

Senator Scott D. Sandall proposes the following substitute bill:

LOCAL GOVERNMENT BUILDING REGULATION

AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill amends provisions related to local government building regulation.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None



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



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 ~~[(f)]~~ (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 ~~[(e)]~~ (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 [~~(c)~~] (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 ~~[(ii)]~~ (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.

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

10-9a-403. General plan preparation.

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

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

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

~~[(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;
 622 (ii) consistent defects in the installation of existing cladding;
 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; or
 628 (i) a dwelling located within a mountainous planning district, as defined in Section
 629 [17-27a-103](#).

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

631 **15A-1-104. Permit approval required -- Certificate of occupancy valid.**

632 (1) As used in this section:

- 633 (a) "Compliance agency" is as defined in Section [15A-1-202](#).
 634 (b) "Project" is as defined in Section [15A-1-209](#).

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

- 638 (a) cites with specificity the applicable provision with which the project has failed to
 639 comply; and
 640 (b) describes how the project has failed to comply.

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

646 issued unless additional changes or modifications requiring a building permit are made to
647 elements of the project after the certificate was issued.

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

649 **15A-1-202. Definitions.**

650 As used in this chapter:

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

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

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

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

659 (4) "Code" means:

660 (a) the State Construction Code; or

661 (b) an approved code.

662 (5) "Commission" means the Uniform Building Code Commission created in Section
663 **15A-1-203**.

664 (6) "Compliance agency" means:

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

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

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

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

675 (a) a building code;

676 (b) an electrical code;

- 677 (c) a residential one and two family dwelling code;
- 678 (d) a plumbing code;
- 679 (e) a mechanical code;
- 680 (f) a fuel gas code;
- 681 (g) an energy conservation code;
- 682 (h) a swimming pool and spa code; and
- 683 (i) a manufactured housing installation standard code.
- 684 (8) "Construction project" means the same as that term is defined in Section [38-1a-102](#).
- 685 ~~[(8)]~~ (9) "Executive director" means the executive director of the Department of
- 686 Commerce.
- 687 ~~[(9)]~~ (10) "Legislative action" includes legislation that:
- 688 (a) adopts a new State Construction Code;
- 689 (b) amends the State Construction Code; or
- 690 (c) repeals one or more provisions of the State Construction Code.
- 691 ~~[(10)]~~ (11) "Local regulator" means a political subdivision of the state that is
- 692 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
- 693 and other activities subject to the codes.
- 694 (12) "Membrane-covered frame structure" means a nonpressurized building with a
- 695 structure composed of a rigid framework to support a tensioned membrane that provides a
- 696 weather barrier.
- 697 (13) "Natural disaster" means:
- 698 (a) a flood;
- 699 (b) a storm;
- 700 (c) a tornado;
- 701 (d) winds;
- 702 (e) an earthquake;
- 703 (f) lightning; or
- 704 (g) any other adverse weather event.
- 705 ~~[(11)]~~ (14) "Not for human occupancy" means use of a structure for purposes other
- 706 than protection or comfort of human beings, but allows people to enter the structure for:
- 707 (a) maintenance and repair; and

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

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

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

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

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

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

719 (d) does not have plumbing or electricity;

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

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

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

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

726 **15A-1-204. Adoption of State Construction Code -- Amendments by commission**
727 **-- Approved codes -- Exemptions.**

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

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

733 (i) new construction is involved; and

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

735 (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
736 conservation, or reconstruction of the building; or

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

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

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

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

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

745 (i) to the entire state; or

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

747 (2) (a) The Legislature shall adopt a State Construction Code by enacting legislation
748 that adopts a nationally recognized construction code with any modifications.

749 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
750 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the
751 legislation.

752 (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is
753 the State Construction Code until, in accordance with this section, the Legislature adopts a new
754 State Construction Code by:

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

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

757 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
758 recognized construction code, the commission shall prepare a report described in Subsection
759 (4).

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

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

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

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

770 and Labor Interim Committee that:

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

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

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

777 (i) study the recommendations; and

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

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

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

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

790 (i) on its own initiative;

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

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

794 (A) a local regulator;

795 (B) a state regulator;

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

797 (D) the Construction Services Commission;

798 (E) the Electrician Licensing Board;

799 (F) the Plumbers Licensing Board; or

800 (G) a recognized construction-related association.

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

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

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

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

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

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

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

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

817 (i) publish the amendment to the State Construction Code in accordance with Section
818 [15A-1-205](#); and

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

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

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

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

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

- 832 (ii) adopt, by ordinance or rule, a dangerous building code; or
833 (iii) adopt, by ordinance or rule, a building rehabilitation code.
- 834 (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in
835 state law, a state executive branch entity or political subdivision of the state may not, after
836 December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject
837 specifically addressed by, and that is more restrictive than, the State Construction Code.
- 838 (9) A state executive branch entity or political subdivision of the state may:
- 839 (a) enforce a federal law or regulation;
- 840 (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or
841 requirement applies only to a facility or construction owned or used by a state entity or a
842 political subdivision of the state; or
- 843 (c) enforce a rule, ordinance, or requirement:
- 844 (i) that the state executive branch entity or political subdivision adopted or made
845 effective before July 1, 2015; and
- 846 (ii) for which the state executive branch entity or political subdivision can demonstrate,
847 with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an
848 individual from a condition likely to cause imminent injury or death.
- 849 (10) The Department of Health or the Department of Environmental Quality may
850 enforce a rule or requirement adopted before January 1, 2015.
- 851 (11) (a) Except as provided in Subsection (11)(b), a structure used solely in
852 conjunction with agriculture use, and not for human occupancy, or a structure that is no more
853 than 1,500 square feet and used solely for the type of sales described in Subsection
854 [59-12-104\(20\)](#), is exempt from the requirements of the State Construction Code.
- 855 (b) (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing,
856 electrical, and mechanical permit may be required when that work is included in a structure
857 described in Subsection (11)(a).
- 858 (ii) Unless located in whole or in part in an agricultural protection area created under
859 Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
860 Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if
861 the structure is located on land that is:
- 862 (A) within the boundaries of a city or town, and less than five contiguous acres; or

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

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

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

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

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

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

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

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

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

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

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

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

883 (i) the State Construction Code;

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

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

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

892 (b) Subject to Subsection (13)(c), the permit requirements of the State Construction
893 Code do not apply to a construction project involving repairs to an existing one to two family

894 dwelling or townhome described in Subsection (13)(a).

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

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

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

902 (A) Subsection 10-5-132(2)(b)(ii), if the local regulator described in Subsection
903 (13)(c)(i) is a town;

904 (B) Subsection 10-6-160(2)(b)(ii), if the local regulator described in Subsection
905 (13)(c)(i) is a city; or

906 (C) Subsection 17-36-55(2)(b)(ii), if the local regulator described in Subsection
907 (13)(c)(i) is a county.

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

909 **15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

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

911 (2) In IBC, Section 110, a new section is added as follows: " 110.3.5.1,
912 Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant
913 exterior wall envelope as required by Section 1404.2, and flashing as required by Section
914 1404.4 to prevent water from entering the weather-resistive barrier."

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

919 [~~3~~] (4) IBC, Section 115.1, is deleted and replaced with the following: "115.1
920 Authority. Whenever the building official finds any work regulated by this code being
921 performed in a manner either contrary to the provisions of this code or other pertinent laws or
922 ordinances or is dangerous or unsafe, the building official is authorized to stop work."

923 [~~4~~] (5) In IBC, Section 202, the following definition is added for Ambulatory
924 Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building

925 licensed by the Utah Department of Health where procedures are performed that may render
926 patients incapable of self preservation where care is less than 24 hours. See Utah
927 Administrative Code R432-13."

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

931 ~~[(6)]~~ (7) In IBC, Section 202, the definition for Foster Care Facilities is modified by
932 deleting the word "Foster" and replacing it with the word "Child."

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

938 ~~[(7)]~~ (9) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by
939 deleting the words "a fire alarm system" and replacing them with "any fire protection system."

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

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

953 Limited Capacity: two to five residents;

954 Small: six to sixteen residents; and

955 Large: over sixteen residents."

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

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

966 ~~[(11)]~~ (13) In IBC, Section 305.2, the following changes are made:

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

972 ~~[(12)]~~ (14) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced
973 with the word "four" in all places.

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

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

- 984 1. Hourly child care centers, as described in Utah Administrative Code, R381-60,
985 Hourly Child Care Centers;
- 986 2. Child care centers, as described in Utah Administrative Code, R381-100, Child Care

987 Centers; and

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

990 [~~(15)~~] (17) In IBC, Table 307.1(1), footnote "d" is added to the row for Explosives,
991 Division 1.4G in the column titled STORAGE - Solid Pounds (cubic feet).

992 [~~(16)~~] (18) In IBC, Section 308.2, in the list of items under "This group shall include,"
993 the words "Type-I Large and Type-II Small, see Section 308.2.5" are added after "Assisted
994 living facilities."

995 [~~(17)~~] (19) In IBC, Section 308.2.4, all of the words after the first International
996 Residential Code are deleted.

997 [~~(18)~~] (20) A new IBC, Section 308.2.5 is added as follows:

998 "308.2.5 Group I-1 assisted living facility occupancy groups. The following occupancy
999 groups shall apply to assisted living facilities:

1000 Type I assisted living facilities with seventeen or more residents are Large Facilities
1001 classified as an Institutional Group I-1, Condition 1 occupancy.

1002 Type II assisted living facilities with six to sixteen residents are Small Facilities
1003 classified as an Institutional Group I-1, Condition 2 occupancy. See Section 202 for
1004 definitions."

1005 [~~(19)~~] (21) In IBC, Section 308.3 Institutional Group I-2, the following changes are
1006 made:

1007 (a) The words "more than five" are deleted and replaced with "four or more";

1008 (b) The group "Assisted living facilities, Type-II Large" is added to the list of groups;

1009 (c) The words "Foster care facilities" are deleted and replaced with the words "Child
1010 care facilities"; and

1011 (d) The words "(both intermediate care facilities and skilled nursing facilities)" are
1012 added after "Nursing homes."

1013 [~~(20)~~] (22) In IBC, Section 308.3.2, the number "five" is deleted and replaced with the
1014 number "four" in each location.

1015 [~~(21)~~] (23) A new IBC, Section 308.3.3 is added as follows:

1016 "308.3.3 Group I-2 assisted living facilities. Type II assisted living facilities with
1017 seventeen or more residents are Large Facilities classified as an Institutional Group I-2,

1018 Condition 1 occupancy. See Section 202 for definitions."

1019 [~~(22)~~] (24) In IBC, Section 308.5, the words "more than five" are deleted and replaced
1020 with the words "five or more."

1021 [~~(23)~~] (25) In IBC, Section 308.5.1, the following changes are made:

1022 (a) The words "more than five" are deleted and replaced with the words "five or more."

1023 (b) The words "2-1/2 years or less of age" are deleted and replaced with "under the age
1024 of two."

1025 (c) The following sentence is added at the end: "See Section 429 for special
1026 requirements for Day Care."

1027 [~~(24)~~] (26) In IBC, Sections 308.5.3 and 308.5.4, the words "five or fewer" are deleted
1028 and replaced with the words "four or fewer" in both places and the following sentence is added
1029 at the end: "See Section 429 for special requirements for Day Care."

1030 [~~(25)~~] (27) In IBC, Section 310.4, the following changes are made:

1031 (a) The words "and single family dwellings complying with the IRC" are added after
1032 "Residential Group-3 occupancies."

1033 (b) The words "Assisted Living Facilities, limited capacity" are added to the list of
1034 occupancies.

1035 [~~(26)~~] (28) In IBC, Section 310.4.1, the following changes are made:

1036 (a) The words "other than Child Care" are inserted after the words "Care facilities" in
1037 the first sentence.

1038 (b) All of the words after the first "International Residential Code" are deleted.

1039 (c) The following sentence is added at the end of the last sentence: "See Section 429
1040 for special requirements for Child Day Care."

1041 [~~(27)~~] (29) A new IBC Section 310.4.3 is added as follows: " 310.4.3 Child Care.
1042 Areas used for child care purposes may be located in a residential dwelling unit under all of the
1043 following conditions and Section 429:

1044 1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the
1045 authority of the Utah Fire Prevention Board.

1046 2. Use is approved by the Utah Department of Health, as enacted under the authority of the
1047 Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
1048 categories:

1049 a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

1050 b. Utah Administrative Code, R430-90, Licensed Family Child Care.

1051 3. Compliance with all zoning regulations of the local regulator."

1052 [~~(28)~~] (30) A new IBC, Section 310.4.4 is added as follows: "310.4.4 Assisted living
1053 facilities. Type I assisted living facilities with two to five residents are Limited Capacity
1054 facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the
1055 International Residential Code. See Section 202 for definitions."

1056 [~~(29)~~] (31) In IBC, Section 310.5, the words "Type II Limited Capacity and Type I
1057 Small, see Section 310.5.3" are added after the words "assisted living facilities."

1058 [~~(30)~~] (32) A new IBC, Section 310.5.3, is added as follows: "310.5.3 Group R-4
1059 Assisted living facility occupancy groups. The following occupancy groups shall apply to
1060 Assisted Living Facilities: Type II Assisted Living Facilities with two to five residents are
1061 Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy. Type
1062 I assisted living facilities with six to sixteen residents are Small Facilities classified as
1063 Residential Group R-4, Condition 1 occupancies. See Section 202 for definitions."

1064 Section 9. Section **15A-5-104** is amended to read:

1065 **15A-5-104. Exemptions from State Fire Code.**

1066 (1) As used in this section, "remote yurt" means the same as that term is defined in
1067 [~~Subsection 15A-1-204(12)~~] Section 15A-1-202.

1068 (2) A remote yurt is exempt from the State Fire Code unless otherwise provided by
1069 ordinance in accordance with Subsection 15A-1-204(12)~~(12)~~(b).

1070 (3) An owner of a remote yurt shall ensure that a fire extinguisher is in the remote yurt.

1071 Section 10. Section **17-27a-403** is amended to read:

1072 **17-27a-403. Plan preparation.**

1073 (1) (a) The planning commission shall provide notice, as provided in Section
1074 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1075 plan or a comprehensive general plan amendment when the planning commission initiates the
1076 process of preparing its recommendation.

1077 (b) The planning commission shall make and recommend to the legislative body a
1078 proposed general plan for:

1079 (i) the unincorporated area within the county; or

1080 (ii) if the planning commission is a planning commission for a mountainous planning
1081 district, the mountainous planning district.

1082 (c) (i) The plan may include planning for incorporated areas if, in the planning
1083 commission's judgment, they are related to the planning of the unincorporated territory or of
1084 the county as a whole.

1085 (ii) Elements of the county plan that address incorporated areas are not an official plan
1086 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1087 planning commission and adopted by the governing body of the municipality.

1088 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1089 planning district, the plan for the mountainous planning district controls and precedes a
1090 municipal plan, if any, to which the property would be subject.

1091 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1092 and descriptive and explanatory matter, shall include the planning commission's
1093 recommendations for the following plan elements:

1094 (i) a land use element that:

1095 (A) designates the long-term goals and the proposed extent, general distribution, and
1096 location of land for housing for residents of various income levels, business, industry,
1097 agriculture, recreation, education, public buildings and grounds, open space, and other
1098 categories of public and private uses of land as appropriate; and

1099 (B) may include a statement of the projections for and standards of population density
1100 and building intensity recommended for the various land use categories covered by the plan;

1101 (ii) a transportation and traffic circulation element that:

1102 (A) provides the general location and extent of existing and proposed freeways, arterial
1103 and collector streets, public transit, active transportation facilities, and other modes of
1104 transportation that the planning commission considers appropriate;

1105 (B) addresses the county's plan for residential and commercial development around
1106 major transit investment corridors to maintain and improve the connections between housing,
1107 employment, education, recreation, and commerce; and

1108 (C) correlates with the population projections, the employment projections, and the
1109 proposed land use element of the general plan;

1110 (iii) a plan for the development of additional moderate income housing within the

1111 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1112 realistic opportunity to meet the need for additional moderate income housing; and
1113 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1114 and policies required by Subsection 17-27a-401(3).

1115 (b) In drafting the moderate income housing element, the planning commission:
1116 (i) shall consider the Legislature's determination that counties should facilitate a
1117 reasonable opportunity for a variety of housing, including moderate income housing:
1118 (A) to meet the needs of people of various income levels living, working, or desiring to
1119 live or work in the community; and
1120 (B) to allow people with various incomes to benefit from and fully participate in all
1121 aspects of neighborhood and community life; and
1122 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1123 the development of moderate income housing within the planning horizon, which may include
1124 a recommendation to implement three or more of the following strategies:
1125 (A) rezone for densities necessary to assure the production of moderate income
1126 housing;
1127 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1128 construction of moderate income housing;
1129 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
1130 income housing;
1131 (D) consider county general fund subsidies or other sources of revenue to waive
1132 construction related fees that are otherwise generally imposed by the county;
1133 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1134 residential zones;
1135 (F) allow for higher density or moderate income residential development in
1136 commercial and mixed-use zones, commercial centers, or employment centers;
1137 (G) encourage higher density or moderate income residential development near major
1138 transit investment corridors;
1139 (H) eliminate or reduce parking requirements for residential development where a
1140 resident is less likely to rely on the resident's own vehicle, such as residential development near
1141 major transit investment corridors or senior living facilities;

- 1142 (I) allow for single room occupancy developments;
- 1143 (J) implement zoning incentives for low to moderate income units in new
- 1144 developments;
- 1145 (K) utilize strategies that preserve subsidized low to moderate income units on a
- 1146 long-term basis;
- 1147 (L) preserve existing moderate income housing;
- 1148 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate
- 1149 income housing;
- 1150 (N) participate in a community land trust program for low or moderate income
- 1151 housing;
- 1152 (O) implement a mortgage assistance program for employees of the county or of an
- 1153 employer that provides contracted services for the county;
- 1154 (P) apply for or partner with an entity that applies for state or federal funds or tax
- 1155 incentives to promote the construction of moderate income housing;
- 1156 (Q) apply for or partner with an entity that applies for programs offered by the Utah
- 1157 Housing Corporation within that agency's funding capacity;
- 1158 (R) apply for or partner with an entity that applies for affordable housing programs
- 1159 administered by the Department of Workforce Services;
- 1160 (S) apply for or partner with an entity that applies for services provided by a public
- 1161 housing authority to preserve and create moderate income housing;
- 1162 (T) apply for or partner with an entity that applies for programs administered by a
- 1163 metropolitan planning organization or other transportation agency that provides technical
- 1164 planning assistance;
- 1165 (U) utilize a moderate income housing set aside from a community reinvestment
- 1166 agency, redevelopment agency, or community development and renewal agency; and
- 1167 [~~(V) reduce residential building design elements as defined in Section 10-9a-403; and~~]
- 1168 [~~(W)~~] (V) consider any other program or strategy implemented by the county to address
- 1169 the housing needs of residents of the county who earn less than 80% of the area median
- 1170 income.
- 1171 (c) In drafting the land use element, the planning commission shall:
- 1172 (i) identify and consider each agriculture protection area within the unincorporated area

1173 of the county or mountainous planning district; and

1174 (ii) avoid proposing a use of land within an agriculture protection area that is
1175 inconsistent with or detrimental to the use of the land for agriculture.

1176 (d) In drafting the transportation and traffic circulation element, the planning
1177 commission shall:

1178 (i) consider the regional transportation plan developed by its region's metropolitan
1179 planning organization, if the relevant areas of the county are within the boundaries of a
1180 metropolitan planning organization; or

1181 (ii) consider the long-range transportation plan developed by the Department of
1182 Transportation, if the relevant areas of the county are not within the boundaries of a
1183 metropolitan planning organization.

1184 (3) The proposed general plan may include:

1185 (a) an environmental element that addresses:

1186 (i) to the extent not covered by the county's resource management plan, the protection,
1187 conservation, development, and use of natural resources, including the quality of air, forests,
1188 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1189 and

1190 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1191 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1192 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1193 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1194 (b) a public services and facilities element showing general plans for sewage, water,
1195 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1196 police and fire protection, and other public services;

1197 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1198 programs for:

1199 (i) historic preservation;

1200 (ii) the diminution or elimination of a development impediment as defined in Section
1201 [17C-1-102](#); and

1202 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1203 public building sites;

1204 (d) an economic element composed of appropriate studies and forecasts, as well as an
1205 economic development plan, which may include review of existing and projected county
1206 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1207 primary and secondary market areas, employment, and retail sales activity;

1208 (e) recommendations for implementing all or any portion of the general plan, including
1209 the use of land use ordinances, capital improvement plans, community development and
1210 promotion, and any other appropriate action;

1211 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1212 (3)(a)(i); and

1213 (g) any other element the county considers appropriate.

1214 Section 11. Section 17-27a-527 is enacted to read:

1215 **17-27a-527. Regulation of building design elements prohibited -- Exceptions.**

1216 (1) As used in this section, "building design element" means:

1217 (a) exterior color;

1218 (b) type or style of exterior cladding material;

1219 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

1220 (d) exterior nonstructural architectural ornamentation;

1221 (e) location, design, placement, or architectural styling of a window or door;

1222 (f) location, design, placement, or architectural styling of a garage door, not including a
1223 rear-loading garage door;

1224 (g) number or type of rooms;

1225 (h) interior layout of a room;

1226 (i) minimum square footage over 1,000 square feet, not including a garage;

1227 (j) rear yard landscaping requirements;

1228 (k) minimum building dimensions; or

1229 (l) a requirement to install front yard fencing.

1230 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
1231 building design element on a one to two family dwelling or townhome.

1232 (3) Subsection (2) does not apply to:

1233 (a) a dwelling located within an area designated as a historic district in:

1234 (i) the National Register of Historic Places;

- 1235 (ii) the state register as defined in Section [9-8-402](#); or
 1236 (iii) a local historic district or area, or a site designated as a local landmark, created by
 1237 ordinance before January 1, 2021;
 1238 (b) an ordinance enacted as a condition for participation in the National Flood
 1239 Insurance Program administered by the Federal Emergency Management Agency;
 1240 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
 1241 Interface Code adopted under Section [15A-2-103](#);
 1242 (d) building design elements agreed to under a development agreement;
 1243 (e) a dwelling located within an area that:
 1244 (i) is zoned primarily for residential use; and
 1245 (ii) was substantially developed before calendar year 1950;
 1246 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
 1247 (g) an ordinance enacted to regulate type of cladding, in response to findings or
 1248 evidence from the construction industry of:
 1249 (i) defects in the material of existing cladding; or
 1250 (ii) consistent defects in the installation of existing cladding;
 1251 (h) a land use regulation, including a planned unit development or overlay zone, that a
 1252 property owner requests:
 1253 (i) the county to apply to the owner's property; and
 1254 (ii) in exchange for an increase in density or other benefit not otherwise available as a
 1255 permitted use in the zoning area or district; or
 1256 (i) a dwelling located within a mountainous planning district.
 1257 Section 12. Section **17-36-55** is amended to read:
 1258 **17-36-55. Fees collected for construction approval -- Approval of plans.**
 1259 (1) As used in this section:
 1260 (a) "Business day" means the same as that term is defined in Section [54-8c-1](#).
 1261 [~~(a)~~] (b) "Construction project" means the same as that term is defined in Section
 1262 [38-1a-102](#).
 1263 (c) "Licensed building inspector" means an individual who is:
 1264 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,
 1265 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and

1266 (ii) covered by liability insurance when providing private services as a licensed
1267 building inspector, in an amount established in rules made by the Division of Occupational and
1268 Professional Licensing in accordance with Title 63G, Chapter 3, Utah Administrative
1269 Rulemaking Act.

1270 ~~(b)~~ (d) "Lodging establishment" means a place providing temporary sleeping
1271 accommodations to the public, including any of the following:

1272 (i) a bed and breakfast establishment;

1273 (ii) a boarding house;

1274 (iii) a dormitory;

1275 (iv) a hotel;

1276 (v) an inn;

1277 (vi) a lodging house;

1278 (vii) a motel;

1279 (viii) a resort; or

1280 (ix) a rooming house.

1281 ~~(c)~~ (e) "Planning review" means a review to verify that a county has approved the
1282 following elements of a construction project:

1283 (i) zoning;

1284 (ii) lot sizes;

1285 (iii) setbacks;

1286 (iv) easements;

1287 (v) curb and gutter elevations;

1288 (vi) grades and slopes;

1289 (vii) utilities;

1290 (viii) street names;

1291 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
1292 Interface Code adopted under Section [15A-2-103](#); and

1293 (x) subdivision.

1294 ~~(d)~~ (f) (i) "Plan review" means all of the reviews and approvals of a plan that a county
1295 requires to obtain a building permit from the county with a scope that may not exceed a review
1296 to verify:

1297 (A) that the construction project complies with the provisions of the State Construction
1298 Code under Title 15A, State Construction and Fire Codes Act;

1299 (B) that the construction project complies with the energy code adopted under Section
1300 15A-2-103;

1301 (C) that the construction project received a planning review;

1302 (D) that the applicant paid any required fees;

1303 (E) that the applicant obtained final approvals from any other required reviewing
1304 agencies;

1305 (F) that the construction project complies with federal, state, and local storm water
1306 protection laws;

1307 (G) that the construction project received a structural review;

1308 (H) the total square footage for each building level of finished, garage, and unfinished
1309 space; and

1310 (I) that the plans include a printed statement indicating that the actual construction will
1311 comply with applicable local ordinances and the state construction codes.

1312 (ii) "Plan review" does not mean a review of a document:

1313 (A) required to be re-submitted for a construction project other than a construction
1314 project for a one to two family dwelling or townhome if additional modifications or substantive
1315 changes are identified by the plan review;

1316 (B) submitted as part of a deferred submittal when requested by the applicant and
1317 approved by the building official; or

1318 (C) that, due to the document's technical nature or on the request of the applicant, is
1319 reviewed by a third party.

1320 [~~(e)~~] (g) "State Construction Code" means the same as that term is defined in Section
1321 15A-1-102.

1322 [~~(f)~~] (h) "State Fire Code" means the same as that term is defined in Section
1323 15A-1-102.

1324 [~~(g)~~] (i) "Structural review" means:

1325 (i) a review that verifies that a construction project complies with the following:

1326 (A) footing size and bar placement;

1327 (B) foundation thickness and bar placement;

1328 (C) beam and header sizes;
1329 (D) nailing patterns;
1330 (E) bearing points;
1331 (F) structural member size and span; and
1332 (G) sheathing; or
1333 (ii) if the review exceeds the scope of the review described in Subsection (1)~~(g)~~(i),
1334 a review that a licensed engineer conducts.
1335 ~~(h)~~ (j) "Technical nature" means a characteristic that places an item outside the
1336 training and expertise of an individual who regularly performs plan reviews.
1337 (2) (a) If a county collects a fee for the inspection of a construction project, the county
1338 shall ensure that the construction project receives a prompt inspection.
1339 (b) If a county cannot provide a building inspection within three business days after the
1340 day on which the county receives the request for the inspection~~;~~:
1341 (i) the county ~~shall~~ may promptly engage an independent inspector with fees
1342 collected from the applicant~~;~~; or
1343 (ii) the applicant may engage an independent third-party licensed building inspector to
1344 complete each required inspection on the applicant's behalf in accordance with Subsection
1345 (2)(d), if the construction project is for a one to two family dwelling or townhome.
1346 (c) If an inspector identifies one or more violations of the State Construction Code or
1347 State Fire Code during an inspection, the inspector shall give the permit holder written
1348 notification that:
1349 (i) identifies each violation;
1350 (ii) upon request by the permit holder, includes a reference to each applicable provision
1351 of the State Construction Code or State Fire Code; and
1352 (iii) is delivered:
1353 (A) in hardcopy or by electronic means; and
1354 (B) the day on which the inspection occurs.
1355 (d) (i) An applicant who engages an independent licensed building inspector to
1356 complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall
1357 promptly notify the county in writing of the name and address of the licensed building
1358 inspector at the time the applicant engages the licensed building inspector.

- 1359 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:
1360 (A) complete each required inspection of the construction project on the applicant's
1361 behalf;
1362 (B) provide written notification to the county after completing the final required
1363 inspection; and
1364 (C) issue the applicant a certificate of occupancy for the construction project.
- 1365 (3) (a) A county shall complete a plan review of a construction project for a one to two
1366 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
1367 ~~is submitted~~] applicant submits a complete building permit application to the county.
- 1368 (b) A county shall complete a plan review of a construction project for a residential
1369 structure built under the International Building Code, not including a lodging establishment, by
1370 no later than 21 business days after the day on which the [~~plan is submitted~~] applicant submits
1371 a complete building permit application to the county.
- 1372 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
1373 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
1374 that the county complete the plan review.
- 1375 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
1376 the plan review no later than:
- 1377 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
1378 applicant makes the request; or
- 1379 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
1380 applicant makes the request.
- 1381 (d) An applicant may:
- 1382 (i) waive the plan review time requirements described in this Subsection (3); or
1383 (ii) with the county's consent, establish an alternative plan review time requirement.
- 1384 (4) [~~(a)~~] A county may not enforce a requirement to have a plan review if:
1385 [~~(i)~~] (a) the county does not complete the plan review within the time period described
1386 in Subsection (3)(a) or (b); [~~and~~
1387 (b) the applicant makes a request under Subsection (3)(c)(i);
1388 (c) the county does not complete the plan review within the time period described in
1389 Subsection (3)(c)(ii); and

1390 ~~[(f)]~~ (d) a licensed architect or structural engineer, or both when required by law,
1391 stamps the plan.

1392 ~~[(b)]~~ (5) (a) A county may attach to a reviewed plan a list that includes:

1393 (i) items with which the county is concerned and may enforce during construction; and

1394 (ii) building code violations found in the plan.

1395 ~~[(e)]~~ (b) A county may not require an applicant to redraft a plan if the county requests
1396 minor changes to the plan that the list described in Subsection ~~[(4)(b)]~~ (5)(a) identifies.

1397 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan
1398 review under this section has a statement indicating that actual construction will comply with
1399 applicable local ordinances and building codes.]~~

1400 (c) A county may require a single resubmittal of plans for a one or two family dwelling
1401 or townhome if the resubmission is required to address deficiencies identified by a third-party
1402 review of a geotechnical report or geological report.

1403 (6) If a county charges a fee for a building permit, the county may not refuse payment
1404 of the fee at the time the applicant submits a building permit application under Subsection (3).

1405 (7) A county may not limit the number of building permit applications submitted under
1406 Subsection (3).

1407 (8) For purposes of Subsection (3), a building permit application is complete if the
1408 application contains:

1409 (a) the name, address, and contact information of:

1410 (i) the applicant; and

1411 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
1412 the construction project;

1413 (b) a site plan for the construction project that:

1414 (i) is drawn to scale;

1415 (ii) includes a north arrow and legend; and

1416 (iii) provides specifications for the following:

1417 (A) lot size and dimensions;

1418 (B) setbacks and overhangs for setbacks;

1419 (C) easements;

1420 (D) property lines;

- 1421 (E) topographical details, if the slope of the lot is greater than 10%;
1422 (F) retaining walls;
1423 (G) hard surface areas;
1424 (H) curb and gutter elevations as indicated in the subdivision documents;
1425 (I) utilities, including water meter and sewer lateral location;
1426 (J) street names;
1427 (K) driveway locations;
1428 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
1429 Interface Code adopted under Section [15A-2-103](#); and
1430 (M) the location of the nearest hydrant;
1431 (c) construction plans and drawings, including:
1432 (i) elevations, only if the construction project is new construction;
1433 (ii) floor plans for each level, including the location and size of doors and windows;
1434 (iii) foundation, structural, and framing detail; and
1435 (iv) electrical, mechanical, and plumbing design;
1436 (d) documentation of energy code compliance;
1437 (e) structural calculations, except for trusses;
1438 (f) a geotechnical report, including a slope stability evaluation and retaining wall
1439 design, if:
1440 (i) the slope of the lot is greater than 15%; and
1441 (ii) required by the county; and
1442 (g) a statement indicating that actual construction will comply with applicable local
1443 ordinances and building codes.
1444 Section 13. Section **38-1a-102** is amended to read:
1445 **38-1a-102. Definitions.**
1446 As used in this chapter:
1447 (1) "Alternate means" means a method of filing a legible and complete notice or other
1448 document with the registry other than electronically, as established by the division by rule.
1449 (2) "Anticipated improvement" means the improvement:
1450 (a) for which preconstruction service is performed; and
1451 (b) that is anticipated to follow the performing of preconstruction service.

1452 (3) "Applicable county recorder" means the office of the recorder of each county in
1453 which any part of the property on which a claimant claims or intends to claim a preconstruction
1454 or construction lien is located.

1455 (4) "Bona fide loan" means a loan to an owner or owner-builder by a lender in which
1456 the owner or owner-builder has no financial or beneficial interest greater than 5% of the voting
1457 shares or other ownership interest.

1458 (5) "Claimant" means a person entitled to claim a preconstruction or construction lien.

1459 (6) "Compensation" means the payment of money for a service rendered or an expense
1460 incurred, whether based on:

1461 (a) time and expense, lump sum, stipulated sum, percentage of cost, cost plus fixed or
1462 percentage fee, or commission; or

1463 (b) a combination of the bases listed in Subsection (6)(a).

1464 (7) "Construction lender" means a person who makes a construction loan.

1465 (8) "Construction lien" means a lien under this chapter for construction work.

1466 (9) "Construction loan" does not include a consumer loan secured by the equity in the
1467 consumer's home.

1468 (10) "Construction project" means an improvement that is constructed pursuant to an
1469 original contract.

1470 (11) "Construction work":

1471 (a) means labor, service, material, or equipment provided for the purpose and during
1472 the process of constructing, altering, or repairing an improvement; and

1473 (b) includes scheduling, estimating, staking, supervising, managing, materials testing,
1474 inspection, observation, and quality control or assurance involved in constructing, altering, or
1475 repairing an improvement.

1476 (12) "Contestable notice" means a notice of preconstruction service under Section
1477 [38-1a-401](#), a preliminary notice under Section [38-1a-501](#), or a notice of completion under
1478 Section [38-1a-506](#).

1479 (13) "Contesting person" means an owner, original contractor, subcontractor, or other
1480 interested person.

1481 (14) "Designated agent" means the third party the division contracts with as provided
1482 in Section [38-1a-202](#) to create and maintain the registry.

1483 (15) "Division" means the Division of Occupational and Professional Licensing created
1484 in Section [58-1-103](#).

1485 (16) "Entry number" means the reference number that:

1486 (a) the designated agent assigns to each notice or other document filed with the
1487 registry; and

1488 (b) is unique for each notice or other document.

1489 (17) "Final completion" means:

1490 (a) the date of issuance of a permanent certificate of occupancy by the local
1491 government entity having jurisdiction over the construction project or building inspector that
1492 has the authority to issue a certificate of occupancy for the construction project under Section
1493 [10-5-132](#), [10-6-160](#), or [17-36-55](#), if a permanent certificate of occupancy is required;

1494 (b) the date of the final inspection of the construction work by the local government
1495 entity having jurisdiction over the construction project or building inspector described in
1496 Subsection (17)(a), if an inspection is required under a state-adopted building code applicable
1497 to the construction work, but no certificate of occupancy is required;

1498 (c) unless the owner is holding payment to ensure completion of construction work, the
1499 date on which there remains no substantial work to be completed to finish the construction
1500 work under the original contract, if a certificate of occupancy is not required and a final
1501 inspection is not required under an applicable state-adopted building code; or

1502 (d) the last date on which substantial work was performed under the original contract,
1503 if, because the original contract is terminated before completion of the construction work
1504 defined by the original contract, the local government entity having jurisdiction over the
1505 construction project or building inspector described in Subsection (17)(a) does not issue a
1506 certificate of occupancy or perform a final inspection.

1507 (18) "Final lien waiver" means a form that complies with Subsection [38-1a-802\(4\)\(c\)](#).

1508 (19) "First preliminary notice filing" means a preliminary notice that:

1509 (a) is the earliest preliminary notice filed on the construction project for which the
1510 preliminary notice is filed;

1511 (b) is filed on a construction project that, at the time the preliminary notice is filed, has
1512 not reached final completion; and

1513 (c) is not cancelled under Section [38-1a-307](#).

1514 (20) "Government project-identifying information" has the same meaning as defined in
1515 Section 38-1b-102.

1516 (21) "Improvement" means:

1517 (a) a building, infrastructure, utility, or other human-made structure or object
1518 constructed on or for and affixed to real property; or

1519 (b) a repair, modification, or alteration of a building, infrastructure, utility, or object
1520 referred to in Subsection (21)(a).

1521 (22) "Interested person" means a person that may be affected by a construction project.

1522 (23) "Notice of commencement" means a notice required under Section 38-1b-201 for
1523 a government project, as defined in Section 38-1b-102.

1524 (24) "Original contract":

1525 (a) means a contract between an owner and an original contractor for preconstruction
1526 service or construction work; and

1527 (b) does not include a contract between an owner-builder and another person.

1528 (25) "Original contractor" means a person, including an owner-builder, that contracts
1529 with an owner to provide preconstruction service or construction work.

1530 (26) "Owner" means the person that owns the project property.

1531 (27) "Owner-builder" means an owner, including an owner who is also an original
1532 contractor, who:

1533 (a) contracts with one or more other persons for preconstruction service or construction
1534 work for an improvement on the owner's real property; and

1535 (b) obtains a building permit for the improvement.

1536 (28) "Preconstruction lien" means a lien under this chapter for a preconstruction
1537 service.

1538 (29) "Preconstruction service":

1539 (a) means to plan or design, or to assist in the planning or design of, an improvement or
1540 a proposed improvement:

1541 (i) before construction of the improvement commences; and

1542 (ii) for compensation separate from any compensation paid or to be paid for
1543 construction work for the improvement; and

1544 (b) includes consulting, conducting a site investigation or assessment, programming,

1545 preconstruction cost or quantity estimating, preconstruction scheduling, performing a
1546 preconstruction construction feasibility review, procuring construction services, and preparing
1547 a study, report, rendering, model, boundary or topographic survey, plat, map, design, plan,
1548 drawing, specification, or contract document.

1549 (30) "Private project" means a construction project that is not a government project.

1550 (31) "Project property" means the real property on or for which preconstruction service
1551 or construction work is or will be provided.

1552 (32) "Registry" means the State Construction Registry under Part 2, State Construction
1553 Registry.

1554 (33) "Required notice" means:

1555 (a) a notice of preconstruction service under Section 38-1a-401;

1556 (b) a preliminary notice under Section 38-1a-501 or Section 38-1b-202;

1557 (c) a notice of commencement;

1558 (d) a notice of construction loan under Section 38-1a-601;

1559 (e) a notice under Section 38-1a-602 concerning a construction loan default;

1560 (f) a notice of intent to obtain final completion under Section 38-1a-506; or

1561 (g) a notice of completion under Section 38-1a-507.

1562 (34) "Subcontractor" means a person that contracts to provide preconstruction service
1563 or construction work to:

1564 (a) a person other than the owner; or

1565 (b) the owner, if the owner is an owner-builder.

1566 (35) "Substantial work" does not include repair work or warranty work.

1567 (36) "Supervisory subcontractor" means a person that:

1568 (a) is a subcontractor under contract to provide preconstruction service or construction
1569 work; and

1570 (b) contracts with one or more other subcontractors for the other subcontractor or
1571 subcontractors to provide preconstruction service or construction work that the person is under
1572 contract to provide.

1573 Section 14. Section 58-56-2 is amended to read:

1574 **58-56-2. Chapter administration -- Duties.**

1575 (1) The provisions of this chapter shall be administered by the Division of Occupational

1576 and Professional Licensing.

1577 (2) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
1578 Administrative Rulemaking Act, to establish the minimum amount of liability insurance
1579 coverage for a licensed building inspector to complete inspections under Subsection
1580 10-5-132(2)(b)(ii), 10-6-160(2)(b)(ii), or 17-36-55(2)(b)(ii).

1581 Section 15. Section **78B-2-225** is amended to read:

1582 **78B-2-225. Actions related to improvements in real property.**

1583 (1) As used in this section:

1584 (a) "Abandonment" means that there has been no design or construction activity on an
1585 improvement for a continuous period of at least one year.

1586 (b) "Action" means any claim for judicial, arbitral, or administrative relief for acts,
1587 errors, omissions, or breach of duty arising out of or related to the design, construction, or
1588 installation of an improvement, regardless of whether that action is based in tort, contract,
1589 warranty, strict liability, product liability, indemnity, contribution, or other source of law.

1590 (c) "Completion" means the date of substantial completion of an improvement to real
1591 property as established by the earliest of:

1592 (i) a [~~Certificate of Substantial Completion~~] certificate of substantial completion;

1593 (ii) a [~~Certificate of Occupancy~~] certificate of occupancy issued by a governing agency
1594 or building inspector that has the authority to issue the certificate of occupancy under Section
1595 10-5-132, 10-6-160, or 17-36-55; or

1596 (iii) the date of first use or possession of the improvement.

1597 (d) "Improvement" means any building, structure, infrastructure, road, utility, or other
1598 similar man-made change, addition, modification, or alteration to real property.

1599 (e) "Person" means an individual, corporation, limited liability company, partnership,
1600 joint venture, association, proprietorship, or any other legal or governmental entity.

1601 (f) "Provider" means any person:

1602 (i) contributing to, providing, or performing:

1603 (A) studies, plans, specifications, drawings, designs, value engineering, cost or quantity
1604 estimates, surveys, staking, construction, installation, or labor to an improvement; or

1605 (B) the review, observation, administration, management, supervision, inspections, and
1606 tests of construction for or in relation to an improvement; or

1607 (ii) providing or contributing materials, products, or equipment that is incorporated
1608 into an improvement.

1609 (2) The Legislature finds that:

1610 (a) exposing a provider to suits and liability for acts, errors, omissions, or breach of
1611 duty after the possibility of injury or damage has become highly remote and unexpectedly
1612 creates costs and hardships to the provider and the citizens of the state;

1613 (b) these costs and hardships include liability insurance costs, records storage costs,
1614 undue and unlimited liability risks during the life of both a provider and an improvement, and
1615 difficulties in defending against claims many years after completion of an improvement;

1616 (c) these costs and hardships constitute clear social and economic evils;

1617 (d) the possibility of injury and damage becomes highly remote and unexpected seven
1618 years following completion or abandonment; and

1619 (e) except as provided in Subsection (7), it is in the best interests of the citizens of the
1620 state to impose the periods of limitation and repose provided in this chapter upon all causes of
1621 action by or against a provider arising out of or related to the design, construction, or
1622 installation of an improvement.

1623 (3) (a) Except as provided in Subsections (3)(b) and (c), an action by or against a
1624 provider based in contract or warranty shall be commenced within six years after the date of
1625 completion or abandonment of an improvement.

1626 (b) If a provider is required by an express term of a contract or warranty to perform an
1627 obligation later than the six-year period described in Subsection (3)(a), and the provider fails to
1628 perform the obligation as required, an action for that breach of the contract or warranty shall be
1629 commenced within two years after the day on which the breach is discovered or should have
1630 been discovered.

1631 (c) If a contract or warranty expressly establishes a different period of limitations than
1632 this section, the action shall be commenced within that limitations period.

1633 (4) (a) All other actions by or against a provider shall be commenced within two years
1634 from the earlier of the date of discovery of a cause of action or the date upon which a cause of
1635 action should have been discovered through reasonable diligence.

1636 (b) If the cause of action is discovered or discoverable before completion or
1637 abandonment of an improvement, the two-year period begins to run upon completion or

1638 abandonment.

1639 (c) Notwithstanding Subsection (4)(a), and except as provided in Subsection (4)(d), an
1640 action under this Subsection (4) may not be commenced against a provider more than nine
1641 years after completion or abandonment of an improvement.

1642 (d) If an action under Subsection (4)(a) is discovered or discoverable in the eighth or
1643 ninth year of the nine-year period, a claimant shall have two years from the date of discovery to
1644 commence an action.

1645 (5) Subsection (4) does not apply to an action against a provider:

1646 (a) who has fraudulently concealed the provider's act, error, omission, or breach of
1647 duty, or the injury, damage, or other loss caused by the provider's act, error, omission, or breach
1648 of duty; or

1649 (b) for a willful or intentional act, error, omission, or breach of duty.

1650 (6) If an individual otherwise entitled to bring an action did not commence the action
1651 within the periods prescribed by Subsections (3) and (4) solely because that individual was a
1652 minor or mentally incompetent and without a legal guardian, that individual shall have two
1653 years from the date the disability is removed to commence the action.

1654 (7) This section shall not apply to an action for the death of or bodily injury to an
1655 individual while engaged in the design, installation, or construction of an improvement.

1656 (8) This section does not apply to any action against any person in actual possession or
1657 control of the improvement as owner, tenant, or otherwise, at the time any defective or unsafe
1658 condition of the improvement proximately causes the injury for which the action is brought.

1659 (9) This section does not extend the period of limitation or repose otherwise prescribed
1660 by law or a valid and enforceable contract.

1661 (10) This section does not create or modify any claim or cause of action.

1662 (11) This section applies to all causes of action that accrue after May 3, 2003,
1663 notwithstanding that the improvement was completed or abandoned before May 3, 2004.