any reason, the
503 executive director shall appoint a replacement for the unexpired term.

504 (6) (a) A commission member may not serve more than two full terms.

505 (b) A commission member who ceases to serve may not again serve on the commission
506 until after the expiration of two years from the date of cessation of service.

507 (7) A majority of the commission members constitute a quorum and may act on behalf
508 of the commission.

509 (8) A commission member may not receive compensation or benefits for the
510 commission member's service, but may receive per diem and travel expenses in accordance
511 with:

512 (a) Section 63A-3-106;

513 (b) Section 63A-3-107; and

514 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
515 63A-3-107.

516 (9) (a) The commission shall annually designate one of its members to serve as chair of
517 the commission.

518 (b) The division shall provide a secretary to facilitate the function of the commission
519 and to record the commission's actions and recommendations.

520 (10) The commission shall:

521 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim
522 Committee;

523 (b) offer an opinion regarding the interpretation of or the application of a code if a

524 person submits a request for an opinion;

525 (c) act as an appeals board as provided in Section 15A-1-207;

526 (d) establish advisory peer committees on either a standing or ad hoc basis to advise
527 the commission with respect to matters related to a code, including a committee to advise the
528 commission regarding health matters related to a plumbing code; and

529 (e) assist the division in overseeing code-related training in accordance with Section
530 15A-1-209.

531 (11) A person requesting an opinion under Subsection (10)(b) shall submit a formal
532 request clearly stating:

533 (a) the facts in question;

534 (b) the specific citation at issue in a code; and

535 (c) the position taken by the persons involved in the facts in question.

536 (12) (a) In a manner consistent with Subsection (10)(d), the commission shall jointly
537 create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified
538 Code Analysis Council" to review fire prevention and construction code issues that require
539 definitive and specific analysis.

540 (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in
541 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:

542 (i) the appointment of members to the Unified Code Analysis Council; and

543 (ii) procedures followed by the Unified Code Analysis Council.

544 Section 12. Section **15A-1-204** is enacted to read:

545 **15A-1-204. Adoption of State Construction Code -- Amendments by commission--**
546 **Approved codes -- Exemptions.**

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

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

552 (i) new construction is involved; and

553 (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

554 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,

555 conservation, or reconstruction of the building; or

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

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

560 (i) a new State Construction Code is adopted; or

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

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

564 (i) to the entire state; or

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

566 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
567 that adopts a construction code with any modifications.

568 (b) Legislation enacted under this Subsection (2) shall state that it takes effect on the
569 July 1 after the day on which the legislation is enacted, unless otherwise stated in the
570 legislation.

571 (c) Subject to Subsection (5), a State Construction Code adopted by the Legislature is
572 the State Construction Code until, in accordance with this section, the Legislature adopts a new
573 State Construction Code by:

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

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

576 (3) (a) The commission shall by no later than November 30 of each year recommend to
577 the Business and Labor Interim Committee whether the Legislature should:

578 (i) amend or repeal one or more provisions of a State Construction Code; or

579 (ii) in a year of a regularly scheduled update of a nationally recognized code, adopt a
580 construction code with any modifications.

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

583 (i) on its own initiative;

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

585 (iii) upon the receipt of a request by one of the following that the commission

586 recommend legislative action related to the State Construction Code:

587 (A) a local regulator;

588 (B) a state regulator;

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

590 (D) the Construction Services Commission;

591 (E) the Electrician Licensing Board;

592 (F) the Plumbers Licensing Board; or

593 (G) a recognized construction-related association.

594 (4) If the Business and Labor Interim Committee decides to recommend legislative
595 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
596 for consideration by the Legislature in the next general session that, if passed by the
597 Legislature, would:

598 (a) adopt a new State Construction Code in its entirety; or

599 (b) amend or repeal one or more provisions of the State Construction Code.

600 (5) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title
601 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if
602 the commission determines that waiting for legislative action in the next general legislative
603 session would:

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

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

606 (b) If the commission amends the State Construction Code in accordance with this
607 Subsection (5), the commission shall file with the division:

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

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

611 (c) If the State Construction Code is amended under this Subsection (5), the division
612 shall:

613 (i) publish the amendment to the State Construction Code in accordance with Section
614 15A-1-205; and

615 (ii) notify the Business and Labor Interim Committee of the amendment to the State
616 Construction Code, including a copy of the commission's analysis described in Subsection

617 (5)(b).

618 (d) If not formally adopted by the Legislature at its next annual general session, an
619 amendment to the State Construction Code under this Subsection (5) is repealed on the July 1
620 immediately following the next annual general session that follows the adoption of the
621 amendment.

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

625 (b) If the code adopted by a compliance agency is an approved code described in
626 Subsection (6)(a), the compliance agency may:

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

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

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

630 (7) (a) Except as provided in Subsection (7)(b), a structure used solely in conjunction
631 with agriculture use, and not for human occupancy, is exempt from the permit requirements of
632 the State Construction Code.

633 (b) (i) Unless exempted by a provision other than Subsection (7)(a), a plumbing,
634 electrical, and mechanical permit may be required when that work is included in a structure
635 described in Subsection (7)(a).

636 (ii) Unless located in whole or in part in an agricultural protection area created under
637 Title 17, Chapter 41, Agriculture and Industrial Protection Area, a structure described in
638 Subsection (7)(a) is not exempt from a permit requirement if the structure is located on land
639 that is:

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

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

643 Section 13. Section **15A-1-205** is enacted to read:

644 **15A-1-205. Division duties.**

645 (1) (a) The division shall administer the codes adopted or approved under Section
646 15A-1-204 pursuant to this chapter.

647 (b) Notwithstanding Subsection (1)(a), the division has no responsibility to:

648 (i) conduct inspections to determine compliance with the codes;
649 (ii) issue permits; or
650 (iii) assess building permit fees.
651 (2) As part of the administration of the codes, the division shall:
652 (a) comply with Section 15A-1-206;
653 (b) schedule appropriate hearings;
654 (c) maintain and publish for reference:
655 (i) the current State Construction Code; and
656 (ii) any approved code; and
657 (d) publish the opinions of the commission with respect to interpretation and
658 application of the codes.
659 Section 14. Section **15A-1-206** is enacted to read:
660 **15A-1-206. Code amendment process.**
661 (1) The division, in consultation with the commission, shall establish by rule the
662 procedure under which a request that the commission recommend legislative action is to be:
663 (a) filed with the division;
664 (b) reviewed by the commission; and
665 (c) addressed by the commission in the commission's report to the Business and Labor
666 Interim Committee required by Section 15A-1-204.
667 (2) The division shall accept a request that the commission recommend legislative
668 action in accordance with Section 15A-1-204 from:
669 (a) a local regulator;
670 (b) a state regulator;
671 (c) a state agency involved with the construction and design of a building;
672 (d) the Construction Services Commission;
673 (e) the Electrician Licensing Board;
674 (f) the Plumbers Licensing Board; or
675 (g) a recognized construction-related association.
676 (3) (a) If one or more requests are received in accordance with this section, the division
677 shall hold at least one public hearing before the commission concerning the requests.
678 (b) The commission shall conduct a public hearing under this Subsection (3) in

679 accordance with the rules of the commission, which may provide for coordinating the public
680 hearing with a meeting of the commission.

681 (c) After a public hearing described in this Subsection (3), the commission shall
682 prepare a written report of its recommendations made on the basis of the public hearing. The
683 commission shall include the information in the written report prepared under this Subsection
684 (3)(c) in the commission's report to the Business and Labor Interim Committee under Section
685 15A-1-204.

686 (4) In making rules required by this chapter, the division shall comply with Title 63G,
687 Chapter 3, Utah Administrative Rulemaking Act.

688 Section 15. Section **15A-1-207** is enacted to read:

689 **15A-1-207. Compliance with codes -- Responsibility for inspections -- Appeals.**

690 (1) The compliance agency having jurisdiction over the project and the applicable
691 codes has the responsibility for inspection of construction projects and enforcement of
692 compliance with the codes.

693 (2) A compliance agency shall furnish in writing to the division a finding by the
694 compliance agency that a licensed contractor, electrician, or plumber has materially violated a
695 code in a manner to jeopardize the public health, safety, and welfare and failed to comply with
696 corrective orders of the compliance agency. A compliance agency shall conduct a primary
697 investigation to determine that, in fact, there has been a material violation of a code
698 jeopardizing the public interest and provide the report of investigation to the division.

699 (3) (a) A compliance agency shall establish a method of appeal by which a person
700 disputing the application and interpretation of a code may appeal and receive a timely review of
701 the disputed issues in accordance with the codes.

702 (b) If a compliance agency refuses to establish a method of appeal, the commission
703 shall act as the appeals board and conduct a hearing within 45 days. The findings of the
704 commission are binding.

705 (4) An appeals board established under this section may not:

706 (a) interpret the administrative provisions of a code; or

707 (b) waive a requirement of a code.

708 Section 16. Section **15A-1-208** is enacted to read:

709 **15A-1-208. Standards for specialized buildings.**

710 (1) This chapter may not be implied to repeal or otherwise affect the authority granted
711 to a state agency to make or administer standards for specialized buildings, as provided in:

712 (a) Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;

713 (b) Title 26, Chapter 39, Utah Child Care Licensing Act;

714 (c) Title 62A, Chapter 2, Licensure of Programs and Facilities;

715 (d) Title 64, Chapter 13, Department of Corrections - State Prison; or

716 (e) another statute that grants a state agency authority to make or administer other
717 special standards.

718 (2) If a special standard conflicts with a code, the special standard prevails.

719 (3) This chapter does not apply to the administration of the statutes described in
720 Subsection (1).

721 Section 17. Section **15A-1-209** is enacted to read:

722 **15A-1-209. Building permit requirements.**

723 (1) As used in this section, "project" means a "construction project" as defined in
724 Section 38-1-27.

725 (2) (a) The division shall develop a standardized building permit numbering system for
726 use by any compliance agency in the state that issues a permit for construction.

727 (b) The standardized building permit numbering system described under Subsection
728 (2)(a) shall include a combination of alpha or numeric characters arranged in a format
729 acceptable to the compliance agency.

730 (c) A compliance agency issuing a permit for construction shall use the standardized
731 building permit numbering system described under Subsection (2)(a).

732 (d) A compliance agency may not use a numbering system other than the system
733 described under Subsection (2)(a) to define a building permit number.

734 (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
735 the division shall adopt a standardized building permit form by rule.

736 (b) The standardized building permit form created under this Subsection (3) shall
737 include fields for indicating the following information:

738 (i) the name and address of the owner of or contractor for the project;

739 (ii) (A) the address of the project; or

740 (B) a general description of the project; and

- 741 (iii) whether the permit applicant is an original contractor or owner-builder.
- 742 (c) The standardized building permit form created under this Subsection (3) may
743 include any other information the division considers useful.
- 744 (d) A compliance agency shall issue a permit for construction only on a standardized
745 building permit form approved by the division.
- 746 (e) A permit for construction issued by a compliance agency under Subsection (3)(d)
747 shall print the standardized building permit number assigned under Subsection (2) in the upper
748 right-hand corner of the building permit form in at least 12-point font.
- 749 (f) (i) Except as provided in Subsection (3)(f)(ii), a compliance agency may not issue a
750 permit for construction if the information required by Subsection (3)(b) is not completed on the
751 building permit form.
- 752 (ii) If a compliance agency does not issue a separate permit for different aspects of the
753 same project, the compliance agency may issue a permit for construction without the
754 information required by Subsection (3)(b)(iii).
- 755 (g) A compliance agency may require additional information for the issuance of a
756 permit for construction.
- 757 (4) A local regulator issuing a single-family residential building permit application
758 shall include in the application or attach to the building permit the following notice
759 prominently placed in at least 14-point font: "Decisions relative to this application are subject
760 to review by the chief executive officer of the municipal or county entity issuing the
761 single-family residential building permit and appeal under the International Residential Code as
762 adopted by the Legislature."
- 763 (5) (a) A compliance agency shall:
- 764 (i) charge a 1% surcharge on a building permit it issues; and
- 765 (ii) transmit 80% of the amount collected to the division to be used by the division in
766 accordance with Subsection (5)(c).
- 767 (b) The portion of the surcharge transmitted to the division shall be deposited as a
768 dedicated credit.
- 769 (c) The division shall use the money received under this Subsection (5) to provide
770 education:
- 771 (i) regarding the codes and code amendments that under Section 15A-1-204 are

772 adopted, approved, or being considered for adoption or approval; and

773 (ii) to:

774 (A) building inspectors; and

775 (B) individuals engaged in construction-related trades or professions.

776 Section 18. Section **15A-1-210** is enacted to read:

777 **15A-1-210. Review of building inspection.**

778 (1) As used in this section, "International Residential Code" means the International
779 Residential Code as adopted under the State Construction Code.

780 (2) Subject to Subsection (3), a city or county shall, by ordinance, provide for review of
781 an inspection conducted by the city's or county's building inspector for a single-family
782 residential building permit.

783 (3) Upon request by a person seeking a single-family residential building permit, a
784 chief executive officer of the municipality or county issuing the single-family residential
785 building permit, or the chief executive officer's designee, shall, with reasonable diligence,
786 review an inspection described in Subsection (2) to determine whether the inspection
787 constitutes a fair administration of the State Construction Code.

788 (4) A review described in this section:

789 (a) is separate and unrelated to an appeal under the International Residential Code;

790 (b) may not be used to review a matter that may be brought by appeal under the
791 International Residential Code;

792 (c) may not result in the waiver or modification of an International Residential Code
793 requirement or standard;

794 (d) may not conflict with an appeal, or the result of an appeal, under the International
795 Residential Code; and

796 (e) does not prohibit a person from bringing an appeal under the International
797 Residential Code.

798 (5) A person who seeks a review described in this section may not be prohibited by
799 preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal under
800 the International Residential Code on the grounds that the person raised the issue or brought the
801 claim in the review described in this section.

802 Section 19. Section **15A-1-301** is enacted to read:

803 **Part 3. Factory Built Housing and Modular Units Administration Act**

804 **15A-1-301. Title.**

805 This part is known as "Factory Built Housing and Modular Units Administration Act."

806 Section 20. Section **15A-1-302** is enacted to read:

807 **15A-1-302. Definitions.**

808 As used in this part:

809 (1) "Compliance agency" is as defined in Section 15A-1-202.

810 (2) "Factory built housing" means a manufactured home or mobile home.

811 (3) "Factory built housing set-up contractor" means an individual licensed by the
812 division to set up or install factory built housing on a temporary or permanent basis.

813 (4) "HUD Code" means the National Manufactured Housing Construction and Safety
814 Standards Act, 42 U.S.C. Sec. 5401 et seq.

815 (5) "Local regulator" is as defined in Section 15A-1-202.

816 (6) "Manufactured home" means a transportable factory built housing unit constructed
817 on or after June 15, 1976, according to the HUD Code, in one or more sections, that:

818 (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in
819 length, or when erected on site, is 400 or more square feet; and

820 (b) is built on a permanent chassis and designed to be used as a dwelling with or
821 without a permanent foundation when connected to the required utilities, and includes the
822 plumbing, heating, air-conditioning, and electrical systems.

823 (7) "Mobile home" means a transportable factory built housing unit built before June
824 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

825 (8) "Modular unit" means a structure:

826 (a) built from sections that are manufactured in accordance with the State Construction
827 Code and transported to a building site; and

828 (b) the purpose of which is for human habitation, occupancy, or use.

829 (9) "State regulator" is as defined in Section 15a-1-202.

830 Section 21. Section **15A-1-303** is enacted to read:

831 **15A-1-303. Factory built housing units.**

832 (1) (a) A manufactured home constructed, sold, or setup in the state shall be
833 constructed in accordance with the HUD Code.

834 (b) A manufactured home setup in the state shall be installed in accordance with the
835 provisions of the State Construction Code applicable to manufactured housing installation.

836 (c) A local regulator subdivision has the authority and responsibility to issue a building
837 permit for the modification or setup of a manufactured home within that political subdivision.

838 (d) A local regulator shall conduct the inspection of a modification to or the setup of a
839 manufactured home and give an approval within the political subdivision in which the
840 modification or setup takes place.

841 (e) A manufactured home constructed on or after June 15, 1976, shall be identifiable by
842 the manufacturer's data plate bearing the date the unit was manufactured and a HUD label
843 attached to the exterior of the home certifying the home was manufactured to HUD standards.

844 (2) (a) A mobile home sold or setup in the state shall be constructed in accordance with
845 the portions of the State Construction Code applicable to a mobile home at the time the mobile
846 home was constructed.

847 (b) A mobile home setup in the state shall be installed in accordance with the portions
848 of the State Construction Code applicable to manufactured housing installation.

849 (c) A local regulator has the authority and responsibility to issue a building permit for
850 the setup of a mobile home within that political subdivision.

851 (d) A local regulator shall conduct the inspection of a modification to or the setup of a
852 mobile home and give the approvals given by the local regulator within the political
853 subdivision in which the modification or setup takes place.

854 Section 22. Section **15A-1-304** is enacted to read:

855 **15A-1-304. Modular units.**

856 Modular unit construction, setup, issuance of permits for construction or setup, and
857 setup shall be in accordance with the following:

858 (1) Construction and setup of a modular unit shall be in accordance with the State
859 Construction Code.

860 (2) A local regulator has the responsibility and authority for plan review and issuance
861 of permits for construction, modification, or setup for the political subdivision in which the
862 modular unit is to be setup;

863 (3) An inspection of the construction, modification of, or setup of a modular unit shall
864 conform with this chapter.

865 (4) A local regulator has the responsibility to issue an approval for the political
866 subdivision in which a modular unit is to be setup or is setup.

867 (5) Nothing in this section precludes:

868 (a) a local regulator from contracting with a qualified third party for the inspection or
869 plan review provided in this section; or

870 (b) the state from entering into an interstate compact for third party inspection of the
871 construction of a modular unit.

872 Section 23. Section **15A-1-305** is enacted to read:

873 **15A-1-305. Modification of factory built housing units and modular units.**

874 (1) A modification to a factory built housing unit shall be made in accordance with the
875 following:

876 (a) Modification to a manufactured home or mobile home before installation or setup
877 of the unit for habitation shall be made in accordance with the HUD Code.

878 (b) (i) Modification to a manufactured home or mobile home after installation or setup
879 of the unit for habitation shall be made in accordance with the HUD Code if the modification
880 does not include the addition of any space to the existing unit or the attachment of any structure
881 to the existing unit.

882 (ii) If a modification to a manufactured home or mobile home after installation or setup
883 for the unit for habitation includes the addition of any space to the existing unit or the
884 attachment of any structure to the unit, the modification shall be made as follows:

885 (A) modifications to the existing unit shall be in accordance with the HUD Code; and

886 (B) additional structure outside of the existing unit shall be in accordance with this
887 chapter.

888 (2) A modification to a modular housing unit shall be made in accordance with this
889 chapter.

890 Section 24. Section **15A-1-306** is enacted to read:

891 **15A-1-306. Factory built housing and modular units -- Division responsibility --**
892 **Unlawful conduct.**

893 (1) The division:

894 (a) shall maintain current information on the HUD Code and the portions of the State

895 Construction Code relevant to manufactured housing installation and will provide at reasonable

896 cost the information to compliance agencies, local regulators, or state regulators requesting
897 such information;

898 (b) shall provide qualified personnel to advise compliance agencies, local regulators,
899 and state regulators regarding the standards for construction and setup, construction and setup
900 inspection, and additions or modifications to factory built housing;

901 (c) is designated as the state administrative agency for purposes of the HUD Code;

902 (d) may inspect the work of modular unit manufacturers in the state during the
903 construction process to determine compliance of the manufacturer with this chapter for those
904 units to be installed within the state and upon a finding of substantive deficiency, issue a
905 corrective order to the manufacturer with a copy to the local regulator in the state's political
906 subdivision in which the unit is to be installed;

907 (e) shall have rights of entry and inspection as specified under the HUD Code; and

908 (f) shall implement by rule as required by the HUD Code;

909 (i) a dispute resolution program; and

910 (ii) a continuing education requirement for manufactured housing installation
911 contractors.

912 (2) The division may assess civil penalties payable to the state for violation of the
913 HUD Code in an amount identical to those set forth in Section 611 of the National
914 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.

915 (3) The state may impose criminal sanctions for violations of the HUD Code identical
916 to those set forth in Section 611 of the National Manufactured Housing Construction and
917 Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a
918 fine, the fine shall be payable to the state.

919 Section 25. Section **15A-1-401** is enacted to read:

Part 4. State Fire Code Administration Act

921 **15A-1-401. Title.**

922 This part is known as the "State Fire Code Administration Act."

923 Section 26. Section **15A-1-402** is enacted to read:

924 **15A-1-402. Definitions.**

925 As used in this part:

926 (1) "Division" means the State Fire Marshal Division created in Section 53-7-103.

- 927 (2) "Legislative action" includes legislation that:
928 (a) adopts a State Fire Code;
929 (b) amends a State Fire Code; or
930 (c) repeals one or more provisions of a State Fire Code.
931 Section 27. Section **15A-1-403** is enacted to read:
932 **15A-1-403. Adoption of State Fire Code.**
933 (1) (a) The State Fire Code is:
934 (i) a code promulgated by a nationally recognized code authority that is adopted by the
935 Legislature under this section with any modifications; and
936 (ii) a code to which cities, counties, fire protection districts, and the state shall adhere
937 in safeguarding life and property from the hazards of fire and explosion.
938 (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on
939 July 1, 2010, until in accordance with this section:
940 (i) a new State Fire Code is adopted; or
941 (ii) one or more provisions of the State Fire Code are amended or repealed in
942 accordance with this section.
943 (c) A provision of the State Fire Code may be applicable:
944 (i) to the entire state; or
945 (ii) within a city, county, or fire protection district.
946 (2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts
947 a nationally recognized fire code with any modifications.
948 (b) Legislation enacted under this Subsection (2) shall state that it takes effect on the
949 July 1 after the day on which the legislation is enacted, unless otherwise stated in the
950 legislation.
951 (c) Subject to Subsection (5), a State Fire Code adopted by the Legislature is the State
952 Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:
953 (i) adopting a new State Fire Code in its entirety; or
954 (ii) amending or repealing one or more provisions of the State Fire Code.
955 (3) (a) The board shall, by no later than November 30 of each year, recommend to the
956 Business and Labor Interim Committee whether the Legislature should:
957 (i) amend or repeal one or more provisions of the State Fire Code; or

958 (ii) in a year of a regularly scheduled update of a nationally recognized fire code, adopt
959 with any modifications the nationally recognized fire code.

960 (b) The board may recommend legislative action related to the State Fire Code:

961 (i) on its own initiative; or

962 (ii) upon the receipt of a request by a city, county, or fire protection district that the
963 board recommend legislative action related to the State Fire Code.

964 (c) Within 45 days after receipt of a request under Subsection (3)(b), the board shall
965 direct the division to convene an informal hearing concerning the request.

966 (d) The board shall conduct a hearing under this section in accordance with the rules of
967 the board.

968 (e) The board shall decide whether to include in the report required under Subsection
969 (3)(a) whether to recommend the legislative action raised by a request.

970 (f) Within 15 days following the completion of a hearing of the board under this
971 Subsection (3), the board shall direct the division to notify the entity that made the request of
972 the board's decision regarding the request. The division shall provide the notice:

973 (i) in writing; and

974 (ii) in a form prescribed by the board.

975 (4) If the Business and Labor Interim Committee decides to recommend legislative
976 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
977 for consideration by the Legislature in the next general session that, if passed by the
978 Legislature, would:

979 (a) adopt a new State Fire Code in its entirety; or

980 (b) amend or repeal one or more provisions of the State Fire Code.

981 (5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G,
982 Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board
983 determines that waiting for legislative action in the next general legislative session would:

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

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

986 (b) If the board amends a State Fire Code in accordance with this Subsection (5), the
987 board shall:

988 (i) publish the State Fire Code with the amendment; and

989 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy
990 of an analysis by the board identifying specific reasons and justifications for its findings.

991 (c) If not formally adopted by the Legislature at its next annual general session, an
992 amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1
993 immediately following the next annual general session that follows the adoption of the
994 amendment.

995 (6) (a) A legislative body of a political subdivision may enact an ordinance that is more
996 restrictive in its fire code requirements than the State Fire Code:

997 (i) in order to meet a public safety need of the political subdivision; and

998 (ii) subject to the requirements of this Subsection (6).

999 (b) A legislative body of a political subdivision that enacts an ordinance under this
1000 section on or after July 1, 2010 shall:

1001 (i) notify the board in writing at least 30 days before the day on which the legislative
1002 body enacts the ordinance and include in the notice a statement as to the proposed subject
1003 matter of the ordinance; and

1004 (ii) after the legislative body enacts the ordinance, report to the board before the board
1005 makes the report required under Subsection (6)(c), including providing the board:

1006 (A) a copy of the ordinance enacted under this Subsection (6); and

1007 (B) a description of the public safety need that is the basis of enacting the ordinance.

1008 (c) The board shall submit to the Business and Labor Interim Committee each year
1009 with the recommendations submitted in accordance with Subsection (3):

1010 (i) a list of the ordinances enacted under this Subsection (6) during the fiscal year
1011 immediately preceding the report; and

1012 (ii) recommendations, if any, for legislative action related to an ordinance enacted
1013 under this Subsection (6).

1014 (d) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under
1015 this Subsection (6).

1016 (ii) The state fire marshal shall make a copy of an ordinance enacted under this
1017 Subsection (6) available on request.

1018 (e) The board may make rules in accordance with Title 63G, Chapter 3, Utah
1019 Administrative Rulemaking Act, to establish procedures for a legislative body of a political

1020 subdivision to follow to provide the notice and report required under this Subsection (6).

1021 Section 28. Section **15A-2-101** is enacted to read:

1022 **CHAPTER 2. ADOPTION OF STATE CONSTRUCTION CODE**

1023 **Part 1. General Provisions**

1024 **15A-2-101. Title -- Adoption of code.**

1025 (1) This chapter is known as the "Adoption of State Construction Code."

1026 (2) In accordance with Chapter 1, Part 2, State Construction Code Administration Act,

1027 the Legislature repeals the State Construction Code in effect on July 1, 2010, and adopts the

1028 following as the State Construction Code:

1029 (a) this chapter;

1030 (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction

1031 Code; and

1032 (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

1033 Section 29. Section **15A-2-102** is enacted to read:

1034 **15A-2-102. Definitions.**

1035 As used in this chapter and Chapters 3 and 4:

1036 (1) "HUD Code" means the Federal Manufactured Housing Construction and Safety
1037 Standards Act, as issued by the Department of Housing and Urban Development and published
1038 in 24 C.F.R. Parts 3280 and 3282 (as revised April 1, 1990).

1039 (2) "IBC" means the edition of the International Building Code adopted under Section
1040 15A-2-103.

1041 (3) "IECC" means the edition of the International Energy Conservation Code adopted
1042 under Section 15A-2-103.

1043 (4) "IFGC" means the edition of the International Fuel Gas Code adopted under
1044 Section 15A-2-103.

1045 (5) "IMC" means the edition of the International Mechanical Code adopted under
1046 Section 15A-2-103.

1047 (6) "IPC" means the edition of the International Plumbing Code adopted under Section
1048 15A-2-103.

1049 (7) "IRC" means the edition of the International Residential Code adopted under
1050 Section 15A-2-103.

1051 (8) "NEC" means the edition of the National Electrical Code adopted under Section
1052 15A-2-103.

1053 (9) "UWUI" means the edition of the Utah Wildland Urban Interface Code adopted
1054 under Section 15A-2-103.

1055 Section 30. Section **15A-2-103** is enacted to read:

1056 **15A-2-103. Specific editions adopted of construction code of a nationally**
1057 **recognized code authority.**

1058 (1) Subject to the other provisions of this part, the following construction codes are
1059 incorporated by reference, and together with the amendments specified in Chapters 3 and 4, are
1060 the construction standards to be applied to building construction, alteration, remodeling, and
1061 repair, and in the regulation of building construction, alteration, remodeling, and repair in the
1062 state:

1063 (a) the 2009 edition of the International Building Code, including Appendix J, issued
1064 by the International Code Council;

1065 (b) the 2009 edition of the International Residential Code, issued by the International
1066 Code Council;

1067 (c) the 2009 edition of the International Plumbing Code, issued by the International
1068 Code Council;

1069 (d) the 2009 edition of the International Mechanical Code, issued by the International
1070 Code Council;

1071 (e) the 2009 edition of the International Fuel Gas Code, issued by the International
1072 Code Council;

1073 (f) the 2008 edition of the National Electrical Code, issued by the National Fire
1074 Protection Association;

1075 (g) the 2009 edition of the International Energy Conservation Code, issued by the
1076 International Code Council;

1077 (h) subject to Subsection 15A-2-104(2), the HUD Code;

1078 (i) subject to Subsection 15A-2-104(1), Appendix E of the 2009 edition of the
1079 International Residential Code, issued by the International Code Council; and

1080 (j) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model
1081 Manufactured Home Installation Standard, issued by the National Fire Protection Association.

1082 (2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire
1083 Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code,
1084 issued by the International Code Council, with the alternatives or amendments approved by the
1085 Utah Division of Forestry, as a construction code that may be adopted by a local compliance
1086 agency by local ordinance or other similar action as a local amendment to the codes listed in
1087 this section.

1088 Section 31. Section **15A-2-104** is enacted to read:

1089 **15A-2-104. Installation standards for manufactured housing.**

1090 (1) The following are the installation standards for manufactured housing for new
1091 installations or for existing manufactured or mobile homes that are subject to relocation,
1092 building alteration, remodeling, or rehabilitation in the state:

1093 (a) The manufacturer's installation instruction for the model being installed is the
1094 primary standard.

1095 (b) If the manufacturer's installation instruction for the model being installed is not
1096 available or is incomplete, the following standards apply:

1097 (i) Appendix E of the 2009 edition of the IRC, as issued by the International Code
1098 Council for installations defined in Section AE101 of Appendix E; or

1099 (ii) if an installation is beyond the scope of the 2009 edition of the IRC as defined in
1100 Section AE101 of Appendix E, the 2005 edition of the NFPA 225 Model Manufactured Home
1101 Installation Standard, issued by the National Fire Protection Association.

1102 (c) A manufacturer, dealer, or homeowner is permitted to design for unusual
1103 installation of a manufactured home not provided for in the manufacturer's standard installation
1104 instruction, Appendix E of the 2009 edition of the IRC, or the 2005 edition of the NFPA 225, if
1105 the design is approved in writing by a professional engineer or architect licensed in Utah.

1106 (d) For a mobile home built before June 15, 1976, the mobile home shall also comply
1107 with the additional installation and safety requirements specified in Chapter 3, Part 8,
1108 Installation and Safety Requirements for Mobile Homes Built Before June 15, 1976.

1109 (2) Pursuant to the HUD Code Section 604(d), a manufactured home may be installed
1110 in the state that does not meet the local snow load requirements as specified in Chapter 3, Part
1111 2, Statewide Amendments to IRC, except that the manufactured home shall have a protective
1112 structure built over the home that meets the IRC and the snow load requirements under Chapter

1113 3, Part 2, Statewide Amendments to IRC.

1114 Section 32. Section **15A-2-105** is enacted to read:

1115 **15A-2-105. Scope of application.**

1116 (1) To the extent that a construction code adopted under Section 15A-2-103 establishes
1117 a local administrative function or establishes a method of appeal which pursuant to Section
1118 15A-1-207 is designated to be established by the compliance agency:

1119 (a) that provision of the construction code is not included in the State Construction
1120 Code; and

1121 (b) a compliance agency may establish provisions to establish a local administrative
1122 function or a method of appeal.

1123 (2) (a) To the extent that a construction code adopted under Subsection (1) establishes
1124 a provision, standard, or reference to another code that by state statute is designated to be
1125 established or administered by another state agency, or a local city, town, or county
1126 jurisdiction:

1127 (i) that provision of the construction code is not included in the State Construction
1128 Code; and

1129 (ii) the state agency or local government has authority over that provision of the
1130 construction code.

1131 (b) Provisions excluded under this Subsection (2) include:

1132 (i) the International Property Maintenance Code;

1133 (ii) the International Private Sewage Disposal Code, authority over which is reserved to
1134 the Department of Health and the Department of Environmental Quality;

1135 (iii) the International Fire Code, authority over which is reserved to the board, pursuant
1136 to Section 15A-1-403;

1137 (iv) a day care provision that is in conflict with Title 26, Chapter 39, Utah Child Care
1138 Licensing Act, authority over which is designated to the Utah Department of Health; and

1139 (v) a wildland urban interface provision that goes beyond the authority under Section
1140 15A-1-204, for the State Construction Code, authority over which is designated to the Utah
1141 Division of Forestry or to a local compliance agency.

1142 (3) If a construction code adopted under Subsection 15A-2-103(1) establishes a
1143 provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code

1144 Administration Act, to the extent the scope is exceeded, the provision is not included in the
1145 State Construction Code.

1146 Section 33. Section **15A-3-101** is enacted to read:

1147 **CHAPTER 3. STATEWIDE AMENDMENTS INCORPORATED AS PART OF STATE**

1148 **CONSTRUCTION CODE**

1149 **Part 1. Statewide Amendments to IBC**

1150 **15A-3-101. General provision.**

1151 The amendments in this part are adopted as amendments to the IBC to be applicable
1152 statewide.

1153 Section 34. Section **15A-3-102** is enacted to read:

1154 **15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

1155 (1) IBC, Section 106, is deleted.

1156 (2) (a) In IBC, Section 110, a new section is added as follows: "110.3.5,

1157 Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant
1158 exterior wall envelope as required by Section 1403.2, and flashing as required by Section
1159 1405.4 to prevent water from entering the weather-resistive barrier."

1160 (b) The remaining sections of IBC, Section 110, are renumbered as follows: 110.3.6,
1161 Lath or gypsum board inspection; 110.3.7, Fire- and smoke-resistant penetrations; 110.3.8
1162 Energy efficiency inspections; 110.3.9, Other inspections; 110.3.10, Special inspections; and
1163 110.3.11, Final inspection.

1164 (3) IBC, Section 115.1, is deleted and replaced with the following: "115.1 Authority.
1165 Whenever the building official finds any work regulated by this code being performed in a
1166 manner either contrary to the provisions of this code or other pertinent laws or ordinances or is
1167 dangerous or unsafe, the building official is authorized to stop work."

1168 (4) In IBC, Section 202, the definition for "Assisted Living Facility" is deleted and
1169 replaced with the following: "ASSISTED LIVING FACILITY. See Section 308.1.1."

1170 (5) In IBC, Section 202, the definition for "Child Care Facilities" is deleted and
1171 replaced with the following: "CHILD CARE FACILITIES. See Section 308.3.1."

1172 (6) In the list in IBC, Section 304.1, "Ambulatory health care facilities" is deleted and
1173 replaced with "Ambulatory health care facilities with four or fewer surgical operating rooms."

1174 (7) IBC, Section 305.2, is deleted and replaced with the following: "305.2 Day care.

1175 The use of a building or structure, or portion thereof, for educational, supervision, child day
1176 care centers, or personal care services of more than four children shall be classified as a Group
1177 E occupancy. See Section 424 for special requirements for Group E child day care centers.
1178 Exception: Areas used for child day care purposes with a Residential Certificate or a Family
1179 License, as defined in Utah Administrative Code, R430-90, Licensed Family Child Care, may
1180 be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 or shall comply with
1181 the International Residential Code in accordance with Section 101.2. Areas used for Hourly
1182 Child Care Centers, as defined in Utah Administrative Code, R430-60, or Out of School Time
1183 Programs, as defined in Utah Administrative Code, R430-70, may be classified as accessory
1184 occupancies."

1185 (8) In IBC, Section 308, the following definitions are added: "308.1.1 Definitions. The
1186 following words and terms shall, for the purposes of this section and as used elsewhere in this
1187 code, have the meanings shown herein.

1188 TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the Utah
1189 Department of Health that provides a protected living arrangement for ambulatory,
1190 non-restrained persons who are capable of achieving mobility sufficient to exit the facility
1191 without the assistance of another person.

1192 TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by the Utah
1193 Department of Health that provides an array of coordinated supportive personal and health care
1194 services to residents who meet the definition of semi-independent.

1195 SEMI-INDEPENDENT. A person who is:

1196 A. Physically disabled but able to direct his or her own care; or

1197 B. Cognitively impaired or physically disabled but able to evacuate from the facility with the
1198 physical assistance of one person.

1199 RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential
1200 treatment/support assisted living facility which creates a group living environment for four or
1201 more residents licensed by the Utah Department of Human Services, and provides a protected
1202 living arrangement for ambulatory, non-restrained persons who are capable of achieving
1203 mobility sufficient to exit the facility without the physical assistance of another person."

1204 (9) In IBC, Section 308.2, the words "Assisted living facilities" are deleted and
1205 replaced with "Type I Assisted living facilities."

1206 (10) IBC, Section 308.3, is deleted and replaced with the following: "308.3 Group I-2,
1207 This occupancy shall include buildings and structures used for medical, surgical, psychiatric,
1208 nursing, or custodial care on a 24-hour basis of more than three persons who are not capable of
1209 self-preservation. This group shall include, but not be limited to the following: hospitals,
1210 nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals,
1211 detoxification facilities, ambulatory surgical centers with five or more operating rooms where
1212 care is less than 24 hours, and type II assisted living facilities. Type II assisted living facilities
1213 with five or fewer persons shall be classified as a Group R-4. Type II assisted living facilities
1214 as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as
1215 a Group I-1 facility."

1216 (11) In IBC, Section 308.3.1, the definition for "CHILD CARE FACILITIES" is
1217 deleted and replaced with the following: "CHILD CARE FACILITIES. A child care facility, as
1218 licensed by the Utah Department of Human Services in Utah Administrative Code, R501, that
1219 provides care on a 24-hour basis to more than four children 2 1/2 years of age or less shall be
1220 classified as Group I-2."

1221 (12) IBC, Section 308.5, is deleted and replaced with the following: "308.5 Group I-4,
1222 day care facilities. This group shall include buildings and structures occupied by persons of
1223 any age who receive custodial care less than 24 hours by individuals other than parents or
1224 guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the
1225 person cared for. A facility such as the above with four or fewer persons shall be classified as
1226 an R-3 or shall comply with the International Residential Code in accordance with Section
1227 101.2. Places of worship during religious functions and Group E child day care centers are not
1228 included."

1229 (13) IBC, Section 308.5.2, is deleted.

1230 (14) In IBC, Section 310.1, in the subsection designated as R-1, at the end of the
1231 sentence beginning with "Congregate living facilities" the following is added: "or shall comply
1232 with the International Residential Code."

1233 (15) In IBC, Section 310.1, in the subsection designated as R-2, at the end of the
1234 sentence beginning with "Congregate living facilities" the following is added: "or shall comply
1235 with the International Residential Code."

1236 (16) In IBC, Section 310.1, the following is added at the end of the subsection

1237 designated as R-3: "Areas used for day care purposes may be located in a residential dwelling
1238 unit under all of the following conditions:

1239 1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under
1240 the authority of the Utah Fire Prevention Board.

1241 2. Use is approved by the Utah Department of Health, as enacted under the authority of the
1242 Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
1243 categories:

1244 a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

1245 b. Utah Administrative Code, R430-90, Licensed Family Child Care.

1246 3. Compliance with all zoning regulations of the local regulator."

1247 (17) In IBC, Section 310.1, the subsection designated as R-4 is deleted and replaced
1248 with the following: "R-4: Residential occupancies shall include buildings arranged for
1249 occupancy as Type I Assisted Living Facilities or Residential Treatment/Support Assisted
1250 Living Facilities including more than five but not more than 16 residents, excluding staff.
1251 Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3
1252 except as otherwise provided for in this code."

1253 (18) In IBC, Section 310.2, the definition for "Residential Care/Assisted Living
1254 Facilities" is deleted and replaced with the following: "Assisted Living Facilities, see Section
1255 308.1.1".

1256 Section 35. Section **15A-3-103** is enacted to read:

1257 **15A-3-103. Amendments to Chapters 4 through 6 of IBC.**

1258 (1) Section IBC, 403.5.5, is deleted.

1259 (2) In IBC, Section 422.1, the words "Sections 422.1 to 422.6" are replaced with
1260 "Sections 422.1 to 422.7".

1261 (3) In IBC, Section 422, a new section is added as follows: "422.7 Separation.
1262 Occupancies classified as Group B Ambulatory Health Care Facilities shall be separated from
1263 all surrounding tenants and occupancies in accordance with Table 508.4 but not less than
1264 one-hour fire barrier when the suite is capable of providing care for four or more care recipients
1265 who are incapable of self preservation."

1266 (4) A new IBC, Section 424, is added as follows: "Section 424 Group E Child Day
1267 Care Centers. Group E child day care centers shall comply with Section 424.

1268 424.1 Location at grade. Group E child day care centers shall be located at the level of exit
1269 discharge.

1270 Exception: Child day care spaces for children over the age of 24 months may be located on the
1271 second floor of buildings equipped with automatic fire protection throughout and an automatic
1272 fire alarm system.

1273 424.2 Egress. All Group E child day care spaces with an occupant load of more than 10 shall
1274 have a second means of egress. If the second means of egress is not an exit door leading
1275 directly to the exterior, the room shall have an emergency escape and rescue window
1276 complying with Section 1029.

1277 424.3 All Group E Child Day Care Centers shall comply with Utah Administrative Code,
1278 R430-100, Child Care Centers."

1279 (5) In IBC, Section 504.2, a new section is added as follows: "504.2.1 Notwithstanding
1280 the exceptions to Section 504.2, Group I-2 Assisted Living Facilities shall be allowed to be two
1281 stories of Type V-A construction when all of the following apply:

1282 1. All secured units are located at the level of exit discharge in compliance with Section
1283 1008.1.9.3 as amended;

1284 2. The total combined area of both stories shall not exceed the total allowable area for a
1285 one-story building; and

1286 3. All other provisions that apply in Section 407 have been provided."

1287 (6) In IBC, Table 508.4, a new footnote g is added as follows: "g. See Section 422.7
1288 for additional requirements of Group B Ambulatory Health Care Facilities."

1289 Section 36. Section **15A-3-104** is enacted to read:

1290 **15A-3-104. Amendments to Chapters 7 through 9 of IBC.**

1291 (1) In IBC, Section 707.5.1, a new exception 4 is added as follows: "4. Group B
1292 Ambulatory Health Care Facilities."

1293 (2) In IBC, Section (F)902, the definition for record drawings is deleted and replaced
1294 with the following: "(F) RECORD DRAWINGS. Drawings ("as builds") that document all
1295 aspects of a fire protection system as installed."

1296 (3) In IBC, Section (F)903.2.2, the words "all fire areas" are deleted and replaced with
1297 "buildings".

1298 (4) IBC, Section (F)903.2.4, condition 2, is deleted and replaced with the following: "2.

1299 A Group F-1 fire area is located more than three stories above the lowest level of fire
1300 department vehicle access."

1301 (5) IBC, Section (F)903.2.7, condition 2, is deleted and replaced with the following: "2.

1302 A Group M fire area is located more than three stories above the lowest level of fire
1303 department vehicle access."

1304 (6) IBC, Section (F)903.2.8, is deleted and replaced with the following: "(F)903.2.8
1305 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be
1306 provided throughout all buildings with a Group R fire area.

1307 Exceptions:

1308 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses)
1309 constructed in accordance with the International Residential Code For One- and Two-Family
1310 Dwellings.

1311 2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16
1312 residents, provided the building is equipped throughout with an approved fire alarm system that
1313 is interconnected and receives its primary power from the building wiring and a commercial
1314 power system."

1315 (7) IBC, Section (F)903.2.9, condition 2, is deleted and replaced with the following: "2.
1316 A Group S-1 fire area is located more than three stories above the lowest level of fire
1317 department vehicle access."

1318 (8) IBC, Section (F)903.2.10, is deleted and replaced with the following: "(F)903.2.10
1319 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as
1320 parking garages in accordance with Section 406.2 or where located beneath other groups.

1321 Exception 1: Parking garages of less than 5,000 square feet (464 m²) accessory to Group R-3
1322 occupancies.

1323 Exception 2: Open parking garages not located beneath other groups if one of the following
1324 conditions is met:

1325 a. Access is provided for fire fighting operations to within 150 feet (45,720 mm) of all
1326 portions of the parking garage as measured from the approved fire department vehicle access;
1327 or

1328 b. Class I standpipes are installed throughout the parking garage."

1329 (9) In IBC, Section (F)903.2.10.1, the last clause "where the fire area exceeds 5,000

1330 square feet (464 m²)" is deleted.

1331 (10) IBC, Section (F)904.11, is deleted and replaced with the following: "(F)904.11
1332 Commercial cooking systems. The automatic fire-extinguishing system for commercial
1333 cooking systems shall be of a type recognized for protection of commercial cooking equipment
1334 and exhaust systems. Pre-engineered automatic extinguishing systems shall be tested in
1335 accordance with UL 300 and listed and labeled for the intended application. The system shall
1336 be installed in accordance with this code, its listing and the manufacturer's installation
1337 instructions.

1338 Exception: Factory-built commercial cooking recirculating systems that are tested in
1339 accordance with UL 710B and listed, labeled, and installed in accordance with Section 304.1 of
1340 the International Mechanical Code."

1341 (11) IBC, Subsections (F)904.11.3, (F)904.11.3.1, (F)904.11.4, and (F)904.11.4.1, are
1342 deleted.

1343 (12) A new IBC, Section (F)907.9, is added as follows: "Section (F)907.9 Carbon
1344 monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a
1345 dwelling unit or sleeping unit in Groups R-2, R-3, R-4, and I-1 equipped with fuel burning
1346 appliances and in dwelling units that have attached garages. If more than one carbon monoxide
1347 alarm is required, they shall be interconnected as required in the International Fire Code,
1348 Chapter 9, Section 907.2.11.3. In new construction, carbon monoxide alarms shall receive
1349 their primary power as required in the International Fire Code, Chapter 9, Section 907.2.11.4.
1350 Listed single- and multiple-station carbon monoxide alarms shall comply with UL 2034 and
1351 shall be installed in accordance with the provisions of this code and NFPA 720."

1352 Section 37. Section **15A-3-105** is enacted to read:

1353 **15A-3-105. Amendments to Chapters 10 through 12 of IBC.**

1354 (1) In IBC, Section 1008.1.9.6:

1355 (a) the words "Group I-1 and" are added in the title and in the first sentence before the
1356 words "Group I-2";

1357 (b) the word "delayed" is deleted throughout and replaced with "controlled"; and

1358 (c) the last sentence before the numbered subsections 1 through 6 is deleted.

1359 (2) In IBC, Section 1009.4.2, exception 5 is deleted and replaced with the following:

1360 "5. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group

1361 U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual
1362 dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203
1363 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread
1364 depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall
1365 be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25
1366 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less
1367 than 10 inches (254 mm)."

1368 (3) In IBC, Section 1009.12, a new exception 6 is added as follows: "6. In occupancies
1369 in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are
1370 accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be
1371 provided on at least one side of stairways consisting of four or more risers."

1372 (4) In IBC, Section 1013.2, the words "adjacent fixed seating" are deleted.

1373 (5) In IBC, Section 1013.2, a new exception 5 is added as follows: "5. For occupancies
1374 in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable
1375 in Section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm) in
1376 height."

1377 (6) In IBC, Section 1015.2.2, the following sentence is added at the end: "Additional
1378 exits or exit access doorways shall be arranged a reasonable distance apart so that if one
1379 becomes blocked, the others will be available."

1380 (7) IBC, Section 1024, is deleted.

1381 (8) A new IBC, Section 1109.7.1, is added as follows: "1109.7.1 Platform (wheelchair)
1382 lifts. All platform (wheelchair) lifts shall be capable of independent operation without a key."

1383 (9) In IBC, Section 1208.4, subparagraph 1 is deleted and replaced with the following:
1384 "1. The unit shall have a living room of not less than 165 square feet (15.3 m²) of floor area.
1385 An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such
1386 unit in excess of two."

1387 Section 38. Section **15A-3-106** is enacted to read:

1388 **15A-3-106. Amendments to Chapters 13 through 15 of IBC.**

1389 IBC, Chapters 13 through 15 are not amended.

1390 Section 39. Section **15A-3-107** is enacted to read:

1391 **15A-3-107. Amendments to Chapter 16 of IBC.**

1392 (1) In IBC, Table 1604.5, Occupancy Category III, in the sentence that begins Group
1393 I-2, a new footnote b is added as follows: "b. Type II Assisted Living Facilities that are I-2
1394 occupancy classifications in accordance with Section 308 shall be Occupancy Category II in
1395 this table."

1396 (2) In IBC, Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof
1397 configurations" is deleted and replaced with the following: " $f_2 = 0.20 + .025(A-5)$ for other
1398 configurations where roof snow load exceeds 30 psf;
1399 $f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

1400 Where A = Elevation above sea level at the location of the structure (ft./1,000)."

1401 (3) In IBC, Section 1605.3.1 and Section 1605.3.2, exception 2 in each section is
1402 deleted and replaced with the following: "2. Flat roof snow loads of 30 pounds per square foot
1403 (1.44 kNm²) or less need not be combined with seismic loads. Where flat roof snow loads
1404 exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance
1405 with the following in load combinations including both snow and seismic loads. W_s as
1406 calculated below, shall be combined with seismic loads.

1407 $W_s = (0.20 + 0.025(A-5))P_f$ is greater than or equal to $0.20 P_f$.

1408 Where:

1409 W_s = Weight of snow to be included in seismic calculations

1410 A = Elevation above sea level at the location of the structure (ft./1,000)

1411 P_f = Design roof snow load, psf.

1412 For the purpose of this section, snow load shall be assumed uniform on the roof footprint
1413 without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f
1414 may be considered 1.0 for use in the formula for W_s ."

1415 (4) IBC, Section 1608.1, is deleted and replaced with the following: "1608.1 General.
1416 Except as modified in Sections 1608.1.1, 1608.1.2, and 1608.1.3, design snow loads shall be
1417 determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less
1418 than that determined by Section 1607."

1419 (5) A new IBC, Section 1608.1.1, is added as follows: "1608.1.1 Section 7.4.5 of
1420 Chapter 7 of ASCE 7 referenced in Section 1608.1 of the IBC is deleted and replaced with the
1421 following: "Section 7.4.5 Ice Dams and Icicles Along Eaves. Where ground snow loads exceed
1422 75 psf, eaves shall be capable of sustaining a uniformly distributed load of $2p_f$ on all

1423 overhanging portions. No other loads except dead loads shall be present on the roof when this
 1424 uniformly distributed load is applied. All building exits under down-slope eaves shall be
 1425 protected from sliding snow and ice."

1426 (6) In IBC, Section 1608.1.2, a new section is added as follows: "1608.1.2 Utah Snow
 1427 Loads. The ground snow load, P_g , to be used in the determination of design snow loads for
 1428 buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 +$
 1429 $S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

1430 WHERE:

1431 P_g = Ground snow load at a given elevation (psf);

1432 P_o = Base ground snow load (psf) from Table No. 1608.1.2(a);

1433 S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.2(a);

1434 A = Elevation above sea level at the site (ft./1,000);

1435 A_o = Base ground snow elevation from Table 1608.1.2(a) (ft./1,000).

1436 The building official may round the roof snow load to the nearest 5 psf. The ground snow
 1437 load, P_g , may be adjusted by the building official when a licensed engineer or architect submits
 1438 data substantiating the adjustments. A record of such action together with the substantiating
 1439 data shall be provided to the division for a permanent record.

1440 The building official may also directly adopt roof snow loads in accordance with Table
 1441 1608.1.2(b), provided the site is no more than 100 ft. higher than the listed elevation.

1442 Where the minimum roof live load in accordance with Section 1607.11 is greater than the
 1443 design roof snow load, such roof live load shall be used for design, however, it shall not be
 1444 reduced to a load lower than the design roof snow load. Drifting need not be considered for
 1445 roof snow loads less than 20 psf."

1446 (7) IBC, Table 1608.1.2(a) and Table 1608.1.2(b), are added as follows:

1447 "TABLE NO. 1608.1.2(a)

1448 STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

	<u>COUNTY</u>	<u>P_o</u>	<u>S</u>	<u>A_o</u>
1450	<u>Beaver</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1451	<u>Box Elder</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1452	<u>Cache</u>	<u>50</u>	<u>63</u>	<u>4.5</u>

1453	<u>Carbon</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1454	<u>Daggett</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1455	<u>Davis</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1456	<u>Duchesne</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1457	<u>Emery</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1458	<u>Garfield</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1459	<u>Grand</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1460	<u>Iron</u>	<u>43</u>	<u>63</u>	<u>5.8</u>
1461	<u>Juab</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1462	<u>Kane</u>	<u>36</u>	<u>63</u>	<u>5.7</u>
1463	<u>Millard</u>	<u>43</u>	<u>63</u>	<u>5.3</u>
1464	<u>Morgan</u>	<u>57</u>	<u>63</u>	<u>4.5</u>
1465	<u>Piute</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1466	<u>Rich</u>	<u>57</u>	<u>63</u>	<u>4.1</u>
1467	<u>Salt Lake</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1468	<u>San Juan</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1469	<u>Sanpete</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1470	<u>Sevier</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1471	<u>Summit</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1472	<u>Tooele</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1473	<u>Uintah</u>	<u>43</u>	<u>63</u>	<u>7.0</u>
1474	<u>Utah</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1475	<u>Wasatch</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1476	<u>Washington</u>	<u>29</u>	<u>63</u>	<u>6.0</u>
1477	<u>Wayne</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1478	<u>Weber</u>	<u>43</u>	<u>63</u>	<u>4.5</u>

1479

TABLE NO. 1608.1.2(b)

1480

RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

			<u>Roof Snow</u> <u>Load (PSF)</u>	<u>Ground Snow</u> <u>Load (PSF)</u>
1481				
1482	<u>Beaver County</u>			
1483	<u>Beaver</u>	<u>5,920 ft.</u>	<u>43</u>	<u>62</u>
1484	<u>Box Elder County</u>			
1485	<u>Brigham City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1486	<u>Tremonton</u>	<u>4,290 ft.</u>	<u>30</u>	<u>43</u>
1487	<u>Cache County</u>			
1488	<u>Logan</u>	<u>4,530 ft.</u>	<u>35</u>	<u>50</u>
1489	<u>Smithfield</u>	<u>4,595 ft.</u>	<u>35</u>	<u>50</u>
1490	<u>Carbon County</u>			
1491	<u>Price</u>	<u>5,550 ft.</u>	<u>30</u>	<u>43</u>
1492	<u>Daggett County</u>			
1493	<u>Manila</u>	<u>5,377 ft.</u>	<u>30</u>	<u>43</u>
1494	<u>Davis County</u>			
1495	<u>Bountiful</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1496	<u>Farmington</u>	<u>4,270 ft.</u>	<u>30</u>	<u>43</u>
1497	<u>Layton</u>	<u>4,400 ft.</u>	<u>30</u>	<u>43</u>
1498	<u>Fruit Heights</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1499	<u>Duchesne County</u>			
1500	<u>Duchesne</u>	<u>5,510 ft.</u>	<u>30</u>	<u>43</u>
1501	<u>Roosevelt</u>	<u>5,104 ft.</u>	<u>30</u>	<u>43</u>
1502	<u>Emery County</u>			
1503	<u>Castledale</u>	<u>5,660 ft.</u>	<u>30</u>	<u>43</u>
1504	<u>Green River</u>	<u>4,070 ft.</u>	<u>25</u>	<u>36</u>
1505	<u>Garfield County</u>			
1506	<u>Panguitch</u>	<u>6,600 ft.</u>	<u>30</u>	<u>43</u>
1507	<u>Grand County</u>			

1508	<u>Moab</u>	<u>3,965 ft.</u>	<u>25</u>	<u>36</u>
1509	<u>Iron County</u>			
1510	<u>Cedar City</u>	<u>5,831 ft.</u>	<u>30</u>	<u>43</u>
1511	<u>Juab County</u>			
1512	<u>Nephi</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1513	<u>Kane County</u>			
1514	<u>Kanab</u>	<u>5,000 ft.</u>	<u>25</u>	<u>36</u>
1515	<u>Millard County</u>			
1516	<u>Millard</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1517	<u>Delta</u>	<u>4,623 ft.</u>	<u>30</u>	<u>43</u>
1518	<u>Morgan County</u>			
1519	<u>Morgan</u>	<u>5,064 ft.</u>	<u>40</u>	<u>57</u>
1520	<u>Piute County</u>			
1521	<u>Piute</u>	<u>5,996 ft.</u>	<u>30</u>	<u>43</u>
1522	<u>Rich County</u>			
1523	<u>Woodruff</u>	<u>6,315 ft.</u>	<u>40</u>	<u>57</u>
1524	<u>Salt Lake County</u>			
1525	<u>Murray</u>	<u>4,325 ft.</u>	<u>30</u>	<u>43</u>
1526	<u>Salt Lake City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1527	<u>Sandy</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1528	<u>West Jordan</u>	<u>4,375 ft.</u>	<u>30</u>	<u>43</u>
1529	<u>West Valley</u>	<u>4,250 ft.</u>	<u>30</u>	<u>43</u>
1530	<u>San Juan County</u>			
1531	<u>Blanding</u>	<u>6,200 ft.</u>	<u>30</u>	<u>43</u>
1532	<u>Monticello</u>	<u>6,820 ft.</u>	<u>35</u>	<u>50</u>
1533	<u>Sanpete County</u>			
1534	<u>Fairview</u>	<u>6,750 ft.</u>	<u>35</u>	<u>50</u>
1535	<u>Mt. Pleasant</u>	<u>5,900 ft.</u>	<u>30</u>	<u>43</u>

1536	<u>Manti</u>	<u>5,740 ft.</u>	<u>30</u>	<u>43</u>
1537	<u>Ephraim</u>	<u>5,540 ft.</u>	<u>30</u>	<u>43</u>
1538	<u>Gunnison</u>	<u>5,145 ft.</u>	<u>30</u>	<u>43</u>
1539	<u>Sevier County</u>			
1540	<u>Salina</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1541	<u>Richfield</u>	<u>5,270 ft.</u>	<u>30</u>	<u>43</u>
1542	<u>Summit County</u>			
1543	<u>Coalville</u>	<u>5,600 ft.</u>	<u>60</u>	<u>86</u>
1544	<u>Kamas</u>	<u>6,500 ft.</u>	<u>70</u>	<u>100</u>
1545	<u>Park City</u>	<u>6,800 ft.</u>	<u>100</u>	<u>142</u>
1546	<u>Park City</u>	<u>8,400 ft.</u>	<u>162</u>	<u>231</u>
1547	<u>Summit Park</u>	<u>7,200 ft.</u>	<u>90</u>	<u>128</u>
1548	<u>Tooele County</u>			
1549	<u>Tooele</u>	<u>5,100 ft.</u>	<u>30</u>	<u>43</u>
1550	<u>Uintah County</u>			
1551	<u>Vernal</u>	<u>5,280 ft.</u>	<u>30</u>	<u>43</u>
1552	<u>Utah County</u>			
1553	<u>American Fork</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1554	<u>Orem</u>	<u>4,650 ft.</u>	<u>30</u>	<u>43</u>
1555	<u>Pleasant Grove</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1556	<u>Provo</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1557	<u>Spanish Fork</u>	<u>4,720 ft.</u>	<u>30</u>	<u>43</u>
1558	<u>Wasatch County</u>			
1559	<u>Heber</u>	<u>5,630 ft.</u>	<u>60</u>	<u>86</u>
1560	<u>Washington County</u>			
1561	<u>Central</u>	<u>5,209 ft.</u>	<u>25</u>	<u>36</u>
1562	<u>Dameron</u>	<u>4,550 ft.</u>	<u>25</u>	<u>36</u>
1563	<u>Leeds</u>	<u>3,460 ft.</u>	<u>20</u>	<u>29</u>

1564	<u>Rockville</u>	<u>3,700 ft.</u>	<u>25</u>	<u>36</u>
1565	<u>Santa Clara</u>	<u>2,850 ft.</u>	<u>15 (1)</u>	<u>21</u>
1566	<u>St. George</u>	<u>2,750 ft.</u>	<u>15 (1)</u>	<u>21</u>
1567	<u>Wayne County</u>			
1568	<u>Loa</u>	<u>7,080 ft.</u>	<u>30</u>	<u>43</u>
1569	<u>Hanksville</u>	<u>4,308 ft.</u>	<u>25</u>	<u>36</u>
1570	<u>Weber County</u>			
1571	<u>North Ogden</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1572	<u>Ogden</u>	<u>4,350 ft.</u>	<u>30</u>	<u>43</u>
1573	<u>NOTES</u>			
1574	<u>(1) The IBC requires a minimum live load - See 1607.11.2.</u>			
1575	<u>(2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation."</u>			

1576 (8) A new IBC, Section 1608.1.3, is added as follows: "1608.1.3 Thermal Factor. The
 1577 value for the thermal factor, C_t, used in calculation of P_f shall be determined from Table 7.3 in
 1578 ASCE 7.

1579 Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground
 1580 snow load, P_g is calculated using Section 1608.1.2 as amended."

1581 (9) IBC, Section 1608.2, is deleted and replaced with the following: "1608.2 Ground
 1582 Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs
 1583 in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table
 1584 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure
 1585 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2
 1586 and for all sites within the CS areas shall be approved. Ground snow load determination for
 1587 such sites shall be based on an extreme value statistical analysis of data available in the vicinity
 1588 of the site using a value with a 2-percent annual probability of being exceeded (50-year mean
 1589 recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as
 1590 approved by the building official."

1591 (10) In IBC, Section 1609.1.1, a new exception 7 is added as follows: "7. The wind
 1592 design procedure as found in Sections 1616 through 1624 of the 1997 Uniform Building Code

1593 may be used as an alternative wind design procedure for signs and free standing walls as listed
1594 in item 7 listed in Table 16-H of the 1997 Uniform Building Code. The Importance Factor, I,
1595 shall be determined in accordance with Table 6-1 of ASCE 7. Stress increases are only
1596 allowed as provided in Section 1605.3 of the 2009 IBC."

1597 (11) A new IBC, Section 1613.1.1, is added as follows: "1613.1.1 ASCE 12.7.2 and
1598 12.14.8.1 of Chapter 12 of ASCE 7 referenced in Section 1613.1, Definition of W, Item 4 is
1599 deleted and replaced with the following:

1600 4. Where the flat roof snow load, P_f , exceeds 30 psf, the snow load included in seismic design
1601 shall be calculated, in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$ is
1602 greater than or equal to $0.20 P_f$.

1603 WHERE:

1604 W_s = Weight of snow to be included in seismic calculations

1605 A = Elevation above sea level at the location of the structure (ft./1,000)

1606 P_f = Design roof snow load, psf.

1607 For the purposes of this section, snow load shall be assumed uniform on the roof footprint
1608 without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f
1609 may be considered 1.0 for use in the formula for W_s ."

1610 (12) A new IBC, Section 1613.8, is added as follows: "1613.8 ASCE 7, Section
1611 13.5.6.2.2 paragraph (e) is modified to read as follows: (e) Penetrations shall have a sleeve or
1612 adapter through the ceiling tile to allow for free movement of at least 1 inch (25 mm) in all
1613 horizontal directions.

1614 Exceptions:

1615 1. Where rigid braces are used to limit lateral deflections.

1616 2. At fire sprinkler heads in frangible surfaces per NFPA 13."

1617 Section 40. Section **15A-3-108** is enacted to read:

1618 **15A-3-108. Amendments to Chapters 17 through 19 of IBC.**

1619 (1) A new IBC, Section 1807.1.6.4, is added as follows: "1807.1.6.4 Empirical
1620 concrete foundation design. Group R, Division 3 Occupancies three stories or less in height,
1621 and Group U Occupancies, which are constructed in accordance with Section 2308, or with
1622 other methods employing repetitive wood-frame construction or repetitive cold-formed steel
1623 structural member construction, shall be permitted to have concrete foundations constructed in

1624 accordance with Table 1807.1.6.4."

1625 (2) A new IBC, Table 1807.1.6.4 is added as follows:

1626 "TABLE 1807.1.6.4

1627 **EMPIRICAL FOUNDATION WALLS (1,7,8)**

1628	<u>Max. Height</u>	<u>Top Edge Support</u>	<u>Min. Thickness</u>	<u>Vertical Steel (2)</u>	<u>Horizontal Steel (3)</u>	<u>Steel at Openings (4)</u>	<u>Max. Lintel Length</u>	<u>Min. Lintel Length</u>
1629	<u>2'(610 mm)</u>	<u>None</u>	<u>6"</u>	<u>(5)</u>	<u>2- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>2'(610 mm)</u>	<u>2" for each foot of opening width; min. 6"</u>
1630	<u>3'(914 mm)</u>	<u>None</u>	<u>6"</u>	<u>#4@32"</u>	<u>3- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>2'(610 mm)</u>	<u>2" for each foot of opening width; min. 6"</u>
1631	<u>4'(1,219 mm)</u>	<u>None</u>	<u>6"</u>	<u>#4@32"</u>	<u>4- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>3'(914 mm)</u>	<u>2" for each foot of opening width; min. 6"</u>
1632	<u>6'(1,829 mm)</u>	<u>Floor or roof Diaphragm (6)</u>	<u>8"</u>	<u>#4@24"</u>	<u>5- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>6'(1,829 mm)</u>	<u>2" for each foot of opening width; min. 6"</u>
1633	<u>8'(2,438 mm)</u>	<u>Floor or roof Diaphragm (6)</u>	<u>8"</u>	<u>#4@24"</u>	<u>6- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>6'(1,829 mm)</u>	<u>2" for each foot of opening width; min. 6"</u>
1634	<u>9'(2,743 mm)</u>	<u>Floor or roof Diaphragm (6)</u>	<u>8"</u>	<u>#4@16"</u>	<u>7- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>6'(1,829 mm)</u>	<u>2" for each foot of opening width; min. 6"</u>
1635	<u>Over 9'(2,743 mm), Engineering required for each column</u>							
1636	<u>Footnotes:</u>							
1637	<u>(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.</u>							

1638 (2) To be placed in the center of the wall, and extended from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.

1639 (3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).

1640 (4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.

1641 (5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.

1642 (6) Diaphragm shall conform to the requirements of Section 2308.

1643 (7) Footing shall be a minimum of nine inches thick by 20 inches wide.

1644 (8) Soil backfill shall be soil classification types GW, GP, SW, or SP, per Table 1610.1. Soil shall not be submerged or saturated in groundwater."

1645 Section 41. Section **15A-3-109** is enacted to read:

1646 **15A-3-109. Amendments to Chapters 20 through 22 of IBC.**

1647 IBC, Chapters 20 through 22 are not amended.

1648 Section 42. Section **15A-3-110** is enacted to read:

1649 **15A-3-110. Amendments to Chapters 23 through 25 of IBC.**

1650 (1) A new IBC, Section 2306.1.5, is added as follows: "2306.1.5 Load duration factors.

1651 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used
 1652 Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at
 1653 elevations above 5,000 feet (1,524 M)."

1654 (2) In IBC, Section 2308.6, a new exception is added as follows: "Exception: Where
 1655 foundation plates or sills are bolted or anchored to the foundation with not less than 1/2 inch
 1656 (12.7 mm) diameter steel bolts or approved anchors, embedded at least 7 inches (178 mm) into
 1657 concrete or masonry and spaced not more than 32 inches (816 mm) apart, there shall be a
 1658 minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from

1659 each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the
1660 plate."

1661 (3) IBC, Section 2506.2.1, is deleted and replaced with the following: "2506.2.1 Other
1662 materials. Metal suspension systems for acoustical and lay-in panel ceilings shall conform with
1663 ASTM C635 listed in Chapter 35 and Section 13.5.6 of ASCE 7-05, as amended in Section
1664 1613.8, for installation in high seismic areas.

1665 Section 43. Section **15A-3-111** is enacted to read:

1666 **15A-3-111. Amendments to Chapters 26 through 28 of IBC**

1667 IBC, Chapters 26 through 28 are not amended.

1668 Section 44. Section **15A-3-112** is enacted to read:

1669 **15A-3-112. Amendments to Chapters 29 through 31 of IBC.**

1670 (1) In IBC, Section 2902.1, the title for Table 2902.1 is deleted and replaced and a new
1671 footnote g is added as follows:

1672 (a) "Table 2902.1, Minimum Number of Required Plumbing Facilities^{a, g}"; and

1673 (b) "FOOTNOTE: g. When provided, in public toilet facilities there shall be an equal
1674 number of diaper changing facilities in male toilet rooms and female toilet rooms."

1675 (2) In IBC, Section 3006.5, a new exception is added as follows: "Exception: Hydraulic
1676 elevators and roped hydraulic elevators with a rise of 50 feet or less."

1677 Section 45. Section **15A-3-113** is enacted to read:

1678 **15A-3-113. Amendments to Chapters 32 through 35 of IBC.**

1679 (1) A new section IBC, Section 3401.6, is added as follows: "3401.6 Parapet bracing,
1680 wall anchors, and other appendages. Buildings constructed before 1975 shall have parapet
1681 bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary,
1682 etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration
1683 of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be
1684 evaluated in accordance with 75% of the seismic forces as specified in Section 1613. When
1685 allowed by the local building official, alternate methods of equivalent strength as referenced in
1686 an approved code under Utah Code, Subsection 15A-1-204(6)(a), will be considered when
1687 accompanied by engineer-sealed drawings, details, and calculations. When found to be
1688 deficient because of design or deteriorated condition, the engineer's recommendations to
1689 anchor, brace, reinforce, or remove the deficient feature shall be implemented.

1690 EXCEPTIONS:1691 1. Group R-3 and U occupancies.

1692 2. Unreinforced masonry parapets need not be braced according to the above stated provisions
1693 provided that the maximum height of an unreinforced masonry parapet above the level of the
1694 diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times
1695 the thickness of the parapet wall. The parapet height may be a maximum of two and one-half
1696 times its thickness in other than Seismic Design Categories D, E, or F."

1697 (2) IBC, Section 3408.4, is deleted and replaced with the following: "3408.4 Change in
1698 Occupancy. When a change in occupancy results in a structure being reclassified to a higher
1699 Occupancy Category (as defined in Table 1604.5), or when such change of occupancy results in
1700 a design occupant load increase of 100% or more, the structure shall conform to the seismic
1701 requirements for a new structure.

1702 Exceptions:

1703 1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not
1704 be required to be met where it can be shown that the level of performance and seismic safety is
1705 equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength,
1706 redundancy, and ductility of the structure within the context of the existing and retrofit (if any)
1707 detailing providing. Alternatively, the building official may allow the structure to be upgraded
1708 in accordance with referenced sections as found in an approved code under Utah Code,
1709 Subsection 15A-1-204(6)(a).

1710 2. When a change of use results in a structure being reclassified from Occupancy Category I or
1711 II to Occupancy Category III and the structure is located in a seismic map area where S_{DS} is less
1712 than 0.33, compliance with the seismic requirements of this code and ASCE 7 are not required.
1713 3. Where design occupant load increase is less than 25 occupants and the Occupancy Category
1714 does not change."

1715 (3) In IBC, Section 3411.1, the exception is deleted and replaced with the following:
1716 "Exception: Type B dwelling or sleeping units required by Section 1107 of this code are not
1717 required to be provided in existing buildings and facilities unless being altered or undergoing a
1718 change of occupancy classification."

1719 (4) The following referenced standard is added under NFPA in IBC, Chapter 35:

1720	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1721	<u>720-09</u>	<u>Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment</u>	<u>907.9"</u>

1722 (5) The following referenced standard is added under UL in IBC, Chapter 35:

1723	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1724	<u>2034-2008</u>	<u>Standard of Single- and Multiple-station Carbon Monoxide Alarms</u>	<u>907.9"</u>

1725 (6) In IBC, Chapter 35, NFPA referenced standard 10-07 is deleted and replaced with
 1726 the following:

1727	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1728	<u>10-10</u>	<u>Portable Fire Extinguishers</u>	<u>906.2, 906.3.2, 906.3.4, Table 906.3(1), Table 906.3(2)"</u>

1729 (7) In IBC, Chapter 35, NFPA referenced standard 11-05 is deleted and replaced with
 1730 the following:

1731	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1732	<u>11-10</u>	<u>Low Expansion Foam</u>	<u>904.7"</u>

1733 (8) In IBC, Chapter 35, NFPA referenced standard 12-05 is deleted and replaced with
 1734 the following:

1735	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1736	<u>12-08</u>	<u>Carbon Dioxide Extinguishing Systems</u>	<u>904.8, 904.11"</u>

1737 (9) In IBC, Chapter 35, NFPA referenced standard 12A-04 is deleted and replaced with
 1738 the following:

1739	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1740	<u>12A-09</u>	<u>Halon 1301 Fire Extinguishing Systems</u>	<u>904.9"</u>

1741 (10) In IBC, Chapter 35, NFPA referenced standard 13-07 is deleted and replaced with
 1742 the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
13-10	<u>Installation of Sprinkler Systems</u>	708.2, 903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.3, 904.11, 905.3.4, 907.6.3, 1613.3"

1745 (11) In IBC, Chapter 35, NFPA referenced standard 13D-07 is deleted and replaced
1746 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
13D-10	<u>Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes</u>	903.3.1.3, 903.3.5.1.1"

1749 (12) In IBC, Chapter 35, NFPA referenced standard 13R-07 is deleted and replaced
1750 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
13R-10	<u>Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height</u>	903.3.1.2, 903.3.5.1.1, 903.3.5.1.2, 903.4"

1753 (13) In IBC, Chapter 35, NFPA referenced standard 14-07 is deleted and replaced with
1754 the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
14-10	<u>Installation of Standpipe and Hose System</u>	905.2, 905.3.4, 905.6.2, 905.8"

1757 (14) In IBC, Chapter 35, NFPA referenced standard 17-02 is deleted and replaced with
1758 the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
17-09	<u>Dry chemical Extinguishing Systems</u>	904.5, 904.11"

1761 (15) In IBC, Chapter 35, NFPA referenced standard 17A-02 is deleted and replaced
1762 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
17A-09	Wet Chemical Extinguishing System	904.5, 904.11"

1765 (16) In IBC, Chapter 35, NFPA referenced standard 20-07 is deleted and replaced with
 1766 the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
20-10	<u>Installation of Stationary Pumps for Fire Protection</u>	<u>913.1, 913.2.1, 913.5"</u>

1769 (17) In IBC, Chapter 35, NFPA referenced standard 72-07 is deleted and replaced with
 1770 the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
72-10	<u>National Fire Alarm Code</u>	<u>901.6, 903.4.1, 904.3.5, 907.2, 907.2.5, 907.2.11, 907.2.13.2, 907.3, 907.3.3, 907.3.4, 907.5.2.1.2, 907.5.3.3, 907.6, 907.6.1, 907.6.5, 907.7, 907.7.1, 907.7.2, 911.1.5, 3006.5, 3007.6"</u>

1773 (18) In IBC, Chapter 35, NFPA referenced standard 92B-05 is deleted and replaced
 1774 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
92B-09	<u>Smoke Management Systems in Malls, Atria and Large Spaces</u>	<u>909.8"</u>

1777 (19) In IBC, Chapter 35, NFPA referenced standard 101-06 is deleted and replaced
 1778 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
101-09	<u>Line Safety Code</u>	<u>1028.6.2"</u>

1781 (20) In IBC, Chapter 35, NFPA referenced standard 110-05 is deleted and replaced
 1782 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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1784	<u>110-10</u> <u>Emergency and Standby Power</u> <u>Systems</u>	<u>2702.1"</u>
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1785 Section 46. Section **15A-3-201** is enacted to read:

1786 **Part 2. Statewide Amendments to IRC**

1787 **15A-3-201. General provision.**

1788 (1) The amendments in this part are adopted as amendments to the IRC to be
1789 applicable statewide.

1790 (2) The statewide amendments to the following which may be applied to detached one-
1791 and two-family dwellings and multiple single-family dwellings shall be applicable to the
1792 corresponding provisions of the IRC:

1793 (a) IBC under Part 1, Statewide Amendments to IBC;

1794 (b) IPC under Part 3, Statewide Amendments to IPC;

1795 (c) IMC under Part 4, Statewide Amendments to IMC;

1796 (d) IFGC under Part 5, Statewide Amendments to IFGC;

1797 (e) NEC under Part 6, Statewide Amendments to NEC; and

1798 (f) IECC under Part 7, Statewide Amendments to IECC.

1799 Section 47. Section **15A-3-202** is enacted to read:

1800 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

1801 (1) In IRC, Section 109:

1802 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant
1803 exterior wall envelope inspections. An inspection shall be made of the weather-resistant
1804 exterior wall envelope as required by Section R703.1 and flashings as required by Section
1805 R703.8 to prevent water from entering the weather-resistive barrier."

1806 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;
1807 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced
1808 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;
1809 and R109.1.7 Final inspection.

1810 (2) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to
1811 owner. Upon notice from the building official that work on any building or structure is being
1812 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an

1813 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order
 1814 shall be in writing and shall be given to the owner of the property involved, or to the owner's
 1815 agent or to the person doing the work; and shall state the conditions under which work will be
 1816 permitted to resume."

1817 (3) In IRC, Section R202, the following definition is added: "CERTIFIED
 1818 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
 1819 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
 1820 under Utah Code, Subsection 19-4-104(4)."

1821 (4) In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced
 1822 with the following: "CROSS CONNECTION. Any physical connection or potential
 1823 connection or arrangement between two otherwise separate piping systems, one of which
 1824 contains potable water and the other either water of unknown or questionable safety or steam,
 1825 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
 1826 with the direction of flow depending on the pressure differential between the two systems (see
 1827 "Backflow, Water Distribution")."

1828 (5) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced
 1829 with the following: "POTABLE WATER. Water free from impurities present in amounts
 1830 sufficient to cause disease or harmful physiological effects and conforming to the Utah Code,
 1831 Title 19, Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of
 1832 the public health authority having jurisdiction."

1833 (6) IRC, Figure R301.2(5), is deleted and replaced with Table R301.2(5a) and Table
 1834 R301.2(5b) as follows:

<u>"TABLE NO. R301.2(5a)</u>				
<u>STATE OF UTAH - REGIONAL SNOW LOAD FACTORS</u>				
	<u>COUNTY</u>	<u>P_o</u>	<u>S</u>	<u>A_o</u>
	<u>Beaver</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
	<u>Box Elder</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
	<u>Cache</u>	<u>50</u>	<u>63</u>	<u>4.5</u>
	<u>Carbon</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
	<u>Daggett</u>	<u>43</u>	<u>63</u>	<u>6.5</u>

1843	<u>Davis</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1844	<u>Duchesne</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1845	<u>Emery</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1846	<u>Garfield</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1847	<u>Grand</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1848	<u>Iron</u>	<u>43</u>	<u>63</u>	<u>5.8</u>
1849	<u>Juab</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1850	<u>Kane</u>	<u>36</u>	<u>63</u>	<u>5.7</u>
1851	<u>Millard</u>	<u>43</u>	<u>63</u>	<u>5.3</u>
1852	<u>Morgan</u>	<u>57</u>	<u>63</u>	<u>4.5</u>
1853	<u>Piute</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1854	<u>Rich</u>	<u>57</u>	<u>63</u>	<u>4.1</u>
1855	<u>Salt Lake</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1856	<u>San Juan</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1857	<u>Sanpete</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1858	<u>Sevier</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1859	<u>Summit</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1860	<u>Tooele</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1861	<u>Uintah</u>	<u>43</u>	<u>63</u>	<u>7.0</u>
1862	<u>Utah</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1863	<u>Wasatch</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1864	<u>Washington</u>	<u>29</u>	<u>63</u>	<u>6.0</u>
1865	<u>Wayne</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1866	<u>Weber</u>	<u>43</u>	<u>63</u>	<u>4.5</u>

1867	<u>TABLE NO. R301.2(5b)</u>			
1868	<u>RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)</u>			
1869			<u>Roof Snow</u> <u>Load (PSF)</u>	<u>Ground Snow</u> <u>Load (PSF)</u>

1870	<u>Beaver County</u>			
1871	<u>Beaver</u>	<u>5,920 ft.</u>	<u>43</u>	<u>62</u>
1872	<u>Box Elder County</u>			
1873	<u>Brigham City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1874	<u>Tremonton</u>	<u>4,290 ft.</u>	<u>30</u>	<u>43</u>
1875	<u>Cache County</u>			
1876	<u>Logan</u>	<u>4,530 ft.</u>	<u>35</u>	<u>50</u>
1877	<u>Smithfield</u>	<u>4,595 ft.</u>	<u>35</u>	<u>50</u>
1878	<u>Carbon County</u>			
1879	<u>Price</u>	<u>5,550 ft.</u>	<u>30</u>	<u>43</u>
1880	<u>Daggett County</u>			
1881	<u>Manila</u>	<u>5,377 ft.</u>	<u>30</u>	<u>43</u>
1882	<u>Davis County</u>			
1883	<u>Bountiful</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1884	<u>Farmington</u>	<u>4,270 ft.</u>	<u>30</u>	<u>43</u>
1885	<u>Layton</u>	<u>4,400 ft.</u>	<u>30</u>	<u>43</u>
1886	<u>Fruit Heights</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1887	<u>Duchesne County</u>			
1888	<u>Duchesne</u>	<u>5,510 ft.</u>	<u>30</u>	<u>43</u>
1889	<u>Roosevelt</u>	<u>5,104 ft.</u>	<u>30</u>	<u>43</u>
1890	<u>Emery County</u>			
1891	<u>Castledale</u>	<u>5,660 ft.</u>	<u>30</u>	<u>43</u>
1892	<u>Green River</u>	<u>4,070 ft.</u>	<u>25</u>	<u>36</u>
1893	<u>Garfield County</u>			
1894	<u>Panguitch</u>	<u>6,600 ft.</u>	<u>30</u>	<u>43</u>
1895	<u>Grand County</u>			
1896	<u>Moab</u>	<u>3,965 ft.</u>	<u>25</u>	<u>36</u>
1897	<u>Iron County</u>			

1898	<u>Cedar City</u>	<u>5,831 ft.</u>	<u>30</u>	<u>43</u>
1899	<u>Juab County</u>			
1900	<u>Nephi</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1901	<u>Kane County</u>			
1902	<u>Kanab</u>	<u>5,000 ft.</u>	<u>25</u>	<u>36</u>
1903	<u>Millard County</u>			
1904	<u>Fillmore</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1905	<u>Delta</u>	<u>4,623 ft.</u>	<u>30</u>	<u>43</u>
1906	<u>Morgan County</u>			
1907	<u>Morgan</u>	<u>5,064 ft.</u>	<u>40</u>	<u>57</u>
1908	<u>Piute County</u>			
1909	<u>Piute</u>	<u>5,996 ft.</u>	<u>30</u>	<u>43</u>
1910	<u>Rich County</u>			
1911	<u>Woodruff</u>	<u>6,315 ft.</u>	<u>40</u>	<u>57</u>
1912	<u>Salt Lake County</u>			
1913	<u>Murray</u>	<u>4,325 ft.</u>	<u>30</u>	<u>43</u>
1914	<u>Salt Lake City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1915	<u>Sandy</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1916	<u>West Jordan</u>	<u>4,375 ft.</u>	<u>30</u>	<u>43</u>
1917	<u>West Valley</u>	<u>4,250 ft.</u>	<u>30</u>	<u>43</u>
1918	<u>San Juan County</u>			
1919	<u>Blanding</u>	<u>6,200 ft.</u>	<u>30</u>	<u>43</u>
1920	<u>Monticello</u>	<u>6,820 ft.</u>	<u>35</u>	<u>50</u>
1921	<u>Sanpete County</u>			
1922	<u>Fairview</u>	<u>6,750 ft.</u>	<u>35</u>	<u>50</u>
1923	<u>Mt. Pleasant</u>	<u>5,900 ft.</u>	<u>30</u>	<u>43</u>
1924	<u>Manti</u>	<u>5,740 ft.</u>	<u>30</u>	43
1925	<u>Ephraim</u>	<u>5,540 ft.</u>	<u>30</u>	<u>43</u>

1926	<u>Gunnison</u>	<u>5,145 ft.</u>	<u>30</u>	<u>43</u>
1927	<u>Sevier County</u>			
1928	<u>Salina</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1929	<u>Richfield</u>	<u>5,270 ft.</u>	<u>30</u>	<u>43</u>
1930	<u>Summit County</u>			
1931	<u>Coalville</u>	<u>5,600 ft.</u>	<u>60</u>	<u>86</u>
1932	<u>Kamas</u>	<u>6,500 ft.</u>	<u>70</u>	<u>100</u>
1933	<u>Park City</u>	<u>6,800 ft.</u>	<u>100</u>	<u>142</u>
1934	<u>Park City</u>	<u>8,400 ft.</u>	<u>162</u>	<u>231</u>
1935	<u>Summit Park</u>	<u>7,200 ft.</u>	<u>90</u>	<u>128</u>
1936	<u>Tooele County</u>			
1937	<u>Tooele</u>	<u>5,100 ft.</u>	<u>30</u>	<u>43</u>
1938	<u>Uintah County</u>			
1939	<u>Vernal</u>	<u>5,280 ft.</u>	<u>30</u>	<u>43</u>
1940	<u>Utah County</u>			
1941	<u>American Fork</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1942	<u>Orem</u>	<u>4,650 ft.</u>	<u>30</u>	<u>43</u>
1943	<u>Pleasant Grove</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1944	<u>Provo</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1945	<u>Spanish Fork</u>	<u>4,720 ft.</u>	<u>30</u>	<u>43</u>
1946	<u>Wasatch County</u>			
1947	<u>Heber</u>	<u>5,630 ft.</u>	<u>60</u>	<u>86</u>
1948	<u>Washington County</u>			
1949	<u>Central</u>	<u>5,209 ft.</u>	<u>25</u>	<u>36</u>
1950	<u>Dameron</u>	<u>4,550 ft.</u>	<u>25</u>	<u>36</u>
1951	<u>Leeds</u>	<u>3,460 ft.</u>	<u>20</u>	<u>29</u>
1952	<u>Rockville</u>	<u>3,700 ft.</u>	<u>25</u>	<u>36</u>
1953	<u>Santa Clara</u>	<u>2,850 ft.</u>	<u>15 (1)</u>	<u>21</u>

1954	<u>St. George</u>	<u>2,750 ft.</u>	<u>15 (1)</u>	<u>21</u>
1955	<u>Wayne County</u>			
1956	<u>Loa</u>	<u>7,080 ft.</u>	<u>30</u>	<u>43</u>
1957	<u>Hanksville</u>	<u>4,308 ft.</u>	<u>25</u>	<u>36</u>
1958	<u>Weber County</u>			
1959	<u>North Ogden</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1960	<u>Ogden</u>	<u>4,350 ft.</u>	<u>30</u>	<u>43</u>

1961 NOTES

1962 (1) The IRC requires a minimum live load - See R301.6.

1963 (2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation."

1964 (7) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah

1965 Snow Loads. The ground snow load, P_g , to be used in the determination of design snow loads

1966 for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2$

1967 $+ S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

1968 WHERE:

1969 P_g = Ground snow load at a given elevation (psf);

1970 P_o = Base ground snow load (psf) from Table No. R301.2(5a);

1971 S = Change in ground snow load with elevation (psf/100 ft.) From Table No. R301.2(5a);

1972 A = Elevation above sea level at the site (ft./1,000);

1973 A_o = Base ground snow elevation from Table R301.2(5a) (ft./1,000).

1974 The building official may round the roof snow load to the nearest 5 psf. The ground snow

1975 load, P_g , may be adjusted by the building official when a licensed engineer or architect submits

1976 data substantiating the adjustments. A record of such action together with the substantiating

1977 data shall be provided to the division for a permanent record.

1978 The building official may also directly adopt roof snow loads in accordance with Table

1979 R301.2(5b), provided the site is no more than 100 ft. higher than the listed elevation.

1980 Where the minimum roof live load in accordance with Table R301.6 is greater than the design

1981 roof snow load, such roof live load shall be used for design, however, it shall not be reduced to

1982 a load lower than the design roof snow load. Drifting need not be considered for roof snow

1983 loads less than 20 psf."

1984 (8) In IRC, Section R302.2, the words "Exception: A" are deleted and replaced with the
1985 following: "Exceptions: 1. A common 2-hour fire-resistance-rated wall is permitted for
1986 townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in
1987 the cavity of the common wall. Electrical installation shall be installed in accordance with
1988 Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with
1989 Section R302.4.

1990 2. In buildings equipped with an automatic residential fire sprinkler system, a".

1991 (9) In IRC, Section R302.2.4, a new exception 6 is added as follows: "6. Townhouses
1992 separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2."

1993 (10) IRC, Sections R311.7.4 through R311.7.4.3, are deleted and replaced with the
1994 following: "R311.7.4 Stair treads and risers. R311.7.4.1 Riser height. The maximum riser
1995 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
1996 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
1997 exceed the smallest by more than 3/8 inch (9.5 mm).

1998 R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
1999 depth shall be measured horizontally between the vertical planes of the foremost projection of
2000 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
2001 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
2002 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
2003 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
2004 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
2005 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
2006 more than 3/8 inch (9.5 mm).

2007 R311.7.4.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater
2008 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4
2009 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection
2010 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two
2011 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not
2012 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading
2013 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open

2014 risers are permitted, provided that the opening between treads does not permit the passage of a
2015 4-inch diameter (102 mm) sphere.

2016 Exceptions.

2017 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2018 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches
2019 (762 mm) or less."

2020 (11) In IRC, Section R312.2, the words "adjacent fixed seating" are deleted.

2021 (12) IRC, Section R313, is deleted.

2022 (13) IRC, Section R315.1, is deleted and replaced with the following: "R315.1 Carbon
2023 monoxide alarms. For new construction, a listed carbon monoxide alarm shall be installed on
2024 each habitable level of dwelling units within which fuel-fired appliances are installed and in
2025 dwelling units that have attached garages."

2026 (14) IRC, Section R315.3, is deleted and replaced with the following: "R315.3 Alarm
2027 requirements. Listed single- and multiple-station carbon monoxide alarms shall comply with
2028 UL 2034 and shall be installed in accordance with the provision of this code and NFPA 720."

2029 (15) In IRC, Section R403.1.6, a new Exception 4 is added as follows: "4. When
2030 anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed
2031 with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from
2032 each end of each plate section at interior bearing walls, interior braced wall lines, and at all
2033 exterior walls."

2034 (16) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2 and
2035 Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816 mm)
2036 apart, anchor bolts may be placed with a minimum of two bolts per plate section located not
2037 less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
2038 interior braced wall lines, and at all exterior walls."

2039 (17) In IRC, Section R404.1, a new exception is added as follows: "Exception: As an
2040 alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry
2041 foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as
2042 amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

2043 Section 48. Section **15A-3-203** is enacted to read:

2044 **15A-3-203. Amendments to Chapters 6 through 15 of IRC.**

2045 (1) IRC, Sections R612.2 through R612.4.2, are deleted.

2046 (2) IRC, Chapter 11, is deleted and replaced with Chapter 11 of the 2006 International
2047 Residential Code and Chapter 4 of the 2006 International Energy Conservation Code.

2048 (3) IRC, Section M1411.6, is deleted.

2049 (4) In IRC, Section M1502.4.4.1, the words "25 feet (7,620 mm)" are deleted and
2050 replaced with "35 feet (10,668 mm)".

2051 Section 49. Section **15A-3-204** is enacted to read:

2052 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

2053 A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection. Fuel
2054 gas services shall be in an approved location and/or provided with structures designed to
2055 protect the fuel gas meter and surrounding piping from physical damage, including falling,
2056 moving, or migrating ice and snow. If an added structure is used, it must provide access for
2057 service and comply with the IBC or the IRC."

2058 Section 50. Section **15A-3-205** is enacted to read:

2059 **15A-3-205. Amendments to Chapters 26 and 35 of IRC.**

2060 (1) A new IRC, Section P2602.3, is added as follows: "P2602.3 Individual water
2061 supply. Where a potable public water supply is not available, individual sources of potable
2062 water supply shall be utilized, provided that the source has been developed in accordance with
2063 Utah Code, Sections 73-3-1 and 73-3-25, as administered by the Department of Natural
2064 Resources, Division of Water Rights. In addition, the quality of the water shall be approved by
2065 the local health department having jurisdiction."

2066 (2) A new IRC, Section P2602.4, is added as follows: "P2602.4 Sewer required. Every
2067 building in which plumbing fixtures are installed and all premises having drainage piping shall
2068 be connected to a public sewer where the sewer is within 300 feet of the property line in
2069 accordance with Utah Code, Section 10-8-38; or an approved private sewage disposal system in
2070 accordance with Utah Administrative Code, Chapter 4, Rule R317, as administered by the
2071 Department of Environmental Quality, Division of Water Quality."

2072 (3) In IRC, Section P2801.7, the word "townhouses" is deleted.

2073 (4) A new IRC, Section P2902.1.1, is added as follows: "P2902.1.1 Backflow assembly
2074 testing. The premise owner or his designee shall have backflow prevention assemblies
2075 operation tested at the time of installation, repair, and relocation and at least on an annual basis

2076 thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be
 2077 performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject
 2078 to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker
 2079 Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector
 2080 Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and
 2081 Reduced Pressure Detector Assembly."

2082 (5) IRC, Table P2902.3, is deleted and replaced with the following:

2083 "TABLE P2902.3

2084 General Methods of Protection

<u>Assembly (applicable standard)</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Installation Criteria</u>
<p>2086 <u>Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backpressure or Backsiphonage 1/2" - 16"</u></p>	<p><u>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</u></p>

<p>2087</p>	<p><u>Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015)</u> <u>Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)</u></p>	<p><u>Low</u></p>	<p><u>Backpressure or Backsiphonage</u> <u>1/2" - 16"</u></p>	<p>a. <u>If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</u> b. <u>Shall be installed in a horizontal position unless listed or approved for vertical installation.</u></p>
<p>2088</p>	<p><u>Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/2" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u> c. <u>Shall not be installed below ground or in a vault or pit.</u> d. <u>Shall be installed in a vertical position only.</u></p>

2089	<p><u>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/4" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u></p> <p>b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u></p> <p>c. <u>Shall not be installed below ground or in a vault or pit.</u></p> <p>d. <u>Shall be installed in a vertical position only.</u></p>
2090	<p><u>General Installation Criteria</u></p>			<p><u>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to ensure the safety of the backflow technician.</u></p> <p><u>Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</u></p> <p><u>The body of the assembly shall not be closer than 12 inches to any wall, ceiling or encumbrance, and shall be accessible for testing, repair and/or maintenance.</u></p> <p><u>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</u></p> <p><u>Assemblies shall be maintained as an intact assembly."</u></p>

2091 (6) IRC, Table 2902.3a, is added as follows:

2092	<p><u>"TABLE 2902.3a</u></p>
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2093	<u>Specialty Backflow Devices for low hazard use only</u>			
2094	<u>Device</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Applicable Standard</u>
2095	<u>Air Gap</u>	<u>High or Low</u>	<u>Backsiphonage</u>	<u>See Table P2902.3.1 ASME A112.1.2</u>
2096	<u>Antisiphon-type Water Closet Flush Tank Ball Cock</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1002 CSA CAN/ CSA-B125</u>
2097	<u>Atmospheric Vacuum Breaker</u>	<u>High or Low</u>	<u>Backsiphonage</u> <u>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> <u>b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.</u> <u>c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.</u> <u>d. Shall be installed on the discharge (downstream) side of any valves.</u> <u>e. The AVB shall be installed in a vertical position only.</u>	<u>ASSE 1001 USC-FCCCHR, CSA CAN/ CSA-B64.1.1</u>

2098	<u>Dual check valve Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage or Backpressure 1/4" - 1"</u>	<u>ASSE 1024</u>
2099	<u>Backflow Preventer with Intermediate Atmospheric Vent</u>	<u>Low Residential Boiler</u>	<u>Backsiphonage or Backpressure 1/4" - 3/4"</u>	<u>ASSE 1012 CSA CAN/ CSA-B64.3</u>
2100	<u>Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type</u>	<u>Low</u>	<u>Backsiphonage or Backpressure 1/4" - 3/8"</u>	<u>ASSE 1022</u>
2101	<u>Hose-connection Vacuum Breaker</u>	<u>Low</u>	<u>Backsiphonage 1/2", 3/4", 1"</u>	<u>ASSE 1011 CSA CAN/ CSA-B64.2</u>
2102	<u>Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type</u>	<u>Low</u>	<u>Backsiphonage 3/4", 1"</u>	<u>ASSE 1019 CSA CAN/ CSA-B64.2.2</u>
2103	<u>Laboratory Faucet Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1035 CSA CAN/ CSA-B64.7</u>
2104	<u>Hose Connection Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage 1/2" - 1"</u>	<u>ASSE 1052</u>

2105 Installation Guidelines: The above specialty devices shall be installed in accordance with
 2106 their listing and the manufacturer's instructions and the specific provisions of this chapter."

2106 (7) In IRC, Section P3103.6, the following sentence is added at the end of the
 2107 paragraph: "Vents extending through the wall shall terminate not less than 12 inches from the
 2108 wall with an elbow pointing downward."

2109 (8) In IRC, Section P3104.4, the following sentence is added at the end of the
 2110 paragraph: "Horizontal dry vents below the flood level rim shall be permitted for floor drain
 2111 and floor sink installations when installed below grade in accordance with Chapter 30, and
 2112 Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent."

2113 Section 51. Section **15A-3-206** is enacted to read:

2114 **15A-3-206. Amendments to Chapters 36 and 44 of IRC.**

2115 (1) In IRC, Section E3902.11, the following words are deleted: "family rooms, dining
 2116 rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways,
 2117 and similar rooms or areas".

2118 (2) IRC, Chapter 44, is amended by adding the following reference standard:

<u>"Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>USC-FCCCHR 9th Edition Manual of Cross Connection Control</u>	<u>Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531</u>	<u>Table P2902.3"</u>

2121 (3) In IRC, Chapter 44, the following standard is added under NFPA as follows:

<u>"Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>720-09</u>	<u>Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment</u>	<u>R315.3"</u>

2124 (4) IRC, Appendix O, Gray Water Recycling Systems, is deleted and replaced with
 2125 Appendix C of the International Plumbing Code as amended by the State Construction Code.

2126 Section 52. Section **15A-3-301** is enacted to read:

2127 **Part 3. Statewide Amendments to IPC**2128 **15A-3-301. General provision.**

2129 The amendments in this part are adopted as amendments to the IPC to be applicable
2130 statewide.

2131 Section 53. Section **15A-3-302** is enacted to read:

2132 **15A-3-302. Amendments to Chapters 1 and 2 of IPC.**

2133 (1) A new IPC, Section 101.2, is added as follows: "For clarification, the International
2134 Private Sewage Disposal Code is not part of the plumbing code even though it is in the same
2135 printed volume."

2136 (2) In IPC, Section 202, the definition for "Backflow Backpressure, Low Head" is
2137 deleted.

2138 (3) In IPC, Section 202, the following definition is added: "Certified Backflow
2139 Preventer Assembly Tester. A person who has shown competence to test Backflow prevention
2140 assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection
2141 19-4-104(4)."

2142 (4) In IPC, Section 202, the definition for "Cross Connection" is deleted and replaced
2143 with the following: "Cross Connection. Any physical connection or potential connection or
2144 arrangement between two otherwise separate piping systems, one of which contains potable
2145 water and the other either water of unknown or questionable safety or steam, gas, or chemical,
2146 whereby there exists the possibility for flow from one system to the other, with the direction of
2147 flow depending on the pressure differential between the two systems (see "Backflow")."

2148 (5) In IPC, Section 202, the definition for "Potable Water" is deleted and replaced with
2149 the following: "Potable Water. Water free from impurities present in amounts sufficient to
2150 cause disease or harmful physiological effects and conforming to the Utah Code, Title 19,
2151 Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of the
2152 public health authority having jurisdiction."

2153 Section 54. Section **15A-3-303** is enacted to read:

2154 **15A-3-303. Amendments to Chapter 3 of IPC.**

2155 (1) In IPC, Table 303.4, the item listed as "Backflow prevention devises" is modified
2156 as follows:

2157 (a) in the Third-Party Certified field, after the word "Required" add "See footnote 1";

2158 (b) in the Third-Party Tested field the following is added: "Required see footnote 1";
2159 and

2160 (c) a new footnote 1 is added as follows: "1. Third-party certification will consist of
2161 any combination of two certifications, laboratory or field. Acceptable third party laboratory
2162 certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently
2163 provides the only field testing of backflow protection assemblies. Also see
2164 www.drinkingwater.utah.gov and Division of Drinking Water Rule, Utah Administrative Code,
2165 R309-305-6."

2166 (2) IPC, Section 304.3, Meter Boxes, is deleted.

2167 (3) IPC, Section 311.1, is deleted.

2168 (4) IPC, Sections 312.10 through 312.10.2, are deleted and replaced with the
2169 following: "312.10 Backflow assembly testing. The premise owner or his designee shall have
2170 backflow prevention assemblies operation tested at the time of installation, repair, and
2171 relocation and at least on an annual basis thereafter, or more frequently as required by the
2172 authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer
2173 Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant
2174 Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow
2175 Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced
2176 Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly."

2177 Section 55. Section **15A-3-304** is enacted to read:

2178 **15A-3-304. Amendments to Chapter 4 of IPC.**

2179 (1) In IPC, Section 403.1, a new footnote g is added as follows: "FOOTNOTE: g.
2180 When provided, in public toilet facilities there shall be an equal number of diaper changing
2181 facilities in male toilet rooms and female toilet rooms."

2182 (2) A new IPC, Section 406.4, is added as follows: "406.4 Automatic clothes washer
2183 safe pans. Safe pans, when installed under automatic clothes washers, shall be installed in
2184 accordance with Section 504.7."

2185 (3) A new IPC, Section 412.5, is added as follows: "412.5 Public toilet rooms. All
2186 public toilet rooms shall be equipped with at least one floor drain."

2187 Section 56. Section **15A-3-305** is enacted to read:

2188 **15A-3-305. Amendments to Chapter 5 of IPC.**

2189 (1) In IPC, Section 504.7.2, the following is added at the end of the section: "When
2190 permitted by the code official, the pan drain may be directly connected to a soil stack, waste
2191 stack, or branch drain. The pan drain shall be individually trapped and vented as required in
2192 Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap
2193 shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044."

2194 (2) A new IPC, Section 504.7.3, is added as follows: "504.7.3 Pan Designation. A
2195 water heater pan shall be considered an emergency receptor designated to receive the discharge
2196 of water from the water heater only and shall not receive the discharge from any other fixtures,
2197 devises, or equipment."

2198 Section 57. Section **15A-3-306** is enacted to read:

2199 **15A-3-306. Amendments to Chapter 6 of IPC.**

2200 (1) IPC, Section 602.3, is deleted and replaced with the following: "602.3 Individual
2201 water supply. Where a potable public water supply is not available, individual sources of
2202 potable water supply shall be utilized provided that the source has been developed in
2203 accordance with Utah Code, Sections 73-3-1, 73-3-3, and 73-3-25, as administered by the
2204 Department of Natural Resources, Division of Water Rights. In addition, the quality of the
2205 water shall be approved by the local health department having jurisdiction. The source shall
2206 supply sufficient quantity of water to comply with the requirements of this chapter."

2207 (2) IPC, Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5, and 602.3.5.1, are
2208 deleted.

2209 (3) A new IPC, Section 604.4.1, is added as follows: "604.4.1 Manually operated
2210 metering faucets. Self closing or manually operated metering faucets shall provide a flow of
2211 water for at least 15 seconds without the need to reactivate the faucet."

2212 (4) IPC, Section 606.5, is deleted and replaced with the following: "606.5 Water
2213 pressure booster systems. Water pressure booster systems shall be provided as required by
2214 Section 606.5.1 through 606.5.11."

2215 (5) A new IPC, Section 606.5.11, is added as follows: "606.5.11 Prohibited
2216 installation. In no case shall a booster pump be allowed that will lower the pressure in the
2217 public main to less than 20 psi."

2218 (6) IPC, Table 608.1, is deleted and replaced with the following:

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2221
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<u>"TABLE 608.1</u>			
<u>General Methods of Protection</u>			
<u>Assembly (applicable standard)</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Installation Criteria</u>
<u>Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)</u>	<u>High or Low</u>	<u>Backpressure or Backsiphonage 1/2" - 16"</u>	<u>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</u> <u>b. RP assemblies shall NOT be installed in a pit.</u> <u>c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</u> <u>d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</u>

<p>2223</p>	<p><u>Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015)</u> <u>Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)</u></p>	<p><u>Low</u></p>	<p><u>Backpressure or Backsiphonage</u> <u>1/2" - 16"</u></p>	<p>a. <u>If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</u></p> <p>b. <u>Shall be installed in a horizontal position unless listed or approved for vertical installation.</u></p>
<p>2224</p>	<p><u>Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/2" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u></p> <p>b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u></p> <p>c. <u>Shall not be installed below ground or in a vault or pit.</u></p> <p>d. <u>Shall be installed in a vertical position only.</u></p>

2225	<p><u>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/4" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u></p> <p>b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u></p> <p>c. <u>Shall not be installed below ground or in a vault or pit.</u></p> <p>d. <u>Shall be installed in a vertical position only.</u></p>
2226	<p><u>General Installation Criteria</u></p>			<p><u>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to ensure the safety of the backflow technician.</u></p> <p><u>Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</u></p> <p><u>The body of the assembly shall not be closer than 12 inches, to any wall, ceiling or encumbrance, and shall be accessible for testing, repair and/or maintenance.</u></p> <p><u>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</u></p> <p><u>Assemblies shall be maintained as an intact assembly."</u></p>

2227 (7) IPC, Table 608.1.1, is added as follows:

2228	<p><u>"TABLE 608.1.1</u></p>
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2229	<u>Specialty Backflow Devices for low hazard use only</u>			
2230	<u>Device</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Applicable Standard</u>
2231	<u>Air Gap</u>	<u>High or Low</u>	<u>Backsiphonage</u>	<u>See Table 608.15.1 ASME A112.1.2</u>
2232	<u>Antisiphon-type Water Closet Flush Tank Ball Cock</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1002 CSA CAN/ CSA-B125</u>
2233	<u>Atmospheric Vacuum Breaker</u>	<u>High or Low</u>	<u>Backsiphonage</u> <u>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> <u>b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.</u> <u>c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.</u> <u>d. Shall be installed on the discharge (downstream) side of any valves.</u> <u>e. The AVB shall be installed in a vertical position only.</u>	<u>ASSE 1001 USC-FCCCHR, CSA CAN/ CSA-B64.1.1</u>

2234	<u>Dual check valve Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage or Backpressure 1/4" - 1"</u>	<u>ASSE 1024</u>
2235	<u>Backflow Preventer with Intermediate Atmospheric Vent</u>	<u>Low Residential Boiler</u>	<u>Backsiphonage or Backpressure 1/4" - 3/4"</u>	<u>ASSE 1012 CSA CAN/ CSA-B64.3</u>
2236	<u>Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type</u>	<u>Low</u>	<u>Backsiphonage or Backpressure 1/4" - 3/8"</u>	<u>ASSE 1022</u>
2237	<u>Hose-connection Vacuum Breaker</u>	<u>Low</u>	<u>Backsiphonage 1/2", 3/4", 1"</u>	<u>ASSE 1011 CSA CAN/ CSA-B64.2</u>
2238	<u>Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type</u>	<u>Low</u>	<u>Backsiphonage 3/4", 1"</u>	<u>ASSE 1019 CSA CAN/ CSA-B64.2.2</u>
2239	<u>Laboratory Faucet Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1035 CSA CAN/ CSA-B64.7</u>
2240	<u>Hose Connection Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage 1/2" - 1"</u>	<u>ASSE 1052</u>

2241 Installation Guidelines: The above specialty devices shall be installed in accordance with
2242 their listing and the manufacturer's instructions and the specific provisions of this chapter."

2243 (8) In IPC, Section 608.6, the following sentence is added at the end of the paragraph:
2244 "Any connection between potable water piping and sewer-connected waste shall be protected
2245 by an air gap."

2246 (9) IPC, Section 608.7, is deleted.

2247 (10) In IPC, Section 608.11, the following sentence is added at the end of the
2248 paragraph: "The coating and installation shall conform to NSF Standard 61 and application of
2249 the coating shall comply with the manufacturer's instructions."

2250 (11) IPC, Section 608.13.3, is deleted and replaced with the following: "608.13.3
2251 Backflow preventer with intermediate atmospheric vent. Backflow preventers with
2252 intermediate atmospheric vents shall conform to ASSE 1012 or CSA CAN/CSA-B64.3. These
2253 devices shall be permitted to be installed on residential boilers only, without chemical
2254 treatment, where subject to continuous pressure conditions. The relief opening shall discharge
2255 by air gap and shall be prevented from being submerged."

2256 (12) IPC, Section 608.13.4, is deleted.

2257 (13) IPC, Section 608.13.9, is deleted.

2258 (14) IPC, Section 608.15.3, is deleted and replaced with the following: "608.15.3
2259 Protection by a backflow preventer with intermediate atmospheric vent. Connections to
2260 residential boilers only, without chemical treatment, shall be protected by a backflow preventer
2261 with an intermediate atmospheric vent."

2262 (15) IPC, Section 608.15.4, is deleted and replaced with the following: "608.15.4
2263 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type
2264 or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall
2265 be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The
2266 critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm)
2267 above the flood level rim of the fixture or device. Fill valves shall be set in accordance with
2268 Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar
2269 locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be
2270 installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor, or
device served. No valves shall be installed downstream of the atmospheric vacuum breaker."

2271 (16) In IPC, Section 608.15.4.2, the following is added after the first sentence:
2272 "Add-on-backflow prevention devices shall be non-removable. In climates where freezing
2273 temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow
2274 preventer shall be used."

2275 (17) In IPC, Section 608.16.2, the first sentence of the paragraph is deleted and
2276 replaced as follows: "608.16.2 Connections to boilers. The potable water supply to the
2277 residential boiler only, without chemical treatment, shall be equipped with a backflow
2278 preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA
2279 CAN/CSA-B64.3."

2280 (18) IPC, Section 608.16.3, is deleted and replaced with the following: "608.16.3 Heat
2281 exchangers. Heat exchangers shall be separated from potable water by double-wall
2282 construction. An air gap open to the atmosphere shall be provided between the two walls.

2283 Exceptions:

2284 1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

2285 a. It utilizes a heat transfer medium of potable water or contains only substances which are
2286 recognized as safe by the United States Food and Drug Administration (FDA);

2287 b. The pressure of the heat transfer medium is maintained less than the normal minimum
2288 operating pressure of the potable water system; and

2289 c. The equipment is permanently labeled to indicate only additives recognized as safe by the
2290 FDA shall be used.

2291 2. Steam systems that comply with paragraph 1 above.

2292 3. Approved listed electrical drinking water coolers."

2293 (19) In IPC, Section 608.16.4.1, a new exception is added as follows: "Exception: All
2294 class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or
2295 U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a
2296 double check valve assembly. Such systems shall include written certification of the chemical
2297 additives at the time of original installation and service or maintenance."

2298 (20) IPC, Section 608.16.7, is deleted and replaced with the following: "608.16.7
2299 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the
2300 water supply system shall be protected against backflow in accordance with Section 608.13.1,
2301 Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8."

2302 (21) IPC, Section 608.16.8, is deleted and replaced with the following: "608.16.8
2303 Portable cleaning equipment. Where the portable cleaning equipment connects to the water
2304 distribution system, the water supply system shall be protected against backflow in accordance
2305 with Section 608.13.1, Section 608.13.2 or Section 608.13.8."

2306 (22) A new IPC, Section 608.16.11, is added as follows: "608.16.11 Automatic and
2307 coin operated car washes. The water supply to an automatic or coin operated car wash shall be
2308 protected in accordance with Section 608.13.1 or Section 608.13.2."

2309 (23) IPC, Section 608.17, is deleted.

2310 Section 58. Section **15A-3-307** is enacted to read:

2311 **15A-3-307. Amendments to Chapter 7 of IPC.**

2312 IPC, Section 701.2, is deleted and replaced with the following: "701.2 Sewer required.
2313 Every building in which plumbing fixtures are installed and all premises having drainage
2314 pipng shall be connected to a public sewer where the sewer is within 300 feet of the property
2315 line in accordance with Utah Code, Section 10-8-38; or an approved private sewage disposal
2316 system in accordance with Utah Administrative Code, Rule R317-4, as administered by the
2317 Department of Environmental Quality, Division of Water Quality."

2318 Section 59. Section **15A-3-308** is enacted to read:

2319 **15A-3-308. Amendments to Chapter 8 of IPC.**

2320 IPC, Chapter 8, is not amended.

2321 Section 60. Section **15A-3-309** is enacted to read:

2322 **15A-3-309. Amendments to Chapter 9 of IPC.**

2323 (1) IPC, Section 901.3, is deleted and replaced with the following: "901.3 Chemical
2324 waste vent system. The vent system for a chemical waste system shall be independent of the
2325 sanitary vent system and shall terminate separately through the roof to the open air or to an air
2326 admittance valve provided at least one chemical waste vent in the system terminates separately
2327 through the roof to the open air."

2328 (2) In IPC, Section 904.1, when the number of inches is to be specified, "12 inches
2329 (304.8mm)" is inserted.

2330 (3) In IPC, Section 904.6, the following sentence is added at the end of the paragraph:
2331 "Vents extending through the wall shall terminate not less than 12 inches from the wall with an
2332 elbow pointing downward."

2333 (4) In IPC, Section 905.4, the following sentence is added at the end of the paragraph:
2334 "Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink
2335 installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided
2336 with a wall clean out."

2337 (5) In IPC, Section 917.8, a new exception is added as follows: "Exception: Air
2338 admittance valves shall be permitted in non-neutralized special waste systems provided that
2339 they conform to the requirements in Sections 901.3 and 702.5, are tested to ASTM F1412, and
2340 are certified by ANSI/ASSE."

2341 Section 61. Section **15A-3-310** is enacted to read:

2342 **15A-3-310. Amendments to Chapter 10 of IPC.**

2343 In IPC, Section 1002.4, the following is added at the end of the paragraph: "Approved
2344 Means of Maintaining Trap Seals. Approved means of maintaining trap seals include the
2345 following, but are not limited to the methods cited:

2346 (a) Listed Trap Seal Primer

2347 (b) A hose bibb or bibbs within the same room

2348 (c) Drainage from an untrapped lavatory discharging to the tailpiece of those fixture
2349 traps which require priming. All fixtures shall be in the same room and on the same floor level
2350 as the trap primer

2351 (d) Barrier type floor drain trap seal protection device meeting ASSE Standard 1072

2352 (e) Deep seal p-trap".

2353 Section 62. Section **15A-3-311** is enacted to read:

2354 **15A-3-311. Amendments to Chapter 11 of IPC.**

2355 (1) IPC, Section 1104.2, is deleted and replaced with the following: "1104.2

2356 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm
2357 drainage systems is prohibited."

2358 (2) IPC, Section 1108, is deleted.

2359 Section 63. Section **15A-3-312** is enacted to read:

2360 **15A-3-312. Amendments to Chapter 12 of IPC.**

2361 IPC, Chapter 12, is not amended.

2362 Section 64. Section **15A-3-313** is enacted to read:

2363 **15A-3-313. Amendments to Chapter 13 of IPC.**

2364 IPC, Chapter 13, is not amended.
 2365 Section 65. Section **15A-3-314** is enacted to read:
 2366 **15A-3-314. Amendments to Chapter 14 of IPC.**

2367 (1) In IPC, Chapter 14, the following referenced standard is added under ASSE:

<u>"Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>1072-2007</u>	<u>Performance Requirements for Barrier Type Floor Drain Trap Seal Protection Devices</u>	<u>1004.2"</u>

2370 (2) In IPC, Chapter 14, the following referenced standard is added:

<u>"Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>USC-FCCCHR 9th Edition Manual of Cross Connection Control</u>	<u>Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531</u>	<u>Table 608.1"</u>

2373 (3) IPC, Appendix C, is deleted and replaced with the following Appendix C, Gray
 2374 Water Recycling Systems, which may be adopted by local jurisdictions only as provided under
 2375 the State Construction Code: "Appendix C Gray Water Recycling Systems

2376 Note: Section 301.3 of this code requires all plumbing fixtures that receive water or waste to
 2377 discharge to the sanitary drainage system of the structure. In order to allow for the utilization
 2378 of a gray water system, Section 301.3 should be revised to read as follows:

2379 In jurisdictions which have adopted this Appendix C as amended as a local amendment as
 2380 provided herein, Section 301.3 of the IPC is deleted and replaced with the following:

2381 301.3 Connections to drainage system. All plumbing fixtures, drains, appurtenances, and
 2382 appliances used to receive or discharge liquid wastes or sewage shall be directly connected to
 2383 the sanitary drainage system of the building or premises, in accordance with the requirements
 2384 of this code. This section shall not be construed to prevent indirect waste systems required by
 2385 Chapter 8.

2386 Exception: Bathtubs, showers, lavatories, clothes washers, laundry trays, and approved clear
2387 water wastes shall not be required to discharge to the sanitary drainage system where such
2388 fixtures discharge to an approved gray water system for flushing of water closets and urinals or
2389 for subsurface landscape irrigation.

2390 SECTION C101 GENERAL

2391 C101.1 Scope. The provisions of this appendix shall govern the materials, design,
2392 construction, and installation of gray water systems for flushing of water closets and urinals
2393 (see Figure 2).

2394 C101.2 Recording. The existence of a gray water recycling system shall be recorded on the
2395 deed of ownership for that property.

2396 C101.3 Definition. The following term shall have the meaning shown herein.

2397 GRAY WATER. Waste discharged from lavatories, bathtubs, showers, clothes washers,
2398 laundry trays, and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable;
2399 non-combustible; without objectionable odors; non-highly pigmented; and will not interfere
2400 with the operation of the sewer treatment facility.

2401 C101.4 Permits. Permits shall be required in accordance with Section 106 and may also be
2402 required by the local health department.

2403 C101.5 Installation. In addition to the provisions of Section C101, systems for flushing of
2404 water closets and urinals shall comply with Section C102. Except as provided for in Appendix
2405 C, all systems shall comply with the provisions of the International Plumbing Code.

2406 C101.6 Materials. Above-ground drain, waste, and vent piping for gray water systems shall
2407 conform to one of the standards listed in Table 702.1. Gray water underground building
2408 drainage and vent pipe shall conform to one of the standards listed in Table 702.2.

2409 C101.7 Tests. Drain, waste, and vent piping for gray water systems shall be tested in
2410 accordance with Section 312.

2411 C101.8 Inspections. Gray water systems shall be inspected in accordance with Section 107.

2412 C101.9 Potable water connections. The potable water supply to any building utilizing a gray
2413 water recycling system shall be protected against backflow by a reduced pressure principle
2414 backflow preventer installed in accordance with this Code.

2415 C101.10 Waste water connections. Gray water recycling systems shall receive only the waste
2416 discharge of bathtubs, showers, lavatories, clothes washers, or laundry trays, and other clear

2417 water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without
2418 objectionable odors; non-highly pigmented; and will not interfere with the operation of the
2419 sewer treatment facility.

2420 C101.11 Collection reservoir. Gray water shall be collected in an approved reservoir
2421 constructed of durable, nonabsorbent, and corrosion-resistant materials. The reservoir shall be
2422 a closed and gas-tight vessel. Access openings shall be provided to allow inspection and
2423 cleaning of the reservoir interior.

2424 C101.12 Filtration. Gray water entering the reservoir shall pass through an approved cartridge
2425 filter having a design flow rate of less than 0.375 gallons per minute per square foot of
2426 effective filter area, or a sand or diatomaceous earth filter designed to handle the anticipated
2427 volume of water.

2428 C101.12.1 Required valve. A full-open valve shall be installed downstream of the last fixture
2429 connection to the gray water discharge pipe before entering the required filter.

2430 C101.13 Overflow. The collection reservoir shall be equipped with an overflow pipe having
2431 the same or larger diameter as the influent pipe for the gray water. The overflow pipe shall be
2432 trapped and indirectly connected to the sanitary drainage system.

2433 C101.14 Drain. A drain shall be located at the lowest point of the collection reservoir and shall
2434 be indirectly connected to the sanitary drainage system. The drain shall be the same diameter
2435 as the overflow pipe required in Section C101.12.

2436 C101.15 Vent required. The reservoir shall be provided with a vent sized in accordance with
2437 Chapter 9 and based on the diameter of the reservoir influent pipe.

2438 SECTION C102 SYSTEMS FOR FLUSHING WATER CLOSETS AND URINALS

2439 C102.1 Collection reservoir. The holding capacity of the reservoir shall be a minimum of
2440 twice the volume of water required to meet the daily flushing requirements of the fixtures
2441 supplied with gray water, but not less than 50 gallons (189 L). The reservoir shall be sized to
2442 limit the retention time of gray water to a maximum of 72 hours.

2443 C102.2 Disinfection. Gray water shall be disinfected by an approved method that employs one
2444 or more disinfectants such as chlorine, iodine, or ozone that is recommended for use with the
2445 pipes, fittings, and equipment by the manufacturer of the pipe, fittings, and equipment. A
2446 minimum of 1ppm residual free chlorine shall be maintained in the gray water recycling system
2447 reservoir.

2448 C102.3 Makeup water. Potable water shall be supplied as a source of makeup water for the
2449 gray water system. The potable water supply shall be protected against backflow by a reduced
2450 pressure principle backflow preventer installed in accordance with this Code. There shall be a
2451 full-open valve located on the makeup water supply line to the collection reservoir.

2452 C102.4 Coloring. The gray water shall be dyed blue or green with a food grade vegetable dye
2453 before such water is supplied to the fixtures.

2454 C102.5 Materials. Distribution piping shall conform to one of the standards listed in Table
2455 605.4.

2456 C102.6 Identification. Distribution piping and reservoirs shall be identified as containing
2457 nonpotable water. Piping identification shall be in accordance with Section 608.8.

2458 SECTION C103 SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS

2459 C103.1 Gray water recycling systems utilized for subsurface irrigation for single family
2460 residences shall comply with the requirements of Utah Administrative Code, R317-401, Gray
2461 Water Systems. Gray water recycling systems utilized for subsurface irrigation for other
2462 occupancies shall comply with Utah Administrative Code, R317-3 Design Requirements for
2463 Wastewater Collection, Treatment and Disposal Systems, and Utah Administrative Code,
2464 R317-4, Onsite Wastewater Systems."

2465 Section 66. Section **15A-3-401** is enacted to read:

2466 **Part 4. Statewide Amendments to IMC**

2467 **15A-3-401. General provision.**

2468 The following are adopted as amendments to the IMC to be applicable statewide:

2469 (1) In IMC, Section 403, a new Section 403.8 is added as follows: "Retrospective
2470 effect. Removal, alteration, or abandonment shall not be required, and continued use and
2471 maintenance shall be allowed, for a ventilation system within an existing installation that
2472 complies with the requirements of this Section 403 regardless of whether the ventilation system
2473 satisfied the minimum ventilation rate requirements of prior law."

2474 (2) IMC, Section 1101.10, is deleted.

2475 Section 67. Section **15A-3-501** is enacted to read:

2476 **Part 5. Statewide Amendments to IFGC**

2477 **15A-3-501. General provision.**

2478 The following is adopted as an amendment to the IFGC to be applicable statewide, in

2479 IFGC, Chapter 4, Section 401, General, a new section IFGC, Section 401.9, is added as
2480 follows: "401.9 Meter protection. Fuel gas services shall be in an approved location and/or
2481 provided with structures designed to protect the fuel gas meter and surrounding piping from
2482 physical damage, including falling, moving, or migrating ice and snow. If an added structure is
2483 used, it must still provide access for service and comply with the IBC or the IRC."

2484 Section 68. Section **15A-3-601** is enacted to read:

2485 **Part 6. Statewide Amendments to NEC**

2486 **15A-3-601. General provision.**

2487 The following are adopted as amendments to the NEC to be applicable statewide:

2488 (1) During the period of time when the adopted IRC has not yet incorporated the latest
2489 residential electrical provisions contained in the adopted NEC, the IRC provisions shall prevail
2490 as the adopted residential electrical standards applicable to installations applicable under the
2491 IRC. All other installations shall comply with the adopted NEC.

2492 (2) In NEC, Section 310.15(B)(6), the second sentence is deleted and replaced with the
2493 following: "For application of this section, the main power feeder shall be the feeder(s)
2494 between the main disconnect and the panelboard(s)."

2495 (3) In NEC, Section 338.10(B)(4)(a), the following words are added at the end of the
2496 first sentence after Section 334: "excluding Section 334.80."

2497 Section 69. Section **15A-3-701** is enacted to read:

2498 **Part 7. Statewide Amendments to IECC**

2499 **15A-3-701. General provision.**

2500 The following is adopted as an amendment to the IECC to be applicable statewide, in
2501 IECC, Section 504.4, a new exception is added as follows: "Exception: Heat traps, other than
2502 the arrangement of piping and fittings, shall be prohibited unless a means of controlling
2503 thermal expansion can be ensured as required in the IPC Section 607.3."

2504 Section 70. Section **15A-3-801** is enacted to read:

2505 **Part 8. Installation and Safety Requirements for Mobile Homes Built Before June 15,**
2506 **1976**

2507 **15A-3-801. General provision.**

2508 Mobile homes built before June 15, 1976 that are subject to relocation, building
2509 alteration, remodeling, or rehabilitation shall comply with the following:

2510 (1) Related to exits and egress windows:

2511 (a) Egress windows. The home has at least one egress window in each bedroom, or a
2512 window that meets the minimum specifications of the U.S. Department of Housing and Urban
2513 Development's (HUD) Manufactured Homes Construction and Safety Standards (MHCSS)
2514 program as set forth in 24 C.F.R. Parts 3280 and 3283, MHCSS 3280.106 and 3280.404 for
2515 manufactured homes. These standards require the window to be at least 22 inches in the
2516 horizontal or vertical position in its least dimension and at least five square feet in area. The
2517 bottom of the window opening shall be no more than 36 inches above the floor, and the locks
2518 and latches and any window screen or storm window devices that need to be operated to permit
2519 exiting shall not be located more than 54 inches above the finished floor.

2520 (b) Exits. The home is required to have two exterior exit doors, located remotely from
2521 each other, as required in MHCSS 3280.105. This standard requires that single-section homes
2522 have the doors no less than 12 feet, center-to-center, from each other, and multisection home
2523 doors no less than 20 feet center-to-center from each other when measured in a straight line,
2524 regardless of the length of the path of travel between the doors. One of the required exit doors
2525 must be accessible from the doorway of each bedroom and no more than 35 feet away from any
2526 bedroom doorway. An exterior swing door shall have a 28-inch-wide by 74-inch-high clear
2527 opening and sliding glass doors shall have a 28-inch-wide by 72-inch-high clear opening. Each
2528 exterior door other than screen/storm doors shall have a key-operated lock that has a passage
2529 latch; locks shall not require the use of a key or special tool for operation from the inside of the
2530 home.

2531 (2) Related to flame spread:

2532 (a) Walls, ceilings, and doors. Walls and ceilings adjacent to or enclosing a furnace or
2533 water heater shall have an interior finish with a flame-spread rating not exceeding 25. Sealants
2534 and other trim materials two inches or less in width used to finish adjacent surfaces within
2535 these spaces are exempt from this provision, provided all joints are supported by framing
2536 members or materials with a flame spread rating of 25 or less. Combustible doors providing
2537 interior or exterior access to furnace and water heater spaces shall be covered with materials of
2538 limited combustibility (i.e., 5/16-inch gypsum board, etc.), with the surface allowed to be
2539 interrupted for louvers ventilating the space. However, the louvers shall not be of materials of
2540 greater combustibility than the door itself (i.e., plastic louvers on a wooden door). Reference

2541 MHCSS 3280.203.

2542 (b) Exposed interior finishes. Exposed interior finishes adjacent to the cooking range
2543 (surfaces include vertical surfaces between the range top and overhead cabinets, the ceiling, or
2544 both) shall have a flame-spread rating not exceeding 50, as required by MHCSS 3280.203.

2545 Backsplashes not exceeding six inches in height are exempted. Ranges shall have a vertical
2546 clearance above the cooking top of not less than 24 inches to the bottom of combustible
2547 cabinets, as required by MHCSS 3280.204(e).

2548 (3) Related to smoke detectors:

2549 (a) Location. A smoke detector shall be installed on any ceiling or wall in the hallway
2550 or space communicating with each bedroom area between the living area and the first bedroom
2551 door, unless a door separates the living area from that bedroom area, in which case the detector
2552 shall be installed on the living-area side, as close to the door as practicable, as required by
2553 MHCSS 3280.208. Homes with bedroom areas separated by anyone or combination of
2554 common-use areas such as a kitchen, dining room, living room, or family room (but not a
2555 bathroom or utility room) shall be required to have one detector for each bedroom area. When
2556 located in the hallways, the detector shall be between the return air intake and the living areas.

2557 (b) Switches and electrical connections. Smoke detectors shall have no switches in the
2558 circuit to the detector between the over-current protection device protecting the branch circuit
2559 and the detector. The detector shall be attached to an electrical outlet box and connected by a
2560 permanent wiring method to a general electrical circuit. The detector shall not be placed on the
2561 same branch circuit or any circuit protected by a ground-fault circuit interrupter.

2562 (4) Related to solid-fuel-burning stoves/fireplaces:

2563 (a) Solid-fuel-burning fireplaces and fireplace stoves. Solid-fuel-burning, factory-built
2564 fireplaces, and fireplace stoves may be used in manufactured homes, provided that they are
2565 listed for use in manufactured homes and installed according to their listing/manufacturer's
2566 instructions and the minimum requirements of MHCSS 3280.709(g).

2567 (b) Equipment. A solid-fuel-burning fireplace or fireplace stove shall be equipped with
2568 an integral door or shutters designed to close the fire chamber opening and shall include
2569 complete means for venting through the roof, a combustion air inlet, a hearth extension, and
2570 means to securely attach the unit to the manufactured home structure.

2571 (i) Chimney. A listed, factory-built chimney designed to be attached directly to the

2572 fireplace/fireplace stove and equipped with, in accordance with the listing, a termination device
2573 and spark arrester, shall be required. The chimney shall extend at least three feet above the part
2574 of the roof through which it passes and at least two feet above the highest elevation of any part
2575 of the manufactured home that is within 10 feet of the chimney.

2576 (ii) Air-intake assembly and combustion-air inlet. An air-intake assembly shall be
2577 installed in accordance with the terms of listings and the manufacturer's instruction. A
2578 combustion-air inlet shall conduct the air directly into the fire chamber and shall be designed to
2579 prevent material from the hearth from dropping on the area beneath the manufactured home.

2580 (iii) Hearth. The hearth extension shall be of noncombustible material that is a
2581 minimum of 3/8-inch thick and shall extend a minimum of 16 inches in front and eight inches
2582 beyond each side of the fireplace/fireplace stove opening. The hearth shall also extend over the
2583 entire surface beneath a fireplace stove and beneath an elevated and overhanging fireplace.

2584 (5) Related to electrical wiring systems:

2585 (a) Testing. All electrical systems shall be tested for continuity in accordance with
2586 MHCSS 3280.810, to ensure that metallic parts are properly bonded; tested for operation, to
2587 demonstrate that all equipment is connected and in working order; and given a polarity check,
2588 to determine that connections are proper.

2589 (b) 5.2 Protection. The electrical system shall be properly protected for the required
2590 amperage load. If the unit wiring employs aluminum conductors, all receptacles and switches
2591 rated at 20 amperes or less that are directly connected to the aluminum conductors shall be
2592 marked CO/ALA. Exterior receptacles, other than heat tape receptacles, shall be of the
2593 ground-fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum
2594 or copper-clad aluminum) must be connected in accordance with NEC, Section 110-14.

2595 (6) Related to replacement furnaces and water heaters:

2596 (a) Listing. Replacement furnaces or water heaters shall be listed for use in a
2597 manufactured home. Vents, roof jacks, and chimneys necessary for the installation shall be
2598 listed for use with the furnace or water heater.

2599 (b) Securement and accessibility. The furnace and water heater shall be secured in
2600 place to avoid displacement. Every furnace and water heater shall be accessible for servicing,
2601 for replacement, or both as required by MHCSS 3280.709(a).

2602 (c) Installation. Furnaces and water heaters shall be installed to provide complete

2603 separation of the combustion system from the interior atmosphere of the manufactured home,
2604 as required by MHCSS.

2605 (i) Separation. The required separation may be achieved by the installation of a
2606 direct-vent system (sealed combustion system) furnace or water heater or the installation of a
2607 furnace and water heater venting and combustion systems from the interior atmosphere of the
2608 home. There shall be no doors, grills, removable access panels, or other openings into the
2609 enclosure from the inside of the manufactured home. All openings for ducts, piping, wiring,
2610 etc., shall be sealed.

2611 (ii) Water heater. The floor area in the area of the water heater shall be free from
2612 damage from moisture to ensure that the floor will support the weight of the water heater.

2613 Section 71. Section **15A-4-101** is enacted to read:

2614 **CHAPTER 4. LOCAL AMENDMENTS INCORPORATED AS PART OF STATE**

2615 **CONSTRUCTION CODE**

2616 **Part 1. Local Amendments to IBC**

2617 **15A-4-101. General provision.**

2618 The amendments in this part are adopted as amendments to the IBC to be applicable to
2619 the specified jurisdiction.

2620 Section 72. Section **15A-4-102** is enacted to read:

2621 **15A-4-102. Amendments to IBC applicable to Brian Head Town.**

2622 The following amendment is adopted as an amendment to the IBC for Brian Head
2623 Town, Subsection 15A-3-104(6) that amends IBC, Section (F)903.2.8, is deleted and replaced
2624 with the following: "(F)903.2.8 Group R. An automatic sprinkler system installed in
2625 accordance with Section (F)903.3 shall be provided throughout all buildings with a Group R
2626 fire area.

2627 Exception:

2628 1. Detached one and two family dwellings and multiple single-family dwellings (townhouses)
2629 constructed in accordance with the International Residential Code for one and two-family
2630 dwellings. Except that an automatic fire sprinkler system shall be installed in all one- and
2631 two-family dwellings and townhouses over 3,000 square feet in size of defined living space
2632 (garage is excluded from defined living space) in accordance with Section (F)903.3.1 of the
2633 International Building Code. In areas not served by Brian Head Town culinary water services,

2634 NFPA Standard 1142 for water supplies for rural fire fighting shall apply. Any one- and
2635 two-family dwellings and townhouses that are difficult to locate or access, as determined by the
2636 authority having jurisdiction, shall be required to follow the guidelines as set forth in the NFPA
2637 Standard 1142 regardless of the size of the building.

2638 2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16
2639 residents, provided the building is equipped throughout with an approved fire alarm system that
2640 is interconnected and receives its primary power from the building wiring and a commercial
2641 power system."

2642 Section 73. Section **15A-4-103** is enacted to read:

2643 **15A-4-103. Amendments to IBC applicable to City of Farmington.**

2644 The following amendments are adopted as amendments to the IBC for the City of
2645 Farmington:

2646 (1) A new IBC, Section (F) 903.2.13, is added as follows: "(F) 903.2.13 Group R,
2647 Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every
2648 dwelling in accordance with NFPA 13D, when any of the following conditions are present:

2649 1. The structure is over two stories high, as defined by the building code;

2650 2. The nearest point of structure is more than 150 feet from the public way;

2651 3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation
2652 the area of the basement and/or garage); or

2653 4. The structure is located on a street constructed after March 1, 2000, that has a gradient over
2654 12% and, during fire department response, access to the structure will be gained by using such
2655 street. (If the access is intended to be from a direction where the steep gradient is not used, as
2656 determined by the Chief, this criteria shall not apply).

2657 Such sprinkler system shall be installed in basements, but need not be installed in garages,
2658 under eaves or in enclosed attic spaces, unless required by the Chief."

2659 (2) A new IBC, Section 907.9, is added as follows: "907.9 Alarm Circuit Supervision.
2660 Alarm circuits in alarm systems provided for commercial uses (defined as other than one- and
2661 two-family dwellings and townhouses) shall have Class "A" type of supervision. Specifically,
2662 Type "B" or End-of-line resistor and horn supervised systems are not allowed."

2663 (3) In NFPA Section 13-07, new sections are added as follows: "6.8.6 FDC Security
2664 Locks Required. All Fire Department connections installed for fire sprinkler and standpipe

2665 systems shall have approved security locks.

2666 6.10 Fire Pump Disconnect Signs. When installing a fire pump, red plastic laminate signs shall
2667 be installed in the electrical service panel, if the pump is wired separately from the main
2668 disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES
2669 NOT Shut Off Fire Pump".

2670 22.1.6 Plan Preparation Identification. All plans for fire sprinkler systems, except for
2671 manufacturer's cut sheets of equipment shall include the full name of the person who prepared
2672 the drawings. When the drawings are prepared by a registered professional engineer, the
2673 engineer's signature shall also be included.

2674 22.2.2.3 Verification of Water Supply:

2675 22.2.2.3.1 Fire Flow Tests. Fire flow tests for verification of water supply shall be conducted
2676 and witnessed for all applications other than residential unless directed otherwise by the Chief.
2677 For residential water supply, verification shall be determined by administrative procedure.

2678 22.2.2.3.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include
2679 an accurate and verifiable water supply.

2680 24.2.3.7 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall
2681 include, but are not limited to:

2682 Commercial:

2683 FLUSH-Witness Underground Supply Flush:

2684 ROUGH Inspection-Installation of Riser, System Piping, Head Locations and all Components,
2685 Hydrostatic Pressure Test;

2686 FINAL Inspection-Head Installation and Escutcheons, Inspectors Test Location and Flow,
2687 Main Drain Flow, FDC Location and Escutcheon, Alarm Function, Spare Parts, Labeling of
2688 Components and Signage, System Completeness, Water Supply Pressure Verification,
2689 Evaluation of Any Unusual Parameter."

2690 Section 74. Section **15A-4-104** is enacted to read:

2691 **15A-4-104. Amendments to IBC applicable to City of North Salt Lake.**

2692 The following amendment is adopted as an amendment to the IBC for the City of North
2693 Salt Lake, a new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 Group R,
2694 Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every
2695 dwelling in accordance with NFPA 13D, when the following condition is present:

2696 1. The structure is over 6,200 square feet.
2697 Such sprinkler system shall be installed in basements, but need not be installed in garages,
2698 under eaves, or in enclosed attic spaces, unless required by the fire chief."

2699 Section 75. Section **15A-4-105** is enacted to read:

2700 **15A-4-105. Amendments to IBC applicable to Park City Corporation or Park**
2701 **City Fire District.**

2702 (1) The following amendment is adopted as an amendment to the IBC for the Park City
2703 Corporation, in IBC, Section 3409.2, exception 3, is modified to read as follows: "3.

2704 Designated as historic under a state or local historic preservation program."

2705 (2) The following amendments are adopted as amendments to the IBC for the Park City
2706 Corporation and Park City Fire District:

2707 (a) IBC, Section (F)903.2, is deleted and replaced with the following: "(F)903.2 Where
2708 required. Approved automatic sprinkler systems in new buildings and structures shall be
2709 provided in the location described in this section.

2710 All new construction having more than 6,000 square feet on any one floor, except R-3
2711 occupancy.

2712 All new construction having more than two (2) stories, except R-3 occupancy.

2713 All new construction having three (3) or more dwelling units, including units rented or leased,
2714 and including condominiums or other separate ownership.

2715 All new construction in the Historic Commercial Business zone district, regardless of
2716 occupancy.

2717 All new construction and buildings in the General Commercial zone district where there are
2718 side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5)
2719 feet per story of height.

2720 All existing building within the Historic District Commercial Business zone."

2721 (b) In IBC, Table 1505.1, new footnotes d and e are added as follows: "d. Wood roof
2722 covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more
2723 than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

2724 e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in
2725 areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score
2726 of 9 for weather factors. The owner of the building shall enter into a written and recorded

2727 agreement that the Class A rating of the roof covering assembly will not be altered through any
 2728 type of maintenance process.

2729 TABLE 1505.1.1

2730 WILDFIRE HAZARD SEVERITY SCALE

2731 <u>RATING</u>	2731 <u>SLOPE</u>	2731 <u>VEGETATION</u>
2732 <u>1</u>	2732 <u>less than or equal to 10%</u>	2732 <u>Pinion-juniper</u>
2733 <u>2</u>	2733 <u>10.1 - 20%</u>	2733 <u>Grass-sagebrush</u>
2734 <u>3</u>	2734 <u>greater than 20%</u>	2734 <u>Mountain brush or softwoods</u>

2735 TABLE 1505.1.2

2736 PROHIBITION/ALLOWANCE OF WOOD ROOFING

2737 <u>Rating</u>	2737 <u>R-3 Occupancy</u>	2737 <u>All Other Occupancies</u>
2738 <u>Less than or equal to 11</u>	2738 <u>Wood roof covering assemblies per Table 1505.1 are allowed</u>	2738 <u>Wood roof covering assemblies per Table 1505.1 are allowed</u>
2739 <u>Greater than or equal to 12</u>	2739 <u>Wood roof covering is prohibited</u>	2739 <u>Wood roof covering assemblies with a Class A rating are allowed"</u>

2740 (c) IBC, Appendix C, is adopted.

2741 Section 76. Section **15A-4-106** is enacted to read:

2742 **15A-4-106. Amendments to IBC applicable to Salt Lake City.**

2743 The following amendment is adopted as an amendment to the IBC for Salt Lake City, in
 2744 IBC, Section 1008.1.9.7, a new exception is added as follows: "Exception: In International
 2745 Airport areas designated as Group "A" Occupancies where national security interests are
 2746 present, the use of panic hardware with delayed egress is allowed when all provisions of
 2747 Section 1008.1.9.7 are met and under item #4 1 second is changed to 2 seconds."

2748 Section 77. Section **15A-4-107** is enacted to read:

2749 **15A-4-107. Amendments to IBC applicable to Sandy City.**

2750 The following amendments are adopted as amendments to the IBC for Sandy City:

2751 (1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic

2752 sprinkler system shall be installed in accordance with NFPA 13 throughout buildings
2753 containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table
2754 B105.1 of the 2009 International Fire Code. Exempt locations as indicated in Section
2755 903.3.1.1.1 are allowed.

2756 Exception: Automatic fire sprinklers are not required in buildings used solely for worship,
2757 Group R Division 3, Group U occupancies and buildings complying with the International
2758 Residential Code unless otherwise required by the International Fire Code.

2759 (2) A new IBC, Appendix L, is added and adopted as follows: "Appendix L
2760 BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS
2761 WILDLAND-URBAN INTERFACE AREAS
2762 AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban
2763 Interface Areas by Sandy City shall be constructed using ignition resistant construction as
2764 determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban
2765 Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to
2766 determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International
2767 Wildland-Urban Interface Code, as modified herein, shall be used to determine the
2768 requirements for Ignition Resistant Construction.

2769 (i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new
2770 Section 504.1.1 is added as follows: "504.1.1 General. Subsections 504.5, 504.6, and 504.7
2771 shall only be required on the exposure side of the structure, as determined by the Fire Marshal,
2772 where defensible space is less than 50 feet as defined in Section 603 of the 2006 International
2773 Wildland-Urban Interface Code.

2774 (ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION
2775 Subsections 505.5 and 505.7 are deleted."

2776 Section 78. Section **15A-4-201** is enacted to read:

2777 **Part 2. Local Amendments to IRC**

2778 **15A-4-201. General provision.**

2779 (1) The amendments in this part are adopted as amendments to the IRC to be
2780 applicable to specified jurisdiction.

2781 (2) A local amendment to the following which may be applied to detached one and two
2782 family dwellings and multiple single family dwellings shall be applicable to the corresponding

2783 provisions of the IRC for the local jurisdiction to which the local amendment has been made:

- 2784 (a) IBC under Part 1, Local Amendments to IBC;
- 2785 (b) IPC under Part 3, Local Amendments to IPC;
- 2786 (c) IMC under Part 4, Local Amendments to IMC;
- 2787 (d) IFGC under Part 5, Local Amendments to IFGC;
- 2788 (e) NEC under Part 6, Local Amendments to NEC; and
- 2789 (f) IECC under Part 7, Local Amendments to IECC.

2790 Section 79. Section **15A-4-202** is enacted to read:

2791 **15A-4-202. Amendments to IRC applicable to Brian Head Town.**

2792 The following amendment is adopted as an amendment to the IRC for Brian Head
 2793 Town, a new IRC, Section R324, is added as follows: "Section R324 Automatic Sprinkler
 2794 Systems. An automatic fire sprinkler system shall be installed in all one- and two-family
 2795 dwelling and townhouses over 3,000 square feet in size of defined living space (garage is
 2796 excluded from defined living space) in accordance with Section (F)903.3.1 of the International
 2797 Building Code. In areas not served by Brian Head Town culinary water services, NFPA
 2798 Standard 1142 for water supplies for rural fire fighting shall apply. Any one- and two-family
 2799 dwelling and townhouses that are difficult to locate or access, as determined by the authority
 2800 having jurisdiction, shall be required to follow the guidelines as set forth in the NFPA Standard
 2801 1142 regardless of the size of the building"

2802 Section 80. Section **15A-4-203** is enacted to read:

2803 **15A-4-203. Amendments to IRC applicable to City of Farmington.**

2804 The following amendments are adopted as amendments to the IRC for the City of
2805 Farmington:

2806 (1) In IRC, R324 Automatic Sprinkler Systems, new IRC, Sections R324.1 and R324.2
 2807 are added as follows: "R324.1 When required. An automatic sprinkler system shall be installed
 2808 throughout every dwelling in accordance with NFPA 13D, when any of the following
 2809 conditions are present:

- 2810 1. the structure is over two stories high, as defined by the building code;
- 2811 2. the nearest point of structure is more than 150 feet from the public way;
- 2812 3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the
 2813 area of the basement and/or garage); or

2814 4. the structure is located on a street constructed after March 1, 2000 that has a gradient over
 2815 12% and, during fire department response, access to the structure will be gained by using such
 2816 street. (If the access is intended to be from a direction where the steep gradient is not used, as
 2817 determined by the Chief, this criteria shall not apply).

2818 R324.2 Installation requirements and standards. Such sprinkler system shall be installed in
 2819 basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless
 2820 required by the Chief. Such system shall be installed in accordance with NFPA 13D."

2821 (2) In IRC, Chapter 44, the following NFPA referenced standards are added as follows:

		<u>"TABLE</u>
	<u>ADD</u>	
	<u>13D-07</u>	<u>Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes, as amended by these rules</u>
	<u>13R-07</u>	<u>Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height"</u>

2826 (3) In NFPA, Section 13D-07, new sections are added as follows: "1.15 Reference to
 2827 NFPA 13D. All references to NFPA 13D in the codes, ordinances, rules, or regulations
 2828 governing NFPA 13D systems shall be read to refer to "modified NFPA 13D" to reference the
 2829 NFPA 13D as amended by additional regulations adopted by Farmington City.

2830 4.9 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall
 2831 include, but are not limited to:

2832 Residential:

2833 ROUGH Inspection-Verify Water Supply Piping Size and Materials, Installation of Riser,
 2834 System Piping, Head Locations and all Components, Hydrostatic Pressure Test.

2835 FINAL Inspection-Inspectors Test Flow, System Completeness, Spare Parts, Labeling of
 2836 Components and Signage, Alarm Function, Water Supply Pressure Verification.

2837 5.2.2.3 Exposed Piping of Metal. Exposed Sprinkler Piping material in rooms of dwellings
 2838 shall be of Metal.

2839 EXCEPTIONS:

2840 a. CPVC Piping is allowed in unfinished mechanical and storage rooms only when specifically

2841 listed for the application as installed.

2842 b. CPVC Piping is allowed in finished, occupied rooms used for sports courts or similar uses

2843 only when the ceiling/floor framing above is constructed entirely of non-combustible materials,

2844 such as a concrete garage floor on metal decking.

2845 5.2.2.4 Water Supply Piping Material. Water Supply Piping from where the water line enters

2846 the dwelling adjacent to and inside the foundation to the fire sprinkler contractor

2847 point-of-connection shall be metal, suitable for potable plumbing systems. See Section 7.1.4

2848 for valve prohibition in such piping. Piping down stream from the point-of-connection used in

2849 the fire sprinkler system, including the riser, shall conform to NFPA 13D standards.

2850 5.4 Fire Pump Disconnect Signs. When installing a Fire Pump, Red Plastic Laminate Signs

2851 shall be installed in the electrical service panel, if the pump is wired separately from the main

2852 disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES

2853 NOT Shut Off Fire Pump".

2854 7.1.4 Valve Prohibition. NFPA 13D, Section 7.1 is hereby modified such that NO VALVE is

2855 permitted from the City Water Meter to the Fire Sprinkler Riser Control.

2856 7.6.1 Mandatory Exterior Alarm. Every dwelling that has a fire sprinkler system shall have an

2857 exterior alarm, installed in an approved location. The alarm shall be of the combination

2858 horn/strobe or electric bell/strobe type, approved for outdoor use.

2859 8.1.05 Plan Preparation Identification. All plans for fire sprinkler systems, except for

2860 manufacturer's cut sheets of equipment, shall include the full name of the person who prepared

2861 the drawings. When the drawings are prepared by a registered professional engineer, the

2862 engineer's signature shall also be included.

2863 8.7 Verification of Water Supply:

2864 8.7.1 Fire Flow Tests: Fire Flow Tests for verification of Water Supply shall be conducted and

2865 witnesses for all applications other than residential, unless directed otherwise by the Chief. For

2866 residential Water Supply, verification shall be determined by administrative procedure.

2867 8.7.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an

2868 accurate and verifiable Water Supply.

2869 Section 81. Section **15A-4-204** is enacted to read:

2870 **15A-4-204. Amendments to IRC applicable to Morgan City Corporation or**

2871 **Morgan County.**

2872 (1) The following amendment is adopted as an amendment to the IRC for the Morgan
2873 City Corporation, in IRC, Section R105.2, Work Exempt From Permit, a new list item number
2874 11 is added as follows: "11. Structures intended to house farm animals, or for the storage of
2875 feed associated with said farm animals when all the following criteria are met:
2876 a. The parcel of property involved is zoned for the keeping of farm animals or has
2877 grandfathered animal rights.
2878 b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less
2879 than 10 feet from property lines and other structures.
2880 c. The structure does not exceed 1,000 square feet of floor area, and is limited to 20 feet in
2881 height. Height is measured from the average grade to the highest point of the structure.
2882 d. Before construction, a site plan is submitted to, and approved by the building official.
2883 Electrical, plumbing, and mechanical permits shall be required when that work is included in
2884 the structure."

2885 (2) The following amendment is adopted as an amendment to the IRC for Morgan
2886 County, in IRC, Section R105.2, a new list item number 11 is added as follows: "11.
2887 Structures intended to house farm animals, or for the storage of feed associated with said farm
2888 animals when all the following criteria are met:
2889 a. The parcel of property involved is zoned for the keeping of farm animals or has
2890 grandfathered animal rights.
2891 b. The structure is set back not less than required by the Morgan County Zoning Ordinance for
2892 such structures, but not less than 10 feet from property lines and other structures.
2893 c. The structure does not exceed 1,000 square feet of floor area, and is limited to 20 feet in
2894 height. Height is measured from the average grade to the highest point of the structure.
2895 d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan
2896 County Planning and Zoning Department. Electrical, plumbing, and mechanical permits shall
2897 be required when that work is included in the structure."

2898 Section 82. Section **15A-4-205** is enacted to read:

2899 **15A-4-205. Amendments to IRC applicable to City of North Salt Lake.**

2900 The following amendment is adopted as an amendment to the IRC for the City of North
2901 Salt Lake, a new IRC, Section R324, is added as follows: "Section R324 Automatic Sprinkler
2902 System Requirements. R324.1 When Required. An automatic sprinkler system shall be

2903 installed throughout every dwelling when the following condition is present:

2904 1. The structure is over 6,200 square feet.

2905 R324.2 Installation requirements and standards. Such sprinkler system shall be installed in
 2906 basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless
 2907 required by the fire chief. Such system shall be installed in accordance with NFPA 13D."

2908 Section 83. Section **15A-4-206** is enacted to read:

2909 **15A-4-206. Amendments to IRC applicable to Park City Corporation or Park**
 2910 **City Fire District.**

2911 (1) The following amendment is adopted as an amendment to the IRC for the Park City
 2912 Corporation, Appendix P, of the 2006 IRC is adopted.

2913 (2) The following amendments are adopted as amendments to the IRC for Park City
 2914 Corporation and Park City Fire District:

2915 (a) IRC, Section R905.7, is deleted and replaced with the following: "R905.7 Wood
 2916 shingles. The installation of wood shingles shall comply with the provisions of this section.
 2917 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the
 2918 following tables with a score of 9 for weather factors.

<u>TABLE</u>		
<u>WILDFIRE HAZARD SEVERITY SCALE</u>		
<u>RATING</u>	<u>SLOPE</u>	<u>VEGETATION</u>
<u>1</u>	<u>less than or equal to 10%</u>	<u>Pinion-juniper</u>
<u>2</u>	<u>10.1 - 20%</u>	<u>Grass-sagebrush</u>
<u>3</u>	<u>greater than 20%</u>	<u>Mountain brush or softwoods</u>

<u>PROHIBITION/EXEMPTION TABLE</u>	
<u>RATING</u>	<u>WOOD ROOF PROHIBITION</u>
<u>less than or equal to 11</u>	<u>wood roofs are allowed</u>
<u>greater than or equal to 12</u>	<u>wood roofs are prohibited"</u>

2929 (b) IRC, Section R905.8, is deleted and replaced with the following: "R905.8 Wood
 2930 Shakes. The installation of wood shakes shall comply with the provisions of this section.
 2931 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the
 2932 following tables with a score of 9 for weather factors.

2933

<u>TABLE</u>		
<u>WILDFIRE HAZARD SEVERITY SCALE</u>		
<u>RATING</u>	<u>SLOPE</u>	<u>VEGETATION</u>
<u>1</u>	<u>less than or equal to 10%</u>	<u>Pinion-juniper</u>
<u>2</u>	<u>10.1 - 20%</u>	<u>Grass-sagebrush</u>
<u>3</u>	<u>greater than 20%</u>	<u>Mountain brush or softwoods</u>

2939

<u>PROHIBITION/EXEMPTION TABLE</u>	
<u>RATING</u>	<u>WOOD ROOF PROHIBITION</u>
<u>less than or equal to 11</u>	<u>wood roofs are allowed</u>
<u>greater than or equal to 12</u>	<u>wood roofs are prohibited"</u>

2943 (c) Appendix K is adopted.

2944 Section 84. Section **15A-4-207** is enacted to read:

2945 **15A-4-207. Amendments to IRC applicable to Sandy City.**

2946 The following amendment is adopted as an amendment to the IRC for Sandy City, a
 2947 new IRC, Section R324, is added as follows: "Section R324 IGNITION RESISTANT
 2948 CONSTRUCTION

2949 R324.1 General. Buildings and structures constructed in areas designated as Wildland-Urban
 2950 Interface Areas by Sandy City shall be constructed using ignition resistant construction as
 2951 determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban
 2952 Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to
 2953 determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as
 2954 modified herein, shall be used to determine the requirements for Ignition Resistant
 2955 Construction.

2956 (i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new
 2957 Section 504.1.1 is added as follows:

2958 504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure
 2959 side of the structure, as determined by the Fire Marshal, where defensible space is less than 50
 2960 feet as defined in Section 603 of the 2006 IWUIC.

2961 (ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION
 2962 Subsections 505.5 and 505.7 are deleted."

2963 Section 85. Section **15A-4-301** is enacted to read:

2964 **Part 3. Local Amendments to IPC**

2965 **15A-4-301. General provision.**

2966 The amendments in this part are adopted as amendments to the IPC to be applicable to
2967 specified jurisdiction.

2968 Section 86. Section **15A-4-302** is enacted to read:

2969 **15A-4-302. Amendments to IPC applicable to Salt Lake City.**

2970 The following amendment is adopted as an amendment to the IPC for Salt Lake City,
2971 IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

2972 Section 87. Section **15A-4-303** is enacted to read:

2973 **15A-4-303. Amendments to IPC applicable to South Jordan.**

2974 The following amendments are adopted as amendments to the IPC for South Jordan:

2975 (1) IPC, Section 312.10.2, is deleted and replaced with the following: "312.10.2
2976 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve
2977 assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection
2978 backflow prevention assemblies, double check detector fire protection backflow prevention
2979 assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be
2980 tested at the time of installation, immediately after repairs or relocation and at least annually.
2981 The testing procedure shall be performed in accordance with one of the following standards:
2982 ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056,
2983 CSA-B64.10, or CSA-B64.10.1. Assemblies, other than the reduced pressure principle
2984 assembly, protecting lawn irrigation systems that fail the annual test shall be replaced with a
2985 reduced pressure principle assembly."

2986 (2) IPC, Section 608.16.5, is deleted and replaced with the following: "608.16.5
2987 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems
2988 shall be protected against backflow by a reduced pressure principle backflow preventer."

2989 Section 88. Section **15A-4-401** is enacted to read:

2990 **Part 4. Local Amendment to IMC**

2991 **15A-4-401. General provision.**

2992 No local amendments to the IMC are adopted.

2993 Section 89. Section **15A-4-501** is enacted to read:

2994 **Part 5. Local Amendment to IFGC**

2995 **15A-4-501. General provision.**

2996 No local amendments to the IFGC are adopted.

2997 Section 90. Section **15A-4-601** is enacted to read:

2998 **Part 6. Local Amendment to NEC**

2999 **15A-4-601. General provision.**

3000 No local amendments to the NEC are adopted.

3001 Section 91. Section **15A-4-701** is enacted to read:

3002 **Part 7. Local Amendment to IECC**

3003 **15A-4-701. General provision.**

3004 No local amendments to the IECC are adopted.

3005 Section 92. Section **15A-5-101** is enacted to read:

3006 **CHAPTER 5. STATE FIRE CODE ACT**

3007 **Part 1. General Provisions**

3008 **15A-5-101. Title -- Adoption of code.**

3009 In accordance with Chapter 1, Part 4, State Fire Code Administration Act, the
3010 Legislature repeals the State Fire Code in effect on July 1, 2010, and adopts this chapter as the
3011 State Fire Code.

3012 Section 93. Section **15A-5-102** is enacted to read:

3013 **15A-5-102. Definitions.**

3014 As used in this chapter:

3015 (1) "Appreciable depth" means a depth greater than 1/4 inch.

3016 (2) "AHJ" means "authority having jurisdiction," which is:

3017 (a) the State Fire Marshal;

3018 (b) an authorized deputy of the State Fire Marshal; or

3019 (c) the local fire enforcement authority.

3020 (3) "Division" means the State Fire Marshal Division created in Section 53-7-103.

3021 (4)(a) "Dwelling Unit" means one or more rooms arranged for the use of one or more
3022 individuals living together, as in a single housekeeping unit normally having cooking, living,
3023 sanitary, and sleeping facilities.

3024 (b) "Dwelling unit" includes a hotel room, dormitory room, apartment, condominium,

3025 sleeping room in a nursing home, or similar living unit.

3026 (5) "IFC" means the edition of the International Fire Code adopted under Section
3027 15A-5-103.

3028 (6) "NFPA" means the edition of the National Fire Protection Association adopted
3029 under Section 15A-5-103.

3030 (7) "UL" means Underwriters Laboratories, Inc.

3031 Section 94. Section **15A-5-103** is enacted to read:

3032 **15A-5-103. Nationally recognized codes incorporated by reference.**

3033 The following codes are incorporated by reference into the State Fire Code:

3034 (1) the International Fire Code, 2009 edition, excluding appendices, as issued by the
3035 International Code Council, Inc., except as amended by Part 2, Statewide Amendments and
3036 Additions to IFC Incorporated as Part of State Fire Code;

3037 (2) National Fire Protection Association, NFPA 96, Standard for Ventilation Control
3038 and Fire Protection of Commercial Cooking Operations, 2008 edition, except as amended by
3039 Part 3, Statewide Amendments and Additions to NFPA Incorporated as Part of State Fire Code;

3040 and

3041 (3) National Fire Protection Association, NFPA 1403, Standard on Live Fire Training
3042 Evolutions, 2007 edition, except as amended by Part 3, Statewide Amendments and Additions
3043 to NFPA Incorporated as Part of State Fire Code.

3044 Section 95. Section **15A-5-201** is enacted to read:

3045 **Part 2. Statewide Amendments and Additions to IFC Incorporated as**
3046 **Part of State Fire Code**

3047 **15A-5-201. General provisions.**

3048 The amendments and additions in this part to the IFC are adopted for application
3049 statewide.

3050 Section 96. Section **15A-5-202** is enacted to read:

3051 **15A-5-202. Amendments and additions to IFC related to administration, permits,**
3052 **definitions, general, and emergency planning.**

3053 (1) For IFC, Scope and Administration:

3054 (a) IFC, Chapter 1, Section 105.6.16, Flammable and combustible liquids, is amended
3055 to add the following section: "12. The owner of an underground tank that is out of service for

3056 longer than one year shall receive a Temporary Closure Notice from the Department of
3057 Environmental Quality and a copy shall be given to the AHJ."

3058 (b) IFC, Chapter 1, Section 109.2, Notice of violation, is amended as follows: On line
3059 three, after the words "is in violation of this code," insert in the section the phrase "or other
3060 pertinent laws or ordinances".

3061 (2) For IFC, Definitions:

3062 (a) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3063 Educational Group E, Day care, is amended as follows: On line three delete the word "five"
3064 and replace it with the word "four".

3065 (b) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3066 Institutional Group I, Group I-1, is amended as follows: On line 10 add "Type I" in front of the
3067 words "Assisted living facilities".

3068 (c) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3069 Institutional Group I, Group I-2, is amended as follows:

3070 (i) On line three delete the word "for" and insert the following into the sentence "on a
3071 24-hour basis of more than three".

3072 (ii) On line 10, after the words "Nursing homes", add the following: "both intermediate
3073 nursing care and skilled nursing care facilities, ambulatory surgical centers with five or more
3074 operating rooms where care is less than 24 hours, and Type II assisted living facilities. Type II
3075 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type II
3076 assisted living facilities with at least six and not more than 16 residents shall be classified as a
3077 Group I-1 facility".

3078 (d) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3079 Institutional Group I, Group I-4, Day care facilities, Child care facility, is amended as follows:

3080 (i) On line three delete the word "five" and replace it with the word "four".

3081 (ii) On line two of the exception delete the word "five" and replace it with the word
3082 "four".

3083 (e) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3084 Residential Group R, R-2, is amended to add the following: "Exception: Boarding houses
3085 accommodating 10 persons or less shall be classified as Residential Group R-3."

3086 (3) For IFC, General Requirements:

3087 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six
3088 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for
3089 Wildland Fire Ordinance".

3090 (b) IFC, Chapter 3, Section 311.1.1, Abandoned premises, is amended as follows: On
3091 line 10 delete the words "International Property Maintenance Code and the".

3092 (c) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete
3093 the word "shall" and replace it with the word "may".

3094 (d) IFC, Chapter 3, Section 315.2.1, Ceiling clearance, is amended to add the
3095 following: "Exception: Where storage is not directly below the sprinkler heads, storage is
3096 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler
3097 heads in occupancies meeting classification as light or ordinary hazard."

3098 Section 97. Section **15A-5-203** is enacted to read:

3099 **15A-5-203. Amendments and additions to IFC related to fire safety, building, and**
3100 **site requirements.**

3101 (1) For IFC, Emergency Planning and Preparedness:

3102 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as
3103 follows: After the word "buildings" add "to include sororities and fraternity houses".

3104 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following
3105 footnotes:

3106 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation
3107 drill conducted at least every two months, to a total of four emergency evacuation drills during
3108 the nine-month school year. The first emergency evacuation drill shall be conducted within 10
3109 school days of the beginning of classes."

3110 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the
3111 monthly required emergency evacuation drill can be substituted by a security or safety drill to
3112 include shelter in place, earthquake drill, or lock down for violence. The routine emergency
3113 evacuation drill for fire must be conducted at least every other evacuation drill."

3114 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are
3115 required to have one emergency evacuation drill per year, provided the following conditions are
3116 met:

3117 (A) The building has a fire alarm system in accordance with Section 907.2.

3118 (B) The rooms classified as assembly shall have fire safety floor plans as required in
3119 Section 404.3.2(4) posted.

3120 (C) The building is not classified a high-rise building.

3121 (D) The building does not contain hazardous materials over the allowable quantities by
3122 code."

3123 (2) For IFC, Fire Service Features:

3124 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as
3125 follows: "An authority having jurisdiction over a structure built in accordance with the
3126 requirements of the International Residential Code as adopted in the State Construction Code,
3127 may require an automatic fire sprinkler system for the structure only by ordinance and only if
3128 any of the following conditions exist:

3129 (i) the structure:

3130 (A) is located in an urban-wildland interface area as provided in the Utah Wildland
3131 Urban Interface Code adopted as a construction code under the State Construction Code; and

3132 (B) does not meet the requirements described in Utah Code, Subsection
3133 65A-8-203(3)(a) and Utah Administrative Code, R652-122-200, Minimum Standards for
3134 Wildland Fire Ordinance;

3135 (ii) the structure is in an area where a public water distribution system with fire
3136 hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main
3137 Design;

3138 (iii) the only fire apparatus access road has a grade greater than 10% for more than 500
3139 continual feet; or

3140 (iv) (A) the water supply to the structure does not provide at least 500 gallons fire flow
3141 per minute for a minimum of 30 minutes, if the total square foot living space of the structure is
3142 equal to or less than 5,000 square feet;

3143 (B) the water supply to the structure does not provide at least 750 gallons per minute
3144 fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 5,000
3145 square feet, but is equal to or less than 10,000 square feet; or

3146 (C) the water supply to the structure does not provide at least 1,000 gallons per minute
3147 fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 10,000
3148 square feet.

3149 (b) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings,
 3150 is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling
 3151 when the authority having jurisdiction over the dwelling determines that the development of a
 3152 full fire-flow requirement is impractical."

3152a **H→ (c) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as**
 3152b **follows " S→ [Fire flow] Total water supply ←S requirements shall not exceed the fire flows**
 3152b2 **described in S→ [Subsection]**
 3152c **[~~2~~(a)(iv)] Section 501.5(iv) ←S for S→ [a] the largest ←S one- or two-family dwelling,**
 3152c2 **protected by an automatic fire sprinkler system, on**
 3152d **a subdivision lot platted before December 31, 1980, unless the municipality or county in which**
 3152e **the lot is located provides the required fire flow capacity."** ←H

3153 (3) For IFC, Building Services and Systems:

3154 (a) IFC, Chapter 6, Section 607.4, Elevator keys, is deleted and rewritten as follows:
 3155 "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or similar box
 3156 with corresponding key system that is adjacent to the elevator for immediate use by the fire
 3157 department. The key box shall contain one key for each elevator, one key for lobby control,
 3158 and any other keys necessary for emergency service. The elevator key box shall be accessed
 3159 using a 6049 numbered key. All existing elevator key box locks that do not use the numbered
 3160 6049 key shall be changed to the 6049 key by December 31, 2011."

3161 (b) IFC, Chapter 6, Section 609.1, General, is amended as follows: On line three, after
 3162 the word "Code", add the words "and NFPA 96".

3163 (4) For IFC, Fire-Resistance-Rated Construction, IFC, Chapter 7, Section 703.2, is
 3164 amended to add the following: "Exception: In Group E Occupancies, where the corridor serves
 3165 an occupant load greater than 30 and the building does not have an automatic fire sprinkler
 3166 system installed, the door H→ [closures] closers ←H may be of the friction hold-open type on
 3166a classrooms' doors
 3167 with a rating of 20 minutes or less only."

3168 Section 98. Section **15A-5-204** is enacted to read:

3169 **15A-5-204. Amendments and additions to IFC related to fire protection systems.**

3170 For IFC, Fire Protection Systems:

3171 (1) IFC, Chapter 9, Section 901.2, Construction documents, is amended to add the
 3172 following at the end of the section: "The code official has the authority to request record
 3173 drawings ("as built") to verify any modifications to the previously approved construction
 3174 documents."

3175 (2) IFC, Chapter 9, Section 902.1, Definitions, RECORD DRAWINGS, is deleted and
3176 rewritten as follows: "Drawings ("as built") that document all aspects of a fire protection
3177 system as installed."

3178 (3) IFC, Chapter 9, Section 903.2.1.2, Group A-2, is amended to add the following
3179 subsection: "4. An automatic fire sprinkler system shall be provided throughout Group A-2

3180 occupancies where indoor pyrotechnics are used."

3181 (4) IFC, Chapter 9, Section 903.2.2, Group B ambulatory health care facilities, is
3182 amended as follows: On line three delete the words "all fire areas" and replace with the word
3183 "buildings".

3184 (5) IFC, Chapter 9, Section 903.2.4, Group F-1, Subsection 2, is deleted and rewritten
3185 as follows: "A Group F-1 fire area is located more than three stories above the lowest level of
3186 fire department vehicle access."

3187 (6) IFC, Chapter 9, Section 903.2.7, Group M, Subsection 2, is deleted and rewritten as
3188 follows: "A Group M fire area is located more than three stories above the lowest level of fire
3189 department vehicle access."

3190 (7) IFC, Chapter 9, Section 903.2.8 Group R, is amended to add the following:
3191 "Exception: Detached one- and two-family dwellings and multiple single-family dwellings
3192 (townhouses) constructed in accordance with the International Residential Code for one- and
3193 two-family dwellings."

3194 (8) IFC, Chapter 9, Section 903.2.8, Group R, is amended to add a second exception as
3195 follows: "Exception: Group R-4 fire areas not more than 4,500 gross square feet and not
3196 containing more than 16 residents, provided the building is equipped throughout with an
3197 approved fire alarm system that is interconnected and receives its primary power from the
3198 building wiring and a commercial power system."

3199 (9) IFC, Chapter 9, Section 903.2.9, Group S-1, Subsection 2, is deleted and rewritten
3200 as follows: "A Group S-1 fire area is located more than three stories above the lowest level of
3201 fire department vehicle access."

3202 (10) (a) IFC, Chapter 9, Section 903.2.10, Group S-2 enclosed parking garages, is
3203 deleted and rewritten as follows: "An automatic sprinkler system shall be provided throughout
3204 buildings classified as parking garages in accordance with Section 406.2 of the International
3205 Building Code or where located beneath other groups."

3206 (b) IFC, Chapter 9, Section 903.2.10, Group S-2 enclosed parking garages, the
3207 exception is deleted and rewritten as follows: "Exception: Parking garages of less than 5,000
3208 square feet (464m²) accessory to Group R-3 occupancies."

3209 (c) IFC, Chapter 9, Section 903.2.10, Group S-2 enclosed parking garages, is amended
3210 to add a second exception, as follows: "Exception: Open parking garages not located beneath

3211 other groups if one of the following conditions are met:

3212 1. Access is provided for fire fighting operations to within 150 feet (45,720mm) of all portions
3213 of the parking garage as measured from the approved fire department vehicle access, or

3214 2. Class I standpipes are installed throughout the parking garage."

3215 (11) IFC, Chapter 9, Section 903.2.10.1, Commercial parking garages, is deleted and
3216 rewritten as follows: "An automatic sprinkler system shall be provided throughout buildings
3217 used for storage of commercial trucks or buses."

3218 (12) IFC, Chapter 9, Section 903.3.1.1 is amended by adding the following subsection:
3219 "903.3.1.1.2 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in
3220 new construction in the dwelling unit portion of an occupancy, installed in accordance with
3221 NFPA 13, is allowed up to 20 heads. The number of sprinkler heads can be expanded as
3222 permitted by the AHJ. The mixture of the antifreeze shall be limited to a maximum
3223 concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration
3224 of antifreeze to be increased due to temperature concerns."

3225 (13) IFC, Chapter 9, Section 903.3.1.2 is amended by adding the following subsection:
3226 "903.3.1.2.2 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in
3227 new construction in the dwelling unit portion of an occupancy, installed in accordance with
3228 NFPA 13R, is allowed up to 20 heads. The number of sprinkler heads can be expanded as
3229 permitted by the AHJ. The mixture of the antifreeze shall be limited to a maximum
3230 concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration
3231 of antifreeze to be increased due to temperature concerns."

3232 (14) IFC, Chapter 9, Section 903.3.1.3 is amended by adding the following subsection:
3233 "903.3.1.3.1 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in
3234 new construction installed in accordance with NFPA 13D is allowed up to 20 heads. The
3235 number of sprinkler heads can be expanded as permitted by the AHJ. The mixture of the
3236 antifreeze shall be limited to a maximum concentration of 40% propylene glycol or 50%
3237 glycerin. The AHJ can allow the concentration of antifreeze to be increased due to temperature
3238 concerns."

3239 (15) IFC, Chapter 9, Section 903.3.5, Water supplies, is amended as follows: On line
3240 six, after the word "Code", add "and as amended in Utah's State Construction Code".

3241 (16) IFC, Chapter 9, Section 903.5 is amended to add the following subsection:

3242 "903.5.1 Antifreeze Replacement. Whenever the automatic sprinkler system protecting
3243 residences and dwelling units of mixed occupancies that use antifreeze is drained, the
3244 replacement antifreeze shall be properly mixed and tested, but shall not exceed a maximum
3245 concentration of 40% propylene glycol or a maximum concentration of 50% glycerin. The
3246 AHJ can allow the concentration of antifreeze to be increased due to temperature concerns."

3247 (17) IFC, Chapter 9, Section 903.6, Existing Buildings, and Chapter 46, Section
3248 4603.4, Sprinkler systems, are amended to add the following subsection to each section:
3249 "903.6.3 Group A-2 and 4603.4.3 Group A-2. An automatic fire sprinkler system shall be
3250 provided throughout existing Group A-2 occupancies where indoor pyrotechnics are used."

3251 (18) IFC, Chapter 9, Section 904.11, Commercial cooking systems, is deleted and
3252 rewritten as follows: "The automatic fire extinguishing system for commercial cooking systems
3253 shall be of a type recognized for protection of commercial cooking equipment and exhaust
3254 systems. Pre-engineered automatic extinguishing systems shall be tested in accordance with
3255 UL300 and listed and labeled for the intended application. The system shall be installed in
3256 accordance with this code, its listing and the manufacturer's installation instructions. The
3257 exception in Section 904.11 is not deleted and shall remain as currently written in the IFC."

3258 (19) IFC, Chapter 9, Section 904.11.3, Carbon dioxide systems, and Section
3259 904.11.3.1, Ventilation system, are deleted and rewritten as follows:

3260 (a) "Existing automatic fire extinguishing systems used for commercial cooking that
3261 use dry chemical are prohibited and shall be removed from service."

3262 (b) "Existing wet chemical fire extinguishing systems used for commercial cooking
3263 that are not UL300 listed and labeled are prohibited and shall be either removed or upgraded to
3264 a UL300 listed and labeled system."

3265 (20) IFC, Chapter 9, Section 904.11.4, Special provisions for automatic sprinkler
3266 systems, is amended to add the following subsection: "904.11.4.2 Existing automatic fire
3267 sprinkler systems protecting commercial cooking equipment, hood, and exhaust systems that
3268 generate appreciable depth of cooking oils shall be replaced with a UL300 system that is listed
3269 and labeled for the intended application."

3270 (21) IFC, Chapter 9, Section 904.11.6.2, Extinguishing system service, is amended to
3271 add the following: "Exception: Automatic fire extinguishing systems located in occupancies
3272 where usage is limited and less than six consecutive months may be serviced annually if the

3273 annual service is conducted immediately before the period of usage, and approval is received
3274 from the AHJ."

3275 (22) IFC, Chapter 9, Section 905.11, Existing buildings, and IFC, Chapter 46, Section
3276 4603.5, Standpipes, are deleted.

3277 (23) IFC, Chapter 9, Section 907.3, Where required in existing buildings and
3278 structures, is deleted, and IFC, Chapter 46, Section 4603.6, Fire alarm systems, is deleted and
3279 rewritten as follows: "An approved automatic fire detection system shall be installed in
3280 accordance with the provisions of this code and NFPA 72. Devices, combinations of devices,
3281 appliances, and equipment shall be approved. The automatic fire detectors shall be smoke
3282 detectors, except an approved alternative type of detector shall be installed in spaces such as
3283 boiler rooms where, during normal operation, products of combustion are present in sufficient
3284 quantity to actuate a smoke detector."

3285 (24) IFC, Chapter 9, Section 907.9.5, Maintenance, inspection, and testing, is amended
3286 to add the following sentences at the end of the section: "Increases in nuisance alarms shall
3287 require the fire alarm system to be tested for sensitivity. Fire alarm systems that continue after
3288 sensitivity testing with unwarranted nuisance alarms shall be replaced as directed by the AHJ."

3289 (25) IFC, Chapter 9, Section 907.10, Carbon monoxide alarms, is added as follows:
3290 "Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or
3291 sleeping unit in Groups R-2, R-3, R-4, and I-1 equipped with fuel burning appliances.
3292 901.10.21.1. If more than one carbon monoxide detector is required, they shall be
3293 interconnected as required in IFC, Chapter 9, Section 907.2.11.3.
3294 901.10.21.2. In new construction, carbon monoxide detectors shall receive their primary power
3295 as required in IFC, Chapter 9, Section 907.2.11.4.
3296 901.10.21.3. Upon completion of the installation, the carbon monoxide detector system will
3297 meet the requirements listed in NFPA 720, Installation of Carbon Monoxide Detection and
3298 Warning Equipment and UL2034, Standard for Single and Multiple Station Carbon Monoxide
3299 Alarms."

3300 Section 99. Section **15A-5-205** is enacted to read:

3301 **15A-5-205. Amendments and additions to IFC related to means of egress and**
3302 **special processes and uses.**

3303 For IFC, Means of Egress:

3304 (1) IFC, Chapter 10, Section 1008.1.9.6, Special locking arrangements in Group I-2, is
3305 amended as follows:

3306 (a) The section title "Special locking arrangements in Group I-2." is rewritten to read
3307 "Special locking arrangements in Groups I-1 and I-2."

3308 (b) On line three, after the word "Group", add the words "I-1 and".

3309 (c) On line two and line four delete the word "delayed" and replace it with the word
3310 "controlled".

3311 (d) Beginning on line 11, the entire sentence that begins with "A building occupant" is
3312 deleted.

3313 (e) After existing Item 6 add Item 7 as follows: "7. The secure area or unit with
3314 controlled egress doors shall be located at the level of exit discharge in Type V construction."

3315 (2) In IFC, Chapter 10, Section 1008.1.9.7, Delayed egress locks, Item 7 is added after
3316 the existing Item 6 as follows: "7. The secure area or unit with delayed egress locks shall be
3317 located at the level of exit discharge in Type V construction."

3318 (3) IFC, Chapter 10, Section 1009.4.2, Riser height and tread depth, is amended as
3319 follows:

3320 (a) On line six of Exception 5 delete "7¾ inches (197mm)" and replace it with "8
3321 inches".

3322 (b) On line seven of Exception 5 delete "10 inches (254mm)" and replace it with "9
3323 inches".

3324 (4) IFC, Chapter 10, Section 1009.12, Handrails, is amended to add the following
3325 exception: "6. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies
3326 in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2,
3327 handrails shall be provided on at least one side of stairways consisting of four or more risers."

3328 (5) IFC, Chapter 10, Section 1013.2, Height, is amended to add the following
3329 exception: "5. For occupancies in Group R-3 and within individual dwelling units in
3330 occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier
3331 not less than 36 inches (914mm)."

3332 (6) IFC, Chapter 10, Section 1015.2.2, Three or more exits or exit access doorways, is
3333 amended to add the following sentence at the end of the section: "Additional exits or exit
3334 access doorways shall be arranged a reasonable distance apart so that if one becomes blocked,

3335 the others will be available."

3336 (7) IFC, Chapter 10, Section 1024, Luminous Egress Path Markings, is deleted.

3337 (8) IFC, Chapter 10, Section 1030.2, Reliability, is amended to add the following: On
3338 line six, after the word "fire", add the words "and building".

3339 Section 100. Section **15A-5-206** is enacted to read:

3340 **15A-5-206. Amendments and additions to IFC related to hazardous materials,**
3341 **explosives, fireworks, and flammable and combustible liquids.**

3342 (1) For IFC, Explosives and Fireworks, IFC, Chapter 33, Section 3301.1.3, Fireworks,
3343 Exception 4 is amended to add the following sentence at the end of the exception: "The use of
3344 fireworks for display and retail sales is allowed as set forth in Utah Code, Title 53, Chapter 7,
3345 Utah Fire Prevention and Safety Act, Sections 53-7-220 through 53-7-225; Utah Code, Title
3346 11, Chapter 3, County and Municipal Fireworks Act; Utah Administrative Code, R710-2; and
3347 the State Fire Code."

3348 (2) For IFC, Flammable and Combustible Liquids:

3349 (a) IFC, Chapter 34, Section 3401.4, Permits, is amended to add the following at the
3350 end of the section: "The owner of an underground tank that is out of service for longer than one
3351 year shall receive a Temporary Closure Notice from the Department of Environmental Quality,
3352 and a copy shall be given to the AHJ."

3353 (b) IFC, Chapter 34, Section 3406.1, General, is amended to add the following special
3354 operation: "8. Sites approved by the AHJ".

3355 (c) IFC, Chapter 34, Section 3406.2, Storage and dispensing of flammable and
3356 combustible liquids on farms and construction sites, is amended to add the following: On line
3357 five, after the words "borrow pits", add the words "and sites approved by the AHJ".

3358 (3) For IFC, Liquefied Petroleum Gas:

3359 (a) IFC, Chapter 38, Section 3801.2, Permits, is amended as follows: On line two, after
3360 the word "105.7", add "and the adopted LP Gas rules".

3361 (b) IFC, Chapter 38, Section 3803.1, General, is deleted and rewritten as follows:
3362 "General. LP Gas equipment shall be installed in accordance with NFPA 54, NFPA 58, the
3363 adopted LP Gas rules, and the International Fuel Gas Code, except as otherwise provided in
3364 this chapter."

3365 (c) Chapter 38, Section 3809.12, Location of storage outside of buildings, is amended

3366 as follows: In Table 3809.12, Doorway or opening to a building with two or more means of
3367 egress, with regard to quantities 720 or less and 721 -- 2,500, the currently stated "5" is deleted
3368 and replaced with "10".

3369 (d) IFC, Chapter 38, Section 3809.14, Alternative location and protection of storage, is
3370 amended as follows: Delete "20" from line three and replace it with "10".

3371 (e) IFC, Chapter 38, Section 3810.1, Temporarily out of service, is amended as
3372 follows: On line two, after the word "discontinued", add the words "for more than one year or
3373 longer as allowed by the AHJ,".

3374 Section 101. Section **15A-5-207** is enacted to read:

3375 **15A-5-207. Amendments and additions to IFC related to existing buildings and**
3376 **referenced standards.**

3377 IFC, Chapter 47, Referenced Standards, is amended as follows:

3378 (1) Under the heading NFPA - National Fire Protection Association, delete the existing
3379 "Standard reference number" with regard to the edition and replace it with the following:

3380 (a) "NFPA, Standard 10, Portable Fire Extinguishers, 2010 edition";

3381 (b) "NFPA, Standard 11, Low-, Medium- and High-expansion Foam, 2010 edition";

3382 (c) "NFPA, Standard 12, Carbon Dioxide Extinguishing Systems, 2008 edition";

3383 (d) "NFPA, Standard 12A, Halon 1301 Fire Extinguishing System, 2009 edition";

3384 (e) "NFPA, Standard 13, Installation of Sprinkler Systems, 2010 edition";

3385 (f) "NFPA, Standard 13D, Installation of Sprinkler Systems in One- and Two-family
3386 Dwellings and Manufactured Homes, 2010 edition";

3387 (g) "NFPA, Standard 13R, Installation of Sprinkler Systems in Residential

3388 Occupancies up to and Including Four Stories in Height, 2010 edition";

3389 (h) "NFPA, Standard 14, Installation of Standpipe and Hose Systems, 2010 edition";

3390 (i) "NFPA, Standard 17, Dry Chemical Extinguishing Systems, 2009 edition";

3391 (j) "NFPA, Standard 17A, Wet Chemical Extinguishing Systems, 2009 edition";

3392 (k) "NFPA, Standard 20, Installation of Stationary Pumps for Fire Protection, 2010
3393 edition";

3394 (l) "NFPA, Standard 22, Water Tanks for Private Fire Protection, 2008 edition";

3395 (m) "NFPA, Standard 24, Installation of Private Fire Service Mains and Their
3396 Appurtenances, 2010 edition";

3397 (n) "NFPA, Standard 72, National Fire Alarm Code, 2010 edition," all "Referenced in
3398 code section numbers" remain the same, except the exclusion of Table 508.1.5;

3399 (o) "NFPA, Standard 92B, Smoke Management Systems in Malls, Atria and Large
3400 Spaces, 2009 edition";

3401 (p) "NFPA, Standard 101, Life Safety Code, 2009 edition";

3402 (q) "NFPA, Standard 110, Emergency and Standby Power Systems, 2010 edition";

3403 (r) "NFPA 720, Installation of Carbon Monoxide (CO) Detection and Warning
3404 Equipment, 2009 edition";

3405 (s) "NFPA, Standard 750, Water Mist Fire Protection Systems, 2010 edition"; and

3406 (t) "NFPA, Standard 1123, Fireworks Display, 2010 edition."

3407 (2) Under the heading UL -- Underwriters Laboratories, Inc., add the following:

3408 "UL2034, Standard for Single and Multiple Station Carbon Monoxide Alarms, 1998."

3409 Section 102. Section **15A-5-301** is enacted to read:

3410 **Part 3. Amendments and Additions to NFPA Incorporated as Part of State Fire Code**

3411 **15A-5-301. General provisions.**

3412 The amendments and additions in this part to the NFPA are adopted for application
3413 statewide.

3414 Section 103. Section **15A-5-302** is enacted to read:

3415 **15A-5-302. Amendments and additions to NFPA related to National Fire Alarm**
3416 **Code.**

3417 For NFPA 72, National Fire Alarm Code:

3418 (1) NFPA 72, Chapter 2, Section 2.2, NFPA Publications, is amended to add the
3419 following NFPA standard: "NFPA 20, Standard for the Installation of Stationary Pumps for
3420 Fire Protection, 2007 edition."

3421 (2) NFPA 72, Chapter 4, Section 4.3.2, System Designer, Subsection 4.3.2.2(2), is
3422 deleted and rewritten as follows: "National Institute of Certification in Engineering
3423 Technologies (NICET) fire alarm level II certified personnel."

3424 (3) NFPA 72, Chapter 4, Section 4.3.3, System Installer, Subsection 4.3.3(2), is deleted
3425 and rewritten as follows: "National Institute of Certification in Engineering Technologies
3426 (NICET) fire alarm level II certified personnel."

3427 (4) NFPA 72, Chapter 4, Section 4.4.3.7, Alarm Signal Deactivation, Subsection

3428 4.4.3.7.2, is amended to add the following sentence: "When approved by the AHJ, the audible
 3429 notification appliances may be deactivated during the investigation mode to prevent
 3430 unauthorized reentry into the building."

3431 (5) NFPA 72, Chapter 4, Section 4.4.5, Protection of Fire Alarm System, is deleted and
 3432 rewritten as follows: "Automatic smoke detection shall be provided at the location of each fire
 3433 alarm control unit(s), notification appliance circuit power extenders, and supervising station
 3434 transmitting equipment to provide notification of fire at the location."

3435 (6) In NFPA 72, Chapter 4, Section 4.4.5, a new Exception 1 is added as follows:
 3436 "When ambient conditions prohibit installation of automatic smoke detection, automatic heat
 3437 detection shall be permitted."

3438 (7) In NFPA 72, Chapter 6, Section 6.8.5.9, Signal Initiation -- Fire Pump, Subsection
 3439 6.8.5.9.3 is added as follows: "Automatic fire pumps shall be supervised in accordance with
 3440 NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, and the AHJ."

3441 (8) NFPA 72, Chapter 7, Section 7.4.1, General Requirements, Subsection 7.4.1.2, is
 3442 amended as follows: On line three delete "110dBA" and replace it with "120dBA".

3443 (9) NFPA 72, Chapter 8, Section 8.3.4, Indication of Central Station Service,
 3444 Subsection 8.3.4.7 is amended as follows: On line two, after the word "notified", insert the
 3445 words "without delay".

3446 (10) NFPA 72, Chapter 10, Section 10.2.2.5, Service Personnel Qualifications and
 3447 Experience, Subsection 10.2.2.5.1, is deleted and rewritten as follows: "Service personnel shall
 3448 be qualified and experienced in the inspection, testing, and maintenance of fire alarm systems.
 3449 Qualified personnel shall meet the certification requirements stated in Utah Administrative
 3450 Code, R710-11-3, Fire Alarm System Inspecting and Testing."

3451 Section 104. Section **15A-5-303** is enacted to read:

3452 **15A-5-303. Amendments and additions to NFPA related to manufacture,**
 3453 **transportation, storage, and retail sales of fireworks.**

3454 **Ĥ→ (1) For purposes of this section and subject to Subsection (2), the Utah Fire Prevention**
 3454a **Board shall adopt standards by rule for the retail sales of consumer fireworks, and in doing so,**
 3454b **shall consider the applicable provisions of NFPA 1124, Chapter 7, Retail Sales of Consumer**
 3454c **Fireworks.**

3454d **(2) ←Ĥ NFPA 1124 Manufacture, Transportation, Storage, and Retail Sales of Fireworks**
 3454e **and**
 3455 **Pyrotechnic Articles:**

3456 **Ĥ→ [(†) (a) ←Ĥ In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of**
 3456a **Consumer**
 3457 **Fireworks, Subsection 7.2.8 is added as follows: "Display of Class C common state approved**
 3458 **explosives inside of buildings protected throughout with an automatic fire sprinkler system**

3459 shall not exceed 25% of the area of the retail sales floor or exceed 600 square feet, whichever is
 3460 less."

3461 ~~H~~→ [(2)] (b) ←H In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of
 3461a Consumer
 3462 Fireworks, Subsection 7.2.9 is added as follows: "Rack storage of Class C common state
 3463 approved explosives inside of buildings is prohibited."

3464 ~~H~~→ [(3)] (c) ←H NFPA 1124, Chapter 7, Section 7.3.1, Exempt Amounts, Subsection
 3464a 7.3.1.1, is
 3465 deleted and rewritten as follows: "Display of Class C common state approved explosives inside
 3466 of buildings not protected with an automatic fire sprinkler system shall not exceed 125 pounds
 3467 of pyrotechnic composition."

3468 ~~H~~→ [(4)] (d) ←H NFPA 1124, Chapter 7, Section 7.3.15.2, Height of Sales Displays,
 3468a Subsection
 3469 7.3.15.2.2, is amended as follows: On line three delete "12 ft. (3.66m)" and replace it with "6
 3470 ft.".

3471 Section 105. Section **15A-5-401** is enacted to read:

Part 4. Local Ordinances

3473 **15A-5-401. Grandfathering of local ordinances related to automatic sprinkler**
 3474 **systems.**

3475 An ordinance adopted by a legislative body of a political subdivision that is in effect on
 3476 June 30, 2010, and that imposes a requirement related to an automatic sprinkler system for a
 3477 structure built in accordance with the requirements of the International Residential Code as
 3478 adopted in the State Construction Code may remain in effect on or after July 1, 2010,
 3479 notwithstanding that the ordinance is not authorized under Subsection 15A-5-203(2).

3480 Section 106. Section **17-27a-513** is amended to read:

3481 **17-27a-513. Manufactured homes.**

3482 (1) For purposes of this section, a manufactured home is the same as defined in Section
 3483 [~~58-56-3~~] 15A-1-302, except that the manufactured home must be attached to a permanent
 3484 foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and
 3485 frost protection in compliance with the applicable building code. All appendages, including
 3486 carports, garages, storage buildings, additions, or alterations must be built in compliance with
 3487 the applicable building code.

3488 (2) A manufactured home may not be excluded from any land use zone or area in
 3489 which a single-family residence would be permitted, provided the manufactured home

3490 complies with all local land use ordinances, building codes, and any restrictive covenants,
3491 applicable to a single-family residence within that zone or area.

3492 (3) A county may not:

3493 (a) adopt or enforce an ordinance or regulation that treats a proposed development that
3494 includes manufactured homes differently than one that does not include manufactured homes;
3495 or

3496 (b) reject a development plan based on the fact that the development is expected to
3497 contain manufactured homes.

3498 Section 107. Section **26-15-3** is amended to read:

3499 **26-15-3. Department to advise regarding the plumbing code.**

3500 (1) The department shall advise the Division of Occupational and Professional
3501 Licensing and the Uniform Building Code Commission with respect to the adoption of a state
3502 construction code under Section [~~58-56-4~~] 15A-1-204, including providing recommendations
3503 as to:

3504 (a) a specific edition of a plumbing code issued by a nationally recognized code
3505 authority; and

3506 (b) any amendments to a nationally recognized code.

3507 (2) The department may enforce the plumbing code adopted under Section [~~58-56-4~~]
3508 15A-1-204.

3509 (3) Section 58-56-9 does not apply to health inspectors acting under this section.

3510 Section 108. Section **26A-1-113** is amended to read:

3511 **26A-1-113. Right of entry to regulated premises by representatives for inspection.**

3512 (1) Upon presenting proper identification, authorized representatives of local health
3513 departments may enter upon the premises of properties regulated by local health departments to
3514 perform routine inspections to insure compliance with rules, standards, regulations, and
3515 ordinances as adopted by the Departments of Health and Environmental Quality, local boards
3516 of health, county or municipal governing bodies, or administered by the Division of
3517 Occupational and Professional Licensing under [~~Section 58-56-4~~] Title 15A, Chapter 1, Part 2,
3518 State Construction Code Administration Act.

3519 (2) Section 58-56-9 does not apply to health inspectors acting under this section.

3520 (3) This section does not authorize local health departments to inspect private

3521 dwellings.

3522 Section 109. Section **26A-1-114** is amended to read:

3523 **26A-1-114. Powers and duties of departments.**

3524 (1) A local health department may:

3525 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
3526 department rules, and local health department standards and regulations relating to public
3527 health and sanitation, including the plumbing code administered by the Division of
3528 Occupational and Professional Licensing under [~~Section 58-56-4~~] Title 15A, Chapter 1, Part 2,
3529 State Construction Code Administration Act, and under Title 26, Chapter 15a, Food Safety
3530 Manager Certification Act, in all incorporated and unincorporated areas served by the local
3531 health department;

3532 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical
3533 control over property and over individuals as the local health department finds necessary for
3534 the protection of the public health;

3535 (c) establish and maintain medical, environmental, occupational, and other laboratory
3536 services considered necessary or proper for the protection of the public health;

3537 (d) establish and operate reasonable health programs or measures not in conflict with
3538 state law which:

3539 (i) are necessary or desirable for the promotion or protection of the public health and
3540 the control of disease; or

3541 (ii) may be necessary to ameliorate the major risk factors associated with the major
3542 causes of injury, sickness, death, and disability in the state;

3543 (e) close theaters, schools, and other public places and prohibit gatherings of people
3544 when necessary to protect the public health;

3545 (f) abate nuisances or eliminate sources of filth and infectious and communicable
3546 diseases affecting the public health and bill the owner or other person in charge of the premises
3547 upon which this nuisance occurs for the cost of abatement;

3548 (g) make necessary sanitary and health investigations and inspections on its own
3549 initiative or in cooperation with the Department of Health or Environmental Quality, or both,
3550 as to any matters affecting the public health;

3551 (h) pursuant to county ordinance or interlocal agreement:

- 3552 (i) establish and collect appropriate fees for the performance of services and operation
3553 of authorized or required programs and duties;
- 3554 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
3555 property, services, or materials for public health purposes; and
- 3556 (iii) make agreements not in conflict with state law which are conditional to receiving a
3557 donation or grant;
- 3558 (i) prepare, publish, and disseminate information necessary to inform and advise the
3559 public concerning:
- 3560 (i) the health and wellness of the population, specific hazards, and risk factors that may
3561 adversely affect the health and wellness of the population; and
- 3562 (ii) specific activities individuals and institutions can engage in to promote and protect
3563 the health and wellness of the population;
- 3564 (j) investigate the causes of morbidity and mortality;
- 3565 (k) issue notices and orders necessary to carry out this part;
- 3566 (l) conduct studies to identify injury problems, establish injury control systems,
3567 develop standards for the correction and prevention of future occurrences, and provide public
3568 information and instruction to special high risk groups;
- 3569 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
3570 within the jurisdiction of the boards;
- 3571 (n) cooperate with the state health department, the Department of Corrections, the
3572 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
3573 Victim Reparations Board to conduct testing for HIV infection of convicted sexual offenders
3574 and any victims of a sexual offense;
- 3575 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and
- 3576 (p) provide public health assistance in response to a national, state, or local emergency,
3577 a public health emergency as defined in Section 26-23b-102, or a declaration by the President
3578 of the United States or other federal official requesting public health-related activities.
- 3579 (2) The local health department shall:
- 3580 (a) establish programs or measures to promote and protect the health and general
3581 wellness of the people within the boundaries of the local health department;
- 3582 (b) investigate infectious and other diseases of public health importance and implement

3583 measures to control the causes of epidemic and communicable diseases and other conditions
3584 significantly affecting the public health which may include involuntary testing of convicted
3585 sexual offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of
3586 victims of sexual offenses for HIV infection pursuant to Section 76-5-503;

3587 (c) cooperate with the department in matters pertaining to the public health and in the
3588 administration of state health laws; and

3589 (d) coordinate implementation of environmental programs to maximize efficient use of
3590 resources by developing with the Department of Environmental Quality a Comprehensive
3591 Environmental Service Delivery Plan which:

3592 (i) recognizes that the Department of Environmental Quality and local health
3593 departments are the foundation for providing environmental health programs in the state;

3594 (ii) delineates the responsibilities of the department and each local health department
3595 for the efficient delivery of environmental programs using federal, state, and local authorities,
3596 responsibilities, and resources;

3597 (iii) provides for the delegation of authority and pass through of funding to local health
3598 departments for environmental programs, to the extent allowed by applicable law, identified in
3599 the plan, and requested by the local health department; and

3600 (iv) is reviewed and updated annually.

3601 (3) The local health department has the following duties regarding public and private
3602 schools within its boundaries:

3603 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
3604 persons attending public and private schools;

3605 (b) exclude from school attendance any person, including teachers, who is suffering
3606 from any communicable or infectious disease, whether acute or chronic, if the person is likely
3607 to convey the disease to those in attendance; and

3608 (c) (i) make regular inspections of the health-related condition of all school buildings
3609 and premises;

3610 (ii) report the inspections on forms furnished by the department to those responsible for
3611 the condition and provide instructions for correction of any conditions that impair or endanger
3612 the health or life of those attending the schools; and

3613 (iii) provide a copy of the report to the department at the time the report is made.

3614 (4) If those responsible for the health-related condition of the school buildings and
3615 premises do not carry out any instructions for corrections provided in a report in Subsection
3616 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
3617 persons responsible.

3618 (5) The local health department may exercise incidental authority as necessary to carry
3619 out the provisions and purposes of this part.

3620 (6) Nothing in this part may be construed to authorize a local health department to
3621 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
3622 monoxide detector in a residential dwelling against anyone other than the occupant of the
3623 dwelling.

3624 Section 110. Section **38-11-102** is amended to read:

3625 **38-11-102. Definitions.**

3626 (1) "Board" means the Residence Lien Recovery Fund Advisory Board established
3627 under Section 38-11-104.

3628 (2) "Certificate of compliance" means an order issued by the director to the owner
3629 finding that the owner is in compliance with the requirements of Subsections 38-11-204(4)(a)
3630 and (4)(b) and is entitled to protection under Section 38-11-107.

3631 (3) "Construction on an owner-occupied residence" means designing, engineering,
3632 constructing, altering, remodeling, improving, repairing, or maintaining a new or existing
3633 residence.

3634 (4) "Department" means the Department of Commerce.

3635 (5) "Director" means the director of the Division of Occupational and Professional
3636 Licensing.

3637 (6) "Division" means the Division of Occupational and Professional Licensing.

3638 (7) "Duplex" means a single building having two separate living units.

3639 (8) "Encumbered fund balance" means the aggregate amount of outstanding claims
3640 against the fund. The remainder of monies in the fund are unencumbered funds.

3641 (9) "Executive director" means the executive director of the Department of Commerce.

3642 (10) "Factory built housing" is as defined in Section ~~[58-56-3]~~ 15A-1-302.

3643 (11) "Factory built housing retailer" means a person that sells factory built housing to
3644 consumers.

3645 (12) "Fund" means the Residence Lien Recovery Fund established under Section
3646 38-11-201.

3647 (13) "Laborer" means a person who provides services at the site of the construction on
3648 an owner-occupied residence as an employee of an original contractor or other qualified
3649 beneficiary performing qualified services on the residence.

3650 (14) "Licensee" means any holder of a license issued under Title 58, Chapters 3a,
3651 Architects Licensing Act, 22, Professional Engineers and Land Surveyors Licensing Act, 53,
3652 Landscape Architects Licensing Act, and 55, Utah Construction Trades Licensing Act.

3653 (15) "Nonpaying party" means the original contractor, subcontractor, or real estate
3654 developer who has failed to pay the qualified beneficiary making a claim against the fund.

3655 (16) "Original contractor" means a person who contracts with the owner of real
3656 property or the owner's agent to provide services, labor, or material for the construction of an
3657 owner-occupied residence.

3658 (17) "Owner" means a person who:

3659 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
3660 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction on an
3661 owner-occupied residence upon real property owned by that person;

3662 (b) contracts with a real estate developer to buy a residence upon completion of the
3663 construction on the owner-occupied residence; or

3664 (c) buys a residence from a real estate developer after completion of the construction
3665 on the owner-occupied residence.

3666 (18) "Owner-occupied residence" means a residence that is, or after completion of the
3667 construction on the residence will be, occupied by the owner or the owner's tenant or lessee as a
3668 primary or secondary residence within 180 days from the date of the completion of the
3669 construction on the residence.

3670 (19) "Qualified beneficiary" means a person who:

3671 (a) provides qualified services;

3672 (b) pays necessary fees or assessments required under this chapter; and

3673 (c) registers with the division:

3674 (i) as a licensed contractor under Subsection 38-11-301(1) or (2), if that person seeks
3675 recovery from the fund as a licensed contractor; or

3676 (ii) as a person providing qualified services other than as a licensed contractor under
3677 Subsection 38-11-301(3) if the person seeks recovery from the fund in a capacity other than as
3678 a licensed contractor.

3679 (20) (a) "Qualified services" means the following performed in construction on an
3680 owner-occupied residence:

3681 (i) contractor services provided by a contractor licensed or exempt from licensure
3682 under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

3683 (ii) architectural services provided by an architect licensed under Title 58, Chapter 3a,
3684 Architects Licensing Act;

3685 (iii) engineering and land surveying services provided by a professional engineer or
3686 land surveyor licensed or exempt from licensure under Title 58, Chapter 22, Professional
3687 Engineers and Professional Land Surveyors Licensing Act;

3688 (iv) landscape architectural services by a landscape architect licensed or exempt from
3689 licensure under Title 58, Chapter 53, Landscape Architects Licensing Act;

3690 (v) design and specification services of mechanical or other systems;

3691 (vi) other services related to the design, drawing, surveying, specification, cost
3692 estimation, or other like professional services;

3693 (vii) providing materials, supplies, components, or similar products;

3694 (viii) renting equipment or materials;

3695 (ix) labor at the site of the construction on the owner-occupied residence; and

3696 (x) site preparation, set up, and installation of factory built housing.

3697 (b) "Qualified services" do not include the construction of factory built housing in the
3698 factory.

3699 (21) "Real estate developer" means a person having an ownership interest in real
3700 property who:

3701 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
3702 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction of a
3703 residence that is offered for sale to the public; or

3704 (b) is a licensed contractor under Title 58, Chapter 55, Utah Construction Trades
3705 Licensing Act, who engages in the construction of a residence that is offered for sale to the
3706 public.

3707 (22) (a) "Residence" means an improvement to real property used or occupied, to be
3708 used or occupied as, or in conjunction with:

3709 (i) a primary or secondary detached single-family dwelling; or

3710 (ii) a multifamily dwelling up to and including duplexes.

3711 (b) "Residence" includes factory built housing.

3712 (23) "Subsequent owner" means a person who purchases a residence from an owner
3713 within 180 days from the date the construction on the residence is completed.

3714 Section 111. Section **53-7-102** is amended to read:

3715 **53-7-102. Definitions.**

3716 As used in this chapter:

3717 (1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203, except
3718 as provided in Part 3, Liquefied Petroleum Gas Act.

3719 (2) "Director" means the state fire marshal appointed in accordance with Section
3720 53-7-103.

3721 (3) "Division" means the State Fire Marshal Division created in Section 53-7-103.

3722 (4) "Fire officer" means:

3723 (a) the state fire marshal;

3724 (b) the state fire marshal's deputies or salaried assistants;

3725 (c) the fire chief or fire marshal of any county, city, or town fire department;

3726 (d) the fire officer of any fire district;

3727 (e) the fire officer of any special service district organized for fire protection purposes;

3728 and

3729 (f) authorized personnel of any of the persons specified in Subsections (4)(a) through

3730 (e).

3731 [~~(5) "Legislative action" includes legislation that:~~]

3732 [~~(a) adopts a state fire code;~~]

3733 [~~(b) amends a state fire code; or~~]

3734 [~~(c) repeals one or more provisions of a state fire code.~~]

3735 [(6)] (5) "State fire code" means the code adopted under Section [53-7-106]

3736 15A-1-403.

3737 [(7)] (6) "State fire marshal" means the fire marshal appointed director by the

3738 commissioner under Section 53-7-103.

3739 Section 112. Section **53-7-204** is amended to read:

3740 **53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council**
3741 **-- Local administrative duties.**

3742 (1) The board shall:

3743 (a) administer the state fire code as the standard in the state;

3744 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,
3745 Utah Administrative Rulemaking Act:

3746 (i) establishing standards for the prevention of fire and for the protection of life and
3747 property against fire and panic in any:

3748 (A) publicly owned building, including all public and private schools, colleges, and
3749 university buildings;

3750 (B) building or structure used or intended for use as an asylum, a mental hospital, a
3751 hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or
3752 day care center, or any building or structure used for a similar purpose; or

3753 (C) place of assemblage where 50 or more persons may gather together in a building,
3754 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

3755 (ii) establishing safety and other requirements for placement and discharge of display
3756 fireworks on the basis of:

3757 (A) the state fire code; and

3758 (B) relevant publications of the National Fire Protection Association;

3759 (iii) establishing safety standards for retail storage, handling, and sale of class C
3760 common state approved explosives;

3761 (iv) defining methods to establish proof of competence to place and discharge display
3762 fireworks, special effects fireworks, and flame effects;

3763 (v) deputizing qualified persons to act as deputy fire marshals, and to secure special
3764 services in emergencies;

3765 (vi) implementing Section [~~53-7-106~~] 15A-1-403;

3766 (vii) setting guidelines for use of funding;

3767 (viii) establishing criteria for training and safety equipment grants for fire departments
3768 enrolled in firefighter certification; and

- 3769 (ix) establishing ongoing training standards for hazardous materials emergency
3770 response agencies;
- 3771 (c) recommend to the commissioner a state fire marshal;
- 3772 (d) develop policies under which the state fire marshal and the state fire marshal's
3773 authorized representatives will perform;
- 3774 (e) provide for the employment of field assistants and other salaried personnel as
3775 required;
- 3776 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
3777 representatives;
- 3778 (g) establish a statewide fire prevention, fire education, and fire service training
3779 program in cooperation with the Board of Regents;
- 3780 (h) establish a statewide fire statistics program for the purpose of gathering fire data
3781 from all political subdivisions of the state;
- 3782 (i) establish a fire academy in accordance with Section 53-7-204.2;
- 3783 (j) coordinate the efforts of all people engaged in fire suppression in the state;
- 3784 (k) work aggressively with the local political subdivisions to reduce fire losses;
- 3785 (l) regulate the sale and servicing of portable fire extinguishers and automatic fire
3786 suppression systems in the interest of safeguarding lives and property;
- 3787 (m) establish a certification program for persons who inspect and test automatic fire
3788 sprinkler systems;
- 3789 (n) establish a certification program for persons who inspect and test fire alarm
3790 systems;
- 3791 (o) establish a certification for persons who provide response services regarding
3792 hazardous materials emergencies;
- 3793 (p) in accordance with Section [~~53-7-106~~] 15A-1-403, report to the Business and Labor
3794 Interim Committee; and
- 3795 (q) jointly create the Unified Code Analysis Council with the Uniform Building Code
3796 Commission in accordance with [~~Subsection 58-56-5(12)~~] Section 15A-1-203.
- 3797 (2) The board may incorporate in its rules by reference, in whole or in part:
3798 (a) the state fire code; or
3799 (b) subject to the state fire code, a nationally recognized and readily available standard

3800 pertaining to the protection of life and property from fire, explosion, or panic.

3801 (3) The following functions shall be administered locally by a city, county, or fire
3802 protection district:

3803 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
3804 19-2-114;

3805 (b) creating a local board of appeals in accordance with the state fire code; and

3806 (c) subject to the state fire code and the other provisions of this chapter, establishing,
3807 modifying, or deleting fire flow and water supply requirements.

3808 Section 113. Section **57-23-4** is amended to read:

3809 **57-23-4. Exclusions.**

3810 This chapter does not apply to:

3811 (1) an interest in real estate regulated under Title 57, Chapter 19, Timeshare and Camp
3812 Resort Act;

3813 (2) an offering for an interest in real estate which is regulated under:

3814 (a) Title 61, Chapter 1, Utah Uniform Securities Act;

3815 (b) the securities laws of any state; or

3816 (c) federal securities laws; or

3817 (3) a sale of manufactured housing licensed under Title 58, Chapter 56, [~~Utah Uniform~~

3818 ~~Building Standards Act~~] Building Inspector and Factory Built Housing Licensing Act, unless

3819 the sale is made in conjunction with an offering or sale of a cooperative interest under this

3820 chapter.

3821 Section 114. Section **58-3a-102** is amended to read:

3822 **58-3a-102. Definitions.**

3823 In addition to the definitions in Section 58-1-102, as used in this chapter:

3824 (1) "Architect" means a person licensed under this chapter as an architect.

3825 (2) "Board" means the Architects Licensing Board created in Section 58-3a-201.

3826 (3) "Building" means a structure which has human occupancy or habitation as its

3827 principal purpose, and includes the structural, mechanical, and electrical systems, utility

3828 services, and other facilities required for the building, and is otherwise governed by the [~~codes~~

3829 ~~adopted under Title 58, Chapter 56, Uniform Building Standards Act~~] State Construction Code

3830 or an approved code under Title 15A, State Construction and Fire Codes Act.

3831 (4) "Complete construction plans" means a final set of plans and specifications for a
3832 building that normally includes:

- 3833 (a) floor plans;
- 3834 (b) elevations;
- 3835 (c) site plans;
- 3836 (d) foundation, structural, and framing detail;
- 3837 (e) electrical, mechanical, and plumbing design;
- 3838 (f) information required by the energy code;
- 3839 (g) specifications and related calculations as appropriate; and
- 3840 (h) all other documents required to obtain a building permit.

3841 (5) "Fund" means the Architects Education and Enforcement Fund created in Section
3842 58-3a-103.

3843 (6) (a) "Practice of architecture" means rendering or offering to render the following
3844 services in connection with the design, construction, enlargement, or alteration of a building or
3845 group of buildings, and the space within and surrounding such buildings:

- 3846 (i) planning;
- 3847 (ii) facility programming;
- 3848 (iii) preliminary studies;
- 3849 (iv) preparation of designs, drawings, and specifications;
- 3850 (v) preparation of technical submissions and coordination of any element of technical
3851 submissions prepared by others including, as appropriate and without limitation, professional
3852 engineers, and landscape architects; and
- 3853 (vi) administration of construction contracts.

3854 (b) "Practice of architecture" does not include the practice of professional engineering
3855 as defined in Section 58-22-102, but a licensed architect may perform such professional
3856 engineering work as is incidental to the practice of architecture.

3857 (7) "Principal" means a licensed architect having responsible charge of an
3858 organization's architectural practice.

3859 (8) "Supervision of an employee, subordinate, associate, or drafter of an architect"
3860 means that a licensed architect is responsible for and personally reviews, corrects when
3861 necessary, and approves work performed by any employee, subordinate, associate, or drafter

3862 under the direction of the architect, and may be further defined by rule by the division in
3863 collaboration with the board.

3864 (9) "Unlawful conduct" as defined in Section 58-1-501 is further defined in Section
3865 58-3a-501.

3866 (10) "Unprofessional conduct" as defined in Section 58-1-501 may be further defined
3867 by rule by the division in collaboration with the board.

3868 Section 115. Section **58-3a-602** is amended to read:

3869 **58-3a-602. Plans and specifications to be sealed.**

3870 (1) Any final plan and specification of a building erected in this state shall bear the seal
3871 of an architect licensed under this chapter, except as provided in Section 58-3a-304, in Title 58,
3872 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, and by the
3873 [~~codes adopted under Title 58, Chapter 56, Uniform Building Standards Act~~] State
3874 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
3875 Act.

3876 (2) Any final plan and specification of a building prepared by or under the supervision
3877 of the licensed architect shall bear the seal of the architect when submitted to a client, or when
3878 submitted to a building official for the purpose of obtaining a building permit, even if the
3879 practice is exempt from licensure under Section 58-3a-304.

3880 Section 116. Section **58-22-102** is amended to read:

3881 **58-22-102. Definitions.**

3882 In addition to the definitions in Section 58-1-102, as used in this chapter:

3883 (1) "Board" means the Professional Engineers and Professional Land Surveyors
3884 Licensing Board created in Section 58-22-201.

3885 (2) "Building" means a structure which has human occupancy or habitation as its
3886 principal purpose, and includes the structural, mechanical, and electrical systems, utility
3887 services, and other facilities required for the building, and is otherwise governed by the [~~codes~~
3888 ~~adopted under Title 58, Chapter 56, Utah Uniform Building Standards Act~~] State Construction
3889 Code or an approved code under Title 15A, State Construction and Fire Codes Act.

3890 (3) "Complete construction plans" means a final set of plans, specifications, and reports
3891 for a building or structure that normally includes:

3892 (a) floor plans;

- 3893 (b) elevations;
- 3894 (c) site plans;
- 3895 (d) foundation, structural, and framing detail;
- 3896 (e) electrical, mechanical, and plumbing design;
- 3897 (f) information required by the energy code;
- 3898 (g) specifications and related calculations as appropriate; and
- 3899 (h) all other documents required to obtain a building permit.
- 3900 (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation
- 3901 Board for Engineering and Technology.
- 3902 (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and
- 3903 Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.
- 3904 (6) "NCEES" means the National Council of Examiners for Engineering and
- 3905 Surveying.
- 3906 (7) "Principal" means a licensed professional engineer, professional structural engineer,
- 3907 or professional land surveyor having responsible charge of an organization's professional
- 3908 engineering, professional structural engineering, or professional land surveying practice.
- 3909 (8) "Professional engineer" means a person licensed under this chapter as a
- 3910 professional engineer.
- 3911 (9) (a) "Professional engineering or the practice of engineering" means a service or
- 3912 creative work, the adequate performance of which requires engineering education, training, and
- 3913 experience in the application of special knowledge of the mathematical, physical, and
- 3914 engineering sciences to the service or creative work as consultation, investigation, evaluation,
- 3915 planning, design, and design coordination of engineering works and systems, planning the use
- 3916 of land and water, facility programming, performing engineering surveys and studies, and the
- 3917 review of construction for the purpose of monitoring compliance with drawings and
- 3918 specifications; any of which embraces these services or work, either public or private, in
- 3919 connection with any utilities, structures, buildings, machines, equipment, processes, work
- 3920 systems, projects, and industrial or consumer products or equipment of a mechanical, electrical,
- 3921 hydraulic, pneumatic, or thermal nature, and including other professional services as may be
- 3922 necessary to the planning, progress, and completion of any engineering services.
- 3923 (b) The practice of professional engineering does not include the practice of

3924 architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform
3925 architecture work as is incidental to the practice of engineering.

3926 (10) "Professional engineering intern" means a person who:

3927 (a) has completed the education requirements to become a professional engineer;

3928 (b) has passed the fundamentals of engineering examination; and

3929 (c) is engaged in obtaining the four years of qualifying experience for licensure under
3930 the direct supervision of a licensed professional engineer.

3931 (11) "Professional land surveying or the practice of land surveying" means a service or
3932 work, the adequate performance of which requires the application of special knowledge of the
3933 principles of mathematics, the related physical and applied sciences, and the relevant
3934 requirements of law for adequate evidence to the act of measuring and locating lines, angles,
3935 elevations, natural and man-made features in the air, on the surface of the earth, within
3936 underground workings, and on the beds of bodies of water for the purpose of determining areas
3937 and volumes, for the monumenting or locating property boundaries or points controlling
3938 boundaries, and for the platting and layout of lands and subdivisions of lands, including the
3939 topography, alignment and grades of streets, and for the preparation and perpetuation of maps,
3940 record plats, field notes records, and property descriptions that represent these surveys and
3941 other duties as sound surveying practices could direct.

3942 (12) "Professional land surveyor" means an individual licensed under this chapter as a
3943 professional land surveyor.

3944 (13) "Professional structural engineer" means a person licensed under this chapter as a
3945 professional structural engineer.

3946 (14) "Professional structural engineering or the practice of structural engineering"
3947 means a service or creative work in the following areas, and may be further defined by rule by
3948 the division in collaboration with the board:

3949 (a) providing structural engineering services for significant structures including:

3950 (i) buildings and other structures representing a substantial hazard to human life, which
3951 include:

3952 (A) buildings and other structures whose primary occupancy is public assembly with an
3953 occupant load greater than 300;

3954 (B) buildings and other structures with elementary school, secondary school, or day

- 3955 care facilities with an occupant load greater than 250;
- 3956 (C) buildings and other structures with an occupant load greater than 500 for colleges
3957 or adult education facilities;
- 3958 (D) health care facilities with an occupant load of 50 or more resident patients, but not
3959 having surgery or emergency treatment facilities;
- 3960 (E) jails and detention facilities with a gross area greater than 3,000 square feet; or
3961 (F) an occupancy with an occupant load greater than 5,000;
- 3962 (ii) buildings and other structures designated as essential facilities, including:
- 3963 (A) hospitals and other health care facilities having surgery or emergency treatment
3964 facilities with a gross area greater than 3,000 square feet;
- 3965 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height
3966 greater than 24 feet or a gross area greater than 5,000 square feet;
- 3967 (C) designated earthquake, hurricane, or other emergency shelters with a gross area
3968 greater than 3,000 square feet;
- 3969 (D) designated emergency preparedness, communication, and operation centers and
3970 other buildings required for emergency response with a mean height more than 24 feet or a
3971 gross area greater than 5,000 square feet;
- 3972 (E) power-generating stations and other public utility facilities required as emergency
3973 backup facilities with a gross area greater then 3,000 square feet;
- 3974 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000
3975 square feet containing highly toxic materials as defined by the division by rule, where the
3976 quantity of the material exceeds the maximum allowable quantities set by the division by rule;
3977 and
- 3978 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars
3979 at commercial service and cargo air services airports as defined by the Federal Aviation
3980 Administration with a mean height greater than 35 feet or a gross area greater than 20,000
3981 square feet; and
- 3982 (iii) buildings and other structures requiring special consideration, including:
- 3983 (A) structures or buildings that are:
- 3984 (I) normally occupied by human beings; and
3985 (II) five stories or more in height; or

3986 (III) that have an average roof height more than 60 feet above the average ground level
3987 measured at the perimeter of the structure; or

3988 (B) all buildings over 200,000 aggregate gross square feet in area; and

3989 (b) includes the definition of professional engineering or the practice of professional
3990 engineering as provided in Subsection (9).

3991 (15) "Structure" means that which is built or constructed, an edifice or building of any
3992 kind, or a piece of work artificially built up or composed of parts joined together in a definite
3993 manner, and as otherwise governed by the [~~codes adopted under Title 58, Chapter 56, Utah~~
3994 ~~Uniform Building Standards Act~~] State Construction Code or an approved code under Title
3995 15A, State Construction and Fire Codes Act.

3996 (16) "Supervision of an employee, subordinate, associate, or drafter of a licensee"
3997 means that a licensed professional engineer, professional structural engineer, or professional
3998 land surveyor is responsible for and personally reviews, corrects when necessary, and approves
3999 work performed by an employee, subordinate, associate, or drafter under the direction of the
4000 licensee, and may be further defined by rule by the division in collaboration with the board.

4001 (17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation
4002 Board for Engineering and Technology.

4003 (18) "Unlawful conduct" is defined in Sections 58-1-501 and 58-22-501.

4004 (19) "Unprofessional conduct" as defined in Section 58-1-501 may be further defined
4005 by rule by the division in collaboration with the board.

4006 Section 117. Section **58-22-602** is amended to read:

4007 **58-22-602. Plans, specifications, reports, maps, sketches, surveys, drawings,**
4008 **documents, and plats to be sealed.**

4009 (1) Any final plan, specification, and report of a building or structure erected in this
4010 state shall bear the seal of a professional engineer or professional structural engineer licensed
4011 under this chapter, except as provided in Section 58-22-305, in Title 58, Chapter 3a, Architect
4012 Licensing Act, and by the [~~codes adopted under Title 58, Chapter 56, Uniform Building~~
4013 ~~Standards Act~~] State Construction Code or an approved code under Title 15A, State
4014 Construction and Fire Codes Act.

4015 (2) Any final plan, specification, and report prepared by, or under the supervision of,
4016 the professional engineer or professional structural engineer shall bear the seal of the

4017 professional engineer or professional structural engineer when submitted to a client, when filed
4018 with public authorities, or when submitted to a building official for the purpose of obtaining a
4019 building permit, even if the practice is exempt from licensure under Section 58-22-305.

4020 (3) Any final plan, map, sketch, survey, drawing, document, plat, and report shall bear
4021 the seal of the professional land surveyor licensed under this chapter when submitted to a client
4022 or when filed with public authorities.

4023 Section 118. Section **58-53-602** is amended to read:

4024 **58-53-602. Site plans to be sealed.**

4025 (1) Any site plan prepared in this state shall bear the seal of a landscape architect
4026 licensed under this chapter, except as provided in Section 58-53-304, in Title 58, Chapter 22,
4027 Professional Engineers and Professional Land Surveyors Licensing Act, in Title 58, Chapter 3a,
4028 Architects Licensing Act, or by the [~~codes adopted under Title 58, Chapter 56, Utah Uniform~~
4029 ~~Building Standards Act~~] State Construction Code or an approved code under Title 15A, State
4030 Construction and Fire Codes Act.

4031 (2) Any final site plan prepared by or under the supervision of the licensed landscape
4032 architect shall bear the seal of the landscape architect when submitted to a client, or when
4033 submitted to a building official for the purpose of obtaining a building permit, even if the
4034 practice is exempt from licensure under Section 58-53-304.

4035 Section 119. Section **58-55-102** is amended to read:

4036 **58-55-102. Definitions.**

4037 In addition to the definitions in Section 58-1-102, as used in this chapter:

4038 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
4039 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,
4040 except as provided in Subsection (1)(b).

4041 (b) "Alarm business or company" does not include:

4042 (i) a person engaged in the manufacture and sale of alarm systems when that person is
4043 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or
4044 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business
4045 established by the person engaged in the manufacture or sale and does not involve site visits at
4046 the place or intended place of installation of an alarm system; or

4047 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who

4048 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
4049 of the alarm system owned by that owner.

4050 (2) "Alarm company agent" means any individual employed within this state by a
4051 person engaged in the alarm business.

4052 (3) "Alarm system" means equipment and devices assembled for the purpose of:

4053 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
4054 premises; or

4055 (b) signaling a robbery or attempted robbery on protected premises.

4056 (4) "Apprentice electrician" means a person licensed under this chapter as an
4057 apprentice electrician who is learning the electrical trade under the immediate supervision of a
4058 master electrician, residential master electrician, a journeyman electrician, or a residential
4059 journeyman electrician.

4060 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
4061 plumber who is learning the plumbing trade under the immediate supervision of a master
4062 plumber, residential master plumber, journeyman plumber, or a residential journeyman
4063 plumber.

4064 (6) "Approved continuing education" means instruction provided through courses
4065 under a program established under Subsection 58-55-302.5(2).

4066 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
4067 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

4068 (8) "Combustion system" means an assembly consisting of:

4069 (a) piping and components with a means for conveying, either continuously or
4070 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
4071 appliance;

4072 (b) the electric control and combustion air supply and venting systems, including air
4073 ducts; and

4074 (c) components intended to achieve control of quantity, flow, and pressure.

4075 (9) "Commission" means the Construction Services Commission created under Section
4076 58-55-103.

4077 (10) "Construction trade" means any trade or occupation involving:

4078 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition

4079 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
4080 or other project, development, or improvement to other than personal property; and

4081 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
4082 defined in Section [~~58-56-3~~] 15A-1-302; or

4083 (b) installation or repair of a residential or commercial natural gas appliance or
4084 combustion system.

4085 (11) "Construction trades instructor" means a person licensed under this chapter to
4086 teach one or more construction trades in both a classroom and project environment, where a
4087 project is intended for sale to or use by the public and is completed under the direction of the
4088 instructor, who has no economic interest in the project.

4089 (12) (a) "Contractor" means any person who for compensation other than wages as an
4090 employee undertakes any work in the construction, plumbing, or electrical trade for which
4091 licensure is required under this chapter and includes:

4092 (i) a person who builds any structure on his own property for the purpose of sale or
4093 who builds any structure intended for public use on his own property;

4094 (ii) any person who represents himself to be a contractor by advertising or any other
4095 means;

4096 (iii) any person engaged as a maintenance person, other than an employee, who
4097 regularly engages in activities set forth under the definition of "construction trade";

4098 (iv) any person engaged in any construction trade for which licensure is required under
4099 this chapter; or

4100 (v) a construction manager who performs management and counseling services on a
4101 construction project for a fee.

4102 (b) "Contractor" does not include an alarm company or alarm company agent.

4103 (13) (a) "Electrical trade" means the performance of any electrical work involved in the
4104 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
4105 buildings, or appendages or appurtenances.

4106 (b) "Electrical trade" does not include:

4107 (i) transporting or handling electrical materials;

4108 (ii) preparing clearance for raceways for wiring; or

4109 (iii) work commonly done by unskilled labor on any installations under the exclusive

4110 control of electrical utilities.

4111 (c) For purposes of Subsection (13)(b):

4112 (i) no more than one unlicensed person may be so employed unless more than five
4113 licensed electricians are employed by the shop; and

4114 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
4115 permitted by this Subsection (13)(c).

4116 (14) "Elevator" has the same meaning as defined in Section 34A-7-202, except that for
4117 purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline
4118 platform lift.

4119 (15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
4120 this chapter that is engaged in the business of erecting, constructing, installing, altering,
4121 servicing, repairing, or maintaining an elevator.

4122 (16) "Elevator mechanic" means an individual who is licensed under this chapter as an
4123 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
4124 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

4125 (17) "Employee" means an individual as defined by the division by rule giving
4126 consideration to the definition adopted by the Internal Revenue Service and the Department of
4127 Workforce Services.

4128 (18) "Engage in a construction trade" means to:

4129 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
4130 in a construction trade; or

4131 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
4132 to believe one is or will act as a contractor.

4133 (19) (a) "Financial responsibility" means a demonstration of a current and expected
4134 future condition of financial solvency evidencing a reasonable expectation to the division and
4135 the board that an applicant or licensee can successfully engage in business as a contractor
4136 without jeopardy to the public health, safety, and welfare.

4137 (b) Financial responsibility may be determined by an evaluation of the total history
4138 concerning the licensee or applicant including past, present, and expected condition and record
4139 of financial solvency and business conduct.

4140 (20) "Gas appliance" means any device that uses natural gas to produce light, heat,

4141 power, steam, hot water, refrigeration, or air conditioning.

4142 (21) (a) "General building contractor" means a person licensed under this chapter as a
4143 general building contractor qualified by education, training, experience, and knowledge to
4144 perform or superintend construction of structures for the support, shelter, and enclosure of
4145 persons, animals, chattels, or movable property of any kind or any of the components of that
4146 construction except plumbing, electrical work, mechanical work, and manufactured housing
4147 installation, for which the general building contractor shall employ the services of a contractor
4148 licensed in the particular specialty, except that a general building contractor engaged in the
4149 construction of single-family and multifamily residences up to four units may perform the
4150 mechanical work and hire a licensed plumber or electrician as an employee.

4151 (b) The division may by rule exclude general building contractors from engaging in the
4152 performance of other construction specialties in which there is represented a substantial risk to
4153 the public health, safety, and welfare, and for which a license is required unless that general
4154 building contractor holds a valid license in that specialty classification.

4155 (22) (a) "General engineering contractor" means a person licensed under this chapter as
4156 a general engineering contractor qualified by education, training, experience, and knowledge to
4157 perform construction of fixed works in any of the following: irrigation, drainage, water, power,
4158 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports
4159 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring
4160 specialized engineering knowledge and skill, piers, and foundations, or any of the components
4161 of those works.

4162 (b) A general engineering contractor may not perform construction of structures built
4163 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

4164 (23) "Immediate supervision" means reasonable direction, oversight, inspection, and
4165 evaluation of the work of a person:

4166 (a) as the division specifies in rule;

4167 (b) by, as applicable, a qualified electrician or plumber;

4168 (c) as part of a planned program of training; and

4169 (d) to ensure that the end result complies with applicable standards.

4170 (24) "Individual" means a natural person.

4171 (25) "Journeyman electrician" means a person licensed under this chapter as a

4172 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
4173 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

4174 (26) "Journeyman plumber" means a person licensed under this chapter as a
4175 journeyman plumber having the qualifications, training, experience, and technical knowledge
4176 to engage in the plumbing trade.

4177 (27) "Master electrician" means a person licensed under this chapter as a master
4178 electrician having the qualifications, training, experience, and knowledge to properly plan,
4179 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
4180 for light, heat, power, and other purposes.

4181 (28) "Master plumber" means a person licensed under this chapter as a master plumber
4182 having the qualifications, training, experience, and knowledge to properly plan and layout
4183 projects and supervise persons in the plumbing trade.

4184 (29) "Person" means a natural person, sole proprietorship, joint venture, corporation,
4185 limited liability company, association, or organization of any type.

4186 (30) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
4187 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
4188 three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:

- 4189 (i) delivery of the water supply;
4190 (ii) discharge of liquid and water carried waste; or
4191 (iii) the building drainage system within the walls of the building.

4192 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
4193 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains
4194 together with their devices, appurtenances, and connections where installed within the outside
4195 walls of the building.

4196 (31) (a) "Ratio of apprentices" means, for the purpose of determining compliance with
4197 the requirements for planned programs of training and electrician apprentice licensing
4198 applications, the shop ratio of apprentice electricians to journeyman or master electricians shall
4199 be one journeyman or master electrician to one apprentice on industrial and commercial work,
4200 and one journeyman or master electrician to three apprentices on residential work.

4201 (b) On-the-job training shall be under circumstances in which the ratio of apprentices
4202 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to

4203 three apprentices to one supervisor on residential projects.

4204 (32) "Residential and small commercial contractor" means a person licensed under this
4205 chapter as a residential and small commercial contractor qualified by education, training,
4206 experience, and knowledge to perform or superintend the construction of single-family
4207 residences, multifamily residences up to four units, and commercial construction of not more
4208 than three stories above ground and not more than 20,000 square feet, or any of the components
4209 of that construction except plumbing, electrical work, mechanical work, and manufactured
4210 housing installation, for which the residential and small commercial contractor shall employ
4211 the services of a contractor licensed in the particular specialty, except that a residential and
4212 small commercial contractor engaged in the construction of single-family and multifamily
4213 residences up to four units may perform the mechanical work and hire a licensed plumber or
4214 electrician as an employee.

4215 (33) "Residential building," as it relates to the license classification of residential
4216 journeyman plumber and residential master plumber, means a single or multiple family
4217 dwelling of up to four units.

4218 (34) "Residential journeyman electrician" means a person licensed under this chapter
4219 as a residential journeyman electrician having the qualifications, training, experience, and
4220 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
4221 and other purposes on buildings using primarily nonmetallic sheath cable.

4222 (35) "Residential journeyman plumber" means a person licensed under this chapter as a
4223 residential journeyman plumber having the qualifications, training, experience, and knowledge
4224 to engage in the plumbing trade as limited to the plumbing of residential buildings.

4225 (36) "Residential master electrician" means a person licensed under this chapter as a
4226 residential master electrician having the qualifications, training, experience, and knowledge to
4227 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
4228 and equipment for light, heat, power, and other purposes on residential projects.

4229 (37) "Residential master plumber" means a person licensed under this chapter as a
4230 residential master plumber having the qualifications, training, experience, and knowledge to
4231 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
4232 plumbing of residential buildings.

4233 (38) "Residential project," as it relates to an electrician or electrical contractor, means

4234 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
4235 and regulations governing this work, including the National Electrical Code, and in which the
4236 voltage does not exceed 250 volts line to line and 125 volts to ground.

4237 (39) (a) "Specialty contractor" means a person licensed under this chapter under a
4238 specialty contractor classification established by rule, who is qualified by education, training,
4239 experience, and knowledge to perform those construction trades and crafts requiring
4240 specialized skill, the regulation of which are determined by the division to be in the best
4241 interest of the public health, safety, and welfare.

4242 (b) A specialty contractor may perform work in crafts or trades other than those in
4243 which he is licensed if they are incidental to the performance of his licensed craft or trade.

4244 (40) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

4245 (41) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as
4246 may be further defined by rule.

4247 (42) "Wages" means amounts due to an employee for labor or services whether the
4248 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
4249 the amount.

4250 Section 120. Section **58-55-305** is amended to read:

4251 **58-55-305. Exemptions from licensure.**

4252 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
4253 persons may engage in acts or practices included within the practice of construction trades,
4254 subject to the stated circumstances and limitations, without being licensed under this chapter:

4255 (a) an authorized representative of the United States government or an authorized
4256 employee of the state or any of its political subdivisions when working on construction work of
4257 the state or the subdivision, and when acting within the terms of the person's trust, office, or
4258 employment;

4259 (b) a person engaged in construction or operation incidental to the construction and
4260 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation
4261 districts, and drainage districts or construction and repair relating to farming, dairying,
4262 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel
4263 excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction
4264 sites, and lumbering;

4265 (c) public utilities operating under the rules of the Public Service Commission on work
4266 incidental to their own business;

4267 (d) sole owners of property engaged in building:

4268 (i) no more than one residential structure per year and no more than three residential
4269 structures per five years on their property for their own noncommercial, nonpublic use; except,
4270 a person other than the property owner or individuals described in Subsection (1)(e), who
4271 engages in building the structure must be licensed under this chapter if the person is otherwise
4272 required to be licensed under this chapter; or

4273 (ii) structures on their property for their own noncommercial, nonpublic use which are
4274 incidental to a residential structure on the property, including sheds, carports, or detached
4275 garages;

4276 (e) (i) a person engaged in construction or renovation of a residential building for
4277 noncommercial, nonpublic use if that person:

4278 (A) works without compensation other than token compensation that is not considered
4279 salary or wages; and

4280 (B) works under the direction of the property owner who engages in building the
4281 structure; and

4282 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
4283 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
4284 exempted from licensure under this Subsection (1)(e), that is:

4285 (A) minimal in value when compared with the fair market value of the services
4286 provided by the person;

4287 (B) not related to the fair market value of the services provided by the person; and

4288 (C) is incidental to the providing of services by the person including paying for or
4289 providing meals or refreshment while services are being provided, or paying reasonable
4290 transportation costs incurred by the person in travel to the site of construction;

4291 (f) a person engaged in the sale or merchandising of personal property that by its design
4292 or manufacture may be attached, installed, or otherwise affixed to real property who has
4293 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or
4294 attach that property;

4295 (g) a contractor submitting a bid on a federal aid highway project, if, before

4296 undertaking construction under that bid, the contractor is licensed under this chapter;
4297 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or
4298 improvement of a building with a contracted or agreed value of less than \$3,000, including
4299 both labor and materials, and including all changes or additions to the contracted or agreed
4300 upon work; and
4301 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
4302 section:
4303 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
4304 any six month period of time:
4305 (I) must be performed by a licensed electrical or plumbing contractor, if the project
4306 involves an electrical or plumbing system; and
4307 (II) may be performed by a licensed journeyman electrician or plumber or an individual
4308 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system
4309 such as a faucet, toilet, fixture, device, outlet, or electrical switch;
4310 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
4311 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
4312 received certification under Subsection 58-55-308(2) except as otherwise provided in
4313 Subsection 58-55-308(2)(d) or 58-55-308(3);
4314 (C) installation, repair, or replacement of water-based fire protection systems on a
4315 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
4316 contractor or a licensed journeyman plumber;
4317 (D) work as an alarm business or company or as an alarm company agent shall be
4318 performed by a licensed alarm business or company or a licensed alarm company agent, except
4319 as otherwise provided in this chapter;
4320 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
4321 project must be performed by a licensed alarm business or company or a licensed alarm
4322 company agent;
4323 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
4324 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
4325 licensed by the division;
4326 (G) installation, repair, or replacement of a radon mitigation system or a soil

4327 depressurization system must be performed by a licensed contractor; and

4328 (H) if the total value of the project is greater than \$1,000, the person shall file with the
4329 division a one-time affirmation, subject to periodic reaffirmation as established by division
4330 rule, that the person has:

4331 (I) public liability insurance in coverage amounts and form established by division
4332 rule; and

4333 (II) if applicable, workers compensation insurance which would cover an employee of
4334 the person if that employee worked on the construction project;

4335 (i) a person practicing a specialty contractor classification or construction trade which
4336 the director does not classify by administrative rule as significantly impacting the public's
4337 health, safety, and welfare;

4338 (j) owners and lessees of property and persons regularly employed for wages by owners
4339 or lessees of property or their agents for the purpose of maintaining the property, are exempt
4340 from this chapter when doing work upon the property;

4341 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the
4342 division by rule, to the replacement or repair of a fixture or an appliance in a residential or
4343 small commercial building, or structure used for agricultural use, as defined in Section
4344 ~~[58-56-3]~~ 15A-1-202, provided that no modification is made to:

4345 (A) existing culinary water, soil, waste, or vent piping; or

4346 (B) a gas appliance or combustion system; and

4347 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or
4348 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

4349 (l) a person who ordinarily would be subject to the plumber licensure requirements
4350 under this chapter when installing or repairing a water conditioner or other water treatment
4351 apparatus if the conditioner or apparatus:

4352 (i) meets the appropriate state construction codes or local plumbing standards; and

4353 (ii) is installed or repaired under the direction of a person authorized to do the work
4354 under an appropriate specialty contractor license;

4355 (m) a person who ordinarily would be subject to the electrician licensure requirements
4356 under this chapter when employed by:

4357 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator

4358 contractors or constructors, or street railway systems; or

4359 (ii) public service corporations, rural electrification associations, or municipal utilities
4360 who generate, distribute, or sell electrical energy for light, heat, or power;

4361 (n) a person involved in minor electrical work incidental to a mechanical or service
4362 installation;

4363 (o) a student participating in construction trade education and training programs
4364 approved by the commission with the concurrence of the director under the condition that:

4365 (i) all work intended as a part of a finished product on which there would normally be
4366 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed
4367 building inspector; and

4368 (ii) a licensed contractor obtains the necessary building permits;

4369 (p) a delivery person when replacing any of the following existing equipment with a
4370 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

4371 (i) gas range;

4372 (ii) gas dryer;

4373 (iii) outdoor gas barbeque; or

4374 (iv) outdoor gas patio heater;

4375 (q) a person performing maintenance on an elevator as defined in Subsection
4376 58-55-102(14), if the maintenance is not related to the operating integrity of the elevator; and

4377 (r) an apprentice or helper of an elevator mechanic licensed under this chapter when
4378 working under the general direction of the licensed elevator mechanic.

4379 (2) A compliance agency as defined in Section [~~58-56-3~~] 15A-1-202 that issues a
4380 building permit to a person requesting a permit as a sole owner of property referred to in
4381 Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the
4382 issuance of the permit.

4383 Section 121. Section ~~58-56-1~~ is amended to read:

4384 **58-56-1. Short title.**

4385 This chapter is known as the [~~"Utah Uniform Building Standards Act."~~] "Building
4386 Inspector and Factory Built Housing Licensing Act."

4387 Section 122. Section ~~58-56-3~~ is amended to read:

4388 **58-56-3. Definitions.**

4389 In addition to the definitions in Section 58-1-102, ~~[as used in this chapter:]~~ definitions
4390 in the following sections apply to this chapter:

4391 (1) Section 15A-1-102;

4392 (2) Section 15A-1-202; and

4393 (3) Section 15A-1-302.

4394 ~~[(1) "Agricultural use" means a use that relates to the tilling of soil and raising of~~
4395 ~~crops, or keeping or raising domestic animals.]~~

4396 ~~[(2) (a) "Approved code" means a code, including the standards and specifications~~
4397 ~~contained in the code, approved by the division under Section 58-56-4 for use by a compliance~~
4398 ~~agency.]~~

4399 ~~[(b) "Approved code" does not include a state construction code.]~~

4400 ~~[(3) "Building" means a structure used or intended for supporting or sheltering any use~~
4401 ~~or occupancy and any improvements attached to it.]~~

4402 ~~[(4) "Code" means:]~~

4403 ~~[(a) a state construction code; or]~~

4404 ~~[(b) an approved code.]~~

4405 ~~[(5) "Commission" means the Uniform Building Code Commission created under this~~
4406 ~~chapter.]~~

4407 ~~[(6) "Compliance agency" means:]~~

4408 ~~[(a) an agency of the state or any of its political subdivisions which issues permits for~~
4409 ~~construction regulated under the codes;]~~

4410 ~~[(b) any other agency of the state or its political subdivisions specifically empowered to~~
4411 ~~enforce compliance with the codes; or]~~

4412 ~~[(c) any other state agency which chooses to enforce codes adopted under this chapter~~
4413 ~~by authority given the agency under a title other than Title 58, Occupations and Professions.]~~

4414 ~~[(7) "Construction code" means standards and specifications published by a nationally~~
4415 ~~recognized code authority for use in circumstances described in Subsection 58-56-4(1),~~
4416 ~~including:]~~

4417 ~~[(a) a building code;]~~

4418 ~~[(b) an electrical code;]~~

4419 ~~[(c) a residential one and two family dwelling code;]~~

- 4420 ~~[(d) a plumbing code;]~~
- 4421 ~~[(e) a mechanical code;]~~
- 4422 ~~[(f) a fuel gas code;]~~
- 4423 ~~[(g) an energy conservation code; and]~~
- 4424 ~~[(h) a manufactured housing installation standard code.]~~
- 4425 ~~[(8) "Factory built housing" means manufactured homes or mobile homes.]~~
- 4426 ~~[(9) (a) "Factory built housing set-up contractor" means an individual licensed by the~~
- 4427 ~~division to set up or install factory built housing on a temporary or permanent basis.]~~
- 4428 ~~[(b) The scope of the work included under the license includes the placement or~~
- 4429 ~~securing, or both placement and securing, of the factory built housing on a permanent or~~
- 4430 ~~temporary foundation, securing the units together if required, and connection of the utilities to~~
- 4431 ~~the factory built housing unit, but does not include site preparation, construction of a~~
- 4432 ~~permanent foundation, and construction of utility services to the near proximity of the factory~~
- 4433 ~~built housing unit.]~~
- 4434 ~~[(c) If a dealer is not licensed as a factory built housing set-up contractor, that~~
- 4435 ~~individual must subcontract the connection services to individuals who are licensed by the~~
- 4436 ~~division to perform those specific functions under Title 58, Chapter 55, Utah Construction~~
- 4437 ~~Trades Licensing Act.]~~
- 4438 ~~[(10) "HUD code" means the National Manufactured Housing Construction and Safety~~
- 4439 ~~Standards Act, 42 U.S.C. Sec. 5401 et seq.]~~
- 4440 ~~[(11) "Legislative action" includes legislation that:]~~
- 4441 ~~[(a) adopts a new state construction code;]~~
- 4442 ~~[(b) amends a state construction code; or]~~
- 4443 ~~[(c) repeals one or more provisions of a state construction code.]~~
- 4444 ~~[(12) "Local regulator" means a political subdivision of the state that is empowered to~~
- 4445 ~~engage in the regulation of construction, alteration, remodeling, building, repair, and other~~
- 4446 ~~activities subject to the codes.]~~
- 4447 ~~[(13) (a) "Manufactured home" means a transportable factory built housing unit~~
- 4448 ~~constructed on or after June 15, 1976, according to the HUD Code, in one or more sections,~~
- 4449 ~~which:]~~
- 4450 ~~[(i) in the traveling mode, is eight body feet or more in width or 40 body feet or more~~

4451 in length, or when erected on site, is 400 or more square feet; and]

4452 [(ii) is built on a permanent chassis and designed to be used as a dwelling with or
4453 without a permanent foundation when connected to the required utilities, and includes the
4454 plumbing, heating, air-conditioning, and electrical systems.]

4455 [(b) Manufactured homes constructed on or after June 15, 1976, shall be identifiable by
4456 the manufacturer's data plate bearing the date the unit was manufactured and a HUD label
4457 attached to the exterior of the home certifying the home was manufactured to HUD standards.]

4458 [(14) "Mobile home" means a transportable factory built housing unit built prior to
4459 June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD
4460 Code.]

4461 [(15) "Modular unit" means a structure built from sections which are manufactured in
4462 accordance with the state construction code adopted pursuant to Section 58-56-4 and
4463 transported to a building site, the purpose of which is for human habitation, occupancy, or use.]

4464 [(16) "Not for human occupancy" means use of a structure for purposes other than
4465 protection or comfort of human beings, but allows people to enter the structure for:]

4466 [(a) maintenance and repair; and]

4467 [(b) the care of livestock, crops, or equipment intended for agricultural use which are
4468 kept there.]

4469 [(17) "Opinion" means a written, nonbinding, and advisory statement issued by the
4470 commission concerning an interpretation of the meaning of the codes or the application of the
4471 codes in a specific circumstance issued in response to a specific request by a party to the issue.]

4472 [(18) "State construction code" means a construction code adopted by the Legislature
4473 in accordance with Section 58-56-4.]

4474 [(19) "State regulator" means an agency of the state which is empowered to engage in
4475 the regulation of construction, alteration, remodeling, building, repair, and other activities
4476 subject to the codes adopted pursuant to this chapter.]

4477 Section 123. Section **58-56-9** is amended to read:

4478 **58-56-9. Qualifications of inspectors -- Contract for inspection services.**

4479 (1) An inspector employed by a local regulator, state regulator, or compliance agency
4480 to enforce the codes [adopted or approved pursuant to this chapter] shall:

4481 (a) (i) meet minimum qualifications as established by the division in collaboration with

4482 the commission;

4483 (ii) be certified by a nationally recognized organization which promulgates

4484 construction codes [~~adopted under this chapter~~]; or

4485 (iii) pass an examination developed by the division in collaboration with the

4486 commission;

4487 (b) be currently licensed by the division as meeting those minimum qualifications; and

4488 (c) be subject to revocation or suspension of the inspector's license or being placed on

4489 probation if found guilty of unlawful or unprofessional conduct.

4490 (2) A local regulator, state regulator, or compliance agency may contract for the

4491 services of a licensed inspector not regularly employed by the regulator or agency.

4492 [~~(3) The division shall use the money received under Subsection (4) to provide~~

4493 ~~education.~~]

4494 [~~(a) regarding the codes and code amendments that under Section 58-56-4 are adopted,~~
4495 ~~approved, or being considered for adoption or approval, and]~~

4496 [~~(b) to:~~

4497 [~~(i) building inspectors; and]~~

4498 [~~(ii) individuals engaged in construction-related trades or professions.]~~

4499 [~~(4) (a) A compliance agency shall:~~

4500 [~~(i) charge a 1% surcharge on a building permit it issues; and]~~

4501 [~~(ii) transmit 80% of the amount collected to the division to be used by the division to~~

4502 ~~fulfill the requirements of Subsection (3).]~~

4503 [~~(b) The surcharge shall be deposited as a dedicated credit.]~~

4504 Section 124. Section **58-56-15.1** is enacted to read:

4505 **58-56-15.1. Factory built housing set-up contractor license.**

4506 (1) The scope of the work included under a factory built housing set-up contractor
4507 license includes:

4508 (a) the placement or securing, or both placement and securing, of the factory built
4509 housing on a permanent or temporary foundation;

4510 (b) securing units together, if required; and

4511 (c) connection of the utilities to a factory built housing unit.

4512 (2) The scope of work included under a factory built housing set-up contractor license

4513 does not include:

4514 (a) site preparation;

4515 (b) construction of a permanent foundation; and

4516 (c) construction of utility services to the near proximity of the factory built housing

4517 unit.

4518 (3) If a dealer is not licensed as a factory built housing set-up contractor, that

4519 individual must subcontract the connection services to an individual who is licensed by the

4520 division to perform those specific functions under Title 58, Chapter 55, Utah Construction

4521 Trades Licensing Act.

4522 Section 125. Section **58-56-17.5** is amended to read:

4523 **58-56-17.5. Factory Built Housing Fees Restricted Account.**

4524 (1) There is created within the General Fund a restricted account known as "Factory
4525 Built Housing Fees Account."

4526 (2) (a) The restricted account shall be funded from the fees the dealer collects and
4527 remits to the division for each factory built home the dealer sells as provided in Subsection
4528 58-56-17(1).

4529 (b) The division shall deposit all money collected under Subsection 58-56-17(1) in the
4530 restricted account.

4531 (c) The restricted account shall be used to pay for education and enforcement of this
4532 chapter and Title 15A, Chapter 1, Part 3, Factory Built Housing and Modular Units
4533 Administration Act, including investigations and administrative actions and the funding of
4534 additional employees to the amount of the legislative appropriation.

4535 (d) The restricted account may accrue interest which shall be deposited into the
4536 restricted account.

4537 Section 126. Section **59-12-102** is amended to read:

4538 **59-12-102. Definitions.**

4539 As used in this chapter:

4540 (1) "800 service" means a telecommunications service that:

4541 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

4542 (b) is typically marketed:

4543 (i) under the name 800 toll-free calling;

- 4544 (ii) under the name 855 toll-free calling;
- 4545 (iii) under the name 866 toll-free calling;
- 4546 (iv) under the name 877 toll-free calling;
- 4547 (v) under the name 888 toll-free calling; or
- 4548 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the
- 4549 Federal Communications Commission.
- 4550 (2) (a) "900 service" means an inbound toll telecommunications service that:
- 4551 (i) a subscriber purchases;
- 4552 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to
- 4553 the subscriber's:
- 4554 (A) prerecorded announcement; or
- 4555 (B) live service; and
- 4556 (iii) is typically marketed:
- 4557 (A) under the name 900 service; or
- 4558 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal
- 4559 Communications Commission.
- 4560 (b) "900 service" does not include a charge for:
- 4561 (i) a collection service a seller of a telecommunications service provides to a
- 4562 subscriber; or
- 4563 (ii) the following a subscriber sells to the subscriber's customer:
- 4564 (A) a product; or
- 4565 (B) a service.
- 4566 (3) (a) "Admission or user fees" includes season passes.
- 4567 (b) "Admission or user fees" does not include annual membership dues to private
- 4568 organizations.
- 4569 (4) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
- 4570 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
- 4571 Agreement after November 12, 2002.
- 4572 (5) "Agreement combined tax rate" means the sum of the tax rates:
- 4573 (a) listed under Subsection (6); and
- 4574 (b) that are imposed within a local taxing jurisdiction.

- 4575 (6) "Agreement sales and use tax" means a tax imposed under:
- 4576 (a) Subsection 59-12-103(2)(a)(i)(A);
- 4577 (b) Subsection 59-12-103(2)(b)(i);
- 4578 (c) Subsection 59-12-103(2)(c)(i);
- 4579 (d) Subsection 59-12-103(2)(d)(i)(A)(I);
- 4580 (e) Section 59-12-204;
- 4581 (f) Section 59-12-401;
- 4582 (g) Section 59-12-402;
- 4583 (h) Section 59-12-703;
- 4584 (i) Section 59-12-802;
- 4585 (j) Section 59-12-804;
- 4586 (k) Section 59-12-1102;
- 4587 (l) Section 59-12-1302;
- 4588 (m) Section 59-12-1402;
- 4589 (n) Section 59-12-1802;
- 4590 (o) Section 59-12-2003;
- 4591 (p) Section 59-12-2103;
- 4592 (q) Section 59-12-2213;
- 4593 (r) Section 59-12-2214;
- 4594 (s) Section 59-12-2215;
- 4595 (t) Section 59-12-2216;
- 4596 (u) Section 59-12-2217; or
- 4597 (v) Section 59-12-2218.
- 4598 (7) "Aircraft" is as defined in Section 72-10-102.
- 4599 (8) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 4600 (a) except for an airline as defined in Section 59-2-102 or an affiliated group as defined
- 4601 in Subsection 59-12-107(1)(f) of an airline; and
- 4602 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 4603 whether the business entity performs the following in this state:
- 4604 (i) check, diagnose, overhaul, and repair:
- 4605 (A) an onboard system of a fixed wing turbine powered aircraft; and

- 4606 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
- 4607 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft
- 4608 engine;
- 4609 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 4610 aircraft:
- 4611 (A) an inspection;
- 4612 (B) a repair, including a structural repair or modification;
- 4613 (C) changing landing gear; and
- 4614 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 4615 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and
- 4616 completely apply new paint to the fixed wing turbine powered aircraft; and
- 4617 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 4618 results in a change in the fixed wing turbine powered aircraft's certification requirements by the
- 4619 authority that certifies the fixed wing turbine powered aircraft.
- 4620 (9) "Alcoholic beverage" means a beverage that:
- 4621 (a) is suitable for human consumption; and
- 4622 (b) contains .5% or more alcohol by volume.
- 4623 (10) (a) "Ancillary service" means a service associated with, or incidental to, the
- 4624 provision of telecommunications service.
- 4625 (b) "Ancillary service" includes:
- 4626 (i) a conference bridging service;
- 4627 (ii) a detailed communications billing service;
- 4628 (iii) directory assistance;
- 4629 (iv) a vertical service; or
- 4630 (v) a voice mail service.
- 4631 (11) "Area agency on aging" is as defined in Section 62A-3-101.
- 4632 (12) "Assisted amusement device" means an amusement device, skill device, or ride
- 4633 device that is started and stopped by an individual:
- 4634 (a) who is not the purchaser or renter of the right to use or operate the amusement
- 4635 device, skill device, or ride device; and
- 4636 (b) at the direction of the seller of the right to use the amusement device, skill device,

4637 or ride device.

4638 (13) "Assisted cleaning or washing of tangible personal property" means cleaning or
4639 washing of tangible personal property if the cleaning or washing labor is primarily performed
4640 by an individual:

4641 (a) who is not the purchaser of the cleaning or washing of the tangible personal
4642 property; and

4643 (b) at the direction of the seller of the cleaning or washing of the tangible personal
4644 property.

4645 (14) "Authorized carrier" means:

4646 (a) in the case of vehicles operated over public highways, the holder of credentials
4647 indicating that the vehicle is or will be operated pursuant to both the International Registration
4648 Plan and the International Fuel Tax Agreement;

4649 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
4650 certificate or air carrier's operating certificate; or

4651 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
4652 stock, the holder of a certificate issued by the United States Surface Transportation Board.

4653 (15) (a) Except as provided in Subsection (15)(b), "biomass energy" means any of the
4654 following that is used as the primary source of energy to produce fuel or electricity:

4655 (i) material from a plant or tree; or

4656 (ii) other organic matter that is available on a renewable basis, including:

4657 (A) slash and brush from forests and woodlands;

4658 (B) animal waste;

4659 (C) methane produced:

4660 (I) at landfills; or

4661 (II) as a byproduct of the treatment of wastewater residuals;

4662 (D) aquatic plants; and

4663 (E) agricultural products.

4664 (b) "Biomass energy" does not include:

4665 (i) black liquor;

4666 (ii) treated woods; or

4667 (iii) biomass from municipal solid waste other than methane produced:

- 4668 (A) at landfills; or
- 4669 (B) as a byproduct of the treatment of wastewater residuals.
- 4670 (16) (a) "Bundled transaction" means the sale of two or more items of tangible personal
- 4671 property, products, or services if the tangible personal property, products, or services are:
- 4672 (i) distinct and identifiable; and
- 4673 (ii) sold for one nonitemized price.
- 4674 (b) "Bundled transaction" does not include:
- 4675 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
- 4676 the basis of the selection by the purchaser of the items of tangible personal property included in
- 4677 the transaction;
- 4678 (ii) the sale of real property;
- 4679 (iii) the sale of services to real property;
- 4680 (iv) the retail sale of tangible personal property and a service if:
- 4681 (A) the tangible personal property:
- 4682 (I) is essential to the use of the service; and
- 4683 (II) is provided exclusively in connection with the service; and
- 4684 (B) the service is the true object of the transaction;
- 4685 (v) the retail sale of two services if:
- 4686 (A) one service is provided that is essential to the use or receipt of a second service;
- 4687 (B) the first service is provided exclusively in connection with the second service; and
- 4688 (C) the second service is the true object of the transaction;
- 4689 (vi) a transaction that includes tangible personal property or a product subject to
- 4690 taxation under this chapter and tangible personal property or a product that is not subject to
- 4691 taxation under this chapter if the:
- 4692 (A) seller's purchase price of the tangible personal property or product subject to
- 4693 taxation under this chapter is de minimis; or
- 4694 (B) seller's sales price of the tangible personal property or product subject to taxation
- 4695 under this chapter is de minimis; and
- 4696 (vii) the retail sale of tangible personal property that is not subject to taxation under
- 4697 this chapter and tangible personal property that is subject to taxation under this chapter if:
- 4698 (A) that retail sale includes:

- 4699 (I) food and food ingredients;
- 4700 (II) a drug;
- 4701 (III) durable medical equipment;
- 4702 (IV) mobility enhancing equipment;
- 4703 (V) an over-the-counter drug;
- 4704 (VI) a prosthetic device; or
- 4705 (VII) a medical supply; and
- 4706 (B) subject to Subsection (16)(f):
 - 4707 (I) the seller's purchase price of the tangible personal property subject to taxation under
 - 4708 this chapter is 50% or less of the seller's total purchase price of that retail sale; or
 - 4709 (II) the seller's sales price of the tangible personal property subject to taxation under
 - 4710 this chapter is 50% or less of the seller's total sales price of that retail sale.
- 4711 (c) (i) For purposes of Subsection (16)(a)(i), tangible personal property, a product, or a
- 4712 service that is distinct and identifiable does not include:
 - 4713 (A) packaging that:
 - 4714 (I) accompanies the sale of the tangible personal property, product, or service; and
 - 4715 (II) is incidental or immaterial to the sale of the tangible personal property, product, or
 - 4716 service;
 - 4717 (B) tangible personal property, a product, or a service provided free of charge with the
 - 4718 purchase of another item of tangible personal property, a product, or a service; or
 - 4719 (C) an item of tangible personal property, a product, or a service included in the
 - 4720 definition of "purchase price."
- 4721 (ii) For purposes of Subsection (16)(c)(i)(B), an item of tangible personal property, a
- 4722 product, or a service is provided free of charge with the purchase of another item of tangible
- 4723 personal property, a product, or a service if the sales price of the purchased item of tangible
- 4724 personal property, product, or service does not vary depending on the inclusion of the tangible
- 4725 personal property, product, or service provided free of charge.
- 4726 (d) (i) For purposes of Subsection (16)(a)(ii), property sold for one nonitemized price
- 4727 does not include a price that is separately identified by tangible personal property, product, or
- 4728 service on the following, regardless of whether the following is in paper format or electronic
- 4729 format:

- 4730 (A) a binding sales document; or
- 4731 (B) another supporting sales-related document that is available to a purchaser.
- 4732 (ii) For purposes of Subsection (16)(d)(i), a binding sales document or another
- 4733 supporting sales-related document that is available to a purchaser includes:
- 4734 (A) a bill of sale;
- 4735 (B) a contract;
- 4736 (C) an invoice;
- 4737 (D) a lease agreement;
- 4738 (E) a periodic notice of rates and services;
- 4739 (F) a price list;
- 4740 (G) a rate card;
- 4741 (H) a receipt; or
- 4742 (I) a service agreement.
- 4743 (e) (i) For purposes of Subsection (16)(b)(vi), the sales price of tangible personal
- 4744 property or a product subject to taxation under this chapter is de minimis if:
- 4745 (A) the seller's purchase price of the tangible personal property or product is 10% or
- 4746 less of the seller's total purchase price of the bundled transaction; or
- 4747 (B) the seller's sales price of the tangible personal property or product is 10% or less of
- 4748 the seller's total sales price of the bundled transaction.
- 4749 (ii) For purposes of Subsection (16)(b)(vi), a seller:
- 4750 (A) shall use the seller's purchase price or the seller's sales price to determine if the
- 4751 purchase price or sales price of the tangible personal property or product subject to taxation
- 4752 under this chapter is de minimis; and
- 4753 (B) may not use a combination of the seller's purchase price and the seller's sales price
- 4754 to determine if the purchase price or sales price of the tangible personal property or product
- 4755 subject to taxation under this chapter is de minimis.
- 4756 (iii) For purposes of Subsection (16)(b)(vi), a seller shall use the full term of a service
- 4757 contract to determine if the sales price of tangible personal property or a product is de minimis.
- 4758 (f) For purposes of Subsection (16)(b)(vii)(B), a seller may not use a combination of
- 4759 the seller's purchase price and the seller's sales price to determine if tangible personal property
- 4760 subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales

4761 price of that retail sale.

4762 (17) "Certified automated system" means software certified by the governing board of
4763 the agreement that:

4764 (a) calculates the agreement sales and use tax imposed within a local taxing
4765 jurisdiction:

4766 (i) on a transaction; and

4767 (ii) in the states that are members of the agreement;

4768 (b) determines the amount of agreement sales and use tax to remit to a state that is a
4769 member of the agreement; and

4770 (c) maintains a record of the transaction described in Subsection (17)(a)(i).

4771 (18) "Certified service provider" means an agent certified:

4772 (a) by the governing board of the agreement; and

4773 (b) to perform all of a seller's sales and use tax functions for an agreement sales and
4774 use tax other than the seller's obligation under Section 59-12-124 to remit a tax on the seller's
4775 own purchases.

4776 (19) (a) Subject to Subsection (19)(b), "clothing" means all human wearing apparel
4777 suitable for general use.

4778 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4779 commission shall make rules:

4780 (i) listing the items that constitute "clothing"; and

4781 (ii) that are consistent with the list of items that constitute "clothing" under the
4782 agreement.

4783 (20) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.

4784 (21) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other
4785 fuels that does not constitute industrial use under Subsection (48) or residential use under
4786 Subsection (94).

4787 (22) (a) "Common carrier" means a person engaged in or transacting the business of
4788 transporting passengers, freight, merchandise, or other property for hire within this state.

4789 (b) (i) "Common carrier" does not include a person who, at the time the person is
4790 traveling to or from that person's place of employment, transports a passenger to or from the
4791 passenger's place of employment.

4792 (ii) For purposes of Subsection (22)(b)(i), in accordance with Title 63G, Chapter 3,
4793 Utah Administrative Rulemaking Act, the commission may make rules defining what
4794 constitutes a person's place of employment.

4795 (23) "Component part" includes:

4796 (a) poultry, dairy, and other livestock feed, and their components;

4797 (b) baling ties and twine used in the baling of hay and straw;

4798 (c) fuel used for providing temperature control of orchards and commercial
4799 greenhouses doing a majority of their business in wholesale sales, and for providing power for
4800 off-highway type farm machinery; and

4801 (d) feed, seeds, and seedlings.

4802 (24) "Computer" means an electronic device that accepts information:

4803 (a) (i) in digital form; or

4804 (ii) in a form similar to digital form; and

4805 (b) manipulates that information for a result based on a sequence of instructions.

4806 (25) "Computer software" means a set of coded instructions designed to cause:

4807 (a) a computer to perform a task; or

4808 (b) automatic data processing equipment to perform a task.

4809 (26) (a) "Conference bridging service" means an ancillary service that links two or
4810 more participants of an audio conference call or video conference call.

4811 (b) "Conference bridging service" includes providing a telephone number as part of the
4812 ancillary service described in Subsection (26)(a).

4813 (c) "Conference bridging service" does not include a telecommunications service used
4814 to reach the ancillary service described in Subsection (26)(a).

4815 (27) "Construction materials" means any tangible personal property that will be
4816 converted into real property.

4817 (28) "Delivered electronically" means delivered to a purchaser by means other than
4818 tangible storage media.

4819 (29) (a) "Delivery charge" means a charge:

4820 (i) by a seller of:

4821 (A) tangible personal property;

4822 (B) a product transferred electronically; or

4823 (C) services; and
4824 (ii) for preparation and delivery of the tangible personal property, product transferred
4825 electronically, or services described in Subsection (29)(a)(i) to a location designated by the
4826 purchaser.

4827 (b) "Delivery charge" includes a charge for the following:

4828 (i) transportation;

4829 (ii) shipping;

4830 (iii) postage;

4831 (iv) handling;

4832 (v) crating; or

4833 (vi) packing.

4834 (30) "Detailed telecommunications billing service" means an ancillary service of
4835 separately stating information pertaining to individual calls on a customer's billing statement.

4836 (31) "Dietary supplement" means a product, other than tobacco, that:

4837 (a) is intended to supplement the diet;

4838 (b) contains one or more of the following dietary ingredients:

4839 (i) a vitamin;

4840 (ii) a mineral;

4841 (iii) an herb or other botanical;

4842 (iv) an amino acid;

4843 (v) a dietary substance for use by humans to supplement the diet by increasing the total
4844 dietary intake; or

4845 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
4846 described in Subsections (31)(b)(i) through (v);

4847 (c) (i) except as provided in Subsection (31)(c)(ii), is intended for ingestion in:

4848 (A) tablet form;

4849 (B) capsule form;

4850 (C) powder form;

4851 (D) softgel form;

4852 (E) gelcap form; or

4853 (F) liquid form; or

4854 (ii) notwithstanding Subsection (31)(c)(i), if the product is not intended for ingestion in
4855 a form described in Subsections (31)(c)(i)(A) through (F), is not represented:

4856 (A) as conventional food; and

4857 (B) for use as a sole item of:

4858 (I) a meal; or

4859 (II) the diet; and

4860 (d) is required to be labeled as a dietary supplement:

4861 (i) identifiable by the "Supplemental Facts" box found on the label; and

4862 (ii) as required by 21 C.F.R. Sec. 101.36.

4863 (32) (a) "Direct mail" means printed material delivered or distributed by United States
4864 mail or other delivery service:

4865 (i) to:

4866 (A) a mass audience; or

4867 (B) addressees on a mailing list provided:

4868 (I) by a purchaser of the mailing list; or

4869 (II) at the discretion of the purchaser of the mailing list; and

4870 (ii) if the cost of the printed material is not billed directly to the recipients.

4871 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
4872 purchaser to a seller of direct mail for inclusion in a package containing the printed material.

4873 (c) "Direct mail" does not include multiple items of printed material delivered to a
4874 single address.

4875 (33) "Directory assistance" means an ancillary service of providing:

4876 (a) address information; or

4877 (b) telephone number information.

4878 (34) (a) "Disposable home medical equipment or supplies" means medical equipment
4879 or supplies that:

4880 (i) cannot withstand repeated use; and

4881 (ii) are purchased by, for, or on behalf of a person other than:

4882 (A) a health care facility as defined in Section 26-21-2;

4883 (B) a health care provider as defined in Section 78B-3-403;

4884 (C) an office of a health care provider described in Subsection (34)(a)(ii)(B); or

- 4885 (D) a person similar to a person described in Subsections (34)(a)(ii)(A) through (C).
- 4886 (b) "Disposable home medical equipment or supplies" does not include:
- 4887 (i) a drug;
- 4888 (ii) durable medical equipment;
- 4889 (iii) a hearing aid;
- 4890 (iv) a hearing aid accessory;
- 4891 (v) mobility enhancing equipment; or
- 4892 (vi) tangible personal property used to correct impaired vision, including:
- 4893 (A) eyeglasses; or
- 4894 (B) contact lenses.
- 4895 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 4896 commission may by rule define what constitutes medical equipment or supplies.
- 4897 (35) (a) "Drug" means a compound, substance, or preparation, or a component of a
- 4898 compound, substance, or preparation that is:
- 4899 (i) recognized in:
- 4900 (A) the official United States Pharmacopoeia;
- 4901 (B) the official Homeopathic Pharmacopoeia of the United States;
- 4902 (C) the official National Formulary; or
- 4903 (D) a supplement to a publication listed in Subsections (35)(a)(i)(A) through (C);
- 4904 (ii) intended for use in the:
- 4905 (A) diagnosis of disease;
- 4906 (B) cure of disease;
- 4907 (C) mitigation of disease;
- 4908 (D) treatment of disease; or
- 4909 (E) prevention of disease; or
- 4910 (iii) intended to affect:
- 4911 (A) the structure of the body; or
- 4912 (B) any function of the body.
- 4913 (b) "Drug" does not include:
- 4914 (i) food and food ingredients;
- 4915 (ii) a dietary supplement;

- 4916 (iii) an alcoholic beverage; or
- 4917 (iv) a prosthetic device.
- 4918 (36) (a) Except as provided in Subsection (36)(c), "durable medical equipment" means
- 4919 equipment that:
 - 4920 (i) can withstand repeated use;
 - 4921 (ii) is primarily and customarily used to serve a medical purpose;
 - 4922 (iii) generally is not useful to a person in the absence of illness or injury; and
 - 4923 (iv) is not worn in or on the body.
- 4924 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 4925 equipment described in Subsection (36)(a).
- 4926 (c) Notwithstanding Subsection (36)(a), "durable medical equipment" does not include
- 4927 mobility enhancing equipment.
- 4928 (37) "Electronic" means:
 - 4929 (a) relating to technology; and
 - 4930 (b) having:
 - 4931 (i) electrical capabilities;
 - 4932 (ii) digital capabilities;
 - 4933 (iii) magnetic capabilities;
 - 4934 (iv) wireless capabilities;
 - 4935 (v) optical capabilities;
 - 4936 (vi) electromagnetic capabilities; or
 - 4937 (vii) capabilities similar to Subsections (37)(b)(i) through (vi).
- 4938 (38) "Employee" is as defined in Section 59-10-401.
- 4939 (39) "Fixed guideway" means a public transit facility that uses and occupies:
 - 4940 (a) rail for the use of public transit; or
 - 4941 (b) a separate right-of-way for the use of public transit.
- 4942 (40) "Fixed wing turbine powered aircraft" means an aircraft that:
 - 4943 (a) is powered by turbine engines;
 - 4944 (b) operates on jet fuel; and
 - 4945 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 4946 (41) "Fixed wireless service" means a telecommunications service that provides radio

4947 communication between fixed points.

4948 (42) (a) "Food and food ingredients" means substances:

4949 (i) regardless of whether the substances are in:

4950 (A) liquid form;

4951 (B) concentrated form;

4952 (C) solid form;

4953 (D) frozen form;

4954 (E) dried form; or

4955 (F) dehydrated form; and

4956 (ii) that are:

4957 (A) sold for:

4958 (I) ingestion by humans; or

4959 (II) chewing by humans; and

4960 (B) consumed for the substance's:

4961 (I) taste; or

4962 (II) nutritional value.

4963 (b) "Food and food ingredients" includes an item described in Subsection (78)(b)(iii).

4964 (c) "Food and food ingredients" does not include:

4965 (i) an alcoholic beverage;

4966 (ii) tobacco; or

4967 (iii) prepared food.

4968 (43) (a) "Fundraising sales" means sales:

4969 (i) (A) made by a school; or

4970 (B) made by a school student;

4971 (ii) that are for the purpose of raising funds for the school to purchase equipment,

4972 materials, or provide transportation; and

4973 (iii) that are part of an officially sanctioned school activity.

4974 (b) For purposes of Subsection (43)(a)(iii), "officially sanctioned school activity"

4975 means a school activity:

4976 (i) that is conducted in accordance with a formal policy adopted by the school or school

4977 district governing the authorization and supervision of fundraising activities;

4978 (ii) that does not directly or indirectly compensate an individual teacher or other
4979 educational personnel by direct payment, commissions, or payment in kind; and

4980 (iii) the net or gross revenues from which are deposited in a dedicated account
4981 controlled by the school or school district.

4982 (44) "Geothermal energy" means energy contained in heat that continuously flows
4983 outward from the earth that is used as the sole source of energy to produce electricity.

4984 (45) "Governing board of the agreement" means the governing board of the agreement
4985 that is:

4986 (a) authorized to administer the agreement; and

4987 (b) established in accordance with the agreement.

4988 (46) (a) For purposes of Subsection 59-12-104(41), "governmental entity" means:

4989 (i) the executive branch of the state, including all departments, institutions, boards,
4990 divisions, bureaus, offices, commissions, and committees;

4991 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
4992 Office of the Court Administrator, and similar administrative units in the judicial branch;

4993 (iii) the legislative branch of the state, including the House of Representatives, the
4994 Senate, the Legislative Printing Office, the Office of Legislative Research and General
4995 Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal
4996 Analyst;

4997 (iv) the National Guard;

4998 (v) an independent entity as defined in Section 63E-1-102; or

4999 (vi) a political subdivision as defined in Section 17B-1-102.

5000 (b) "Governmental entity" does not include the state systems of public and higher
5001 education, including:

5002 (i) a college campus of the Utah College of Applied Technology;

5003 (ii) a school;

5004 (iii) the State Board of Education;

5005 (iv) the State Board of Regents; or

5006 (v) a state institution of higher education as defined in Section 53B-3-102.

5007 (47) "Hydroelectric energy" means water used as the sole source of energy to produce
5008 electricity.

5009 (48) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or
5010 other fuels:

- 5011 (a) in mining or extraction of minerals;
- 5012 (b) in agricultural operations to produce an agricultural product up to the time of
5013 harvest or placing the agricultural product into a storage facility, including:
 - 5014 (i) commercial greenhouses;
 - 5015 (ii) irrigation pumps;
 - 5016 (iii) farm machinery;
 - 5017 (iv) implements of husbandry as defined in Subsection 41-1a-102(23) that are not
5018 registered under Title 41, Chapter 1a, Part 2, Registration; and
 - 5019 (v) other farming activities;
- 5020 (c) in manufacturing tangible personal property at an establishment described in SIC
5021 Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal
5022 Executive Office of the President, Office of Management and Budget;
- 5023 (d) by a scrap recycler if:
 - 5024 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
5025 one or more of the following items into prepared grades of processed materials for use in new
5026 products:
 - 5027 (A) iron;
 - 5028 (B) steel;
 - 5029 (C) nonferrous metal;
 - 5030 (D) paper;
 - 5031 (E) glass;
 - 5032 (F) plastic;
 - 5033 (G) textile; or
 - 5034 (H) rubber; and
 - 5035 (ii) the new products under Subsection (48)(d)(i) would otherwise be made with
5036 nonrecycled materials; or
- 5037 (e) in producing a form of energy or steam described in Subsection 54-2-1(2)(a) by a
5038 cogeneration facility as defined in Section 54-2-1.

5039 (49) (a) Except as provided in Subsection (49)(b), "installation charge" means a charge

5040 for installing:

5041 (i) tangible personal property; or

5042 (ii) a product transferred electronically.

5043 (b) "Installation charge" does not include a charge for repairs or renovations of:

5044 (i) tangible personal property; or

5045 (ii) a product transferred electronically.

5046 (50) (a) "Lease" or "rental" means a transfer of possession or control of tangible

5047 personal property or a product transferred electronically for:

5048 (i) (A) a fixed term; or

5049 (B) an indeterminate term; and

5050 (ii) consideration.

5051 (b) "Lease" or "rental" includes an agreement covering a motor vehicle and trailer if the

5052 amount of consideration may be increased or decreased by reference to the amount realized

5053 upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue

5054 Code.

5055 (c) "Lease" or "rental" does not include:

5056 (i) a transfer of possession or control of property under a security agreement or

5057 deferred payment plan that requires the transfer of title upon completion of the required

5058 payments;

5059 (ii) a transfer of possession or control of property under an agreement that requires the

5060 transfer of title:

5061 (A) upon completion of required payments; and

5062 (B) if the payment of an option price does not exceed the greater of:

5063 (I) \$100; or

5064 (II) 1% of the total required payments; or

5065 (iii) providing tangible personal property along with an operator for a fixed period of

5066 time or an indeterminate period of time if the operator is necessary for equipment to perform as

5067 designed.

5068 (d) For purposes of Subsection (50)(c)(iii), an operator is necessary for equipment to

5069 perform as designed if the operator's duties exceed the:

5070 (i) set-up of tangible personal property;

- 5071 (ii) maintenance of tangible personal property; or
- 5072 (iii) inspection of tangible personal property.
- 5073 (51) "Load and leave" means delivery to a purchaser by use of a tangible storage media
- 5074 if the tangible storage media is not physically transferred to the purchaser.
- 5075 (52) "Local taxing jurisdiction" means a:
- 5076 (a) county that is authorized to impose an agreement sales and use tax;
- 5077 (b) city that is authorized to impose an agreement sales and use tax; or
- 5078 (c) town that is authorized to impose an agreement sales and use tax.
- 5079 (53) "Manufactured home" is as defined in Section ~~[58-56-3]~~ 15A-1-302.
- 5080 (54) For purposes of Section 59-12-104, "manufacturing facility" means:
- 5081 (a) an establishment described in SIC Codes 2000 to 3999 of the 1987 Standard
- 5082 Industrial Classification Manual of the federal Executive Office of the President, Office of
- 5083 Management and Budget;
- 5084 (b) a scrap recycler if:
- 5085 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
- 5086 one or more of the following items into prepared grades of processed materials for use in new
- 5087 products:
- 5088 (A) iron;
- 5089 (B) steel;
- 5090 (C) nonferrous metal;
- 5091 (D) paper;
- 5092 (E) glass;
- 5093 (F) plastic;
- 5094 (G) textile; or
- 5095 (H) rubber; and
- 5096 (ii) the new products under Subsection (54)(b)(i) would otherwise be made with
- 5097 nonrecycled materials; or
- 5098 (c) a cogeneration facility as defined in Section 54-2-1.
- 5099 (55) "Member of the immediate family of the producer" means a person who is related
- 5100 to a producer described in Subsection 59-12-104(20)(a) as a:
- 5101 (a) child or stepchild, regardless of whether the child or stepchild is:

- 5102 (i) an adopted child or adopted stepchild; or
- 5103 (ii) a foster child or foster stepchild;
- 5104 (b) grandchild or stepgrandchild;
- 5105 (c) grandparent or stepgrandparent;
- 5106 (d) nephew or stepnephew;
- 5107 (e) niece or stepniece;
- 5108 (f) parent or stepparent;
- 5109 (g) sibling or stepsibling;
- 5110 (h) spouse;
- 5111 (i) person who is the spouse of a person described in Subsections (55)(a) through (g);

5112 or

- 5113 (j) person similar to a person described in Subsections (55)(a) through (i) as
- 5114 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 5115 Administrative Rulemaking Act.

5116 (56) "Mobile home" is as defined in Section [~~58-56-3~~] 15A-1-302.

5117 (57) "Mobile telecommunications service" is as defined in the Mobile

5118 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

5119 (58) (a) "Mobile wireless service" means a telecommunications service, regardless of

5120 the technology used, if:

- 5121 (i) the origination point of the conveyance, routing, or transmission is not fixed;
- 5122 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
- 5123 (iii) the origination point described in Subsection (58)(a)(i) and the termination point
- 5124 described in Subsection (58)(a)(ii) are not fixed.

5125 (b) "Mobile wireless service" includes a telecommunications service that is provided

5126 by a commercial mobile radio service provider.

5127 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

5128 commission may by rule define "commercial mobile radio service provider."

5129 (59) (a) Except as provided in Subsection (59)(c), "mobility enhancing equipment"

5130 means equipment that is:

- 5131 (i) primarily and customarily used to provide or increase the ability to move from one
- 5132 place to another;

- 5133 (ii) appropriate for use in a:
- 5134 (A) home; or
- 5135 (B) motor vehicle; and
- 5136 (iii) not generally used by persons with normal mobility.
- 5137 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
- 5138 the equipment described in Subsection (59)(a).
- 5139 (c) Notwithstanding Subsection (59)(a), "mobility enhancing equipment" does not
- 5140 include:
- 5141 (i) a motor vehicle;
- 5142 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor
- 5143 vehicle manufacturer;
- 5144 (iii) durable medical equipment; or
- 5145 (iv) a prosthetic device.
- 5146 (60) "Model 1 seller" means a seller registered under the agreement that has selected a
- 5147 certified service provider as the seller's agent to perform all of the seller's sales and use tax
- 5148 functions for agreement sales and use taxes other than the seller's obligation under Section
- 5149 59-12-124 to remit a tax on the seller's own purchases.
- 5150 (61) "Model 2 seller" means a seller registered under the agreement that:
- 5151 (a) except as provided in Subsection (61)(b), has selected a certified automated system
- 5152 to perform the seller's sales tax functions for agreement sales and use taxes; and
- 5153 (b) notwithstanding Subsection (61)(a), retains responsibility for remitting all of the
- 5154 sales tax:
- 5155 (i) collected by the seller; and
- 5156 (ii) to the appropriate local taxing jurisdiction.
- 5157 (62) (a) Subject to Subsection (62)(b), "model 3 seller" means a seller registered under
- 5158 the agreement that has:
- 5159 (i) sales in at least five states that are members of the agreement;
- 5160 (ii) total annual sales revenues of at least \$500,000,000;
- 5161 (iii) a proprietary system that calculates the amount of tax:
- 5162 (A) for an agreement sales and use tax; and
- 5163 (B) due to each local taxing jurisdiction; and

5164 (iv) entered into a performance agreement with the governing board of the agreement.

5165 (b) For purposes of Subsection (62)(a), "model 3 seller" includes an affiliated group of
5166 sellers using the same proprietary system.

5167 (63) "Model 4 seller" means a seller that is registered under the agreement and is not a
5168 model 1 seller, model 2 seller, or model 3 seller.

5169 (64) "Modular home" means a modular unit as defined in Section [~~58-56-3~~]
5170 15A-1-302.

5171 (65) "Motor vehicle" is as defined in Section 41-1a-102.

5172 (66) "Oil shale" means a group of fine black to dark brown shales containing
5173 bituminous material that yields petroleum upon distillation.

5174 (67) (a) "Other fuels" means products that burn independently to produce heat or
5175 energy.

5176 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
5177 personal property.

5178 (68) (a) "Paging service" means a telecommunications service that provides
5179 transmission of a coded radio signal for the purpose of activating a specific pager.

5180 (b) For purposes of Subsection (68)(a), the transmission of a coded radio signal
5181 includes a transmission by message or sound.

5182 (69) "Pawnbroker" is as defined in Section 13-32a-102.

5183 (70) "Pawn transaction" is as defined in Section 13-32a-102.

5184 (71) (a) "Permanently attached to real property" means that for tangible personal
5185 property attached to real property:

5186 (i) the attachment of the tangible personal property to the real property:

5187 (A) is essential to the use of the tangible personal property; and

5188 (B) suggests that the tangible personal property will remain attached to the real
5189 property in the same place over the useful life of the tangible personal property; or

5190 (ii) if the tangible personal property is detached from the real property, the detachment
5191 would:

5192 (A) cause substantial damage to the tangible personal property; or

5193 (B) require substantial alteration or repair of the real property to which the tangible
5194 personal property is attached.

5195 (b) "Permanently attached to real property" includes:
5196 (i) the attachment of an accessory to the tangible personal property if the accessory is:
5197 (A) essential to the operation of the tangible personal property; and
5198 (B) attached only to facilitate the operation of the tangible personal property;
5199 (ii) a temporary detachment of tangible personal property from real property for a
5200 repair or renovation if the repair or renovation is performed where the tangible personal
5201 property and real property are located; or
5202 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
5203 Subsection (71)(c)(iii) or (iv).
5204 (c) "Permanently attached to real property" does not include:
5205 (i) the attachment of portable or movable tangible personal property to real property if
5206 that portable or movable tangible personal property is attached to real property only for:
5207 (A) convenience;
5208 (B) stability; or
5209 (C) for an obvious temporary purpose;
5210 (ii) the detachment of tangible personal property from real property except for the
5211 detachment described in Subsection (71)(b)(ii);
5212 (iii) an attachment of the following tangible personal property to real property if the
5213 attachment to real property is only through a line that supplies water, electricity, gas,
5214 telecommunications, cable, or supplies a similar item as determined by the commission by rule
5215 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
5216 (A) a computer;
5217 (B) a telephone;
5218 (C) a television; or
5219 (D) tangible personal property similar to Subsections (71)(c)(iii)(A) through (C) as
5220 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
5221 Administrative Rulemaking Act; or
5222 (iv) an item listed in Subsection (111)(c).
5223 (72) "Person" includes any individual, firm, partnership, joint venture, association,
5224 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
5225 municipality, district, or other local governmental entity of the state, or any group or

5226 combination acting as a unit.

5227 (73) "Place of primary use":

5228 (a) for telecommunications service other than mobile telecommunications service,

5229 means the street address representative of where the customer's use of the telecommunications

5230 service primarily occurs, which shall be:

5231 (i) the residential street address of the customer; or

5232 (ii) the primary business street address of the customer; or

5233 (b) for mobile telecommunications service, is as defined in the Mobile

5234 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

5235 (74) (a) "Postpaid calling service" means a telecommunications service a person

5236 obtains by making a payment on a call-by-call basis:

5237 (i) through the use of a:

5238 (A) bank card;

5239 (B) credit card;

5240 (C) debit card; or

5241 (D) travel card; or

5242 (ii) by a charge made to a telephone number that is not associated with the origination

5243 or termination of the telecommunications service.

5244 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling

5245 service, that would be a prepaid wireless calling service if the service were exclusively a

5246 telecommunications service.

5247 (75) "Postproduction" means an activity related to the finishing or duplication of a

5248 medium described in Subsection 59-12-104(54)(a).

5249 (76) "Prepaid calling service" means a telecommunications service:

5250 (a) that allows a purchaser access to telecommunications service that is exclusively

5251 telecommunications service;

5252 (b) that:

5253 (i) is paid for in advance; and

5254 (ii) enables the origination of a call using an:

5255 (A) access number; or

5256 (B) authorization code;

- 5257 (c) that is dialed:
- 5258 (i) manually; or
- 5259 (ii) electronically; and
- 5260 (d) sold in predetermined units or dollars that decline:
- 5261 (i) by a known amount; and
- 5262 (ii) with use.
- 5263 (77) "Prepaid wireless calling service" means a telecommunications service:
- 5264 (a) that provides the right to utilize:
- 5265 (i) mobile wireless service; and
- 5266 (ii) other service that is not a telecommunications service, including:
- 5267 (A) the download of a product transferred electronically;
- 5268 (B) a content service; or
- 5269 (C) an ancillary service;
- 5270 (b) that:
- 5271 (i) is paid for in advance; and
- 5272 (ii) enables the origination of a call using an:
- 5273 (A) access number; or
- 5274 (B) authorization code;
- 5275 (c) that is dialed:
- 5276 (i) manually; or
- 5277 (ii) electronically; and
- 5278 (d) sold in predetermined units or dollars that decline:
- 5279 (i) by a known amount; and
- 5280 (ii) with use.
- 5281 (78) (a) "Prepared food" means:
- 5282 (i) food:
- 5283 (A) sold in a heated state; or
- 5284 (B) heated by a seller;
- 5285 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
- 5286 item; or
- 5287 (iii) except as provided in Subsection (78)(c), food sold with an eating utensil provided

5288 by the seller, including a:

5289 (A) plate;

5290 (B) knife;

5291 (C) fork;

5292 (D) spoon;

5293 (E) glass;

5294 (F) cup;

5295 (G) napkin; or

5296 (H) straw.

5297 (b) "Prepared food" does not include:

5298 (i) food that a seller only:

5299 (A) cuts;

5300 (B) repackages; or

5301 (C) pasteurizes; or

5302 (ii) (A) the following:

5303 (I) raw egg;

5304 (II) raw fish;

5305 (III) raw meat;

5306 (IV) raw poultry; or

5307 (V) a food containing an item described in Subsections (78)(b)(ii)(A)(I) through (IV);

5308 and

5309 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the

5310 Food and Drug Administration's Food Code that a consumer cook the items described in

5311 Subsection (78)(b)(ii)(A) to prevent food borne illness; or

5312 (iii) the following if sold without eating utensils provided by the seller:

5313 (A) food and food ingredients sold by a seller if the seller's proper primary

5314 classification under the 2002 North American Industry Classification System of the federal

5315 Executive Office of the President, Office of Management and Budget, is manufacturing in

5316 Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla

5317 Manufacturing;

5318 (B) food and food ingredients sold in an unheated state:

- 5319 (I) by weight or volume; and
- 5320 (II) as a single item; or
- 5321 (C) a bakery item, including:
 - 5322 (I) a bagel;
 - 5323 (II) a bar;
 - 5324 (III) a biscuit;
 - 5325 (IV) bread;
 - 5326 (V) a bun;
 - 5327 (VI) a cake;
 - 5328 (VII) a cookie;
 - 5329 (VIII) a croissant;
 - 5330 (IX) a danish;
 - 5331 (X) a donut;
 - 5332 (XI) a muffin;
 - 5333 (XII) a pastry;
 - 5334 (XIII) a pie;
 - 5335 (XIV) a roll;
 - 5336 (XV) a tart;
 - 5337 (XVI) a torte; or
 - 5338 (XVII) a tortilla.
- 5339 (c) Notwithstanding Subsection (78)(a)(iii), an eating utensil provided by the seller
- 5340 does not include the following used to transport the food:
 - 5341 (i) a container; or
 - 5342 (ii) packaging.
- 5343 (79) "Prescription" means an order, formula, or recipe that is issued:
 - 5344 (a) (i) orally;
 - 5345 (ii) in writing;
 - 5346 (iii) electronically; or
 - 5347 (iv) by any other manner of transmission; and
 - 5348 (b) by a licensed practitioner authorized by the laws of a state.
- 5349 (80) (a) Except as provided in Subsection (80)(b)(ii) or (iii), "prewritten computer

5350 software" means computer software that is not designed and developed:

5351 (i) by the author or other creator of the computer software; and

5352 (ii) to the specifications of a specific purchaser.

5353 (b) "Prewritten computer software" includes:

5354 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer
5355 software is not designed and developed:

5356 (A) by the author or other creator of the computer software; and

5357 (B) to the specifications of a specific purchaser;

5358 (ii) notwithstanding Subsection (80)(a), computer software designed and developed by
5359 the author or other creator of the computer software to the specifications of a specific purchaser
5360 if the computer software is sold to a person other than the purchaser; or

5361 (iii) notwithstanding Subsection (80)(a) and except as provided in Subsection (80)(c),
5362 prewritten computer software or a prewritten portion of prewritten computer software:

5363 (A) that is modified or enhanced to any degree; and

5364 (B) if the modification or enhancement described in Subsection (80)(b)(iii)(A) is
5365 designed and developed to the specifications of a specific purchaser.

5366 (c) Notwithstanding Subsection (80)(b)(iii), "prewritten computer software" does not
5367 include a modification or enhancement described in Subsection (80)(b)(iii) if the charges for
5368 the modification or enhancement are:

5369 (i) reasonable; and

5370 (ii) separately stated on the invoice or other statement of price provided to the
5371 purchaser.

5372 (81) (a) "Private communication service" means a telecommunications service:

5373 (i) that entitles a customer to exclusive or priority use of one or more communications
5374 channels between or among termination points; and

5375 (ii) regardless of the manner in which the one or more communications channels are
5376 connected.

5377 (b) "Private communications service" includes the following provided in connection
5378 with the use of one or more communications channels:

5379 (i) an extension line;

5380 (ii) a station;

5381 (iii) switching capacity; or
5382 (iv) another associated service that is provided in connection with the use of one or
5383 more communications channels as defined in Section 59-12-215.

5384 (82) (a) "Prosthetic device" means a device that is worn on or in the body to:

- 5385 (i) artificially replace a missing portion of the body;
- 5386 (ii) prevent or correct a physical deformity or physical malfunction; or
- 5387 (iii) support a weak or deformed portion of the body.

5388 (b) "Prosthetic device" includes:

- 5389 (i) parts used in the repairs or renovation of a prosthetic device;
- 5390 (ii) replacement parts for a prosthetic device;
- 5391 (iii) a dental prosthesis; or
- 5392 (iv) a hearing aid.

5393 (c) "Prosthetic device" does not include:

- 5394 (i) corrective eyeglasses; or
- 5395 (ii) contact lenses.

5396 (83) (a) "Protective equipment" means an item:

- 5397 (i) for human wear; and
- 5398 (ii) that is:
 - 5399 (A) designed as protection:
 - 5400 (I) to the wearer against injury or disease; or
 - 5401 (II) against damage or injury of other persons or property; and
 - 5402 (B) not suitable for general use.

5403 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5404 commission shall make rules:

- 5405 (i) listing the items that constitute "protective equipment"; and
- 5406 (ii) that are consistent with the list of items that constitute "protective equipment"
5407 under the agreement.

5408 (84) (a) For purposes of Subsection 59-12-104(41), "publication" means any written or
5409 printed matter, other than a photocopy:

- 5410 (i) regardless of:
 - 5411 (A) characteristics;

- 5412 (B) copyright;
- 5413 (C) form;
- 5414 (D) format;
- 5415 (E) method of reproduction; or
- 5416 (F) source; and
- 5417 (ii) made available in printed or electronic format.
- 5418 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5419 commission may by rule define the term "photocopy."
- 5420 (85) (a) "Purchase price" and "sales price" mean the total amount of consideration:
- 5421 (i) valued in money; and
- 5422 (ii) for which tangible personal property, a product transferred electronically, or
- 5423 services are:
 - 5424 (A) sold;
 - 5425 (B) leased; or
 - 5426 (C) rented.
- 5427 (b) "Purchase price" and "sales price" include:
- 5428 (i) the seller's cost of the tangible personal property, a product transferred
- 5429 electronically, or services sold;
- 5430 (ii) expenses of the seller, including:
 - 5431 (A) the cost of materials used;
 - 5432 (B) a labor cost;
 - 5433 (C) a service cost;
 - 5434 (D) interest;
 - 5435 (E) a loss;
 - 5436 (F) the cost of transportation to the seller; or
 - 5437 (G) a tax imposed on the seller;
- 5438 (iii) a charge by the seller for any service necessary to complete the sale; or
- 5439 (iv) consideration a seller receives from a person other than the purchaser if:
 - 5440 (A) (I) the seller actually receives consideration from a person other than the purchaser;
 - 5441 and
 - 5442 (II) the consideration described in Subsection (85)(b)(iv)(A)(I) is directly related to a

5443 price reduction or discount on the sale;

5444 (B) the seller has an obligation to pass the price reduction or discount through to the
5445 purchaser;

5446 (C) the amount of the consideration attributable to the sale is fixed and determinable by
5447 the seller at the time of the sale to the purchaser; and

5448 (D) (I) (Aa) the purchaser presents a certificate, coupon, or other documentation to the
5449 seller to claim a price reduction or discount; and

5450 (Bb) a person other than the seller authorizes, distributes, or grants the certificate,
5451 coupon, or other documentation with the understanding that the person other than the seller
5452 will reimburse any seller to whom the certificate, coupon, or other documentation is presented;

5453 (II) the purchaser identifies that purchaser to the seller as a member of a group or
5454 organization allowed a price reduction or discount, except that a preferred customer card that is
5455 available to any patron of a seller does not constitute membership in a group or organization
5456 allowed a price reduction or discount; or

5457 (III) the price reduction or discount is identified as a third party price reduction or
5458 discount on the:

5459 (Aa) invoice the purchaser receives; or

5460 (Bb) certificate, coupon, or other documentation the purchaser presents.

5461 (c) "Purchase price" and "sales price" do not include:

5462 (i) a discount:

5463 (A) in a form including:

5464 (I) cash;

5465 (II) term; or

5466 (III) coupon;

5467 (B) that is allowed by a seller;

5468 (C) taken by a purchaser on a sale; and

5469 (D) that is not reimbursed by a third party; or

5470 (ii) the following if separately stated on an invoice, bill of sale, or similar document
5471 provided to the purchaser:

5472 (A) the following from credit extended on the sale of tangible personal property or
5473 services:

- 5474 (I) a carrying charge;
- 5475 (II) a financing charge; or
- 5476 (III) an interest charge;
- 5477 (B) a delivery charge;
- 5478 (C) an installation charge;
- 5479 (D) a manufacturer rebate on a motor vehicle; or
- 5480 (E) a tax or fee legally imposed directly on the consumer.
- 5481 (86) "Purchaser" means a person to whom:
- 5482 (a) a sale of tangible personal property is made;
- 5483 (b) a product is transferred electronically; or
- 5484 (c) a service is furnished.
- 5485 (87) "Regularly rented" means:
- 5486 (a) rented to a guest for value three or more times during a calendar year; or
- 5487 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 5488 value.
- 5489 (88) "Renewable energy" means:
- 5490 (a) biomass energy;
- 5491 (b) hydroelectric energy;
- 5492 (c) geothermal energy;
- 5493 (d) solar energy; or
- 5494 (e) wind energy.
- 5495 (89) (a) "Renewable energy production facility" means a facility that:
- 5496 (i) uses renewable energy to produce electricity; and
- 5497 (ii) has a production capacity of 20 kilowatts or greater.
- 5498 (b) A facility is a renewable energy production facility regardless of whether the
- 5499 facility is:
- 5500 (i) connected to an electric grid; or
- 5501 (ii) located on the premises of an electricity consumer.
- 5502 (90) "Rental" is as defined in Subsection (50).
- 5503 (91) "Repairs or renovations of tangible personal property" means:
- 5504 (a) a repair or renovation of tangible personal property that is not permanently attached

5505 to real property; or

5506 (b) attaching tangible personal property or a product that is transferred electronically to
5507 other tangible personal property if the other tangible personal property to which the tangible
5508 personal property or product that is transferred electronically is attached is not permanently
5509 attached to real property.

5510 (92) "Research and development" means the process of inquiry or experimentation
5511 aimed at the discovery of facts, devices, technologies, or applications and the process of
5512 preparing those devices, technologies, or applications for marketing.

5513 (93) (a) "Residential telecommunications services" means a telecommunications
5514 service or an ancillary service that is provided to an individual for personal use:

5515 (i) at a residential address; or

5516 (ii) at an institution, including a nursing home or a school, if the telecommunications
5517 service or ancillary service is provided to and paid for by the individual residing at the
5518 institution rather than the institution.

5519 (b) For purposes of Subsection (93)(a), a residential address includes an:

5520 (i) apartment; or

5521 (ii) other individual dwelling unit.

5522 (94) "Residential use" means the use in or around a home, apartment building, sleeping
5523 quarters, and similar facilities or accommodations.

5524 (95) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other
5525 than:

5526 (a) resale;

5527 (b) sublease; or

5528 (c) subrent.

5529 (96) (a) "Retailer" means any person engaged in a regularly organized business in
5530 tangible personal property or any other taxable transaction under Subsection 59-12-103(1), and
5531 who is selling to the user or consumer and not for resale.

5532 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
5533 engaged in the business of selling to users or consumers within the state.

5534 (97) (a) "Sale" means any transfer of title, exchange, or barter, conditional or
5535 otherwise, in any manner, of tangible personal property or any other taxable transaction under

5536 Subsection 59-12-103(1), for consideration.

5537 (b) "Sale" includes:

5538 (i) installment and credit sales;

5539 (ii) any closed transaction constituting a sale;

5540 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
5541 chapter;

5542 (iv) any transaction if the possession of property is transferred but the seller retains the
5543 title as security for the payment of the price; and

5544 (v) any transaction under which right to possession, operation, or use of any article of
5545 tangible personal property is granted under a lease or contract and the transfer of possession
5546 would be taxable if an outright sale were made.

5547 (98) "Sale at retail" is as defined in Subsection (95).

5548 (99) "Sale-leaseback transaction" means a transaction by which title to tangible
5549 personal property or a product transferred electronically that is subject to a tax under this
5550 chapter is transferred:

5551 (a) by a purchaser-lessee;

5552 (b) to a lessor;

5553 (c) for consideration; and

5554 (d) if:

5555 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase
5556 of the tangible personal property or product transferred electronically;

5557 (ii) the sale of the tangible personal property or product transferred electronically to the
5558 lessor is intended as a form of financing:

5559 (A) for the tangible personal property or product transferred electronically; and

5560 (B) to the purchaser-lessee; and

5561 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee
5562 is required to:

5563 (A) capitalize the tangible personal property or product transferred electronically for
5564 financial reporting purposes; and

5565 (B) account for the lease payments as payments made under a financing arrangement.

5566 (100) "Sales price" is as defined in Subsection (85).

5567 (101) (a) "Sales relating to schools" means the following sales by, amounts paid to, or
5568 amounts charged by a school:

5569 (i) sales that are directly related to the school's educational functions or activities
5570 including:

5571 (A) the sale of:

5572 (I) textbooks;

5573 (II) textbook fees;

5574 (III) laboratory fees;

5575 (IV) laboratory supplies; or

5576 (V) safety equipment;

5577 (B) the sale of a uniform, protective equipment, or sports or recreational equipment
5578 that:

5579 (I) a student is specifically required to wear as a condition of participation in a
5580 school-related event or school-related activity; and

5581 (II) is not readily adaptable to general or continued usage to the extent that it takes the
5582 place of ordinary clothing;

5583 (C) sales of the following if the net or gross revenues generated by the sales are
5584 deposited into a school district fund or school fund dedicated to school meals:

5585 (I) food and food ingredients; or

5586 (II) prepared food; or

5587 (D) transportation charges for official school activities; or

5588 (ii) amounts paid to or amounts charged by a school for admission to a school-related
5589 event or school-related activity.

5590 (b) "Sales relating to schools" does not include:

5591 (i) bookstore sales of items that are not educational materials or supplies;

5592 (ii) except as provided in Subsection (101)(a)(i)(B):

5593 (A) clothing;

5594 (B) clothing accessories or equipment;

5595 (C) protective equipment; or

5596 (D) sports or recreational equipment; or

5597 (iii) amounts paid to or amounts charged by a school for admission to a school-related

5598 event or school-related activity if the amounts paid or charged are passed through to a person:

5599 (A) other than a:

5600 (I) school;

5601 (II) nonprofit organization authorized by a school board or a governing body of a

5602 private school to organize and direct a competitive secondary school activity; or

5603 (III) nonprofit association authorized by a school board or a governing body of a

5604 private school to organize and direct a competitive secondary school activity; and

5605 (B) that is required to collect sales and use taxes under this chapter.

5606 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

5607 commission may make rules defining the term "passed through."

5608 (102) For purposes of this section and Section 59-12-104, "school":

5609 (a) means:

5610 (i) an elementary school or a secondary school that:

5611 (A) is a:

5612 (I) public school; or

5613 (II) private school; and

5614 (B) provides instruction for one or more grades kindergarten through 12; or

5615 (ii) a public school district; and

5616 (b) includes the Electronic High School as defined in Section 53A-15-1002.

5617 (103) "Seller" means a person that makes a sale, lease, or rental of:

5618 (a) tangible personal property;

5619 (b) a product transferred electronically; or

5620 (c) a service.

5621 (104) (a) "Semiconductor fabricating, processing, research, or development materials"

5622 means tangible personal property or a product transferred electronically if the tangible personal

5623 property or product transferred electronically is:

5624 (i) used primarily in the process of:

5625 (A) (I) manufacturing a semiconductor;

5626 (II) fabricating a semiconductor; or

5627 (III) research or development of a:

5628 (Aa) semiconductor; or

- 5629 (Bb) semiconductor manufacturing process; or
- 5630 (B) maintaining an environment suitable for a semiconductor; or
- 5631 (ii) consumed primarily in the process of:
- 5632 (A) (I) manufacturing a semiconductor;
- 5633 (II) fabricating a semiconductor; or
- 5634 (III) research or development of a:
- 5635 (Aa) semiconductor; or
- 5636 (Bb) semiconductor manufacturing process; or
- 5637 (B) maintaining an environment suitable for a semiconductor.
- 5638 (b) "Semiconductor fabricating, processing, research, or development materials"
- 5639 includes:
- 5640 (i) parts used in the repairs or renovations of tangible personal property or a product
- 5641 transferred electronically described in Subsection (104)(a); or
- 5642 (ii) a chemical, catalyst, or other material used to:
- 5643 (A) produce or induce in a semiconductor a:
- 5644 (I) chemical change; or
- 5645 (II) physical change;
- 5646 (B) remove impurities from a semiconductor; or
- 5647 (C) improve the marketable condition of a semiconductor.
- 5648 (105) "Senior citizen center" means a facility having the primary purpose of providing
- 5649 services to the aged as defined in Section 62A-3-101.
- 5650 (106) "Simplified electronic return" means the electronic return:
- 5651 (a) described in Section 318(C) of the agreement; and
- 5652 (b) approved by the governing board of the agreement.
- 5653 (107) "Solar energy" means the sun used as the sole source of energy for producing
- 5654 electricity.
- 5655 (108) (a) "Sports or recreational equipment" means an item:
- 5656 (i) designed for human use; and
- 5657 (ii) that is:
- 5658 (A) worn in conjunction with:
- 5659 (I) an athletic activity; or

- 5660 (II) a recreational activity; and
- 5661 (B) not suitable for general use.
- 5662 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5663 commission shall make rules:
 - 5664 (i) listing the items that constitute "sports or recreational equipment"; and
 - 5665 (ii) that are consistent with the list of items that constitute "sports or recreational
 - 5666 equipment" under the agreement.
- 5667 (109) "State" means the state of Utah, its departments, and agencies.
- 5668 (110) "Storage" means any keeping or retention of tangible personal property or any
- 5669 other taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
- 5670 sale in the regular course of business.
- 5671 (111) (a) Except as provided in Subsection (111)(d) or (e), "tangible personal property"
- 5672 means personal property that:
 - 5673 (i) may be:
 - 5674 (A) seen;
 - 5675 (B) weighed;
 - 5676 (C) measured;
 - 5677 (D) felt; or
 - 5678 (E) touched; or
 - 5679 (ii) is in any manner perceptible to the senses.
- 5680 (b) "Tangible personal property" includes:
 - 5681 (i) electricity;
 - 5682 (ii) water;
 - 5683 (iii) gas;
 - 5684 (iv) steam; or
 - 5685 (v) prewritten computer software.
- 5686 (c) "Tangible personal property" includes the following regardless of whether the item
- 5687 is attached to real property:
 - 5688 (i) a dishwasher;
 - 5689 (ii) a dryer;
 - 5690 (iii) a freezer;

5691 (iv) a microwave;
5692 (v) a refrigerator;
5693 (vi) a stove;
5694 (vii) a washer; or
5695 (viii) an item similar to Subsections (111)(c)(i) through (vii) as determined by the
5696 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
5697 Rulemaking Act.

5698 (d) "Tangible personal property" does not include a product that is transferred
5699 electronically.

5700 (e) "Tangible personal property" does not include the following if attached to real
5701 property, regardless of whether the attachment to real property is only through a line that
5702 supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the
5703 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
5704 Rulemaking Act:

- 5705 (i) a hot water heater;
- 5706 (ii) a water filtration system; or
- 5707 (iii) a water softener system.

5708 (112) "Tar sands" means impregnated sands that yield mixtures of liquid hydrocarbon
5709 and require further processing other than mechanical blending before becoming finished
5710 petroleum products.

5711 (113) (a) "Telecommunications enabling or facilitating equipment, machinery, or
5712 software" means an item listed in Subsection (113)(b) if that item is purchased or leased
5713 primarily to enable or facilitate one or more of the following to function:

- 5714 (i) telecommunications switching or routing equipment, machinery, or software; or
- 5715 (ii) telecommunications transmission equipment, machinery, or software.

5716 (b) The following apply to Subsection (113)(a):

- 5717 (i) a pole;
- 5718 (ii) software;
- 5719 (iii) a supplementary power supply;
- 5720 (iv) temperature or environmental equipment or machinery;
- 5721 (v) test equipment;

5722 (vi) a tower; or
5723 (vii) equipment, machinery, or software that functions similarly to an item listed in
5724 Subsections (113)(b)(i) through (vi) as determined by the commission by rule made in
5725 accordance with Subsection (113)(c).

5726 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5727 commission may by rule define what constitutes equipment, machinery, or software that
5728 functions similarly to an item listed in Subsections (113)(b)(i) through (vi).

5729 (114) "Telecommunications equipment, machinery, or software required for 911
5730 service" means equipment, machinery, or software that is required to comply with 47 C.F.R.
5731 Sec. 20.18.

5732 (115) "Telecommunications maintenance or repair equipment, machinery, or software"
5733 means equipment, machinery, or software purchased or leased primarily to maintain or repair
5734 one or more of the following, regardless of whether the equipment, machinery, or software is
5735 purchased or leased as a spare part or as an upgrade or modification to one or more of the
5736 following:

- 5737 (a) telecommunications enabling or facilitating equipment, machinery, or software;
- 5738 (b) telecommunications switching or routing equipment, machinery, or software; or
- 5739 (c) telecommunications transmission equipment, machinery, or software.

5740 (116) (a) "Telecommunications service" means the electronic conveyance, routing, or
5741 transmission of audio, data, video, voice, or any other information or signal to a point, or
5742 among or between points.

5743 (b) "Telecommunications service" includes:

5744 (i) an electronic conveyance, routing, or transmission with respect to which a computer
5745 processing application is used to act:

- 5746 (A) on the code, form, or protocol of the content;
- 5747 (B) for the purpose of electronic conveyance, routing, or transmission; and
- 5748 (C) regardless of whether the service:

5749 (I) is referred to as voice over Internet protocol service; or

5750 (II) is classified by the Federal Communications Commission as enhanced or value
5751 added;

5752 (ii) an 800 service;

- 5753 (iii) a 900 service;
- 5754 (iv) a fixed wireless service;
- 5755 (v) a mobile wireless service;
- 5756 (vi) a postpaid calling service;
- 5757 (vii) a prepaid calling service;
- 5758 (viii) a prepaid wireless calling service; or
- 5759 (ix) a private communications service.
- 5760 (c) "Telecommunications service" does not include:
- 5761 (i) advertising, including directory advertising;
- 5762 (ii) an ancillary service;
- 5763 (iii) a billing and collection service provided to a third party;
- 5764 (iv) a data processing and information service if:
- 5765 (A) the data processing and information service allows data to be:
- 5766 (I) (Aa) acquired;
- 5767 (Bb) generated;
- 5768 (Cc) processed;
- 5769 (Dd) retrieved; or
- 5770 (Ee) stored; and
- 5771 (II) delivered by an electronic transmission to a purchaser; and
- 5772 (B) the purchaser's primary purpose for the underlying transaction is the processed data
- 5773 or information;
- 5774 (v) installation or maintenance of the following on a customer's premises:
- 5775 (A) equipment; or
- 5776 (B) wiring;
- 5777 (vi) Internet access service;
- 5778 (vii) a paging service;
- 5779 (viii) a product transferred electronically, including:
- 5780 (A) music;
- 5781 (B) reading material;
- 5782 (C) a ring tone;
- 5783 (D) software; or

- 5784 (E) video;
- 5785 (ix) a radio and television audio and video programming service:
- 5786 (A) regardless of the medium; and
- 5787 (B) including:
- 5788 (I) furnishing conveyance, routing, or transmission of a television audio and video
- 5789 programming service by a programming service provider;
- 5790 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
- 5791 (III) audio and video programming services delivered by a commercial mobile radio
- 5792 service provider as defined in 47 C.F.R. Sec. 20.3;
- 5793 (x) a value-added nonvoice data service; or
- 5794 (xi) tangible personal property.
- 5795 (117) (a) "Telecommunications service provider" means a person that:
- 5796 (i) owns, controls, operates, or manages a telecommunications service; and
- 5797 (ii) engages in an activity described in Subsection (117)(a)(i) for the shared use with or
- 5798 resale to any person of the telecommunications service.
- 5799 (b) A person described in Subsection (117)(a) is a telecommunications service provider
- 5800 whether or not the Public Service Commission of Utah regulates:
- 5801 (i) that person; or
- 5802 (ii) the telecommunications service that the person owns, controls, operates, or
- 5803 manages.
- 5804 (118) (a) "Telecommunications switching or routing equipment, machinery, or
- 5805 software" means an item listed in Subsection (118)(b) if that item is purchased or leased
- 5806 primarily for switching or routing:
- 5807 (i) an ancillary service;
- 5808 (ii) data communications;
- 5809 (iii) voice communications; or
- 5810 (iv) telecommunications service.
- 5811 (b) The following apply to Subsection (118)(a):
- 5812 (i) a bridge;
- 5813 (ii) a computer;
- 5814 (iii) a cross connect;

- 5815 (iv) a modem;
- 5816 (v) a multiplexer;
- 5817 (vi) plug in circuitry;
- 5818 (vii) a router;
- 5819 (viii) software;
- 5820 (ix) a switch; or
- 5821 (x) equipment, machinery, or software that functions similarly to an item listed in

5822 Subsections (118)(b)(i) through (ix) as determined by the commission by rule made in
5823 accordance with Subsection (118)(c).

5824 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5825 commission may by rule define what constitutes equipment, machinery, or software that
5826 functions similarly to an item listed in Subsections (118)(b)(i) through (ix).

5827 (119) (a) "Telecommunications transmission equipment, machinery, or software"
5828 means an item listed in Subsection (119)(b) if that item is purchased or leased primarily for
5829 sending, receiving, or transporting:

- 5830 (i) an ancillary service;
- 5831 (ii) data communications;
- 5832 (iii) voice communications; or
- 5833 (iv) telecommunications service.

5834 (b) The following apply to Subsection (119)(a):

- 5835 (i) an amplifier;
- 5836 (ii) a cable;
- 5837 (iii) a closure;
- 5838 (iv) a conduit;
- 5839 (v) a controller;
- 5840 (vi) a duplexer;
- 5841 (vii) a filter;
- 5842 (viii) an input device;
- 5843 (ix) an input/output device;
- 5844 (x) an insulator;
- 5845 (xi) microwave machinery or equipment;

5846 (xii) an oscillator;
5847 (xiii) an output device;
5848 (xiv) a pedestal;
5849 (xv) a power converter;
5850 (xvi) a power supply;
5851 (xvii) a radio channel;
5852 (xviii) a radio receiver;
5853 (xix) a radio transmitter;
5854 (xx) a repeater;
5855 (xxi) software;
5856 (xxii) a terminal;
5857 (xxiii) a timing unit;
5858 (xxiv) a transformer;
5859 (xxv) a wire; or
5860 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
5861 Subsections (119)(b)(i) through (xxv) as determined by the commission by rule made in
5862 accordance with Subsection (119)(c).

5863 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5864 commission may by rule define what constitutes equipment, machinery, or software that
5865 functions similarly to an item listed in Subsections (119)(b)(i) through (xxv).

5866 (120) "Tobacco" means:

- 5867 (a) a cigarette;
- 5868 (b) a cigar;
- 5869 (c) chewing tobacco;
- 5870 (d) pipe tobacco; or
- 5871 (e) any other item that contains tobacco.

5872 (121) "Unassisted amusement device" means an amusement device, skill device, or
5873 ride device that is started and stopped by the purchaser or renter of the right to use or operate
5874 the amusement device, skill device, or ride device.

5875 (122) (a) "Use" means the exercise of any right or power over tangible personal
5876 property, a product transferred electronically, or a service under Subsection 59-12-103(1),

5877 incident to the ownership or the leasing of that tangible personal property, product transferred
5878 electronically, or service.

5879 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
5880 property, a product transferred electronically, or a service in the regular course of business and
5881 held for resale.

5882 (123) "Value-added nonvoice data service" means a service:

5883 (a) that otherwise meets the definition of a telecommunications service except that a
5884 computer processing application is used to act primarily for a purpose other than conveyance,
5885 routing, or transmission; and

5886 (b) with respect to which a computer processing application is used to act on data or
5887 information:

- 5888 (i) code;
- 5889 (ii) content;
- 5890 (iii) form; or
- 5891 (iv) protocol.

5892 (124) (a) Subject to Subsection (124)(b), "vehicle" means the following that are
5893 required to be titled, registered, or titled and registered:

- 5894 (i) an aircraft as defined in Section 72-10-102;
- 5895 (ii) a vehicle as defined in Section 41-1a-102;
- 5896 (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 5897 (iv) a vessel as defined in Section 41-1a-102.

5898 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:

- 5899 (i) a vehicle described in Subsection (124)(a); or
- 5900 (ii) (A) a locomotive;
- 5901 (B) a freight car;
- 5902 (C) railroad work equipment; or
- 5903 (D) other railroad rolling stock.

5904 (125) "Vehicle dealer" means a person engaged in the business of buying, selling, or
5905 exchanging a vehicle as defined in Subsection (124).

5906 (126) (a) "Vertical service" means an ancillary service that:

- 5907 (i) is offered in connection with one or more telecommunications services; and

5908 (ii) offers an advanced calling feature that allows a customer to:

5909 (A) identify a caller; and

5910 (B) manage multiple calls and call connections.

5911 (b) "Vertical service" includes an ancillary service that allows a customer to manage a

5912 conference bridging service.

5913 (127) (a) "Voice mail service" means an ancillary service that enables a customer to

5914 receive, send, or store a recorded message.

5915 (b) "Voice mail service" does not include a vertical service that a customer is required

5916 to have in order to utilize a voice mail service.

5917 (128) (a) Except as provided in Subsection (128)(b), "waste energy facility" means a

5918 facility that generates electricity:

5919 (i) using as the primary source of energy waste materials that would be placed in a

5920 landfill or refuse pit if it were not used to generate electricity, including:

5921 (A) tires;

5922 (B) waste coal; or

5923 (C) oil shale; and

5924 (ii) in amounts greater than actually required for the operation of the facility.

5925 (b) "Waste energy facility" does not include a facility that incinerates:

5926 (i) municipal solid waste;

5927 (ii) hospital waste as defined in 40 C.F.R. 60.51c; or

5928 (iii) medical/infectious waste as defined in 40 C.F.R. 60.51c.

5929 (129) "Watercraft" means a vessel as defined in Section 73-18-2.

5930 (130) "Wind energy" means wind used as the sole source of energy to produce

5931 electricity.

5932 (131) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic

5933 location by the United States Postal Service.

5934 Section 127. Section **63A-5-206** is amended to read:

5935 **63A-5-206. Construction, alteration, and repair of state facilities -- Powers of**

5936 **director -- Exceptions -- Expenditure of appropriations -- Notification to local**

5937 **governments for construction or modification of certain facilities.**

5938 (1) As used in this section:

5939 (a) "Capital developments" and "capital improvements" have the same meaning as
5940 provided in Section 63A-5-104.

5941 (b) "Compliance agency" has the same meaning as provided in [~~Subsection 58-56-3(4)~~]
5942 Section 15A-1-202.

5943 (c) (i) "Facility" means any building, structure, or other improvement that is
5944 constructed on property owned by the state, its departments, commissions, institutions, or
5945 agencies.

5946 (ii) "Facility" does not mean an unoccupied structure that is a component of the state
5947 highway system.

5948 (d) "Life cycle cost-effective" means, as provided for in rules adopted by the State
5949 Building Board, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
5950 Act, the most prudent cost of owning and operating a facility, including the initial cost, energy
5951 costs, operation and maintenance costs, repair costs, and the costs of energy conservation and
5952 renewable energy systems.

5953 (e) "Local government" means the county, municipality, or local school district that
5954 would have jurisdiction to act as the compliance agency if the property on which the project is
5955 being constructed were not owned by the state.

5956 (f) "Renewable energy system" means a system designed to use solar, wind, geothermal
5957 power, wood, or other replenishable energy source to heat, cool, or provide electricity to a
5958 building.

5959 (2) (a) (i) Except as provided in Subsections (3) and (4), the director shall exercise
5960 direct supervision over the design and construction of all new facilities, and all alterations,
5961 repairs, and improvements to existing facilities if the total project construction cost, regardless
5962 of the funding source, is greater than \$100,000, unless there is memorandum of understanding
5963 between the director and an institution of higher education that permits the institution of higher
5964 education to exercise direct supervision for a project with a total project construction cost of
5965 not greater than \$250,000.

5966 (ii) A state entity may exercise direct supervision over the design and construction of
5967 all new facilities, and all alterations, repairs, and improvements to existing facilities if:

5968 (A) the total project construction cost, regardless of the funding sources, is \$100,000 or
5969 less; and

5970 (B) the state entity assures compliance with the division's forms and contracts and the
5971 division's design, construction, alteration, repair, improvements, and code inspection standards.

5972 (b) The director shall prepare or have prepared by private firms or individuals designs,
5973 plans, and specifications for the projects administered by the division.

5974 (c) Before proceeding with construction, the director and the officials charged with the
5975 administration of the affairs of the particular department, commission, institution, or agency
5976 shall approve the location, design, plans, and specifications.

5977 (3) Projects for the construction of new facilities and alterations, repairs, and
5978 improvements to existing facilities are not subject to Subsection (2) if the project:

5979 (a) occurs on property under the jurisdiction of the State Capitol Preservation Board;

5980 (b) is within a designated research park at the University of Utah or Utah State
5981 University;

5982 (c) occurs within the boundaries of This is the Place State Park and is administered by
5983 This is the Place Foundation except that This is the Place Foundation may request the director
5984 to administer the design and construction; or

5985 (d) is for the creation and installation of art under Title 9, Chapter 6, Part 4, Utah
5986 Percent-for-Art Act.

5987 (4) (a) (i) The State Building Board may authorize the delegation of control over
5988 design, construction, and all other aspects of any project to entities of state government on a
5989 project-by-project basis or for projects within a particular dollar range and a particular project
5990 type.

5991 (ii) The state entity to whom control is delegated shall assume fiduciary control over
5992 project finances, shall assume all responsibility for project budgets and expenditures, and shall
5993 receive all funds appropriated for the project, including any contingency funds contained in the
5994 appropriated project budget.

5995 (iii) Delegation of project control does not exempt the state entity from complying with
5996 the codes and guidelines for design and construction adopted by the division and the State
5997 Building Board.

5998 (iv) State entities that receive a delegated project may not access, for the delegated
5999 project, the division's statewide contingency reserve and project reserve authorized in Section
6000 63A-5-209.

6001 (b) For facilities that will be owned, operated, maintained, and repaired by an entity
6002 that is not a state agency or institution and that are located on state property, the State Building
6003 Board may authorize the owner to administer the design and construction of the project instead
6004 of the division.

6005 (5) Notwithstanding any other provision of this section, if a donor donates land to an
6006 eligible institution of higher education and commits to build a building or buildings on that
6007 land, and the institution agrees to provide funds for the operations and maintenance costs from
6008 sources other than state funds, and agrees that the building or buildings will not be eligible for
6009 state capital improvement funding, the higher education institution may:

6010 (a) oversee and manage the construction without involvement, oversight, or
6011 management from the division; or

6012 (b) arrange for management of the project by the division.

6013 (6) (a) The role of compliance agency as provided in [~~Title 58, Chapter 56, Utah~~
6014 ~~Uniform Building Standards Act~~] Title 15A, State Construction and Fire Codes Act, shall be
6015 provided by:

6016 (i) the director, for projects administered by the division;

6017 (ii) the entity designated by the State Capitol Preservation Board, for projects under
6018 Subsection (3)(a);

6019 (iii) the local government, for projects exempt from the division's administration under
6020 Subsection (3)(b) or administered by This is the Place Foundation under Subsection (3)(c);

6021 (iv) the state entity or local government designated by the State Building Board, for
6022 projects under Subsection (4); or

6023 (v) the institution, for projects exempt from the division's administration under
6024 Subsection (5)(a).

6025 (b) For the installation of art under Subsection (3)(d), the role of compliance agency
6026 shall be provided by the entity that is acting in this capacity for the balance of the project as
6027 provided in Subsection (6)(a).

6028 (c) The local government acting as the compliance agency under Subsection (6)(a)(iii)
6029 may:

6030 (i) only review plans and inspect construction to enforce the [~~building codes as adopted~~
6031 ~~by the Uniform Building Codes Commission~~] State Construction Code or an approved code

6032 under Title 15A, State Construction and Fire Codes Act; and

6033 (ii) charge a building permit fee of no more than the amount it could have charged if
6034 the land upon which the improvements are located were not owned by the state.

6035 (d) (i) The use of state property and any improvements constructed on state property,
6036 including improvements constructed by nonstate entities, is not subject to the zoning authority
6037 of local governments as provided in Sections 10-9a-304 and 17-27a-304.

6038 (ii) The state entity controlling the use of the state property shall consider any input
6039 received from the local government in determining how the property shall be used.

6040 (7) Before construction may begin, the director shall review the design of projects
6041 exempted from the division's administration under Subsection (4) to determine if the design:

6042 (a) complies with any restrictions placed on the project by the State Building Board;
6043 and

6044 (b) is appropriate for the purpose and setting of the project.

6045 (8) The director shall ensure that state-owned facilities, except for facilities under the
6046 control of the State Capitol Preservation Board, are life cycle cost-effective.

6047 (9) The director may expend appropriations for statewide projects from funds provided
6048 by the Legislature for those specific purposes and within guidelines established by the State
6049 Building Board.

6050 (10) (a) The director, with the approval of the Office of Legislative Fiscal Analyst,
6051 shall develop standard forms to present capital development and capital improvement cost
6052 summary data.

6053 (b) The director shall:

6054 (i) within 30 days after the completion of each capital development project, submit cost
6055 summary data for the project on the standard form to the Office of Legislative Fiscal Analyst;
6056 and

6057 (ii) upon request, submit cost summary data for a capital improvement project to the
6058 Office of Legislative Fiscal Analyst on the standard form.

6059 (11) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures
6060 Act, the director may:

6061 (a) accelerate the design of projects funded by any appropriation act passed by the
6062 Legislature in its annual general session;

6063 (b) use any unencumbered existing account balances to fund that design work; and
6064 (c) reimburse those account balances from the amount funded for those projects when
6065 the appropriation act funding the project becomes effective.

6066 (12) (a) The director, the director's designee, or the state entity to whom control has
6067 been designated under Subsection (4), shall notify in writing the elected representatives of local
6068 government entities directly and substantively affected by any diagnostic, treatment, parole,
6069 probation, or other secured facility project exceeding \$250,000, if:

6070 (i) the nature of the project has been significantly altered since prior notification;

6071 (ii) the project would significantly change the nature of the functions presently
6072 conducted at the location; or

6073 (iii) the project is new construction.

6074 (b) At the request of either the state entity or the local government entity,
6075 representatives from the state entity and the affected local entity shall conduct or participate in
6076 a local public hearing or hearings to discuss these issues.

6077 (13) (a) (i) Before beginning the construction of student housing on property owned by
6078 the state or a public institution of higher education, the director shall provide written notice of
6079 the proposed construction, as provided in Subsection (13)(a)(ii), if any of the proposed student
6080 housing buildings is within 300 feet of privately owned residential property.

6081 (ii) Each notice under Subsection (13)(a)(i) shall be provided to the legislative body
6082 and, if applicable, the mayor of:

6083 (A) the county in whose unincorporated area the privately owned residential property is
6084 located; or

6085 (B) the municipality in whose boundaries the privately owned residential property is
6086 located.

6087 (b) (i) Within 21 days after receiving the notice required by Subsection (13)(a)(i), a
6088 county or municipality entitled to the notice may submit a written request to the director for a
6089 public hearing on the proposed student housing construction.

6090 (ii) If a county or municipality requests a hearing under Subsection (13)(b)(i), the
6091 director and the county or municipality shall jointly hold a public hearing to provide
6092 information to the public and to allow the director and the county or municipality to receive
6093 input from the public about the proposed student housing construction.

6094 Section 128. Section **70D-2-102** is amended to read:

6095 **70D-2-102. Definitions.**

6096 As used in this chapter:

6097 (1) (a) Except as provided in Subsection (1)(b), "broker" means a person who in the
6098 regular course of business assists a person in obtaining a mortgage loan for a fee or other
6099 consideration paid directly or indirectly.

6100 (b) "Broker" does not include a person solely because of the person's:

6101 (i) real estate brokerage activities; or

6102 (ii) activities as an attorney licensed to practice law in this state who, in the course of
6103 the attorney's practice as an attorney, assists a person in obtaining a mortgage loan.

6104 (2) "Business as a lender, broker, or servicer" means a person who engages in an act for
6105 compensation or in the expectation of compensation that makes the person a lender, broker, or
6106 servicer.

6107 (3) (a) Except as provided in Subsection (3)(b), "lender" means a person who in the
6108 regular course of business originates a loan secured by a mortgage.

6109 (b) "Lender" does not include a person who:

6110 (i) as a seller only receives one or more mortgages as security for a purchase money
6111 obligation; or

6112 (ii) only receives a mortgage as security for an obligation:

6113 (A) payable on an installment or deferred payment basis; and

6114 (B) arising out of materials furnished or services rendered in the improvement of real
6115 property.

6116 (4) "Manufactured home" means a transportable factory built housing unit that:

6117 (a) is constructed:

6118 (i) on or after June 15, 1976, according to the National Manufactured Housing
6119 Construction and Safety Standards Act of 1974; and

6120 (ii) in one or more sections, which:

6121 (A) in the traveling mode, is eight body feet or more in width or 40 body feet or more
6122 in length; or

6123 (B) when erected on site, is 400 or more square feet;

6124 (b) is built on a permanent chassis;

6125 (c) is designed to be used as a dwelling with or without a permanent foundation when
6126 connected to the required utilities; and

6127 (d) includes the plumbing, heating, air-conditioning, and electrical systems.

6128 (5) "Mobile home" means a transportable factory built housing unit built before June
6129 15, 1976, in accordance with a state mobile home code that existed before the National
6130 Manufactured Housing Construction and Safety Standards Act of 1974.

6131 (6) "Permanently affixed" means anchored to, and supported by, a permanent
6132 foundation or installed in accordance with the manufactured housing installation standard code
6133 referred to in Section ~~[58-56-4]~~ 15A-1-202.

6134 (7) "Servicer" means a person who in the regular course of business assumes
6135 responsibility for servicing and accepting payments for a mortgage loan.

6136 Section 129. Section **73-3-1.5** is amended to read:

6137 **73-3-1.5. Capture and storage of precipitation.**

6138 (1) As used in this section, "parcel" means an identifiable contiguous unit of property
6139 that is treated as separate for valuation or zoning purposes and includes an improvement on
6140 that unit of property.

6141 (2) Notwithstanding Section 73-3-2, a person may:

6142 (a) directly capture and store precipitation on a parcel owned or leased by the person in
6143 accordance with Subsection (3) or (4); and

6144 (b) place the water captured and stored as provided in Subsection (2)(a) to beneficial
6145 use on the parcel on which the water is captured and stored.

6146 (3) If a person collects or stores precipitation in an underground storage container, the
6147 person may collect and store precipitation:

6148 (a) in only one underground storage container for a parcel if the underground storage
6149 container:

6150 (i) has a maximum capacity of no more than 2,500 gallons; and

6151 (ii) is installed in accordance with relevant ~~[building codes adopted under Title 58,~~
6152 ~~Chapter 56, Utah Uniform Building Standards Act]~~ provisions of the State Construction Code
6153 or an approved code under Title 15A, State Construction and Fire Codes Act; and

6154 (b) after registering for the capture and storage of precipitation in accordance with
6155 Subsection (5).

6156 (4) If a person collects or stores precipitation in a covered storage container, the person
6157 may collect and store precipitation in no more than two covered storage containers, if the
6158 maximum storage capacity of any one covered storage container is not greater than 100 gallons.

6159 (5) (a) The state engineer shall provide a website on which a person may register as
6160 required by Subsection (3).

6161 (b) To register, a person shall complete information required by the state engineer
6162 including the:

6163 (i) name and address of the person capturing or storing precipitation;

6164 (ii) total capacity of all containers storing precipitation; and

6165 (iii) street address or other suitable description of the location where precipitation is to
6166 be captured and stored.

6167 Section 130. **Repealer.**

6168 This bill repeals:

6169 Section **53-7-106, Adoption of state fire code.**

6170 Section **58-56-4, Adoption of state construction code -- Amendments -- Approval of**
6171 **other codes -- Exemptions.**

6172 Section **58-56-5, Uniform Building Code Commission -- Composition of**
6173 **commission -- Commission duties and responsibilities -- Unified Code Analysis Council.**

6174 Section **58-56-6, Codes -- Division duties and responsibilities.**

6175 Section **58-56-7, Code amendment process.**

6176 Section **58-56-8, Compliance with codes -- Responsibility for inspections --**
6177 **Appeals.**

6178 Section **58-56-11, Standards for specialized buildings.**

6179 Section **58-56-12, Factory built housing units.**

6180 Section **58-56-13, Modular units.**

6181 Section **58-56-14, Modification of factory built housing units and modular units.**

6182 Section **58-56-15, Factory built housing and modular units -- Division**
6183 **responsibility -- Unlawful conduct.**

6184 Section **58-56-19, Standardized building permit numbering.**

6185 Section **58-56-20, Standardized building permit content.**

6186 Section **58-56-21, Review of building inspection.**

6187 Section 131. **Effective date.**

6188 This bill takes effect on July 1, 2011.

6188a **↔** Section 132. Coordinating H.B. 203 with H.B. 260 -- Technically merging substantive
6188b amendments. If this H.B. 203, Codification of State Construction and Fire Codes, and H.B.
6188c 260, Mechanics' Liens Revisions, both pass, it is the intent of the Legislature that the Office of
6188d Legislative Research and General Counsel in preparing the Utah Code database for
6188e publication:
6188f (1) modify Subsection 15A-1-209(3)(b) to read:
6188g "(b) The standardized building permit form created under this Subsection (3) shall include
6188h fields for indicating the following information:
6188i (i) the name and address of the owner of the property on which the project will occur;
6188j (ii) the name and address of the contractor for the project;
6188k (iii) (A) the address of the project; or
6188l (B) a general description of the project;
6188m (iv) the county in which the property on which the project will occur is located;
6188n (v) the tax parcel identification number of the property; and
6188o (vi) whether the permit applicant is an original contractor or owner-builder."; and
6188p (2) change the citation in Subsection (3)(f)(ii) from "Subsection (3)(b)(iii)" to "Subsection
6188q (3)(b)(vi)." **↔**

Legislative Review Note
as of 11-22-10 8:39 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 203, 2011 General Session

SHORT TITLE: Codification of State Construction and Fire Codes

SPONSOR: Morley, M.

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.