

Representative Paul Ray 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 a building damaged by a natural disaster from certain 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

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **10-5-132**, as last amended by Laws of Utah 2020, Chapters 354 and 441

30 **10-6-160**, as last amended by Laws of Utah 2020, Chapter 441

31 **10-9a-403**, as last amended by Laws of Utah 2020, Chapter 136

32 **15A-1-104**, as enacted by Laws of Utah 2014, Chapter 197

33 **15A-1-202**, as last amended by Laws of Utah 2020, Chapter 441

34 **15A-1-204**, as last amended by Laws of Utah 2020, Chapters 111 and 441

35 **15A-3-102**, as last amended by Laws of Utah 2019, Chapter 20

36 **15A-5-104**, as enacted by Laws of Utah 2020, Chapter 111

37 **17-27a-403**, as last amended by Laws of Utah 2020, Chapter 136

38 **17-36-55**, as last amended by Laws of Utah 2020, Chapter 441

39 **38-1a-102**, as last amended by Laws of Utah 2019, Chapter 250

40 **58-56-2**, as enacted by Laws of Utah 1989, Chapter 269

41 **78B-2-225**, as last amended by Laws of Utah 2020, Chapter 97

42 ENACTS:

43 **10-9a-530**, Utah Code Annotated 1953

44 **17-27a-527**, Utah Code Annotated 1953



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

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

48 **10-5-132. Fees collected for construction approval -- Approval of plans.**

49 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

- 87 (A) that the construction project complies with the provisions of the State Construction

88 Code under Title 15A, State Construction and Fire Codes Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

112 [~~f~~] (h) "State Fire Code" means the same as that term is defined in Section
113 15A-1-102.

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

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

116 (A) footing size and bar placement;

117 (B) foundation thickness and bar placement;

118 (C) beam and header sizes;

- 119 (D) nailing patterns;
- 120 (E) bearing points;
- 121 (F) structural member size and span; and
- 122 (G) sheathing; or
- 123 (ii) if the review exceeds the scope of the review described in Subsection (1)~~(g)~~(i)(i),
- 124 a review that a licensed engineer conducts.

125 ~~(h)~~ (j) "Technical nature" means a characteristic that places an item outside the

126 training and expertise of an individual who regularly performs plan reviews.

127 (2) (a) If a town collects a fee for the inspection of a construction project, the town

128 shall ensure that the construction project receives a prompt inspection.

129 (b) If a town cannot provide a building inspection within three business days after the

130 day on which the town receives the request for the inspection~~[-]~~:

131 (i) the town ~~shall~~ may promptly engage an independent inspector with fees collected

132 from the applicant~~[-]~~; or

133 (ii) the applicant may engage an independent third-party licensed building inspector to

134 complete each required inspection on the applicant's behalf in accordance with Subsection

135 (2)(d), if the construction project is for a one to two family dwelling or townhome.

136 (c) If an inspector identifies one or more violations of the State Construction Code or

137 State Fire Code during an inspection, the inspector shall give the permit holder written

138 notification that:

- 139 (i) identifies each violation;
- 140 (ii) upon request by the permit holder, includes a reference to each applicable provision
- 141 of the State Construction Code or State Fire Code; and
- 142 (iii) is delivered:

- 143 (A) in hardcopy or by electronic means; and
- 144 (B) the day on which the inspection occurs.

145 (d) (i) An applicant who engages an independent third-party licensed building inspector

146 to complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall

147 promptly notify the town in writing of the name and address of the licensed building inspector

148 at the time the applicant engages the licensed building inspector.

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

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

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

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

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

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

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

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

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

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

171 (d) An applicant may:

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

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

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

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

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

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

180 [~~(i)~~] (d) a licensed architect or structural engineer, or both when required by law,

181 stamps the plan.

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

- 183 (i) items with which the town is concerned and may enforce during construction; and
- 184 (ii) building code violations found in the plan.

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

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

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

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

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

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

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

200 (i) the applicant; and

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

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

204 (i) is drawn to scale;

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

206 (iii) provides specifications for the following:

207 (A) lot size and dimensions;

208 (B) setbacks and overhangs for setbacks;

209 (C) easements;

210 (D) property lines;

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

- 212 (F) retaining walls;
- 213 (G) hard surface areas;
- 214 (H) curb and gutter elevations as indicated in the subdivision documents;
- 215 (I) utilities, including water meter and sewer lateral location;
- 216 (J) street names;
- 217 (K) driveway locations;
- 218 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban

219 Interface Code adopted under Section [15A-2-103](#); and

- 220 (M) the location of the nearest hydrant;
- 221 (c) construction plans and drawings, including:
- 222 (i) elevations, only if the construction project is new construction;
- 223 (ii) floor plans for each level, including the location and size of doors and windows;
- 224 (iii) foundation, structural, and framing detail; and
- 225 (iv) electrical, mechanical, and plumbing design;
- 226 (d) documentation of energy code compliance;
- 227 (e) structural calculations, except for trusses;
- 228 (f) a geotechnical report, including a slope stability evaluation and retaining wall

229 design, if:

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

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

235 **10-6-160. Fees collected for construction approval -- Approval of plans.**

236 (1) As used in this section:

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

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

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

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

242 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and

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

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

249 (i) a bed and breakfast establishment;

250 (ii) a boarding house;

251 (iii) a dormitory;

252 (iv) a hotel;

253 (v) an inn;

254 (vi) a lodging house;

255 (vii) a motel;

256 (viii) a resort; or

257 (ix) a rooming house.

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

260 (i) zoning;

261 (ii) lot sizes;

262 (iii) setbacks;

263 (iv) easements;

264 (v) curb and gutter elevations;

265 (vi) grades and slopes;

266 (vii) utilities;

267 (viii) street names;

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

270 (x) subdivision.

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

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

276 (B) that the construction project complies with the energy code adopted under Section
277 15A-2-103;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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304 (B) foundation thickness and bar placement;

- 305 (C) beam and header sizes;
- 306 (D) nailing patterns;
- 307 (E) bearing points;
- 308 (F) structural member size and span; and
- 309 (G) sheathing; or
- 310 (ii) if the review exceeds the scope of the review described in Subsection (1)~~(g)~~(i),
 311 a review that a licensed engineer conducts.

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

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

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

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

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

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

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

329 (iii) is delivered:

- 330 (A) in hardcopy or by electronic means; and
- 331 (B) the day on which the inspection occurs.

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

336 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:
337 (A) complete each required inspection of the construction project on the applicant's
338 behalf;
339 (B) provide written notification to the city after completing the final required
340 inspection; and
341 (C) issue the applicant a certificate of occupancy for the construction project.
342 (3) (a) A city shall complete a plan review of a construction project for a one to two
343 family dwelling or townhome by no later than 14 business days after the day on which the [~~plan~~
344 ~~is submitted~~] applicant submits a complete building permit application to the city.
345 (b) A city shall complete a plan review of a construction project for a residential
346 structure built under the International Building Code, not including a lodging establishment, by
347 no later than 21 business days after the day on which the [~~plan is submitted~~] applicant submits
348 a complete building permit application to the city.
349 (c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
350 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
351 city complete the plan review.
352 (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the
353 plan review no later than:
354 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
355 applicant makes the request; or
356 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
357 applicant makes the request.
358 (d) An applicant may:
359 (i) waive the plan review time requirements described in this Subsection (3); or
360 (ii) with the city's consent, establish an alternative plan review time requirement.
361 (4) [~~(a)~~] A city may not enforce a requirement to have a plan review if:
362 [~~(i)~~] (a) the city does not complete the plan review within the time period described in
363 Subsection (3)(a) or (b); [~~and~~
364 (b) the applicant makes a request under Subsection (3)(c)(i);
365 (c) the city does not complete the plan review within the time period described in
366 Subsection (3)(c)(ii); and

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

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

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

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

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

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

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

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

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

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

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

387 (i) the applicant; and

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

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

391 (i) is drawn to scale;

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

393 (iii) provides specifications for the following:

394 (A) lot size and dimensions;

395 (B) setbacks and overhangs for setbacks;

396 (C) easements;

397 (D) property lines;

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

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

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

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

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

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

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

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

437 ~~[(ii) buffering or screening used to:]~~

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

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

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

441 ~~[(2)]~~ (1) (a) The planning commission shall provide notice, as provided in Section
442 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
443 general plan or a comprehensive general plan amendment when the planning commission
444 initiates the process of preparing its recommendation.

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

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

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

454 ~~[(3)]~~ (2) (a) At a minimum, the proposed general plan, with the accompanying maps,
455 charts, and descriptive and explanatory matter, shall include the planning commission's
456 recommendations for the following plan elements:

457 (i) a land use element that:

458 (A) designates the long-term goals and the proposed extent, general distribution, and
459 location of land for housing for residents of various income levels, business, industry,

460 agriculture, recreation, education, public buildings and grounds, open space, and other
461 categories of public and private uses of land as appropriate; and

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

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

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

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

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

476 (D) correlates with the population projections, the employment projections, and the
477 proposed land use element of the general plan; and

478 (iii) for a municipality described in Subsection [10-9a-401\(3\)\(b\)](#), a plan that provides a
479 realistic opportunity to meet the need for additional moderate income housing.

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

481 (i) shall consider the Legislature's determination that municipalities shall facilitate a
482 reasonable opportunity for a variety of housing, including moderate income housing:

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

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

487 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
488 how the municipality will provide a realistic opportunity for the development of moderate
489 income housing within the next five years;

490 (iii) for a town, may include, and for other municipalities, shall include, a

491 recommendation to implement three or more of the following strategies:

492 (A) rezone for densities necessary to assure the production of moderate income
493 housing;

494 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
495 construction of moderate income housing;

496 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
497 income housing;

498 (D) consider general fund subsidies or other sources of revenue to waive construction
499 related fees that are otherwise generally imposed by the city;

500 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
501 residential zones;

502 (F) allow for higher density or moderate income residential development in
503 commercial and mixed-use zones, commercial centers, or employment centers;

504 (G) encourage higher density or moderate income residential development near major
505 transit investment corridors;

506 (H) eliminate or reduce parking requirements for residential development where a
507 resident is less likely to rely on the resident's own vehicle, such as residential development near
508 major transit investment corridors or senior living facilities;

509 (I) allow for single room occupancy developments;

510 (J) implement zoning incentives for low to moderate income units in new
511 developments;

512 (K) utilize strategies that preserve subsidized low to moderate income units on a
513 long-term basis;

514 (L) preserve existing moderate income housing;

515 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
516 income housing;

517 (N) participate in a community land trust program for low or moderate income
518 housing;

519 (O) implement a mortgage assistance program for employees of the municipality or of
520 an employer that provides contracted services to the municipality;

521 (P) apply for or partner with an entity that applies for state or federal funds or tax

522 incentives to promote the construction of moderate income housing;

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

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

527 (S) apply for or partner with an entity that applies for programs administered by an
528 association of governments established by an interlocal agreement under Title 11, Chapter 13,
529 Interlocal Cooperation Act;

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

532 (U) apply for or partner with an entity that applies for programs administered by a
533 metropolitan planning organization or other transportation agency that provides technical
534 planning assistance;

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

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

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

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

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

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

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

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

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

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

556 [~~4~~] (3) The proposed general plan may include:

557 (a) an environmental element that addresses:

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

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

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

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

570 (i) historic preservation;

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

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

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

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

582 (f) provisions addressing any of the matters listed in Subsection [10-9a-401\(2\)](#) or (3);
583 and

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

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

586 **10-9a-530. Regulation of building design elements prohibited -- Exceptions.**

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

588 (a) exterior color;

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

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

591 (d) exterior nonstructural architectural ornamentation;

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

593 (f) location, design, placement, or architectural styling of a garage door, not including a

594 rear-loading garage door;

595 (g) number or type of rooms;

596 (h) interior layout of a room;

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

598 (j) rear yard landscaping requirements;

599 (k) minimum building dimensions; or

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

601 (2) Except as provided in Subsection (3), a municipality may not impose a requirement

602 for a building design element on a one to two family dwelling or townhome.

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

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

605 (i) the National Register of Historic Places;

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

607 (iii) a local historic district or area, or a site designated as a local landmark, created by

608 ordinance before January 1, 2021;

609 (b) an ordinance enacted as a condition for participation in the National Flood

610 Insurance Program administered by the Federal Emergency Management Agency;

611 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban

612 Interface Code adopted under Section [15A-2-103](#);

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

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

- 615 (i) is zoned primarily for residential use; and
- 616 (ii) was substantially developed before calendar year ~~H~~→ [1940] 1950 ←~~H~~ ;
- 617 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
- 618 (g) an ordinance enacted to regulate type of cladding, in response to findings or

619 evidence from the construction industry of:

- 620 (i) defects in the material of existing cladding; or
- 621 (ii) consistent defects in the installation of existing cladding; or
- 622 (h) a land use regulation, including a planned unit development or overlay zone, that a

623 property owner requests:

- 624 (i) the municipality to apply to the owner's property; and
- 625 (ii) in exchange for an increase in density or other benefit not otherwise available as a
- 626 permitted use in the zoning area or district.

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

628 **15A-1-104. Permit approval required -- Certificate of occupancy valid.**

629 (1) As used in this section:

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

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

- 635 (a) cites with specificity the applicable provision with which the project has failed to
- 636 comply; and
- 637 (b) describes how the project has failed to comply.

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

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

646 **15A-1-202. Definitions.**

647 As used in this chapter:

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

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

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

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

656 (4) "Code" means:

657 (a) the State Construction Code; or

658 (b) an approved code.

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

661 (6) "Compliance agency" means:

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

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

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

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

672 (a) a building code;

673 (b) an electrical code;

674 (c) a residential one and two family dwelling code;

675 (d) a plumbing code;

676 (e) a mechanical code;

- 677 (f) a fuel gas code;
- 678 (g) an energy conservation code;
- 679 (h) a swimming pool and spa code; and
- 680 (i) a manufactured housing installation standard code.
- 681 (8) "Construction project" means the same as that term is defined in Section [38-1a-102](#).
- 682 [~~8~~] (9) "Executive director" means the executive director of the Department of
- 683 Commerce.
- 684 [~~9~~] (10) "Legislative action" includes legislation that:
- 685 (a) adopts a new State Construction Code;
- 686 (b) amends the State Construction Code; or
- 687 (c) repeals one or more provisions of the State Construction Code.
- 688 [~~10~~] (11) "Local regulator" means a political subdivision of the state that is
- 689 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
- 690 and other activities subject to the codes.
- 691 (12) "Membrane-covered frame structure" means a nonpressurized building with a
- 692 structure composed of a rigid framework to support a tensioned membrane that provides a
- 693 weather barrier.
- 694 (13) "Natural disaster" means:
- 695 (a) a flood;
- 696 (b) a storm;
- 697 (c) a tornado;
- 698 (d) winds;
- 699 (e) an earthquake;
- 700 (f) lightning; or
- 701 (g) any other adverse weather event.
- 702 [~~11~~] (14) "Not for human occupancy" means use of a structure for purposes other
- 703 than protection or comfort of human beings, but allows people to enter the structure for:
- 704 (a) maintenance and repair; and
- 705 (b) the care of livestock, crops, or equipment intended for agricultural use which are
- 706 kept there.
- 707 [~~12~~] (15) "Opinion" means a written, nonbinding, and advisory statement issued by

708 the commission concerning an interpretation of the meaning of the codes or the application of
709 the codes in a specific circumstance issued in response to a specific request by a party to the
710 issue.

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

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

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

714 (c) is located in an unincorporated county area that is not zoned for residential,

715 commercial, industrial, or agricultural use;

716 (d) does not have plumbing or electricity;

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

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

719 ~~[(13)]~~ (17) "State regulator" means an agency of the state which is empowered to
720 engage in the regulation of construction, alteration, remodeling, building, repair, and other
721 activities subject to the codes adopted pursuant to this chapter.

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

723 **15A-1-204. Adoption of State Construction Code -- Amendments by commission**
724 **-- Approved codes -- Exemptions.**

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

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

730 (i) new construction is involved; and

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

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

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

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

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

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

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

742 (i) to the entire state; or

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

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

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

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

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

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

754 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
755 recognized construction code, the commission shall prepare a report described in Subsection
756 (4).

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

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

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

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

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

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

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

774 (i) study the recommendations; and

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

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

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

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

787 (i) on its own initiative;

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

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

791 (A) a local regulator;

792 (B) a state regulator;

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

794 (D) the Construction Services Commission;

795 (E) the Electrician Licensing Board;

796 (F) the Plumbers Licensing Board; or

797 (G) a recognized construction-related association.

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

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

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

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

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

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

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

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

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

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

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

- 828 (i) adopt an ordinance requiring removal, demolition, or repair of a building;
- 829 (ii) adopt, by ordinance or rule, a dangerous building code; or
- 830 (iii) adopt, by ordinance or rule, a building rehabilitation code.

831 (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in

832 state law, a state executive branch entity or political subdivision of the state may not, after
833 December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject
834 specifically addressed by, and that is more restrictive than, the State Construction Code.

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

836 (a) enforce a federal law or regulation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

880 (i) the State Construction Code;

881 (ii) notwithstanding Section [15A-5-104](#), the State Fire Code; and

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

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

888 (b) Subject to Subsection (13)(c), the permit requirements of the State Construction
 889 Code do not apply to a construction project involving repairs to an existing structure described
 890 in Subsection (13)(a).

891 (c) Upon the completion of a construction project involving repairs to an existing
 892 structure described in Subsection (13)(a), the owner of the structure shall ensure that the
 893 structure, to determine compliance with Subsection (13)(a), is inspected by:

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

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

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

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

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

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

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

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

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

904 **15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

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

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

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

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

909 1404.4 to prevent water from entering the weather-resistive barrier."

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

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

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

913 certificate of occupancy."

914 [~~(3)~~] (4) IBC, Section 115.1, is deleted and replaced with the following: "115.1

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

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

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

918 [~~(4)~~] (5) In IBC, Section 202, the following definition is added for Ambulatory

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

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

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

922 Administrative Code R432-13."

923 [~~(5)~~] (6) In IBC, Section 202, the following definition is added for Assisted Living

924 Facility: "ASSISTED LIVING FACILITY. See Residential Treatment/Support Assisted Living

925 Facility, Type I Assisted Living Facility, and Type II Assisted Living Facility."

926 [~~(6)~~] (7) In IBC, Section 202, the definition for Foster Care Facilities is modified by
927 deleting the word "Foster" and replacing it with the word "Child."

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

933 [~~(7)~~] (9) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by
934 deleting the words "a fire alarm system" and replacing them with "any fire protection system."

935 [~~(8)~~] (10) In IBC, Section 202, the following definition is added for Residential
936 Treatment/Support Assisted Living Facility: "RESIDENTIAL TREATMENT/SUPPORT
937 ASSISTED LIVING FACILITY. A residential facility that provides a group living
938 environment for four or more residents licensed by the Department of Human Services, and
939 provides a protected living arrangement for ambulatory, non-restrained persons who are
940 capable of achieving mobility sufficient to exit the facility without the physical assistance of
941 another person."

942 [~~(9)~~] (11) In IBC, Section 202, the following definition is added for Type I Assisted
943 Living Facility: "TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the
944 Department of Health that provides a protected living arrangement, assistance with activities of
945 daily living and social care to two or more ambulatory, non-restrained persons who are capable
946 of mobility sufficient to exit the facility without the assistance of another person. Subcategories
947 are:

948 Limited Capacity: two to five residents;

949 Small: six to sixteen residents; and

950 Large: over sixteen residents."

951 [~~(10)~~] (12) In IBC, Section 202, the following definition is added for Type II Assisted
952 Living Facility: "TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by
953 the Department of Health that provides an array of coordinated supportive personal and health
954 care services to two or more residents who are:

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

956 B. Cognitively impaired or physically disabled but able to evacuate from the facility, or
957 to a zone or area of safety, with the physical assistance of one person. Subcategories are:

958 Limited Capacity: two to five residents;

959 Small: six to sixteen residents; and

960 Large: over sixteen residents."

961 ~~[(11)]~~ (13) In IBC, Section 305.2, the following changes are made:

962 (a) delete the words "more than five children older than 2 1/2 years of age" and replace
963 with the words "five or more children 2 years of age or older";

964 (b) after the word "supervision" insert the words "child care services"; and

965 (c) add the following sentence at the end of the paragraph: "See Section 429, Day Care,
966 for special requirements for day care."

967 ~~[(12)]~~ (14) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced
968 with the word "four" in all places.

969 ~~[(13)]~~ (15) A new IBC Section 305.2.4 is added as follows: "305.2.4 Child day care --
970 residential child care certificate or a license. Areas used for child day care purposes with a
971 residential child care certificate, as described in Utah Administrative Code, R430-50,
972 Residential Certificate Child Care, or a residential child care license, as described in Utah
973 Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or
974 R-3 occupancy as provided in Sections 310.3 and 310.4 comply with the International
975 Residential Code in accordance with Section R101.2."

976 ~~[(14)]~~ (16) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child care
977 centers. Each of the following areas may be classified as accessory occupancies, if the area
978 complies with Section 508.2:

979 1. Hourly child care centers, as described in Utah Administrative Code, R381-60,
980 Hourly Child Care Centers;

981 2. Child care centers, as described in Utah Administrative Code, R381-100, Child Care
982 Centers; and

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

985 ~~[(15)]~~ (17) In IBC, Table 307.1(1), footnote "d" is added to the row for Explosives,
986 Division 1.4G in the column titled STORAGE - Solid Pounds (cubic feet).

987 [~~(16)~~] (18) In IBC, Section 308.2, in the list of items under "This group shall include,"
988 the words "Type-I Large and Type-II Small, see Section 308.2.5" are added after "Assisted
989 living facilities."

990 [~~(17)~~] (19) In IBC, Section 308.2.4, all of the words after the first International
991 Residential Code are deleted.

992 [~~(18)~~] (20) A new IBC, Section 308.2.5 is added as follows:

993 "308.2.5 Group I-1 assisted living facility occupancy groups. The following occupancy
994 groups shall apply to assisted living facilities:

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

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

1000 [~~(19)~~] (21) In IBC, Section 308.3 Institutional Group I-2, the following changes are
1001 made:

1002 (a) The words "more than five" are deleted and replaced with "four or more";

1003 (b) The group "Assisted living facilities, Type-II Large" is added to the list of groups;

1004 (c) The words "Foster care facilities" are deleted and replaced with the words "Child
1005 care facilities"; and

1006 (d) The words "(both intermediate care facilities and skilled nursing facilities)" are
1007 added after "Nursing homes."

1008 [~~(20)~~] (22) In IBC, Section 308.3.2, the number "five" is deleted and replaced with the
1009 number "four" in each location.

1010 [~~(21)~~] (23) A new IBC, Section 308.3.3 is added as follows:

1011 "308.3.3 Group I-2 assisted living facilities. Type II assisted living facilities with
1012 seventeen or more residents are Large Facilities classified as an Institutional Group I-2,
1013 Condition 1 occupancy. See Section 202 for definitions."

1014 [~~(22)~~] (24) In IBC, Section 308.5, the words "more than five" are deleted and replaced
1015 with the words "five or more."

1016 [~~(23)~~] (25) In IBC, Section 308.5.1, the following changes are made:

1017 (a) The words "more than five" are deleted and replaced with the words "five or more."

1018 (b) The words "2-1/2 years or less of age" are deleted and replaced with "under the age
1019 of two."

1020 (c) The following sentence is added at the end: "See Section 429 for special
1021 requirements for Day Care."

1022 [~~(24)~~] (26) In IBC, Sections 308.5.3 and 308.5.4, the words "five or fewer" are deleted
1023 and replaced with the words "four or fewer" in both places and the following sentence is added
1024 at the end: "See Section 429 for special requirements for Day Care."

1025 [~~(25)~~] (27) In IBC, Section 310.4, the following changes are made:

1026 (a) The words "and single family dwellings complying with the IRC" are added after
1027 "Residential Group-3 occupancies."

1028 (b) The words "Assisted Living Facilities, limited capacity" are added to the list of
1029 occupancies.

1030 [~~(26)~~] (28) In IBC, Section 310.4.1, the following changes are made:

1031 (a) The words "other than Child Care" are inserted after the words "Care facilities" in
1032 the first sentence.

1033 (b) All of the words after the first "International Residential Code" are deleted.

1034 (c) The following sentence is added at the end of the last sentence: "See Section 429
1035 for special requirements for Child Day Care."

1036 [~~(27)~~] (29) A new IBC Section 310.4.3 is added as follows: " 310.4.3 Child Care.
1037 Areas used for child care purposes may be located in a residential dwelling unit under all of the
1038 following conditions and Section 429:

1039 1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the
1040 authority of the Utah Fire Prevention Board.

1041 2. Use is approved by the Utah Department of Health, as enacted under the authority of the
1042 Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
1043 categories:

1044 a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

1045 b. Utah Administrative Code, R430-90, Licensed Family Child Care.

1046 3. Compliance with all zoning regulations of the local regulator."

1047 [~~(28)~~] (30) A new IBC, Section 310.4.4 is added as follows: "310.4.4 Assisted living
1048 facilities. Type I assisted living facilities with two to five residents are Limited Capacity

1049 facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the
1050 International Residential Code. See Section 202 for definitions."

1051 ~~[(29)]~~ (31) In IBC, Section 310.5, the words "Type II Limited Capacity and Type I
1052 Small, see Section 310.5.3" are added after the words "assisted living facilities."

1053 ~~[(30)]~~ (32) A new IBC, Section 310.5.3, is added as follows: "310.5.3 Group R-4
1054 Assisted living facility occupancy groups. The following occupancy groups shall apply to
1055 Assisted Living Facilities: Type II Assisted Living Facilities with two to five residents are
1056 Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy. Type
1057 I assisted living facilities with six to sixteen residents are Small Facilities classified as
1058 Residential Group R-4, Condition 1 occupancies. See Section 202 for definitions."

1059 Section 9. Section **15A-5-104** is amended to read:

1060 **15A-5-104. Exemptions from State Fire Code.**

1061 (1) As used in this section, "remote yurt" means the same as that term is defined in
1062 ~~[Subsection 15A-1-204(12)]~~ Section 15A-1-202.

1063 (2) A remote yurt is exempt from the State Fire Code unless otherwise provided by
1064 ordinance in accordance with Subsection ~~15A-1-204(12)~~~~(c)~~(b).

1065 (3) An owner of a remote yurt shall ensure that a fire extinguisher is in the remote yurt.

1066 Section 10. Section **17-27a-403** is amended to read:

1067 **17-27a-403. Plan preparation.**

1068 (1) (a) The planning commission shall provide notice, as provided in Section
1069 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
1070 plan or a comprehensive general plan amendment when the planning commission initiates the
1071 process of preparing its recommendation.

1072 (b) The planning commission shall make and recommend to the legislative body a
1073 proposed general plan for:

1074 (i) the unincorporated area within the county; or

1075 (ii) if the planning commission is a planning commission for a mountainous planning
1076 district, the mountainous planning district.

1077 (c) (i) The plan may include planning for incorporated areas if, in the planning
1078 commission's judgment, they are related to the planning of the unincorporated territory or of
1079 the county as a whole.

1080 (ii) Elements of the county plan that address incorporated areas are not an official plan
1081 or part of a municipal plan for any municipality, unless it is recommended by the municipal
1082 planning commission and adopted by the governing body of the municipality.

1083 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
1084 planning district, the plan for the mountainous planning district controls and precedes a
1085 municipal plan, if any, to which the property would be subject.

1086 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1087 and descriptive and explanatory matter, shall include the planning commission's
1088 recommendations for the following plan elements:

1089 (i) a land use element that:

1090 (A) designates the long-term goals and the proposed extent, general distribution, and
1091 location of land for housing for residents of various income levels, business, industry,
1092 agriculture, recreation, education, public buildings and grounds, open space, and other
1093 categories of public and private uses of land as appropriate; and

1094 (B) may include a statement of the projections for and standards of population density
1095 and building intensity recommended for the various land use categories covered by the plan;

1096 (ii) a transportation and traffic circulation element that:

1097 (A) provides the general location and extent of existing and proposed freeways, arterial
1098 and collector streets, public transit, active transportation facilities, and other modes of
1099 transportation that the planning commission considers appropriate;

1100 (B) addresses the county's plan for residential and commercial development around
1101 major transit investment corridors to maintain and improve the connections between housing,
1102 employment, education, recreation, and commerce; and

1103 (C) correlates with the population projections, the employment projections, and the
1104 proposed land use element of the general plan;

1105 (iii) a plan for the development of additional moderate income housing within the
1106 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1107 realistic opportunity to meet the need for additional moderate income housing; and

1108 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1109 and policies required by Subsection [17-27a-401\(3\)](#).

1110 (b) In drafting the moderate income housing element, the planning commission:

- 1111 (i) shall consider the Legislature's determination that counties should facilitate a
1112 reasonable opportunity for a variety of housing, including moderate income housing:
- 1113 (A) to meet the needs of people of various income levels living, working, or desiring to
1114 live or work in the community; and
 - 1115 (B) to allow people with various incomes to benefit from and fully participate in all
1116 aspects of neighborhood and community life; and
- 1117 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1118 the development of moderate income housing within the planning horizon, which may include
1119 a recommendation to implement three or more of the following strategies:
- 1120 (A) rezone for densities necessary to assure the production of moderate income
1121 housing;
 - 1122 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1123 construction of moderate income housing;
 - 1124 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
1125 income housing;
 - 1126 (D) consider county general fund subsidies or other sources of revenue to waive
1127 construction related fees that are otherwise generally imposed by the county;
 - 1128 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1129 residential zones;
 - 1130 (F) allow for higher density or moderate income residential development in
1131 commercial and mixed-use zones, commercial centers, or employment centers;
 - 1132 (G) encourage higher density or moderate income residential development near major
1133 transit investment corridors;
 - 1134 (H) eliminate or reduce parking requirements for residential development where a
1135 resident is less likely to rely on the resident's own vehicle, such as residential development near
1136 major transit investment corridors or senior living facilities;
 - 1137 (I) allow for single room occupancy developments;
 - 1138 (J) implement zoning incentives for low to moderate income units in new
1139 developments;
 - 1140 (K) utilize strategies that preserve subsidized low to moderate income units on a
1141 long-term basis;

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

1173 (i) consider the regional transportation plan developed by its region's metropolitan
1174 planning organization, if the relevant areas of the county are within the boundaries of a
1175 metropolitan planning organization; or

1176 (ii) consider the long-range transportation plan developed by the Department of
1177 Transportation, if the relevant areas of the county are not within the boundaries of a
1178 metropolitan planning organization.

1179 (3) The proposed general plan may include:

1180 (a) an environmental element that addresses:

1181 (i) to the extent not covered by the county's resource management plan, the protection,
1182 conservation, development, and use of natural resources, including the quality of air, forests,
1183 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1184 and

1185 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1186 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1187 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1188 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1189 (b) a public services and facilities element showing general plans for sewage, water,
1190 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1191 police and fire protection, and other public services;

1192 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1193 programs for:

1194 (i) historic preservation;

1195 (ii) the diminution or elimination of a development impediment as defined in Section
1196 [17C-1-102](#); and

1197 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1198 public building sites;

1199 (d) an economic element composed of appropriate studies and forecasts, as well as an
1200 economic development plan, which may include review of existing and projected county
1201 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1202 primary and secondary market areas, employment, and retail sales activity;

1203 (e) recommendations for implementing all or any portion of the general plan, including

1204 the use of land use ordinances, capital improvement plans, community development and
1205 promotion, and any other appropriate action;

1206 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or
1207 (3)(a)(i); and

1208 (g) any other element the county considers appropriate.

1209 Section 11. Section [17-27a-527](#) is enacted to read:

1210 **[17-27a-527. Regulation of building design elements prohibited -- Exceptions.](#)**

1211 (1) As used in this section, "building design element" means:

1212 (a) exterior color;

1213 (b) type or style of exterior cladding material;

1214 (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;

1215 (d) exterior nonstructural architectural ornamentation;

1216 (e) location, design, placement, or architectural styling of a window or door;

1217 (f) location, design, placement, or architectural styling of a garage door, not including a
1218 rear-loading garage door;

1219 (g) number or type of rooms;

1220 (h) interior layout of a room;

1221 (i) minimum square footage over 1,000 square feet, not including a garage;

1222 (j) rear yard landscaping requirements;

1223 (k) minimum building dimensions; or

1224 (l) a requirement to install front yard fencing.

1225 (2) Except as provided in Subsection (3), a county may not impose a requirement for a
1226 building design element on a one to two family dwelling or townhome.

1227 (3) Subsection (2) does not apply to:

1228 (a) a dwelling located within an area designated as a historic district in:

1229 (i) the National Register of Historic Places;

1230 (ii) the state register as defined in Section [9-8-402](#); or

1231 (iii) a local historic district or area, or a site designated as a local landmark, created by
1232 ordinance before January 1, 2021;

1233 (b) an ordinance enacted as a condition for participation in the National Flood
1234 Insurance Program administered by the Federal Emergency Management Agency;

1235 (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
1236 Interface Code adopted under Section [15A-2-103](#);

1237 (d) building design elements agreed to under a development agreement;

1238 (e) a dwelling located within an area that:

1239 (i) is zoned primarily for residential use; and

1240 (ii) was substantially developed before calendar year 1940;

1241 (f) an ordinance enacted to implement water efficient landscaping in a rear yard;

1242 (g) an ordinance enacted to regulate type of cladding, in response to findings or
1243 evidence from the construction industry of:

1244 (i) defects in the material of existing cladding; or

1245 (ii) consistent defects in the installation of existing cladding; or

1246 (h) a land use regulation, including a planned unit development or overlay zone, that a
1247 property owner requests:

1248 (i) the county to apply to the owner's property; and

1249 (ii) in exchange for an increase in density or other benefit not otherwise available as a
1250 permitted use in the zoning area or district.

1251 Section 12. Section **17-36-55** is amended to read:

1252 **17-36-55. Fees collected for construction approval -- Approval of plans.**

1253 (1) As used in this section:

1254 (a) "Business day" means the same as that term is defined in Section [54-8c-1](#).

1255 ~~[(a)]~~ (b) "Construction project" means the same as that term is defined in Section
1256 [38-1a-102](#).

1257 (c) "Licensed building inspector" means an individual who is:

1258 (i) licensed by the Division of Occupational and Professional Licensing under Title 58,
1259 Chapter 56, Building Inspector and Factory Built Housing Licensing Act; and

1260 (ii) covered by liability insurance when providing private services as a licensed
1261 building inspector, in an amount established in rules made by the Division of Occupational and
1262 Professional Licensing in accordance with Title 63G, Chapter 3, Utah Administrative
1263 Rulemaking Act.

1264 ~~[(b)]~~ (d) "Lodging establishment" means a place providing temporary sleeping
1265 accommodations to the public, including any of the following:

- 1266 (i) a bed and breakfast establishment;
- 1267 (ii) a boarding house;
- 1268 (iii) a dormitory;
- 1269 (iv) a hotel;
- 1270 (v) an inn;
- 1271 (vi) a lodging house;
- 1272 (vii) a motel;
- 1273 (viii) a resort; or
- 1274 (ix) a rooming house.

1275 [~~(e)~~] (e) "Planning review" means a review to verify that a county has approved the
1276 following elements of a construction project:

- 1277 (i) zoning;
- 1278 (ii) lot sizes;
- 1279 (iii) setbacks;
- 1280 (iv) easements;
- 1281 (v) curb and gutter elevations;
- 1282 (vi) grades and slopes;
- 1283 (vii) utilities;
- 1284 (viii) street names;
- 1285 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
1286 Interface Code adopted under Section [15A-2-103](#); and
- 1287 (x) subdivision.

1288 [~~(f)~~] (f) (i) "Plan review" means all of the reviews and approvals of a plan that a county
1289 requires to obtain a building permit from the county with a scope that may not exceed a review
1290 to verify:

- 1291 (A) that the construction project complies with the provisions of the State Construction
1292 Code under Title 15A, State Construction and Fire Codes Act;
- 1293 (B) that the construction project complies with the energy code adopted under Section
1294 [15A-2-103](#);
- 1295 (C) that the construction project received a planning review;
- 1296 (D) that the applicant paid any required fees;

- 1297 (E) that the applicant obtained final approvals from any other required reviewing
1298 agencies;
- 1299 (F) that the construction project complies with federal, state, and local storm water
1300 protection laws;
- 1301 (G) that the construction project received a structural review;
- 1302 (H) the total square footage for each building level of finished, garage, and unfinished
1303 space; and
- 1304 (I) that the plans include a printed statement indicating that the actual construction will
1305 comply with applicable local ordinances and the state construction codes.
- 1306 (ii) "Plan review" does not mean a review of a document:
- 1307 (A) required to be re-submitted for a construction project other than a construction
1308 project for a one to two family dwelling or townhome if additional modifications or substantive
1309 changes are identified by the plan review;
- 1310 (B) submitted as part of a deferred submittal when requested by the applicant and
1311 approved by the building official; or
- 1312 (C) that, due to the document's technical nature or on the request of the applicant, is
1313 reviewed by a third party.
- 1314 [~~e~~] (g) "State Construction Code" means the same as that term is defined in Section
1315 15A-1-102.
- 1316 [~~f~~] (h) "State Fire Code" means the same as that term is defined in Section
1317 15A-1-102.
- 1318 [~~g~~] (i) "Structural review" means:
- 1319 (i) a review that verifies that a construction project complies with the following:
- 1320 (A) footing size and bar placement;
- 1321 (B) foundation thickness and bar placement;
- 1322 (C) beam and header sizes;
- 1323 (D) nailing patterns;
- 1324 (E) bearing points;
- 1325 (F) structural member size and span; and
- 1326 (G) sheathing; or
- 1327 (ii) if the review exceeds the scope of the review described in Subsection (1)[~~g~~](i),

1328 a review that a licensed engineer conducts.

1329 ~~[(h)]~~ (j) "Technical nature" means a characteristic that places an item outside the
1330 training and expertise of an individual who regularly performs plan reviews.

1331 (2) (a) If a county collects a fee for the inspection of a construction project, the county
1332 shall ensure that the construction project receives a prompt inspection.

1333 (b) If a county cannot provide a building inspection within three business days after the
1334 day on which the county receives the request for the inspection[;];

1335 (i) the county ~~[shall]~~ may promptly engage an independent inspector with fees
1336 collected from the applicant[;]; or

1337 (ii) the applicant may engage an independent third-party licensed building inspector to
1338 complete each required inspection on the applicant's behalf in accordance with Subsection
1339 (2)(d), if the construction project is for a one to two family dwelling or townhome.

1340 (c) If an inspector identifies one or more violations of the State Construction Code or
1341 State Fire Code during an inspection, the inspector shall give the permit holder written
1342 notification that:

- 1343 (i) identifies each violation;
- 1344 (ii) upon request by the permit holder, includes a reference to each applicable provision
1345 of the State Construction Code or State Fire Code; and
- 1346 (iii) is delivered:
 - 1347 (A) in hardcopy or by electronic means; and
 - 1348 (B) the day on which the inspection occurs.

1349 (d) (i) An applicant who engages an independent licensed building inspector to
1350 complete each required inspection on the applicant's behalf under Subsection (2)(b)(ii) shall
1351 promptly notify the county in writing of the name and address of the licensed building
1352 inspector at the time the applicant engages the licensed building inspector.

1353 (ii) The licensed building inspector described in Subsection (2)(d)(i) shall:
1354 (A) complete each required inspection of the construction project on the applicant's
1355 behalf;

1356 (B) provide written notification to the county after completing the final required
1357 inspection; and

1358 (C) issue the applicant a certificate of occupancy for the construction project.

1359 (3) (a) A county shall complete a plan review of a construction project for a one to two
 1360 family dwelling or townhome by no later than 14 business days after the day on which the ~~[plan~~
 1361 ~~is submitted]~~ applicant submits a complete building permit application to the county.

1362 (b) A county shall complete a plan review of a construction project for a residential
 1363 structure built under the International Building Code, not including a lodging establishment, by
 1364 no later than 21 business days after the day on which the ~~[plan is submitted]~~ applicant submits
 1365 a complete building permit application to the county.

1366 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
 1367 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
 1368 that the county complete the plan review.

1369 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
 1370 the plan review no later than:

1371 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
 1372 applicant makes the request; or

1373 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
 1374 applicant makes the request.

1375 (d) An applicant may:

1376 (i) waive the plan review time requirements described in this Subsection (3); or

1377 (ii) with the county's consent, establish an alternative plan review time requirement.

1378 (4) ~~[(a)]~~ A county may not enforce a requirement to have a plan review if:

1379 ~~[(i)]~~ (a) the county does not complete the plan review within the time period described
 1380 in Subsection (3)(a) or (b); ~~[and]~~

1381 (b) the applicant makes a request under Subsection (3)(c)(i);

1382 (c) the county does not complete the plan review within the time period described in
 1383 Subsection (3)(c)(ii); and

1384 ~~[(ii)]~~ (d) a licensed architect or structural engineer, or both when required by law,
 1385 stamps the plan.

1386 ~~[(b)]~~ (5) (a) A county may attach to a reviewed plan a list that includes:

1387 (i) items with which the county is concerned and may enforce during construction; and

1388 (ii) building code violations found in the plan.

1389 ~~[(e)]~~ (b) A county may not require an applicant to redraft a plan if the county requests

1390 minor changes to the plan that the list described in Subsection [(4)(b)] (5)(a) identifies.

1391 ~~[(5) An applicant shall ensure that each construction project plan submitted for a plan~~
1392 ~~review under this section has a statement indicating that actual construction will comply with~~
1393 ~~applicable local ordinances and building codes.]~~

1394 (c) A county may require a single resubmittal of plans for a one or two family dwelling
1395 or townhome if the resubmission is required to address deficiencies identified by a third-party
1396 review of a geotechnical report or geological report.

1397 (6) If a county charges a fee for a building permit, the county may not refuse payment
1398 of the fee at the time the applicant submits a building permit application under Subsection (3).

1399 (7) A county may not limit the number of building permit applications submitted under
1400 Subsection (3).

1401 (8) For purposes of Subsection (3), a building permit application is complete if the
1402 application contains:

1403 (a) the name, address, and contact information of:

1404 (i) the applicant; and

1405 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
1406 the construction project;

1407 (b) a site plan for the construction project that:

1408 (i) is drawn to scale;

1409 (ii) includes a north arrow and legend; and

1410 (iii) provides specifications for the following:

1411 (A) lot size and dimensions;

1412 (B) setbacks and overhangs for setbacks;

1413 (C) easements;

1414 (D) property lines;

1415 (E) topographical details, if the slope of the lot is greater than 10%;

1416 (F) retaining walls;

1417 (G) hard surface areas;

1418 (H) curb and gutter elevations as indicated in the subdivision documents;

1419 (I) utilities, including water meter and sewer lateral location;

1420 (J) street names;

- 1421 (K) driveway locations;
- 1422 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 1423 Interface Code adopted under Section [15A-2-103](#); and
- 1424 (M) the location of the nearest hydrant;
- 1425 (c) construction plans and drawings, including:
- 1426 (i) elevations, only if the construction project is new construction;
- 1427 (ii) floor plans for each level, including the location and size of doors and windows;
- 1428 (iii) foundation, structural, and framing detail; and
- 1429 (iv) electrical, mechanical, and plumbing design;
- 1430 (d) documentation of energy code compliance;
- 1431 (e) structural calculations, except for trusses;
- 1432 (f) a geotechnical report, including a slope stability evaluation and retaining wall
- 1433 design, if:
- 1434 (i) the slope of the lot is greater than 15%; and
- 1435 (ii) required by the county; and
- 1436 (g) a statement indicating that actual construction will comply with applicable local
- 1437 ordinances and building codes.

1438 Section 13. Section **38-1a-102** is amended to read:

1439 **38-1a-102. Definitions.**

1440 As used in this chapter:

- 1441 (1) "Alternate means" means a method of filing a legible and complete notice or other
- 1442 document with the registry other than electronically, as established by the division by rule.
- 1443 (2) "Anticipated improvement" means the improvement:
- 1444 (a) for which preconstruction service is performed; and
- 1445 (b) that is anticipated to follow the performing of preconstruction service.
- 1446 (3) "Applicable county recorder" means the office of the recorder of each county in
- 1447 which any part of the property on which a claimant claims or intends to claim a preconstruction
- 1448 or construction lien is located.
- 1449 (4) "Bona fide loan" means a loan to an owner or owner-builder by a lender in which
- 1450 the owner or owner-builder has no financial or beneficial interest greater than 5% of the voting
- 1451 shares or other ownership interest.

1452 (5) "Claimant" means a person entitled to claim a preconstruction or construction lien.

1453 (6) "Compensation" means the payment of money for a service rendered or an expense
1454 incurred, whether based on:

1455 (a) time and expense, lump sum, stipulated sum, percentage of cost, cost plus fixed or
1456 percentage fee, or commission; or

1457 (b) a combination of the bases listed in Subsection (6)(a).

1458 (7) "Construction lender" means a person who makes a construction loan.

1459 (8) "Construction lien" means a lien under this chapter for construction work.

1460 (9) "Construction loan" does not include a consumer loan secured by the equity in the
1461 consumer's home.

1462 (10) "Construction project" means an improvement that is constructed pursuant to an
1463 original contract.

1464 (11) "Construction work":

1465 (a) means labor, service, material, or equipment provided for the purpose and during
1466 the process of constructing, altering, or repairing an improvement; and

1467 (b) includes scheduling, estimating, staking, supervising, managing, materials testing,
1468 inspection, observation, and quality control or assurance involved in constructing, altering, or
1469 repairing an improvement.

1470 (12) "Contestable notice" means a notice of preconstruction service under Section
1471 [38-1a-401](#), a preliminary notice under Section [38-1a-501](#), or a notice of completion under
1472 Section [38-1a-506](#).

1473 (13) "Contesting person" means an owner, original contractor, subcontractor, or other
1474 interested person.

1475 (14) "Designated agent" means the third party the division contracts with as provided
1476 in Section [38-1a-202](#) to create and maintain the registry.

1477 (15) "Division" means the Division of Occupational and Professional Licensing created
1478 in Section [58-1-103](#).

1479 (16) "Entry number" means the reference number that:

1480 (a) the designated agent assigns to each notice or other document filed with the
1481 registry; and

1482 (b) is unique for each notice or other document.

1483 (17) "Final completion" means:

1484 (a) the date of issuance of a permanent certificate of occupancy by the local
1485 government entity having jurisdiction over the construction project or building inspector that
1486 has the authority to issue a certificate of occupancy for the construction project under Section
1487 10-5-132, 10-6-160, or 17-36-55, if a permanent certificate of occupancy is required;

1488 (b) the date of the final inspection of the construction work by the local government
1489 entity having jurisdiction over the construction project or building inspector described in
1490 Subsection (17)(a), if an inspection is required under a state-adopted building code applicable
1491 to the construction work, but no certificate of occupancy is required;

1492 (c) unless the owner is holding payment to ensure completion of construction work, the
1493 date on which there remains no substantial work to be completed to finish the construction
1494 work under the original contract, if a certificate of occupancy is not required and a final
1495 inspection is not required under an applicable state-adopted building code; or

1496 (d) the last date on which substantial work was performed under the original contract,
1497 if, because the original contract is terminated before completion of the construction work
1498 defined by the original contract, the local government entity having jurisdiction over the
1499 construction project or building inspector described in Subsection (17)(a) does not issue a
1500 certificate of occupancy or perform a final inspection.

1501 (18) "Final lien waiver" means a form that complies with Subsection [38-1a-802\(4\)\(c\)](#).

1502 (19) "First preliminary notice filing" means a preliminary notice that:

1503 (a) is the earliest preliminary notice filed on the construction project for which the
1504 preliminary notice is filed;

1505 (b) is filed on a construction project that, at the time the preliminary notice is filed, has
1506 not reached final completion; and

1507 (c) is not cancelled under Section [38-1a-307](#).

1508 (20) "Government project-identifying information" has the same meaning as defined in
1509 Section [38-1b-102](#).

1510 (21) "Improvement" means:

1511 (a) a building, infrastructure, utility, or other human-made structure or object
1512 constructed on or for and affixed to real property; or

1513 (b) a repair, modification, or alteration of a building, infrastructure, utility, or object

1514 referred to in Subsection (21)(a).

1515 (22) "Interested person" means a person that may be affected by a construction project.

1516 (23) "Notice of commencement" means a notice required under Section 38-1b-201 for
1517 a government project, as defined in Section 38-1b-102.

1518 (24) "Original contract":

1519 (a) means a contract between an owner and an original contractor for preconstruction
1520 service or construction work; and

1521 (b) does not include a contract between an owner-builder and another person.

1522 (25) "Original contractor" means a person, including an owner-builder, that contracts
1523 with an owner to provide preconstruction service or construction work.

1524 (26) "Owner" means the person that owns the project property.

1525 (27) "Owner-builder" means an owner, including an owner who is also an original
1526 contractor, who:

1527 (a) contracts with one or more other persons for preconstruction service or construction
1528 work for an improvement on the owner's real property; and

1529 (b) obtains a building permit for the improvement.

1530 (28) "Preconstruction lien" means a lien under this chapter for a preconstruction
1531 service.

1532 (29) "Preconstruction service":

1533 (a) means to plan or design, or to assist in the planning or design of, an improvement or
1534 a proposed improvement:

1535 (i) before construction of the improvement commences; and

1536 (ii) for compensation separate from any compensation paid or to be paid for
1537 construction work for the improvement; and

1538 (b) includes consulting, conducting a site investigation or assessment, programming,
1539 preconstruction cost or quantity estimating, preconstruction scheduling, performing a
1540 preconstruction construction feasibility review, procuring construction services, and preparing
1541 a study, report, rendering, model, boundary or topographic survey, plat, map, design, plan,
1542 drawing, specification, or contract document.

1543 (30) "Private project" means a construction project that is not a government project.

1544 (31) "Project property" means the real property on or for which preconstruction service

1545 or construction work is or will be provided.

1546 (32) "Registry" means the State Construction Registry under Part 2, State Construction
1547 Registry.

1548 (33) "Required notice" means:

1549 (a) a notice of preconstruction service under Section 38-1a-401;

1550 (b) a preliminary notice under Section 38-1a-501 or Section 38-1b-202;

1551 (c) a notice of commencement;

1552 (d) a notice of construction loan under Section 38-1a-601;

1553 (e) a notice under Section 38-1a-602 concerning a construction loan default;

1554 (f) a notice of intent to obtain final completion under Section 38-1a-506; or

1555 (g) a notice of completion under Section 38-1a-507.

1556 (34) "Subcontractor" means a person that contracts to provide preconstruction service
1557 or construction work to:

1558 (a) a person other than the owner; or

1559 (b) the owner, if the owner is an owner-builder.

1560 (35) "Substantial work" does not include repair work or warranty work.

1561 (36) "Supervisory subcontractor" means a person that:

1562 (a) is a subcontractor under contract to provide preconstruction service or construction
1563 work; and

1564 (b) contracts with one or more other subcontractors for the other subcontractor or
1565 subcontractors to provide preconstruction service or construction work that the person is under
1566 contract to provide.

1567 Section 14. Section 58-56-2 is amended to read:

1568 **58-56-2. Chapter administration -- Duties.**

1569 (1) The provisions of this chapter shall be administered by the Division of Occupational
1570 and Professional Licensing.

1571 (2) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
1572 Administrative Rulemaking Act, to establish the minimum amount of liability insurance
1573 coverage for a licensed building inspector to complete inspections under Subsection
1574 10-5-132(2)(b)(ii), 10-6-160(2)(b)(ii), or 17-36-55(2)(b)(ii).

1575 Section 15. Section 78B-2-225 is amended to read:

1576 **78B-2-225. Actions related to improvements in real property.**

1577 (1) As used in this section:

1578 (a) "Abandonment" means that there has been no design or construction activity on an
1579 improvement for a continuous period of at least one year.

1580 (b) "Action" means any claim for judicial, arbitral, or administrative relief for acts,
1581 errors, omissions, or breach of duty arising out of or related to the design, construction, or
1582 installation of an improvement, regardless of whether that action is based in tort, contract,
1583 warranty, strict liability, product liability, indemnity, contribution, or other source of law.

1584 (c) "Completion" means the date of substantial completion of an improvement to real
1585 property as established by the earliest of:

1586 (i) a [~~Certificate of Substantial Completion~~] certificate of substantial completion;

1587 (ii) a [~~Certificate of Occupancy~~] certificate of occupancy issued by a governing agency
1588 or building inspector that has the authority to issue the certificate of occupancy under Section
1589 10-5-132, 10-6-160, or 17-36-55; or

1590 (iii) the date of first use or possession of the improvement.

1591 (d) "Improvement" means any building, structure, infrastructure, road, utility, or other
1592 similar man-made change, addition, modification, or alteration to real property.

1593 (e) "Person" means an individual, corporation, limited liability company, partnership,
1594 joint venture, association, proprietorship, or any other legal or governmental entity.

1595 (f) "Provider" means any person:

1596 (i) contributing to, providing, or performing:

1597 (A) studies, plans, specifications, drawings, designs, value engineering, cost or quantity
1598 estimates, surveys, staking, construction, installation, or labor to an improvement; or

1599 (B) the review, observation, administration, management, supervision, inspections, and
1600 tests of construction for or in relation to an improvement; or

1601 (ii) providing or contributing materials, products, or equipment that is incorporated
1602 into an improvement.

1603 (2) The Legislature finds that:

1604 (a) exposing a provider to suits and liability for acts, errors, omissions, or breach of
1605 duty after the possibility of injury or damage has become highly remote and unexpectedly
1606 creates costs and hardships to the provider and the citizens of the state;

1607 (b) these costs and hardships include liability insurance costs, records storage costs,
1608 undue and unlimited liability risks during the life of both a provider and an improvement, and
1609 difficulties in defending against claims many years after completion of an improvement;

1610 (c) these costs and hardships constitute clear social and economic evils;

1611 (d) the possibility of injury and damage becomes highly remote and unexpected seven
1612 years following completion or abandonment; and

1613 (e) except as provided in Subsection (7), it is in the best interests of the citizens of the
1614 state to impose the periods of limitation and repose provided in this chapter upon all causes of
1615 action by or against a provider arising out of or related to the design, construction, or
1616 installation of an improvement.

1617 (3) (a) Except as provided in Subsections (3)(b) and (c), an action by or against a
1618 provider based in contract or warranty shall be commenced within six years after the date of
1619 completion or abandonment of an improvement.

1620 (b) If a provider is required by an express term of a contract or warranty to perform an
1621 obligation later than the six-year period described in Subsection (3)(a), and the provider fails to
1622 perform the obligation as required, an action for that breach of the contract or warranty shall be
1623 commenced within two years after the day on which the breach is discovered or should have
1624 been discovered.

1625 (c) If a contract or warranty expressly establishes a different period of limitations than
1626 this section, the action shall be commenced within that limitations period.

1627 (4) (a) All other actions by or against a provider shall be commenced within two years
1628 from the earlier of the date of discovery of a cause of action or the date upon which a cause of
1629 action should have been discovered through reasonable diligence.

1630 (b) If the cause of action is discovered or discoverable before completion or
1631 abandonment of an improvement, the two-year period begins to run upon completion or
1632 abandonment.

1633 (c) Notwithstanding Subsection (4)(a), and except as provided in Subsection (4)(d), an
1634 action under this Subsection (4) may not be commenced against a provider more than nine
1635 years after completion or abandonment of an improvement.

1636 (d) If an action under Subsection (4)(a) is discovered or discoverable in the eighth or
1637 ninth year of the nine-year period, a claimant shall have two years from the date of discovery to

1638 commence an action.

1639 (5) Subsection (4) does not apply to an action against a provider:

1640 (a) who has fraudulently concealed the provider's act, error, omission, or breach of
1641 duty, or the injury, damage, or other loss caused by the provider's act, error, omission, or breach
1642 of duty; or

1643 (b) for a willful or intentional act, error, omission, or breach of duty.

1644 (6) If an individual otherwise entitled to bring an action did not commence the action
1645 within the periods prescribed by Subsections (3) and (4) solely because that individual was a
1646 minor or mentally incompetent and without a legal guardian, that individual shall have two
1647 years from the date the disability is removed to commence the action.

1648 (7) This section shall not apply to an action for the death of or bodily injury to an
1649 individual while engaged in the design, installation, or construction of an improvement.

1650 (8) This section does not apply to any action against any person in actual possession or
1651 control of the improvement as owner, tenant, or otherwise, at the time any defective or unsafe
1652 condition of the improvement proximately causes the injury for which the action is brought.

1653 (9) This section does not extend the period of limitation or repose otherwise prescribed
1654 by law or a valid and enforceable contract.

1655 (10) This section does not create or modify any claim or cause of action.

1656 (11) This section applies to all causes of action that accrue after May 3, 2003,
1657 notwithstanding that the improvement was completed or abandoned before May 3, 2004.