

1 **LOCAL GOVERNMENT BUILDING REGULATION**

2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Scott D. Sandall

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to local government building regulation.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows a building permit applicant to engage an independent third-party building
- 14 inspector to conduct inspections in certain circumstances;
- 15 ▶ allows an independent third-party building inspector to issue a certificate of
- 16 occupancy to a building permit applicant in certain circumstances;
- 17 ▶ modifies requirements for a building permit application;
- 18 ▶ exempts a construction project involving repairs to certain residential structures
- 19 damaged by a natural disaster from specified State Construction Code and building
- 20 permit requirements;
- 21 ▶ prohibits a municipality or county from regulating certain building design elements;
- 22 and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 [10-5-132](#), as last amended by Laws of Utah 2020, Chapters 354 and 441
- 31 [10-6-160](#), as last amended by Laws of Utah 2020, Chapter 441
- 32 [10-9a-403](#), as last amended by Laws of Utah 2020, Chapter 136
- 33 [15A-1-104](#), as enacted by Laws of Utah 2014, Chapter 197
- 34 [15A-1-202](#), as last amended by Laws of Utah 2020, Chapter 441
- 35 [15A-1-204](#), as last amended by Laws of Utah 2020, Chapters 111 and 441
- 36 [15A-3-102](#), as last amended by Laws of Utah 2019, Chapter 20
- 37 [15A-5-104](#), as enacted by Laws of Utah 2020, Chapter 111
- 38 [17-27a-403](#), as last amended by Laws of Utah 2020, Chapter 136
- 39 [17-36-55](#), as last amended by Laws of Utah 2020, Chapter 441
- 40 [38-1a-102](#), as last amended by Laws of Utah 2019, Chapter 250
- 41 [58-56-2](#), as enacted by Laws of Utah 1989, Chapter 269
- 42 [78B-2-225](#), as last amended by Laws of Utah 2020, Chapter 97

43 ENACTS:

- 44 [10-9a-530](#), Utah Code Annotated 1953
- 45 [17-27a-527](#), Utah Code Annotated 1953

46

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

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

49 **10-5-132. Fees collected for construction approval -- Approval of plans.**

50 (1) As used in this section:

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

52 ~~(a)~~ (b) "Construction project" means the same as that term is defined in Section
53 [38-1a-102](#).

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

55 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,
56 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and

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

58 building inspector, in an amount established in rules made by the Division of Occupational and
59 Professional Licensing in accordance with Title 63G, Chapter 3, Utah Administrative
60 Rulemaking Act.

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

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

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

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

85 [~~(d)~~] (f) (i) "Plan review" means all of the reviews and approvals of a plan that a town

86 requires to obtain a building permit from the town with a scope that may not exceed a review to
87 verify:

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

90 (B) that the construction project complies with the energy code adopted under Section
91 15A-2-103;

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

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

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

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

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

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

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

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

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

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

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

111 ~~(e)~~ (g) "State Construction Code" means the same as that term is defined in Section
112 15A-1-102.

113 ~~(f)~~ (h) "State Fire Code" means the same as that term is defined in Section

114 15A-1-102.

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

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

117 (A) footing size and bar placement;

118 (B) foundation thickness and bar placement;

119 (C) beam and header sizes;

120 (D) nailing patterns;

121 (E) bearing points;

122 (F) structural member size and span; and

123 (G) sheathing; or

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

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

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

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

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

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

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

140 (i) identifies each violation;

141 (ii) upon request by the permit holder, includes a reference to each applicable provision

142 of the State Construction Code or State Fire Code; and

143 (iii) is delivered:

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

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

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

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

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

153 (B) provide written notification to the town after completing the final required
154 inspection; and

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

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

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

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

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

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

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

172 (d) An applicant may:

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

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

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

176 ~~(i)~~ (a) the town does not complete the plan review within the time period described in
177 Subsection (3)(a) or (b); ~~and~~

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

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

181 ~~(ii)~~ (d) a licensed architect or structural engineer, or both when required by law,
182 stamps the plan.

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

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

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

186 ~~(c)~~ (b) A town may not require an applicant to redraft a plan if the town requests
187 minor changes to the plan that the list described in Subsection ~~(4)(b)~~ (5)(a) identifies.

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

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

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

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

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

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

201 (i) the applicant; and

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

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

205 (i) is drawn to scale;

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

207 (iii) provides specifications for the following:

208 (A) lot size and dimensions;

209 (B) setbacks and overhangs for setbacks;

210 (C) easements;

211 (D) property lines;

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

213 (F) retaining walls;

214 (G) hard surface areas;

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

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

217 (J) street names;

218 (K) driveway locations;

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

221 (M) the location of the nearest hydrant;

222 (c) construction plans and drawings, including:

223 (i) elevations, only if the construction project is new construction;

224 (ii) floor plans for each level, including the location and size of doors and windows;

225 (iii) foundation, structural, and framing detail; and

- 226 (iv) electrical, mechanical, and plumbing design;
- 227 (d) documentation of energy code compliance;
- 228 (e) structural calculations, except for trusses;
- 229 (f) a geotechnical report, including a slope stability evaluation and retaining wall

230 design, if:

- 231 (i) the slope of the lot is greater than 15%; and
- 232 (ii) required by the town; and
- 233 (g) a statement indicating that actual construction will comply with applicable local
- 234 ordinances and building codes.

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

236 **10-6-160. Fees collected for construction approval -- Approval of plans.**

237 (1) As used in this section:

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

239 ~~[(a)]~~ (b) "Construction project" means the same as that term is defined in Section
240 [38-1a-102](#).

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

242 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,
243 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and

244 (ii) covered by liability insurance when providing private services as a licensed
245 building inspector, in an amount established in rules made by the Division of Occupational and
246 Professional Licensing in accordance with Title 63G, Chapter 3, Utah Administrative
247 Rulemaking Act.

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

- 250 (i) a bed and breakfast establishment;
- 251 (ii) a boarding house;
- 252 (iii) a dormitory;
- 253 (iv) a hotel;

- 254 (v) an inn;
- 255 (vi) a lodging house;
- 256 (vii) a motel;
- 257 (viii) a resort; or
- 258 (ix) a rooming house.
- 259 ~~[(e)]~~ (e) "Planning review" means a review to verify that a city has approved the
- 260 following elements of a construction project:
- 261 (i) zoning;
- 262 (ii) lot sizes;
- 263 (iii) setbacks;
- 264 (iv) easements;
- 265 (v) curb and gutter elevations;
- 266 (vi) grades and slopes;
- 267 (vii) utilities;
- 268 (viii) street names;
- 269 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 270 Interface Code adopted under Section [15A-2-103](#); and
- 271 (x) subdivision.
- 272 ~~[(d)]~~ (f) (i) " Plan review" means all of the reviews and approvals of a plan that a city
- 273 requires to obtain a building permit from the city with a scope that may not exceed a review to
- 274 verify:
- 275 (A) that the construction project complies with the provisions of the State Construction
- 276 Code under Title 15A, State Construction and Fire Codes Act;
- 277 (B) that the construction project complies with the energy code adopted under Section
- 278 [15A-2-103](#);
- 279 (C) that the construction project received a planning review;
- 280 (D) that the applicant paid any required fees;
- 281 (E) that the applicant obtained final approvals from any other required reviewing

282 agencies;

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

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

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

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

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

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

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

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

298 [~~(e)~~] (g) "State Construction Code" means the same as that term is defined in Section
299 15A-1-102.

300 [~~(f)~~] (h) "State Fire Code" means the same as that term is defined in Section
301 15A-1-102.

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

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

304 (A) footing size and bar placement;

305 (B) foundation thickness and bar placement;

306 (C) beam and header sizes;

307 (D) nailing patterns;

308 (E) bearing points;

309 (F) structural member size and span; and

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

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

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

317 (b) If a city cannot provide a building inspection within three business days after the
 318 day on which the city receives the request for the inspection~~[-]~~:

319 (i) the city ~~shall~~ may promptly engage an independent inspector with fees collected
 320 from the applicant~~[-]~~; or

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

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

327 (i) identifies each violation;
 328 (ii) upon request by the permit holder, includes a reference to each applicable provision
 329 of the State Construction Code or State Fire Code; and

330 (iii) is delivered:
 331 (A) in hardcopy or by electronic means; and
 332 (B) the day on which the inspection occurs.

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

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

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

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

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

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

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

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

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

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

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

359 (d) An applicant may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388 (i) the applicant; and

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

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

392 (i) is drawn to scale;

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

- 394 (iii) provides specifications for the following:
- 395 (A) lot size and dimensions;
- 396 (B) setbacks and overhangs for setbacks;
- 397 (C) easements;
- 398 (D) property lines;
- 399 (E) topographical details, if the slope of the lot is greater than 10%;
- 400 (F) retaining walls;
- 401 (G) hard surface areas;
- 402 (H) curb and gutter elevations as indicated in the subdivision documents;
- 403 (I) utilities, including water meter and sewer lateral location;
- 404 (J) street names;
- 405 (K) driveway locations;
- 406 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 407 Interface Code adopted under Section [15A-2-103](#); and
- 408 (M) the location of the nearest hydrant;
- 409 (c) construction plans and drawings, including:
- 410 (i) elevations, only if the construction project is new construction;
- 411 (ii) floor plans for each level, including the location and size of doors and windows;
- 412 (iii) foundation, structural, and framing detail; and
- 413 (iv) electrical, mechanical, and plumbing design;
- 414 (d) documentation of energy code compliance;
- 415 (e) structural calculations, except for trusses;
- 416 (f) a geotechnical report, including a slope stability evaluation and retaining wall
- 417 design, if:
- 418 (i) the slope of the lot is greater than 15%; and
- 419 (ii) required by the city; and
- 420 (g) a statement indicating that actual construction will comply with applicable local
- 421 ordinances and building codes.

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

423 **10-9a-403. General plan preparation.**

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

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

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

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

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

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

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

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

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

435 [~~(b) "Residential building design element" does not include for a single-family~~
436 ~~residential building;~~]

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

438 [~~(ii) buffering or screening used to;~~]

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

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

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

442 [~~(2)~~] (1) (a) The planning commission shall provide notice, as provided in Section
443 **10-9a-203**, of its intent to make a recommendation to the municipal legislative body for a
444 general plan or a comprehensive general plan amendment when the planning commission
445 initiates the process of preparing its recommendation.

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

448 (c) The plan may include areas outside the boundaries of the municipality if, in the
449 planning commission's judgment, those areas are related to the planning of the municipality's

450 territory.

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

455 [~~(3)~~] (2) (a) At a minimum, the proposed general plan, with the accompanying maps,
456 charts, and descriptive and explanatory matter, shall include the planning commission's
457 recommendations for the following plan elements:

458 (i) a land use element that:

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

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

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

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

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

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

477 (D) correlates with the population projections, the employment projections, and the

478 proposed land use element of the general plan; and
479 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
480 realistic opportunity to meet the need for additional moderate income housing.
481 (b) In drafting the moderate income housing element, the planning commission:
482 (i) shall consider the Legislature's determination that municipalities shall facilitate a
483 reasonable opportunity for a variety of housing, including moderate income housing:
484 (A) to meet the needs of people of various income levels living, working, or desiring to
485 live or work in the community; and
486 (B) to allow people with various incomes to benefit from and fully participate in all
487 aspects of neighborhood and community life;
488 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
489 how the municipality will provide a realistic opportunity for the development of moderate
490 income housing within the next five years;
491 (iii) for a town, may include, and for other municipalities, shall include, a
492 recommendation to implement three or more of the following strategies:
493 (A) rezone for densities necessary to assure the production of moderate income
494 housing;
495 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
496 construction of moderate income housing;
497 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
498 income housing;
499 (D) consider general fund subsidies or other sources of revenue to waive construction
500 related fees that are otherwise generally imposed by the city;
501 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
502 residential zones;
503 (F) allow for higher density or moderate income residential development in
504 commercial and mixed-use zones, commercial centers, or employment centers;
505 (G) encourage higher density or moderate income residential development near major

- 506 transit investment corridors;
- 507 (H) eliminate or reduce parking requirements for residential development where a
- 508 resident is less likely to rely on the resident's own vehicle, such as residential development near
- 509 major transit investment corridors or senior living facilities;
- 510 (I) allow for single room occupancy developments;
- 511 (J) implement zoning incentives for low to moderate income units in new
- 512 developments;
- 513 (K) utilize strategies that preserve subsidized low to moderate income units on a
- 514 long-term basis;
- 515 (L) preserve existing moderate income housing;
- 516 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
- 517 income housing;
- 518 (N) participate in a community land trust program for low or moderate income
- 519 housing;
- 520 (O) implement a mortgage assistance program for employees of the municipality or of
- 521 an employer that provides contracted services to the municipality;
- 522 (P) apply for or partner with an entity that applies for state or federal funds or tax
- 523 incentives to promote the construction of moderate income housing;
- 524 (Q) apply for or partner with an entity that applies for programs offered by the Utah
- 525 Housing Corporation within that agency's funding capacity;
- 526 (R) apply for or partner with an entity that applies for affordable housing programs
- 527 administered by the Department of Workforce Services;
- 528 (S) apply for or partner with an entity that applies for programs administered by an
- 529 association of governments established by an interlocal agreement under Title 11, Chapter 13,
- 530 Interlocal Cooperation Act;
- 531 (T) apply for or partner with an entity that applies for services provided by a public
- 532 housing authority to preserve and create moderate income housing;
- 533 (U) apply for or partner with an entity that applies for programs administered by a

534 metropolitan planning organization or other transportation agency that provides technical
535 planning assistance;

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

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

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

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

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

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

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

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

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

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

557 [~~(4)~~] (3) The proposed general plan may include:

558 (a) an environmental element that addresses:

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

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

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

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

571 (i) historic preservation;

572 (ii) the diminution or elimination of a development impediment as defined in Section
573 17C-1-102; and

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

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

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

583 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
584 and

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

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

587 **10-9a-530. Regulation of building design elements prohibited -- Exceptions.**

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

589 (a) exterior color;

- 590 (b) type or style of exterior cladding material;
- 591 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
- 592 (d) exterior nonstructural architectural ornamentation;
- 593 (e) location, design, placement, or architectural styling of a window or door;
- 594 (f) location, design, placement, or architectural styling of a garage door, not including a
- 595 rear-loading garage door;
- 596 (g) number or type of rooms;
- 597 (h) interior layout of a room;
- 598 (i) minimum square footage over 1,000 square feet, not including a garage;
- 599 (j) rear yard landscaping requirements;
- 600 (k) minimum building dimensions; or
- 601 (l) a requirement to install front yard fencing.
- 602 (2) Except as provided in Subsection (3), a municipality may not impose a requirement
- 603 for a building design element on a one to two family dwelling or townhome.
- 604 (3) Subsection (2) does not apply to:
- 605 (a) a dwelling located within an area designated as a historic district in:
- 606 (i) the National Register of Historic Places;
- 607 (ii) the state register as defined in Section [9-8-402](#); or
- 608 (iii) a local historic district or area, or a site designated as a local landmark, created by
- 609 ordinance before January 1, 2021;
- 610 (b) an ordinance enacted as a condition for participation in the National Flood
- 611 Insurance Program administered by the Federal Emergency Management Agency;
- 612 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
- 613 Interface Code adopted under Section [15A-2-103](#);
- 614 (d) building design elements agreed to under a development agreement;
- 615 (e) a dwelling located within an area that:
- 616 (i) is zoned primarily for residential use; and
- 617 (ii) was substantially developed before calendar year 1950;

618 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;

619 (g) an ordinance enacted to regulate type of cladding, in response to findings or

620 evidence from the construction industry of:

621 (i) defects in the material of existing cladding; or

622 (ii) consistent defects in the installation of existing cladding; or

623 (h) a land use regulation, including a planned unit development or overlay zone, that a

624 property owner requests:

625 (i) the municipality to apply to the owner's property; and

626 (ii) in exchange for an increase in density or other benefit not otherwise available as a

627 permitted use in the zoning area or district.

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

629 **15A-1-104. Permit approval required -- Certificate of occupancy valid.**

630 (1) As used in this section:

631 (a) "Compliance agency" is as defined in Section [15A-1-202](#).

632 (b) "Project" is as defined in Section [15A-1-209](#).

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

636 (a) cites with specificity the applicable provision with which the project has failed to
637 comply; and

638 (b) describes how the project has failed to comply.

639 (3) If a compliance agency [~~or a~~], representative of a compliance agency, or building
640 inspector that has the authority to issue a certificate of occupancy under Section [10-5-132](#),
641 [10-6-160](#), or [17-36-55](#) issues a certificate of occupancy, the [~~compliance agency~~] individual or
642 entity that issued the certificate of occupancy may not withdraw the certificate of occupancy or
643 exert additional jurisdiction over the elements of the project for which the certificate was
644 issued unless additional changes or modifications requiring a building permit are made to
645 elements of the project after the certificate was issued.

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

647 **15A-1-202. Definitions.**

648 As used in this chapter:

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

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

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

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

657 (4) "Code" means:

658 (a) the State Construction Code; or

659 (b) an approved code.

660 (5) "Commission" means the Uniform Building Code Commission created in Section
661 **15A-1-203**.

662 (6) "Compliance agency" means:

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

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

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

670 (7) "Construction code" means standards and specifications published by a nationally
671 recognized code authority for use in circumstances described in Subsection **15A-1-204(1)**,
672 including:

673 (a) a building code;

- 674 (b) an electrical code;
- 675 (c) a residential one and two family dwelling code;
- 676 (d) a plumbing code;
- 677 (e) a mechanical code;
- 678 (f) a fuel gas code;
- 679 (g) an energy conservation code;
- 680 (h) a swimming pool and spa code; and
- 681 (i) a manufactured housing installation standard code.
- 682 (8) "Construction project" means the same as that term is defined in Section 38-1a-102.
- 683 ~~[(8)]~~ (9) "Executive director" means the executive director of the Department of
- 684 Commerce.
- 685 ~~[(9)]~~ (10) "Legislative action" includes legislation that:
- 686 (a) adopts a new State Construction Code;
- 687 (b) amends the State Construction Code; or
- 688 (c) repeals one or more provisions of the State Construction Code.
- 689 ~~[(10)]~~ (11) "Local regulator" means a political subdivision of the state that is
- 690 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
- 691 and other activities subject to the codes.
- 692 (12) "Membrane-covered frame structure" means a nonpressurized building with a
- 693 structure composed of a rigid framework to support a tensioned membrane that provides a
- 694 weather barrier.
- 695 (13) "Natural disaster" means:
- 696 (a) a flood;
- 697 (b) a storm;
- 698 (c) a tornado;
- 699 (d) winds;
- 700 (e) an earthquake;
- 701 (f) lightning; or

702 (g) any other adverse weather event.

703 [~~(11)~~] (14) "Not for human occupancy" means use of a structure for purposes other
704 than protection or comfort of human beings, but allows people to enter the structure for:

705 (a) maintenance and repair; and

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

708 [~~(12)~~] (15) "Opinion" means a written, nonbinding, and advisory statement issued by
709 the commission concerning an interpretation of the meaning of the codes or the application of
710 the codes in a specific circumstance issued in response to a specific request by a party to the
711 issue.

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

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

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

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

717 (d) does not have plumbing or electricity;

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

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

720 [~~(13)~~] (17) "State regulator" means an agency of the state which is empowered to
721 engage in the regulation of construction, alteration, remodeling, building, repair, and other
722 activities subject to the codes adopted pursuant to this chapter.

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

724 **15A-1-204. Adoption of State Construction Code -- Amendments by commission**
725 **-- Approved codes -- Exemptions.**

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

729 (b) A person shall comply with the applicable provisions of the State Construction

730 Code when:

731 (i) new construction is involved; and

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

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

734 conservation, or reconstruction of the building; or

735 (B) changing the character or use of the building in a manner that increases the

736 occupancy loads, other demands, or safety risks of the building.

737 (c) On and after July 1, 2010, the State Construction Code is the State Construction

738 Code in effect on July 1, 2010, until in accordance with this section:

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

740 (ii) one or more provisions of the State Construction Code are amended or repealed in

741 accordance with this section.

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

743 (i) to the entire state; or

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

745 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation

746 that adopts a nationally recognized construction code with any modifications.

747 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect

748 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the

749 legislation.

750 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is

751 the State Construction Code until, in accordance with this section, the Legislature adopts a new

752 State Construction Code by:

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

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

755 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally

756 recognized construction code, the commission shall prepare a report described in Subsection

757 (4).

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

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

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

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

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

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

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

775 (i) study the recommendations; and

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

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

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

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

- 788 (i) on its own initiative;
- 789 (ii) upon the recommendation of the division; or
- 790 (iii) upon the receipt of a request by one of the following that the commission
791 recommend legislative action related to the State Construction Code:

- 792 (A) a local regulator;
- 793 (B) a state regulator;
- 794 (C) a state agency involved with the construction and design of a building;
- 795 (D) the Construction Services Commission;
- 796 (E) the Electrician Licensing Board;
- 797 (F) the Plumbers Licensing Board; or
- 798 (G) a recognized construction-related association.

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

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

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

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

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

813 (c) If the State Construction Code is amended under this Subsection (6), the division

814 shall:

815 (i) publish the amendment to the State Construction Code in accordance with Section
816 [15A-1-205](#); and

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

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

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

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

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

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

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

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

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

837 (a) enforce a federal law or regulation;

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

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

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

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

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

849 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in
850 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
851 than 1,500 square feet and used solely for the type of sales described in Subsection
852 59-12-104(20), is exempt from the requirements of the State Construction Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

881 (i) the State Construction Code;

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

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

886 (13) (a) Subsection (1)(b) does not apply to a person repairing damage caused by a
887 natural disaster to an existing one to two family dwelling or townhome, if the sole purpose of
888 the repairs is to restore the one to two family dwelling or townhome to the same or
889 substantially the same condition as before the natural disaster.

890 (b) Subject to Subsection (13)(c), the permit requirements of the State Construction
891 Code do not apply to a construction project involving repairs to an existing one to two family
892 dwelling or townhome described in Subsection (13)(a).

893 (c) Upon the completion of a construction project involving repairs to an existing one
894 to two family dwelling or townhome described in Subsection (13)(a), the owner shall, to
895 determine compliance with Subsection (13)(a), ensure that the one to two family dwelling or
896 townhome is inspected by:

897 (i) the local regulator within the political subdivision in which the construction project

898 takes place; or

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

900 (A) Subsection 10-5-132(2)(b)(ii), if the local regulator described in Subsection

901 (13)(c)(i) is a town;

902 (B) Subsection 10-6-160(2)(b)(ii), if the local regulator described in Subsection

903 (13)(c)(i) is a city; or

904 (C) Subsection 17-36-55(2)(b)(ii), if the local regulator described in Subsection

905 (13)(c)(i) is a county.

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

907 **15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

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

909 (2) In IBC, Section 110, a new section is added as follows: " 110.3.5.1,

910 Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant

911 exterior wall envelope as required by Section 1404.2, and flashing as required by Section

912 1404.4 to prevent water from entering the weather-resistive barrier."

913 (3) In IBC, Section 111.2, a new exception is added as follows: "Exception: A licensed

914 building inspector who conducts an inspection on behalf of the owner or the owner's authorized

915 agent in accordance with Utah Code, Section 10-5-132, 10-6-160, or 17-36-55 may issue a

916 certificate of occupancy."

917 [~~3~~] (4) IBC, Section 115.1, is deleted and replaced with the following: "115.1

918 Authority. Whenever the building official finds any work regulated by this code being

919 performed in a manner either contrary to the provisions of this code or other pertinent laws or

920 ordinances or is dangerous or unsafe, the building official is authorized to stop work."

921 [~~4~~] (5) In IBC, Section 202, the following definition is added for Ambulatory

922 Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building

923 licensed by the Utah Department of Health where procedures are performed that may render

924 patients incapable of self preservation where care is less than 24 hours. See Utah

925 Administrative Code R432-13."

926 ~~[(5)]~~ (6) In IBC, Section 202, the following definition is added for Assisted Living
927 Facility: "ASSISTED LIVING FACILITY. See Residential Treatment/Support Assisted Living
928 Facility, Type I Assisted Living Facility, and Type II Assisted Living Facility."

929 ~~[(6)]~~ (7) In IBC, Section 202, the definition for Foster Care Facilities is modified by
930 deleting the word "Foster" and replacing it with the word "Child."

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

936 ~~[(7)]~~ (9) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by
937 deleting the words "a fire alarm system" and replacing them with "any fire protection system."

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

945 ~~[(9)]~~ (11) In IBC, Section 202, the following definition is added for Type I Assisted
946 Living Facility: "TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the
947 Department of Health that provides a protected living arrangement, assistance with activities of
948 daily living and social care to two or more ambulatory, non-restrained persons who are capable
949 of mobility sufficient to exit the facility without the assistance of another person. Subcategories
950 are:

951 Limited Capacity: two to five residents;

952 Small: six to sixteen residents; and

953 Large: over sixteen residents."

954 ~~[(10)]~~ (12) In IBC, Section 202, the following definition is added for Type II Assisted
955 Living Facility: "TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by
956 the Department of Health that provides an array of coordinated supportive personal and health
957 care services to two or more residents who are:

- 958 A. Physically disabled but able to direct his or her own care; or
- 959 B. Cognitively impaired or physically disabled but able to evacuate from the facility, or
960 to a zone or area of safety, with the physical assistance of one person. Subcategories are:
961 Limited Capacity: two to five residents;
962 Small: six to sixteen residents; and
963 Large: over sixteen residents."

964 ~~[(11)]~~ (13) In IBC, Section 305.2, the following changes are made:

- 965 (a) delete the words "more than five children older than 2 1/2 years of age" and replace
966 with the words "five or more children 2 years of age or older";
- 967 (b) after the word "supervision" insert the words "child care services"; and
- 968 (c) add the following sentence at the end of the paragraph: "See Section 429, Day Care,
969 for special requirements for day care."

970 ~~[(12)]~~ (14) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced
971 with the word "four" in all places.

972 ~~[(13)]~~ (15) A new IBC Section 305.2.4 is added as follows: "305.2.4 Child day care --
973 residential child care certificate or a license. Areas used for child day care purposes with a
974 residential child care certificate, as described in Utah Administrative Code, R430-50,
975 Residential Certificate Child Care, or a residential child care license, as described in Utah
976 Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or
977 R-3 occupancy as provided in Sections 310.3 and 310.4 comply with the International
978 Residential Code in accordance with Section R101.2."

979 ~~[(14)]~~ (16) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child care
980 centers. Each of the following areas may be classified as accessory occupancies, if the area
981 complies with Section 508.2:

- 982 1. Hourly child care centers, as described in Utah Administrative Code, R381-60,
983 Hourly Child Care Centers;
- 984 2. Child care centers, as described in Utah Administrative Code, R381-100, Child Care
985 Centers; and
- 986 3. Out-of-school-time programs, as described in Utah Administrative Code, R381-70,
987 Out of School Time Child Care Programs."
- 988 ~~[(15)]~~ (17) In IBC, Table 307.1(1), footnote "d" is added to the row for Explosives,
989 Division 1.4G in the column titled STORAGE - Solid Pounds (cubic feet).
- 990 ~~[(16)]~~ (18) In IBC, Section 308.2, in the list of items under "This group shall include,"
991 the words "Type-I Large and Type-II Small, see Section 308.2.5" are added after "Assisted
992 living facilities."
- 993 ~~[(17)]~~ (19) In IBC, Section 308.2.4, all of the words after the first International
994 Residential Code are deleted.
- 995 ~~[(18)]~~ (20) A new IBC, Section 308.2.5 is added as follows:
996 "308.2.5 Group I-1 assisted living facility occupancy groups. The following occupancy
997 groups shall apply to assisted living facilities:
- 998 Type I assisted living facilities with seventeen or more residents are Large Facilities
999 classified as an Institutional Group I-1, Condition 1 occupancy.
- 1000 Type II assisted living facilities with six to sixteen residents are Small Facilities
1001 classified as an Institutional Group I-1, Condition 2 occupancy. See Section 202 for
1002 definitions."
- 1003 ~~[(19)]~~ (21) In IBC, Section 308.3 Institutional Group I-2, the following changes are
1004 made:
- 1005 (a) The words "more than five" are deleted and replaced with "four or more";
1006 (b) The group "Assisted living facilities, Type-II Large" is added to the list of groups;
1007 (c) The words "Foster care facilities" are deleted and replaced with the words "Child
1008 care facilities"; and
- 1009 (d) The words "(both intermediate care facilities and skilled nursing facilities)" are

1010 added after "Nursing homes."

1011 [~~(20)~~] (22) In IBC, Section 308.3.2, the number "five" is deleted and replaced with the
1012 number "four" in each location.

1013 [~~(21)~~] (23) A new IBC, Section 308.3.3 is added as follows:

1014 "308.3.3 Group I-2 assisted living facilities. Type II assisted living facilities with
1015 seventeen or more residents are Large Facilities classified as an Institutional Group I-2,
1016 Condition 1 occupancy. See Section 202 for definitions."

1017 [~~(22)~~] (24) In IBC, Section 308.5, the words "more than five" are deleted and replaced
1018 with the words "five or more."

1019 [~~(23)~~] (25) In IBC, Section 308.5.1, the following changes are made:

1020 (a) The words "more than five" are deleted and replaced with the words "five or more."

1021 (b) The words "2-1/2 years or less of age" are deleted and replaced with "under the age
1022 of two."

1023 (c) The following sentence is added at the end: "See Section 429 for special
1024 requirements for Day Care."

1025 [~~(24)~~] (26) In IBC, Sections 308.5.3 and 308.5.4, the words "five or fewer" are deleted
1026 and replaced with the words "four or fewer" in both places and the following sentence is added
1027 at the end: "See Section 429 for special requirements for Day Care."

1028 [~~(25)~~] (27) In IBC, Section 310.4, the following changes are made:

1029 (a) The words "and single family dwellings complying with the IRC" are added after
1030 "Residential Group-3 occupancies."

1031 (b) The words "Assisted Living Facilities, limited capacity" are added to the list of
1032 occupancies.

1033 [~~(26)~~] (28) In IBC, Section 310.4.1, the following changes are made:

1034 (a) The words "other than Child Care" are inserted after the words "Care facilities" in
1035 the first sentence.

1036 (b) All of the words after the first "International Residential Code" are deleted.

1037 (c) The following sentence is added at the end of the last sentence: "See Section 429

1038 for special requirements for Child Day Care."

1039 ~~[(27)]~~ (29) A new IBC Section 310.4.3 is added as follows: " 310.4.3 Child Care.

1040 Areas used for child care purposes may be located in a residential dwelling unit under all of the
1041 following conditions and Section 429:

1042 1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the
1043 authority of the Utah Fire Prevention Board.

1044 2. Use is approved by the Utah Department of Health, as enacted under the authority of the
1045 Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
1046 categories:

1047 a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

1048 b. Utah Administrative Code, R430-90, Licensed Family Child Care.

1049 3. Compliance with all zoning regulations of the local regulator."

1050 ~~[(28)]~~ (30) A new IBC, Section 310.4.4 is added as follows: "310.4.4 Assisted living
1051 facilities. Type I assisted living facilities with two to five residents are Limited Capacity
1052 facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the
1053 International Residential Code. See Section 202 for definitions."

1054 ~~[(29)]~~ (31) In IBC, Section 310.5, the words "Type II Limited Capacity and Type I
1055 Small, see Section 310.5.3" are added after the words "assisted living facilities."

1056 ~~[(30)]~~ (32) A new IBC, Section 310.5.3, is added as follows: "310.5.3 Group R-4
1057 Assisted living facility occupancy groups. The following occupancy groups shall apply to
1058 Assisted Living Facilities: Type II Assisted Living Facilities with two to five residents are
1059 Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy. Type
1060 I assisted living facilities with six to sixteen residents are Small Facilities classified as
1061 Residential Group R-4, Condition 1 occupancies. See Section 202 for definitions."

1062 Section 9. Section **15A-5-104** is amended to read:

1063 **15A-5-104. Exemptions from State Fire Code.**

1064 (1) As used in this section, "remote yurt" means the same as that term is defined in

1065 ~~[Subsection 15A-1-204(12)]~~ Section 15A-1-202.

1066 (2) A remote yurt is exempt from the State Fire Code unless otherwise provided by
1067 ordinance in accordance with Subsection 15A-1-204(12)(~~e~~)(b).

1068 (3) An owner of a remote yurt shall ensure that a fire extinguisher is in the remote yurt.
1069 Section 10. Section 17-27a-403 is amended to read:

1070 **17-27a-403. Plan preparation.**

1071 (1) (a) The planning commission shall provide notice, as provided in Section
1072 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1073 plan or a comprehensive general plan amendment when the planning commission initiates the
1074 process of preparing its recommendation.

1075 (b) The planning commission shall make and recommend to the legislative body a
1076 proposed general plan for:

1077 (i) the unincorporated area within the county; or

1078 (ii) if the planning commission is a planning commission for a mountainous planning
1079 district, the mountainous planning district.

1080 (c) (i) The plan may include planning for incorporated areas if, in the planning
1081 commission's judgment, they are related to the planning of the unincorporated territory or of
1082 the county as a whole.

1083 (ii) Elements of the county plan that address incorporated areas are not an official plan
1084 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1085 planning commission and adopted by the governing body of the municipality.

1086 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1087 planning district, the plan for the mountainous planning district controls and precedes a
1088 municipal plan, if any, to which the property would be subject.

1089 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1090 and descriptive and explanatory matter, shall include the planning commission's
1091 recommendations for the following plan elements:

1092 (i) a land use element that:

1093 (A) designates the long-term goals and the proposed extent, general distribution, and

1094 location of land for housing for residents of various income levels, business, industry,
1095 agriculture, recreation, education, public buildings and grounds, open space, and other
1096 categories of public and private uses of land as appropriate; and

1097 (B) may include a statement of the projections for and standards of population density
1098 and building intensity recommended for the various land use categories covered by the plan;

1099 (ii) a transportation and traffic circulation element that:

1100 (A) provides the general location and extent of existing and proposed freeways, arterial
1101 and collector streets, public transit, active transportation facilities, and other modes of
1102 transportation that the planning commission considers appropriate;

1103 (B) addresses the county's plan for residential and commercial development around
1104 major transit investment corridors to maintain and improve the connections between housing,
1105 employment, education, recreation, and commerce; and

1106 (C) correlates with the population projections, the employment projections, and the
1107 proposed land use element of the general plan;

1108 (iii) a plan for the development of additional moderate income housing within the
1109 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1110 realistic opportunity to meet the need for additional moderate income housing; and

1111 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1112 and policies required by Subsection [17-27a-401\(3\)](#).

1113 (b) In drafting the moderate income housing element, the planning commission:

1114 (i) shall consider the Legislature's determination that counties should facilitate a
1115 reasonable opportunity for a variety of housing, including moderate income housing:

1116 (A) to meet the needs of people of various income levels living, working, or desiring to
1117 live or work in the community; and

1118 (B) to allow people with various incomes to benefit from and fully participate in all
1119 aspects of neighborhood and community life; and

1120 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1121 the development of moderate income housing within the planning horizon, which may include

- 1122 a recommendation to implement three or more of the following strategies:
- 1123 (A) rezone for densities necessary to assure the production of moderate income
1124 housing;
- 1125 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1126 construction of moderate income housing;
- 1127 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
1128 income housing;
- 1129 (D) consider county general fund subsidies or other sources of revenue to waive
1130 construction related fees that are otherwise generally imposed by the county;
- 1131 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1132 residential zones;
- 1133 (F) allow for higher density or moderate income residential development in
1134 commercial and mixed-use zones, commercial centers, or employment centers;
- 1135 (G) encourage higher density or moderate income residential development near major
1136 transit investment corridors;
- 1137 (H) eliminate or reduce parking requirements for residential development where a
1138 resident is less likely to rely on the resident's own vehicle, such as residential development near
1139 major transit investment corridors or senior living facilities;
- 1140 (I) allow for single room occupancy developments;
- 1141 (J) implement zoning incentives for low to moderate income units in new
1142 developments;
- 1143 (K) utilize strategies that preserve subsidized low to moderate income units on a
1144 long-term basis;
- 1145 (L) preserve existing moderate income housing;
- 1146 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
1147 income housing;
- 1148 (N) participate in a community land trust program for low or moderate income
1149 housing;

1150 (O) implement a mortgage assistance program for employees of the county or of an
1151 employer that provides contracted services for the county;

1152 (P) apply for or partner with an entity that applies for state or federal funds or tax
1153 incentives to promote the construction of moderate income housing;

1154 (Q) apply for or partner with an entity that applies for programs offered by the Utah
1155 Housing Corporation within that agency's funding capacity;

1156 (R) apply for or partner with an entity that applies for affordable housing programs
1157 administered by the Department of Workforce Services;

1158 (S) apply for or partner with an entity that applies for services provided by a public
1159 housing authority to preserve and create moderate income housing;

1160 (T) apply for or partner with an entity that applies for programs administered by a
1161 metropolitan planning organization or other transportation agency that provides technical
1162 planning assistance;

1163 (U) utilize a moderate income housing set aside from a community reinvestment
1164 agency, redevelopment agency, or community development and renewal agency; and

1165 [~~(V) reduce residential building design elements as defined in Section 10-9a-403; and~~]

1166 [~~(W)~~] (V) consider any other program or strategy implemented by the county to address
1167 the housing needs of residents of the county who earn less than 80% of the area median
1168 income.

1169 (c) In drafting the land use element, the planning commission shall:

1170 (i) identify and consider each agriculture protection area within the unincorporated area
1171 of the county or mountainous planning district; and

1172 (ii) avoid proposing a use of land within an agriculture protection area that is
1173 inconsistent with or detrimental to the use of the land for agriculture.

1174 (d) In drafting the transportation and traffic circulation element, the planning
1175 commission shall:

1176 (i) consider the regional transportation plan developed by its region's metropolitan
1177 planning organization, if the relevant areas of the county are within the boundaries of a

1178 metropolitan planning organization; or

1179 (ii) consider the long-range transportation plan developed by the Department of
1180 Transportation, if the relevant areas of the county are not within the boundaries of a
1181 metropolitan planning organization.

1182 (3) The proposed general plan may include:

1183 (a) an environmental element that addresses:

1184 (i) to the extent not covered by the county's resource management plan, the protection,
1185 conservation, development, and use of natural resources, including the quality of air, forests,
1186 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1187 and

1188 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1189 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1190 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1191 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1192 (b) a public services and facilities element showing general plans for sewage, water,
1193 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1194 police and fire protection, and other public services;

1195 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1196 programs for:

1197 (i) historic preservation;

1198 (ii) the diminution or elimination of a development impediment as defined in Section
1199 [17C-1-102](#); and

1200 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1201 public building sites;

1202 (d) an economic element composed of appropriate studies and forecasts, as well as an
1203 economic development plan, which may include review of existing and projected county
1204 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1205 primary and secondary market areas, employment, and retail sales activity;

1206 (e) recommendations for implementing all or any portion of the general plan, including
1207 the use of land use ordinances, capital improvement plans, community development and
1208 promotion, and any other appropriate action;

1209 (f) provisions addressing any of the matters listed in Subsection [17-27a-401](#)(2) or
1210 (3)(a)(i); and

1211 (g) any other element the county considers appropriate.

1212 Section 11. Section **17-27a-527** is enacted to read:

1213 **17-27a-527. Regulation of building design elements prohibited -- Exceptions.**

1214 (1) As used in this section, "building design element" means:

1215 (a) exterior color;

1216 (b) type or style of exterior cladding material;

1217 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

1218 (d) exterior nonstructural architectural ornamentation;

1219 (e) location, design, placement, or architectural styling of a window or door;

1220 (f) location, design, placement, or architectural styling of a garage door, not including a
1221 rear-loading garage door;

1222 (g) number or type of rooms;

1223 (h) interior layout of a room;

1224 (i) minimum square footage over 1,000 square feet, not including a garage;

1225 (j) rear yard landscaping requirements;

1226 (k) minimum building dimensions; or

1227 (l) a requirement to install front yard fencing.

1228 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
1229 building design element on a one to two family dwelling or townhome.

1230 (3) Subsection (2) does not apply to:

1231 (a) a dwelling located within an area designated as a historic district in:

1232 (i) the National Register of Historic Places;

1233 (ii) the state register as defined in Section [9-8-402](#); or

1234 (iii) a local historic district or area, or a site designated as a local landmark, created by
1235 ordinance before January 1, 2021;

1236 (b) an ordinance enacted as a condition for participation in the National Flood
1237 Insurance Program administered by the Federal Emergency Management Agency;

1238 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
1239 Interface Code adopted under Section [15A-2-103](#);

1240 (d) building design elements agreed to under a development agreement;

1241 (e) a dwelling located within an area that:

1242 (i) is zoned primarily for residential use; and

1243 (ii) was substantially developed before calendar year 1950;

1244 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;

1245 (g) an ordinance enacted to regulate type of cladding, in response to findings or
1246 evidence from the construction industry of:

1247 (i) defects in the material of existing cladding; or

1248 (ii) consistent defects in the installation of existing cladding; or

1249 (h) a land use regulation, including a planned unit development or overlay zone, that a
1250 property owner requests:

1251 (i) the county to apply to the owner's property; and

1252 (ii) in exchange for an increase in density or other benefit not otherwise available as a
1253 permitted use in the zoning area or district.

1254 Section 12. Section **17-36-55** is amended to read:

1255 **17-36-55. Fees collected for construction approval -- Approval of plans.**

1256 (1) As used in this section:

1257 (a) "Business day" means the same as that term is defined in Section [54-8c-1](#).

1258 [(a)] (b) "Construction project" means the same as that term is defined in Section
1259 [38-1a-102](#).

1260 (c) "Licensed building inspector" means an individual who is:

1261 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,

1262 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and
1263 (ii) covered by liability insurance when providing private services as a licensed
1264 building inspector, in an amount established in rules made by the Division of Occupational and
1265 Professional Licensing in accordance with Title 63G, Chapter 3, Utah Administrative
1266 Rulemaking Act.

1267 [~~(b)~~] (d) "Lodging establishment" means a place providing temporary sleeping
1268 accommodations to the public, including any of the following:

- 1269 (i) a bed and breakfast establishment;
- 1270 (ii) a boarding house;
- 1271 (iii) a dormitory;
- 1272 (iv) a hotel;
- 1273 (v) an inn;
- 1274 (vi) a lodging house;
- 1275 (vii) a motel;
- 1276 (viii) a resort; or
- 1277 (ix) a rooming house.

1278 [~~(c)~~] (e) "Planning review" means a review to verify that a county has approved the
1279 following elements of a construction project:

- 1280 (i) zoning;
- 1281 (ii) lot sizes;
- 1282 (iii) setbacks;
- 1283 (iv) easements;
- 1284 (v) curb and gutter elevations;
- 1285 (vi) grades and slopes;
- 1286 (vii) utilities;
- 1287 (viii) street names;
- 1288 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
1289 Interface Code adopted under Section [15A-2-103](#); and

1290 (x) subdivision.

1291 [~~(d)~~] (f) (i) "Plan review" means all of the reviews and approvals of a plan that a county
1292 requires to obtain a building permit from the county with a scope that may not exceed a review
1293 to verify:

1294 (A) that the construction project complies with the provisions of the State Construction
1295 Code under Title 15A, State Construction and Fire Codes Act;

1296 (B) that the construction project complies with the energy code adopted under Section
1297 15A-2-103;

1298 (C) that the construction project received a planning review;

1299 (D) that the applicant paid any required fees;

1300 (E) that the applicant obtained final approvals from any other required reviewing
1301 agencies;

1302 (F) that the construction project complies with federal, state, and local storm water
1303 protection laws;

1304 (G) that the construction project received a structural review;

1305 (H) the total square footage for each building level of finished, garage, and unfinished
1306 space; and

1307 (I) that the plans include a printed statement indicating that the actual construction will
1308 comply with applicable local ordinances and the state construction codes.

1309 (ii) "Plan review" does not mean a review of a document:

1310 (A) required to be re-submitted for a construction project other than a construction
1311 project for a one to two family dwelling or townhome if additional modifications or substantive
1312 changes are identified by the plan review;

1313 (B) submitted as part of a deferred submittal when requested by the applicant and
1314 approved by the building official; or

1315 (C) that, due to the document's technical nature or on the request of the applicant, is
1316 reviewed by a third party.

1317 [~~(e)~~] (g) "State Construction Code" means the same as that term is defined in Section

1318 15A-1-102.

1319 ~~[(f)]~~ (h) "State Fire Code" means the same as that term is defined in Section

1320 15A-1-102.

1321 ~~[(g)]~~ (i) "Structural review" means:

1322 (i) a review that verifies that a construction project complies with the following:

1323 (A) footing size and bar placement;

1324 (B) foundation thickness and bar placement;

1325 (C) beam and header sizes;

1326 (D) nailing patterns;

1327 (E) bearing points;

1328 (F) structural member size and span; and

1329 (G) sheathing; or

1330 (ii) if the review exceeds the scope of the review described in Subsection (1)~~[(g)]~~(i)(i),

1331 a review that a licensed engineer conducts.

1332 ~~[(h)]~~ (j) "Technical nature" means a characteristic that places an item outside the
1333 training and expertise of an individual who regularly performs plan reviews.

1334 (2) (a) If a county collects a fee for the inspection of a construction project, the county
1335 shall ensure that the construction project receives a prompt inspection.

1336 (b) If a county cannot provide a building inspection within three business days after the
1337 day on which the county receives the request for the inspection[;]:

1338 (i) the county ~~[shall]~~ may promptly engage an independent inspector with fees
1339 collected from the applicant[;]; or

1340 (ii) the applicant may engage an independent third-party licensed building inspector to
1341 complete each required inspection on the applicant's behalf in accordance with Subsection
1342 (2)(d), if the construction project is for a one to two family dwelling or townhome.

1343 (c) If an inspector identifies one or more violations of the State Construction Code or
1344 State Fire Code during an inspection, the inspector shall give the permit holder written
1345 notification that:

- 1346 (i) identifies each violation;
- 1347 (ii) upon request by the permit holder, includes a reference to each applicable provision
- 1348 of the State Construction Code or State Fire Code; and
- 1349 (iii) is delivered:
 - 1350 (A) in hardcopy or by electronic means; and
 - 1351 (B) the day on which the inspection occurs.
- 1352 (d) (i) An applicant who engages an independent licensed building inspector to
- 1353 complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall
- 1354 promptly notify the county in writing of the name and address of the licensed building
- 1355 inspector at the time the applicant engages the licensed building inspector.
- 1356 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:
- 1357 (A) complete each required inspection of the construction project on the applicant's
- 1358 behalf;
- 1359 (B) provide written notification to the county after completing the final required
- 1360 inspection; and
- 1361 (C) issue the applicant a certificate of occupancy for the construction project.
- 1362 (3) (a) A county shall complete a plan review of a construction project for a one to two
- 1363 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
- 1364 ~~is submitted~~] applicant submits a complete building permit application to the county.
- 1365 (b) A county shall complete a plan review of a construction project for a residential
- 1366 structure built under the International Building Code, not including a lodging establishment, by
- 1367 no later than 21 business days after the day on which the [~~plan is submitted~~] applicant submits
- 1368 a complete building permit application to the county.
- 1369 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
- 1370 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
- 1371 that the county complete the plan review.
- 1372 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
- 1373 the plan review no later than:

1374 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
1375 applicant makes the request; or

1376 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
1377 applicant makes the request.

1378 (d) An applicant may:

1379 (i) waive the plan review time requirements described in this Subsection (3); or

1380 (ii) with the county's consent, establish an alternative plan review time requirement.

1381 (4) ~~(a)~~ A county may not enforce a requirement to have a plan review if:

1382 ~~(i)~~ (a) the county does not complete the plan review within the time period described
1383 in Subsection (3)(a) or (b); ~~and~~

1384 (b) the applicant makes a request under Subsection (3)(c)(i);

1385 (c) the county does not complete the plan review within the time period described in
1386 Subsection (3)(c)(ii); and

1387 ~~(i)~~ (d) a licensed architect or structural engineer, or both when required by law,
1388 stamps the plan.

1389 ~~(b)~~ (5) (a) A county may attach to a reviewed plan a list that includes:

1390 (i) items with which the county is concerned and may enforce during construction; and

1391 (ii) building code violations found in the plan.

1392 ~~(c)~~ (b) A county may not require an applicant to redraft a plan if the county requests
1393 minor changes to the plan that the list described in Subsection ~~(4)(b)~~ (5)(a) identifies.

1394 ~~(5) An applicant shall ensure that each construction project plan submitted for a plan
1395 review under this section has a statement indicating that actual construction will comply with
1396 applicable local ordinances and building codes.]~~

1397 (c) A county may require a single resubmittal of plans for a one or two family dwelling
1398 or townhome if the resubmission is required to address deficiencies identified by a third-party
1399 review of a geotechnical report or geological report.

1400 (6) If a county charges a fee for a building permit, the county may not refuse payment
1401 of the fee at the time the applicant submits a building permit application under Subsection (3).

1402 (7) A county may not limit the number of building permit applications submitted under
1403 Subsection (3).

1404 (8) For purposes of Subsection (3), a building permit application is complete if the
1405 application contains:

1406 (a) the name, address, and contact information of:

1407 (i) the applicant; and

1408 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
1409 the construction project;

1410 (b) a site plan for the construction project that:

1411 (i) is drawn to scale;

1412 (ii) includes a north arrow and legend; and

1413 (iii) provides specifications for the following:

1414 (A) lot size and dimensions;

1415 (B) setbacks and overhangs for setbacks;

1416 (C) easements;

1417 (D) property lines;

1418 (E) topographical details, if the slope of the lot is greater than 10%;

1419 (F) retaining walls;

1420 (G) hard surface areas;

1421 (H) curb and gutter elevations as indicated in the subdivision documents;

1422 (I) utilities, including water meter and sewer lateral location;

1423 (J) street names;

1424 (K) driveway locations;

1425 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
1426 Interface Code adopted under Section [15A-2-103](#); and

1427 (M) the location of the nearest hydrant;

1428 (c) construction plans and drawings, including:

1429 (i) elevations, only if the construction project is new construction;

- 1430 (ii) floor plans for each level, including the location and size of doors and windows;
- 1431 (iii) foundation, structural, and framing detail; and
- 1432 (iv) electrical, mechanical, and plumbing design;
- 1433 (d) documentation of energy code compliance;
- 1434 (e) structural calculations, except for trusses;
- 1435 (f) a geotechnical report, including a slope stability evaluation and retaining wall

1436 design, if:

- 1437 (i) the slope of the lot is greater than 15%; and
- 1438 (ii) required by the county; and
- 1439 (g) a statement indicating that actual construction will comply with applicable local
- 1440 ordinances and building codes.

1441 Section 13. Section **38-1a-102** is amended to read:

1442 **38-1a-102. Definitions.**

1443 As used in this chapter:

1444 (1) "Alternate means" means a method of filing a legible and complete notice or other
1445 document with the registry other than electronically, as established by the division by rule.

1446 (2) "Anticipated improvement" means the improvement:

1447 (a) for which preconstruction service is performed; and

1448 (b) that is anticipated to follow the performing of preconstruction service.

1449 (3) "Applicable county recorder" means the office of the recorder of each county in
1450 which any part of the property on which a claimant claims or intends to claim a preconstruction
1451 or construction lien is located.

1452 (4) "Bona fide loan" means a loan to an owner or owner-builder by a lender in which
1453 the owner or owner-builder has no financial or beneficial interest greater than 5% of the voting
1454 shares or other ownership interest.

1455 (5) "Claimant" means a person entitled to claim a preconstruction or construction lien.

1456 (6) "Compensation" means the payment of money for a service rendered or an expense
1457 incurred, whether based on:

1458 (a) time and expense, lump sum, stipulated sum, percentage of cost, cost plus fixed or
1459 percentage fee, or commission; or

1460 (b) a combination of the bases listed in Subsection (6)(a).

1461 (7) "Construction lender" means a person who makes a construction loan.

1462 (8) "Construction lien" means a lien under this chapter for construction work.

1463 (9) "Construction loan" does not include a consumer loan secured by the equity in the
1464 consumer's home.

1465 (10) "Construction project" means an improvement that is constructed pursuant to an
1466 original contract.

1467 (11) "Construction work":

1468 (a) means labor, service, material, or equipment provided for the purpose and during
1469 the process of constructing, altering, or repairing an improvement; and

1470 (b) includes scheduling, estimating, staking, supervising, managing, materials testing,
1471 inspection, observation, and quality control or assurance involved in constructing, altering, or
1472 repairing an improvement.

1473 (12) "Contestable notice" means a notice of preconstruction service under Section
1474 [38-1a-401](#), a preliminary notice under Section [38-1a-501](#), or a notice of completion under
1475 Section [38-1a-506](#).

1476 (13) "Contesting person" means an owner, original contractor, subcontractor, or other
1477 interested person.

1478 (14) "Designated agent" means the third party the division contracts with as provided
1479 in Section [38-1a-202](#) to create and maintain the registry.

1480 (15) "Division" means the Division of Occupational and Professional Licensing created
1481 in Section [58-1-103](#).

1482 (16) "Entry number" means the reference number that:

1483 (a) the designated agent assigns to each notice or other document filed with the
1484 registry; and

1485 (b) is unique for each notice or other document.

1486 (17) "Final completion" means:

1487 (a) the date of issuance of a permanent certificate of occupancy by the local
1488 government entity having jurisdiction over the construction project or building inspector that
1489 has the authority to issue a certificate of occupancy for the construction project under Section
1490 10-5-132, 10-6-160, or 17-36-55, if a permanent certificate of occupancy is required;

1491 (b) the date of the final inspection of the construction work by the local government
1492 entity having jurisdiction over the construction project or building inspector described in
1493 Subsection (17)(a), if an inspection is required under a state-adopted building code applicable
1494 to the construction work, but no certificate of occupancy is required;

1495 (c) unless the owner is holding payment to ensure completion of construction work, the
1496 date on which there remains no substantial work to be completed to finish the construction
1497 work under the original contract, if a certificate of occupancy is not required and a final
1498 inspection is not required under an applicable state-adopted building code; or

1499 (d) the last date on which substantial work was performed under the original contract,
1500 if, because the original contract is terminated before completion of the construction work
1501 defined by the original contract, the local government entity having jurisdiction over the
1502 construction project or building inspector described in Subsection (17)(a) does not issue a
1503 certificate of occupancy or perform a final inspection.

1504 (18) "Final lien waiver" means a form that complies with Subsection 38-1a-802(4)(c).

1505 (19) "First preliminary notice filing" means a preliminary notice that:

1506 (a) is the earliest preliminary notice filed on the construction project for which the
1507 preliminary notice is filed;

1508 (b) is filed on a construction project that, at the time the preliminary notice is filed, has
1509 not reached final completion; and

1510 (c) is not cancelled under Section 38-1a-307.

1511 (20) "Government project-identifying information" has the same meaning as defined in
1512 Section 38-1b-102.

1513 (21) "Improvement" means:

- 1514 (a) a building, infrastructure, utility, or other human-made structure or object
1515 constructed on or for and affixed to real property; or
- 1516 (b) a repair, modification, or alteration of a building, infrastructure, utility, or object
1517 referred to in Subsection (21)(a).
- 1518 (22) "Interested person" means a person that may be affected by a construction project.
- 1519 (23) "Notice of commencement" means a notice required under Section 38-1b-201 for
1520 a government project, as defined in Section 38-1b-102.
- 1521 (24) "Original contract":
- 1522 (a) means a contract between an owner and an original contractor for preconstruction
1523 service or construction work; and
- 1524 (b) does not include a contract between an owner-builder and another person.
- 1525 (25) "Original contractor" means a person, including an owner-builder, that contracts
1526 with an owner to provide preconstruction service or construction work.
- 1527 (26) "Owner" means the person that owns the project property.
- 1528 (27) "Owner-builder" means an owner, including an owner who is also an original
1529 contractor, who:
- 1530 (a) contracts with one or more other persons for preconstruction service or construction
1531 work for an improvement on the owner's real property; and
- 1532 (b) obtains a building permit for the improvement.
- 1533 (28) "Preconstruction lien" means a lien under this chapter for a preconstruction
1534 service.
- 1535 (29) "Preconstruction service":
- 1536 (a) means to plan or design, or to assist in the planning or design of, an improvement or
1537 a proposed improvement:
- 1538 (i) before construction of the improvement commences; and
- 1539 (ii) for compensation separate from any compensation paid or to be paid for
1540 construction work for the improvement; and
- 1541 (b) includes consulting, conducting a site investigation or assessment, programming,

1542 preconstruction cost or quantity estimating, preconstruction scheduling, performing a
1543 preconstruction construction feasibility review, procuring construction services, and preparing
1544 a study, report, rendering, model, boundary or topographic survey, plat, map, design, plan,
1545 drawing, specification, or contract document.

1546 (30) "Private project" means a construction project that is not a government project.

1547 (31) "Project property" means the real property on or for which preconstruction service
1548 or construction work is or will be provided.

1549 (32) "Registry" means the State Construction Registry under Part 2, State Construction
1550 Registry.

1551 (33) "Required notice" means:

1552 (a) a notice of preconstruction service under Section [38-1a-401](#);

1553 (b) a preliminary notice under Section [38-1a-501](#) or Section [38-1b-202](#);

1554 (c) a notice of commencement;

1555 (d) a notice of construction loan under Section [38-1a-601](#);

1556 (e) a notice under Section [38-1a-602](#) concerning a construction loan default;

1557 (f) a notice of intent to obtain final completion under Section [38-1a-506](#); or

1558 (g) a notice of completion under Section [38-1a-507](#).

1559 (34) "Subcontractor" means a person that contracts to provide preconstruction service
1560 or construction work to:

1561 (a) a person other than the owner; or

1562 (b) the owner, if the owner is an owner-builder.

1563 (35) "Substantial work" does not include repair work or warranty work.

1564 (36) "Supervisory subcontractor" means a person that:

1565 (a) is a subcontractor under contract to provide preconstruction service or construction
1566 work; and

1567 (b) contracts with one or more other subcontractors for the other subcontractor or
1568 subcontractors to provide preconstruction service or construction work that the person is under
1569 contract to provide.

1570 Section 14. Section **58-56-2** is amended to read:

1571 **58-56-2. Chapter administration -- Duties.**

1572 (1) The provisions of this chapter shall be administered by the Division of
1573 Occupational and Professional Licensing.

1574 (2) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
1575 Administrative Rulemaking Act, to establish the minimum amount of liability insurance
1576 coverage for a licensed building inspector to complete inspections under Subsection
1577 10-5-132(2)(b)(ii), 10-6-160(2)(b)(ii), or 17-36-55(2)(b)(ii).

1578 Section 15. Section **78B-2-225** is amended to read:

1579 **78B-2-225. Actions related to improvements in real property.**

1580 (1) As used in this section:

1581 (a) "Abandonment" means that there has been no design or construction activity on an
1582 improvement for a continuous period of at least one year.

1583 (b) "Action" means any claim for judicial, arbitral, or administrative relief for acts,
1584 errors, omissions, or breach of duty arising out of or related to the design, construction, or
1585 installation of an improvement, regardless of whether that action is based in tort, contract,
1586 warranty, strict liability, product liability, indemnity, contribution, or other source of law.

1587 (c) "Completion" means the date of substantial completion of an improvement to real
1588 property as established by the earliest of:

1589 (i) a [~~Certificate of Substantial Completion~~] certificate of substantial completion;

1590 (ii) a [~~Certificate of Occupancy~~] certificate of occupancy issued by a governing agency
1591 or building inspector that has the authority to issue the certificate of occupancy under Section

1592 10-5-132, 10-6-160, or 17-36-55; or

1593 (iii) the date of first use or possession of the improvement.

1594 (d) "Improvement" means any building, structure, infrastructure, road, utility, or other
1595 similar man-made change, addition, modification, or alteration to real property.

1596 (e) "Person" means an individual, corporation, limited liability company, partnership,
1597 joint venture, association, proprietorship, or any other legal or governmental entity.

1598 (f) "Provider" means any person:
1599 (i) contributing to, providing, or performing:
1600 (A) studies, plans, specifications, drawings, designs, value engineering, cost or quantity
1601 estimates, surveys, staking, construction, installation, or labor to an improvement; or
1602 (B) the review, observation, administration, management, supervision, inspections, and
1603 tests of construction for or in relation to an improvement; or
1604 (ii) providing or contributing materials, products, or equipment that is incorporated
1605 into an improvement.
1606 (2) The Legislature finds that:
1607 (a) exposing a provider to suits and liability for acts, errors, omissions, or breach of
1608 duty after the possibility of injury or damage has become highly remote and unexpectedly
1609 creates costs and hardships to the provider and the citizens of the state;
1610 (b) these costs and hardships include liability insurance costs, records storage costs,
1611 undue and unlimited liability risks during the life of both a provider and an improvement, and
1612 difficulties in defending against claims many years after completion of an improvement;
1613 (c) these costs and hardships constitute clear social and economic evils;
1614 (d) the possibility of injury and damage becomes highly remote and unexpected seven
1615 years following completion or abandonment; and
1616 (e) except as provided in Subsection (7), it is in the best interests of the citizens of the
1617 state to impose the periods of limitation and repose provided in this chapter upon all causes of
1618 action by or against a provider arising out of or related to the design, construction, or
1619 installation of an improvement.
1620 (3) (a) Except as provided in Subsections (3)(b) and (c), an action by or against a
1621 provider based in contract or warranty shall be commenced within six years after the date of
1622 completion or abandonment of an improvement.
1623 (b) If a provider is required by an express term of a contract or warranty to perform an
1624 obligation later than the six-year period described in Subsection (3)(a), and the provider fails to
1625 perform the obligation as required, an action for that breach of the contract or warranty shall be

1626 commenced within two years after the day on which the breach is discovered or should have
1627 been discovered.

1628 (c) If a contract or warranty expressly establishes a different period of limitations than
1629 this section, the action shall be commenced within that limitations period.

1630 (4) (a) All other actions by or against a provider shall be commenced within two years
1631 from the earlier of the date of discovery of a cause of action or the date upon which a cause of
1632 action should have been discovered through reasonable diligence.

1633 (b) If the cause of action is discovered or discoverable before completion or
1634 abandonment of an improvement, the two-year period begins to run upon completion or
1635 abandonment.

1636 (c) Notwithstanding Subsection (4)(a), and except as provided in Subsection (4)(d), an
1637 action under this Subsection (4) may not be commenced against a provider more than nine
1638 years after completion or abandonment of an improvement.

1639 (d) If an action under Subsection (4)(a) is discovered or discoverable in the eighth or
1640 ninth year of the nine-year period, a claimant shall have two years from the date of discovery to
1641 commence an action.

1642 (5) Subsection (4) does not apply to an action against a provider:

1643 (a) who has fraudulently concealed the provider's act, error, omission, or breach of
1644 duty, or the injury, damage, or other loss caused by the provider's act, error, omission, or breach
1645 of duty; or

1646 (b) for a willful or intentional act, error, omission, or breach of duty.

1647 (6) If an individual otherwise entitled to bring an action did not commence the action
1648 within the periods prescribed by Subsections (3) and (4) solely because that individual was a
1649 minor or mentally incompetent and without a legal guardian, that individual shall have two
1650 years from the date the disability is removed to commence the action.

1651 (7) This section shall not apply to an action for the death of or bodily injury to an
1652 individual while engaged in the design, installation, or construction of an improvement.

1653 (8) This section does not apply to any action against any person in actual possession or

1654 control of the improvement as owner, tenant, or otherwise, at the time any defective or unsafe
1655 condition of the improvement proximately causes the injury for which the action is brought.

1656 (9) This section does not extend the period of limitation or repose otherwise prescribed
1657 by law or a valid and enforceable contract.

1658 (10) This section does not create or modify any claim or cause of action.

1659 (11) This section applies to all causes of action that accrue after May 3, 2003,
1660 notwithstanding that the improvement was completed or abandoned before May 3, 2004.