

# HB0127S01 compared with HB0127

~~{deleted text}~~ shows text that was in HB0127 but was deleted in HB0127S01.

inserted text shows text that was not in HB0127 but was inserted into HB0127S01.

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Representative Jeremy A. Peterson proposes the following substitute bill:

## LOCAL LAND USE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends land use provisions in the municipal, county, and state construction code.

#### Highlighted Provisions:

This bill:

- ▶ defines ~~{terms}~~ "rental dwelling";
- ▶ prohibits, with certain exceptions, ~~{prohibits a municipality from requiring physical changes in a structure with a conforming rental housing use;~~
  - ~~prohibits, in certain circumstances, a municipality from requiring physical changes in an owner-occupied housing structure with a conforming or legal nonconforming use;~~
  - ~~amends the state construction code;~~

## HB0127S01 compared with HB0127

- ~~with certain exceptions, prohibits a~~ a municipality or county from requiring physical changes ~~{in}to a{ structure with a conforming or}~~ legal nonconforming rental ~~{housing}~~ dwelling use;
- ▶ prohibits ~~{, in certain circumstances, a}~~ a municipality or county from requiring physical changes ~~{in an owner-occupied housing structure with a conforming or legal nonconforming use; and~~
- ~~makes technical and conforming amendments}~~ to install an egress or emergency escape window in certain circumstances; and
- ▶ amends bedroom window egress provisions in the State Construction Code.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**10-9a-511**, as last amended by Laws of Utah 2012, Chapter 289

~~{~~ ~~**10-9a-513**~~, as last amended by Laws of Utah 2009, Chapters 170 and 233

~~}~~ **15A-3-202**, as last amended by Laws of Utah 2013, Chapter 297

~~{~~ ~~**17-27a-510**~~, as last amended by Laws of Utah 2009, Chapter 170

~~—~~ ~~**17-27a-512**~~, as last amended by Laws of Utah 2014, Chapter 189; ENACTS:

**10-9a-511.5**, Utah Code Annotated 1953

**17-27a-510.5**, Utah Code Annotated 1953

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

Section 1. Section **10-9a-511** is amended to read:

**10-9a-511. Nonconforming uses and noncomplying structures**~~{-- Certain requirements prohibited for conforming and nonconforming rental or owner-occupied housing.~~

~~—~~ (1) As used in this section:

~~—~~ (a) "Owner-occupied housing" means a structure or a portion of a structure that is used or designated for use as a primary residence by one or more persons and one of

## HB0127S01 compared with HB0127

~~those persons is the owner of the structure:~~

~~— (b) "Rental housing" means a structure or a portion of a structure that is:~~

~~— (i) used or designated for use as a primary residence by one or more persons other than the owner of the structure; and~~

~~— (ii) (A) available to be rented, loaned, leased, or hired out for a period of one month or longer; or~~

~~— (B) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.~~

~~— [(1)] (2);~~

(1) (a) Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.

(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

(c) For purposes of this Subsection ~~[(1)] [(2)]~~, the addition of a solar energy device to a building is not a structural alteration.

~~[(2)] [(3)]~~ The legislative body may provide for:

(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;

(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

(c) the termination of a nonconforming use due to its abandonment.

~~[(3)] [(4)]~~ (a) A municipality may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

(b) A municipality may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the

## HB0127S01 compared with HB0127

property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or

(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

(c) (i) Notwithstanding a prohibition in its zoning ordinance, a municipality may permit a billboard owner to relocate the billboard within the municipality's boundaries to a location that is mutually acceptable to the municipality and the billboard owner.

(ii) If the municipality and billboard owner cannot agree to a mutually acceptable location within 90 days after the owner submits a written request to relocate the billboard, the provisions of Subsection 10-9a-513(2)(a)(iv) apply.

~~§(4)§(5)~~ (a) Unless the municipality establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection ~~§(4)§(5)~~(c), and shall have the burden of establishing that any claimed abandonment under Subsection ~~§(4)§(5)~~(b) has not in fact occurred.

~~§(5)§(6)~~ A municipality may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

~~[(6)§(7)] A municipal ordinance adopted under Section 10-1-203.5 may not:~~

~~[(a) require physical changes in a structure with a {conforming or} legal~~

## HB0127S01 compared with HB0127

nonconforming rental housing use unless the change is for:

~~[(i) the reasonable installation of:]~~

~~[(A) a smoke detector that is plugged in or battery operated;]~~

~~[(B) a ground fault circuit interrupter protected outlet on existing wiring;]~~

~~[(C) street addressing;]~~

~~[(D) ~~{}~~ except as provided in ~~{}~~ subject to Subsection ~~{}~~(7) ~~{}~~(8), an egress bedroom window if the existing bedroom window is smaller than that required by current state building code;]~~

~~[(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;]~~

~~[(F) hand or guard rails; or]~~

~~[(G) occupancy separation doors as required by the International Residential Code; or]~~

~~[(ii) the abatement of a structure; or]~~

~~[(b) be enforced to terminate a legal nonconforming rental housing use.]~~

~~[(7) ~~{}~~(8) A municipality may not require a change described in Subsection ~~{}~~(6) ~~{}~~(7)(a)(i)(D) ~~{}~~ or (10) if the change:]~~

~~[(a) would compromise the structural integrity of a building; or]~~

~~[(b) could not be completed in accordance with current ~~{}~~ building ~~{}~~ state construction} codes, including set-back and window well requirements.]~~

~~[(8) ~~{}~~(9) A legal nonconforming rental housing use may not be terminated under Section 10-1-203.5. {~~

~~—— (10) A municipal land use ordinance may not require physical changes in an owner-occupied housing structure with a conforming or legal nonconforming use unless, subject to Subsection (8), the change is for an egress bedroom window if the existing bedroom window is smaller than that required by current state construction code.~~

~~}~~

Section 2. Section ~~{10-9a-513}~~ 10-9a-511.5 is ~~{amended}~~ enacted to read:

~~{10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboards to be rebuilt or replaced -- Validity of municipal permit after issuance of state permit.~~

## HB0127S01 compared with HB0127

- ~~—— (1) As used in this section:~~
- ~~—— (a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.~~
- ~~—— (b) "Highest allowable height" means:~~
  - ~~—— (i) if the height allowed by the municipality, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the municipality; or~~
  - ~~—— (ii) (A) for a noninterstate billboard:~~
    - ~~—— (I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or~~
    - ~~—— (II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and~~
  - ~~—— (B) for an interstate billboard:~~
    - ~~—— (I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or~~
    - ~~—— (II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.~~
- ~~—— (c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.~~
- ~~—— (d) "Interstate height" means a height that is the higher of:~~
  - ~~—— (i) 65 feet above the ground; and~~
  - ~~—— (ii) 25 feet above the grade of the interstate.~~
- ~~—— (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.~~
- ~~—— (f) "Visibility area" means the area on a street or highway that is:~~
  - ~~—— (i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and~~
  - ~~—— (ii) defined on the other end by a line extending across all lanes of traffic of the~~

## HB0127S01 compared with HB0127

~~street or highway in a plane that is:~~

- ~~—— (A) perpendicular to the street or highway; and~~
- ~~—— (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or~~
- ~~—— (II) for a noninterstate billboard, 300 feet from the base of the billboard.~~
- ~~—— (2) (a) A municipality is considered to have initiated the acquisition of a billboard structure by eminent domain if the municipality prevents a billboard owner from:~~

~~—— (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism;~~

~~—— (ii) 10-9a-511.5. Changes to dwellings -- Egress windows.~~

~~—— (1) For purposes of this section, "rental dwelling" means the same as that term is defined in Section 10-8-85.5.~~

~~—— (2) A municipal ordinance adopted under Section 10-1-203.5 may not:~~

~~—— (a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:~~

~~—— (i) the reasonable installation of:~~

~~—— (A) a smoke detector that is plugged in or battery operated;~~

~~—— (B) a ground fault circuit interrupter protected outlet on existing wiring;~~

~~—— (C) street addressing;~~

~~—— (D) except as provided in Subsection (2)(c), relocating or rebuilding a billboard structure, or taking other measures, to correct a mistake in the placement or erection of a billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;~~

~~—— (iii) structurally modifying or upgrading a billboard;~~

~~—— (iv) relocating a billboard into any commercial, industrial, or manufacturing zone within the municipality's boundaries, if:~~

~~—— (A) the relocated billboard is:~~

~~—— (I) within 5,280 feet of its previous location; and~~

~~—— (II) no closer than:~~

~~—— (Aa) 300 feet from an off-premise sign existing on the same side of the street or highway; or~~

~~—— (Ab) if the street or highway is an interstate or limited access highway that is subject to~~

## HB0127S01 compared with HB0127

~~Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; and~~

~~—— (B) (i) the billboard owner has submitted a written request under Subsection 10-9a-511[(3)](4)(c); and~~

~~—— (ii) the municipality and billboard owner are unable to agree, within the time provided in Subsection 10-9a-511[(3)](4)(c), to a mutually acceptable location; or~~

~~—— (v) making the following modifications, as the billboard owner determines, to a billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated under Subsection (2)(a)(iv):~~

~~—— (A) erecting the billboard:~~

~~—— (i) to the highest allowable height; and~~

~~—— (ii) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; and~~

~~—— (B) installing a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation.~~

~~—— (b) A modification under Subsection (2)(a)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.~~

~~—— (c) A municipality's denial of a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection (2)(a) if the mistake in placement or erection of the billboard is }3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;~~

~~—— (E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by clear and convincing evidence to have resulted from an intentionally false or misleading statement;~~

~~—— (i) by the billboard applicant in the application; and~~

~~—— (ii) regarding the placement or erection of the billboard.~~

~~—— (d) If a municipality is considered to have initiated the acquisition of a billboard structure by eminent domain under Subsection (2)(a) or any other provision of applicable law;~~

## HB0127S01 compared with HB0127

~~the municipality shall pay just compensation to the billboard owner in an amount that is:~~

~~—— (i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;~~

~~—— (ii) the value of any other right associated with the billboard structure that is acquired;~~

~~—— (iii) the cost of the sign structure; and~~

~~—— (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.~~

~~—— (3) Notwithstanding Subsection (2) and Section 10-9a-512, a municipality may remove a billboard without providing compensation if:~~

~~—— (a) the municipality determines:~~

~~—— (i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or~~

~~—— (ii) by substantial evidence that the billboard:~~

~~—— (A) is structurally unsafe;~~

~~—— (B) is in an unreasonable state of repair; or~~

~~—— (C) has been abandoned for at least 12 months;~~

~~—— (b) the municipality notifies the owner in writing that the owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);~~

~~—— (c) the owner fails to remedy the condition or conditions within:~~

~~—— (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's receipt of written notice under Subsection (3)(b); or~~

~~—— (ii) if the condition forming the basis of the municipality's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (3)(b); and~~

~~—— (d) following the expiration of the applicable period under Subsection (3)(c) and after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the municipality finds:~~

~~—— (i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the~~

## HB0127S01 compared with HB0127

billboard; or

~~— (ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months;~~

~~— (4) an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;~~

(F) hand or guard rails; or

(G) occupancy separation doors as required by the International Residential Code; or

(ii) the abatement of a structure; or

(b) be enforced to terminate a legal nonconforming rental dwelling use.

(3) A municipality may not ~~follow a nonconforming billboard to be rebuilt or replaced~~ by anyone other than its owner or the owner acting through its contractors.

~~— (5) A permit issued, extended, or renewed by} require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:~~

(a) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

(i) a detached one-, two-, three-, or four-family dwelling; or

(ii) a town home that is not more than three stories above grade with a separate means of egress; and

(b) (i) the window in the existing bedroom is smaller than that required by current State Construction Code; and

(ii) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.

(4) Nothing in this section prohibits a municipality ~~{for a billboard remains valid from the time the municipality issues, extends, or renews the permit until 180 days after a required state permit is issued for the billboard if:~~

~~— (a) the billboard requires a state permit; and~~

~~— (b) an application for the state permit is filed within 30 days after the municipality issues, extends, or renews a permit for the billboard.~~

}from:

(a) regulating the style of window that is required or allowed in a bedroom;

## HB0127S01 compared with HB0127

(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or

(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Section 3. Section **15A-3-202** is amended to read:

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

(1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2 Physical change for bedroom window egress ~~[in legal nonconforming rental housing use {.~~ For purposes of this section only, 'owner-occupied housing' and 'rental housing' mean the same as those terms are defined in Section 10-9a-511. A structure classified as a conforming or }]. A structure [classified as a legal nonconforming {owner-occupied housing use or } rental housing use,] whose egress [bedroom] window in an existing bedroom is smaller than required by this code, and that complied with the construction code in effect at the time that the bedroom was finished, is not required to undergo a physical change to conform to this code if the change would compromise the structural integrity of the [building] structure or could not be completed in accordance with other applicable requirements of this code, including setback and window well requirements."

(2) In IRC, Section 109:

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

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

(3) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's

## **HB0127S01 compared with HB0127**

agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume."

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

(5) In IRC, Section R202, the definition for "CONDITIONED SPACE" is modified by deleting the words at the end of the sentence "being heated or cooled by any equipment or appliance" and replacing them with the following: "enclosed within the building thermal envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following means:

1. Openings directly into an adjacent conditioned space.
2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.
3. Un-insulated duct, piping or other heat or cooling source within the space."

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

(7) In IRC, Section 202, in the definition for gray water a comma is inserted after the word "washers"; the word "and" is deleted; and the following is added to the end: "and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."

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

## HB0127S01 compared with HB0127

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

"TABLE NO. R301.2(5a)				
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS				
	COUNTY	P <sub>o</sub>	S	A <sub>o</sub>
	Beaver	43	63	6.2
	Box Elder	43	63	5.2
	Cache	50	63	4.5
	Carbon	43	63	5.2
	Daggett	43	63	6.5
	Davis	43	63	4.5
	Duchesne	43	63	6.5
	Emery	43	63	6.0
	Garfield	43	63	6.0
	Grand	36	63	6.5
	Iron	43	63	5.8
	Juab	43	63	5.2
	Kane	36	63	5.7
	Millard	43	63	5.3
	Morgan	57	63	4.5
	Piute	43	63	6.2
	Rich	57	63	4.1
	Salt Lake	43	63	4.5
	San Juan	43	63	6.5
	Sanpete	43	63	5.2
	Sevier	43	63	6.0
	Summit	86	63	5.0
	Tooele	43	63	4.5
	Uintah	43	63	7.0

**HB0127S01 compared with HB0127**

	Utah	43	63	4.5
	Wasatch	86	63	5.0
	Washington	29	63	6.0
	Wayne	36	63	6.5
	Weber	43	63	4.5

TABLE NO. R301.2(5b)

REQUIRED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS<sup>1,2</sup>

The following jurisdictions require design snow load values that differ from the Equation in the Utah Snow Load Study.

County	City	Elevation	Ground Snow Load (psf)	Roof Snow Load (psf) <sup>6</sup>
Carbon	Price <sup>3</sup>	5550	43	30
	All other county locations <sup>5</sup>	--	--	--
Davis	Fruit Heights <sup>3</sup>	4500 - 4850	57	40
Emery	Green River <sup>3</sup>	4070	36	25
Garfield	Panguitch <sup>3</sup>	6600	43	30
Rich	Woodruff <sup>9</sup>	6315	57	40
	Laketown <sup>4</sup>	6000	57	40
	Garden City <sup>5</sup>	--	--	--
	Randolph <sup>4</sup>	6300	57	40
San Juan	Monticello <sup>3</sup>	6820	50	35
Summit	Coalville <sup>3</sup>	5600	86	60
	Kamas <sup>4</sup>	6500	114	80
Tooele	Tooele <sup>3</sup>	5100	43	30
Utah	Orem <sup>3</sup>	4650	43	30
	Pleasant Grove <sup>4</sup>	5000	43	30
	Provo <sup>5</sup>	--	--	--
Wasatch	Heber <sup>5</sup>	--	--	--

## HB0127S01 compared with HB0127

Washington	Leeds <sup>3</sup>	3460	29	20
	Santa Clara <sup>3</sup>	2850	21	15
	St. George <sup>3</sup>	2750	21	15
	All other county locations <sup>5</sup>	--	--	--
Wayne	Loa <sup>3</sup>	7080	43	30
<sup>1</sup> The IRC requires a minimum live load -- See R301.6.				
<sup>2</sup> 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. Otherwise, contact the local Building Official.				
<sup>3</sup> Values adopted from Table VII of the Utah Snow Load Study				
<sup>4</sup> Values based on site-specific study. Contact local Building Official for additional information.				
<sup>5</sup> Contact local Building Official.				
<sup>6</sup> Based on $C_e = 1.0$ , $C_t = 1.0$ and $I_s = 1.0$ "				

(10) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the jurisdictions identified in that table. Otherwise, the ground snow load,  $P_g$ , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula:  $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$  for A greater than  $A_o$ , and  $P_g = P_o$  for A less than or equal to  $A_o$ .

WHERE:

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

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

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

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

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

The building official may round the roof snow load to the nearest 5 psf. The ground snow load,  $P_g$ , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments.

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

## HB0127S01 compared with HB0127

roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf."

(11) In IRC, Section R302.2, the words "Exception: A" are deleted and replaced with the following:

"Exceptions:

1. A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installation shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.
2. In buildings equipped with an automatic residential fire sprinkler system, a".

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

(13) In IRC, Section R302.5.1, the words "self-closing device" are deleted and replaced with "self-latching hardware".

(14) In IRC, Section R303.4, the number "5" is changed to "3" in the first sentence.

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

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

R311.7.4.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater

## **HB0127S01 compared with HB0127**

than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions.

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less."

(16) In IRC, Section R312.1.2, the words "adjacent fixed seating" are deleted.

(17) IRC, Section R312.2, is deleted.

(18) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the following: "R313.1 Design and installation. When installed, automatic residential fire sprinkler systems for townhouses or one- and two-family dwellings shall be designed and installed in accordance with Section P2904."

(19) A new IRC, Section R315.5, is added as follows: "R315.5 Power source. Carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated when installed in buildings without commercial power.
2. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring, without the removal of interior finishes."

(20) A new IRC, Section R315.6, is added as follows: "R315.6 Interconnection.

## HB0127S01 compared with HB0127

Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes."

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

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

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

(24) IRC, Section R501.3, is deleted.

Section 4. Section ~~17-27a-510.5~~ is ~~amended~~enacted to read:

~~17-27a-510.5. Nonconforming uses and noncomplying structures -- Certain requirements prohibited for conforming and nonconforming rental or owner-occupied housing.~~

~~—— (1) As used in this section:~~

~~—— (a) "Owner-occupied housing" means a structure or a portion of a structure that is used or designated for use as a primary residence by one or more persons and one of~~

## HB0127S01 compared with HB0127

~~those persons is the owner of the structure:~~

~~—— (b) "Rental housing" means a structure or a portion of a structure that is:~~

~~—— (i) used or designated for use as a primary residence by one or more persons other than the owner of the structure; and~~

~~—— (ii) (A) available to be rented, loaned, leased, or hired out for a period of one month or longer; or~~

~~—— (B) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer:~~

~~—— [(1)] (2) (a) Except as provided in this section, a nonconforming use or a noncomplying structure may be continued by the present or a future property owner:~~

~~—— (b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension:~~

~~—— (c) **5. Changes to dwellings -- Egress windows.**~~

~~—— (1) For purposes of this [Subsection [(1)] (2), the addition of a solar energy device to a building is not a structural alteration:~~

~~—— [(2)] (3) The legislative body may provide for:~~

~~—— (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;~~

~~—— (b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and~~

~~—— (c) the termination of a nonconforming use due to its abandonment:~~

~~—— [(3)] (4) (a) A county may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned:~~

~~—— (b) A county may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:~~

~~—— (i) the structure is allowed to deteriorate to a condition that the structure is rendered~~

## HB0127S01 compared with HB0127

~~uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or~~

~~—— (ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.~~

~~—— (c) (i) Notwithstanding a prohibition in its zoning ordinance, a county may permit a billboard owner to relocate the billboard within the county's unincorporated area to a location that is mutually acceptable to the county and the billboard owner.~~

~~—— (ii) If the county and billboard owner cannot agree to a mutually acceptable location within 90 days after the owner submits a written request to relocate the billboard, the provisions of Subsection 17-27a-512(2)(a)(iv) apply.~~

~~—— [(4)] (5) (a) Unless the county establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.~~

~~—— (b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.~~

~~—— (c) Abandonment may be presumed to have occurred if:~~

~~—— (i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the county regarding an extension of the nonconforming use;~~

~~—— (ii) the use has been discontinued for a minimum of one year; or~~

~~—— (iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.~~

~~—— (d) The property owner may rebut the presumption of abandonment under Subsection [(4)] (5)(c), and shall have the burden of establishing that any claimed abandonment under Subsection [(4)] (5)(c) has not in fact occurred.~~

~~—— [(5)] (6) A county may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.~~

~~—— (7) A county may not:~~

## HB0127S01 compared with HB0127

~~Section, "rental dwelling" means the same as that term is defined in Section 10-8-85.5.~~

(2) A county ordinance adopted under Section 10-1-203.5 may not:

(a) require physical changes in a structure with a ~~conforming or~~ legal nonconforming rental ~~housing~~ dwelling use unless the change is for:

(i) the reasonable installation of:

(A) a smoke detector that is plugged in or battery operated;

(B) a ground fault circuit interrupter protected outlet on existing wiring;

(C) street addressing;

(D) ~~subject to~~ except as provided in Subsection (~~8~~3), an egress bedroom window if the existing bedroom window is smaller than that required by current ~~state building code~~ State Construction Code;

(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;

(F) hand or guard rails; or

(G) occupancy separation doors as required by the International Residential Code; or

(ii) the abatement of a structure; or

(b) ~~be enforced to~~ terminate a legal nonconforming rental ~~housing~~ dwelling use.

(~~8~~3) A county may not require ~~a change described in Subsection (7)(a)(i)(D) or (9) if the change:~~

~~(a) physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:~~

(a) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

(i) a detached one-, two-, three-, or four-family dwelling; or

(ii) a town home that is not more than three stories above grade with a separate means of egress; and

(b) (i) the window in the existing bedroom is smaller than that required by current State Construction Code; and

(ii) the change would compromise the structural integrity of ~~a building;~~ the structure or

## HB0127S01 compared with HB0127

~~(b)~~ could not be completed in accordance with current ~~{state construction codes}~~ State Construction Code, including set-back and window well requirements.

~~(f9) A county land use ordinance may not require physical changes in an owner-occupied housing structure with a conforming or legal nonconforming use unless, subject to Subsection (8), the change is for an egress bedroom window if the~~ 4) Nothing in this section prohibits a county from:

(a) regulating the style of window that is required or allowed in a bedroom;

(b) requiring that a window in an existing bedroom {window} be fully openable if the openable area is {smaller} less than {that} required by current {state construction code}.

~~Section 5. Section 17-27a-512 is amended to read:~~

~~**17-27a-512. County's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboard to be rebuilt or replaced -- Validity of county permit after issuance of state permit.**~~

~~(1) As used in this section:~~

~~(a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.~~

~~(b) "Highest allowable height" means:~~

~~(i) if the height allowed by the county, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the county; or~~

~~(ii) (A) for a noninterstate billboard:~~

~~(I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or~~

~~(II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and~~

~~(B) for an interstate billboard:~~

~~(I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or~~

~~(II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.~~

## HB0127S01 compared with HB0127

~~\_\_\_\_\_ (c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate;~~

~~\_\_\_\_\_ (d) "Interstate height" means a height that is the higher of:~~

~~\_\_\_\_\_ (i) 65 feet above the ground; and~~

~~\_\_\_\_\_ (ii) 25 feet above the grade of the interstate.~~

~~\_\_\_\_\_ (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate;~~

~~\_\_\_\_\_ (f) "Visibility area" means the area on a street or highway that is:~~

~~\_\_\_\_\_ (i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and~~

~~\_\_\_\_\_ (ii) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:~~

~~\_\_\_\_\_ (A) perpendicular to the street or highway; and~~

~~\_\_\_\_\_ (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or~~

~~\_\_\_\_\_ (II) for a noninterstate billboard, 300 feet from the base of the billboard;~~

~~\_\_\_\_\_ (2) (a) A county is considered to have initiated the acquisition of a billboard structure by eminent domain if the county prevents a billboard owner from:~~

~~\_\_\_\_\_ (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism;~~

~~\_\_\_\_\_ (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard structure, or taking other measures, to correct a mistake in the placement or erection of a billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;~~

~~\_\_\_\_\_ (iii) structurally modifying or upgrading a billboard;~~

~~\_\_\_\_\_ (iv) relocating a billboard into any commercial, industrial, or manufacturing zone within the unincorporated area of the county, if:~~

~~\_\_\_\_\_ (A) the relocated billboard is:~~

~~\_\_\_\_\_ (I) within 5,280 feet of its previous location; and~~

~~\_\_\_\_\_ (II) no closer than:~~

~~\_\_\_\_\_ (Aa) 300 feet from an off-premise sign existing on the same side of the street or highway; or~~

## HB0127S01 compared with HB0127

~~—— (Db) if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; and~~

~~—— (B) (f) the billboard owner has submitted a written request under Subsection 17-27a-510(3)(4)(c); and~~

~~—— (H) the county and billboard owner are unable to agree, within the time provided in Subsection 17-27a-510(3)(4)(c), to a mutually acceptable location; or~~

~~—— (v) making the following modifications, as the billboard owner determines, to a billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated under Subsection (2)(a)(iv):~~

~~—— (A) erecting the billboard;~~

~~—— (f) to the highest allowable height; and~~

~~—— (H) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; and~~

~~—— (B) installing a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation.~~

~~—— (b) A modification under Subsection (2)(a)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.~~

~~—— (c) A county's denial of a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection (2)(a) if the mistake in placement or erection of the billboard is determined by clear and convincing evidence to have resulted from an intentionally false or misleading statement:~~

~~—— (i) by the billboard applicant in the application; and~~

~~—— (ii) regarding the placement or erection of the billboard.~~

~~—— (d) If a county is considered to have initiated the acquisition of a billboard structure by eminent domain under Subsection (1)(a) or any other provision of applicable law, the county shall pay just compensation to the billboard owner in an amount that is:~~

~~—— (i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;~~

## HB0127S01 compared with HB0127

~~—— (ii) the value of any other right associated with the billboard structure that is acquired;~~

~~—— (iii) the cost of the sign structure; and~~

~~—— (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.~~

~~—— (3) Notwithstanding Subsection (2) and Section 17-27a-511, a county may remove a billboard without providing compensation if:~~

~~—— (a) the county determines:~~

~~—— (i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or~~

~~—— (ii) by substantial evidence that the billboard:~~

~~—— (A) is structurally unsafe;~~

~~—— (B) is in an unreasonable state of repair; or~~

~~—— (C) has been abandoned for at least 12 months;~~

~~—— (b) the county notifies the owner in writing that the owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);~~

~~—— (c) the owner fails to remedy the condition or conditions within:~~

~~—— (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's receipt of written notice under Subsection (3)(b); or~~

~~—— (ii) if the condition forming the basis of the county's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (3)(b); and~~

~~—— (d) following the expiration of the applicable period under Subsection (3)(c) and after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the county finds:~~

~~—— (i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or~~

~~—— (ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.~~

## HB0127S01 compared with HB0127

~~—— (4) A county may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than its owner or the owner acting through its contractors.~~

~~—— (5) A permit issued, extended, or renewed by a county for a billboard remains valid from the time the county issues, extends, or renews the permit until 180 days after a required state permit is issued for the billboard if:~~

~~—— (a) the billboard requires a state permit; and~~

~~—— (b) an application for the state permit is filed within 30 days after the county issues, extends, or renews a permit for the billboard.~~

### Legislative Review Note

~~—— as of 1-13-15 11:45 AM~~

~~Office of Legislative Research and General Counsel; State Construction Code; or~~

~~(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.~~