

1 **CODIFICATION OF STATE CONSTRUCTION AND FIRE**

2 **CODES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: J. Stuart Adams

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill takes effect on July 1, 2011.

32 This bill coordinates with H.B. 260, Mechanics' Liens Revisions, to technically merge
33 substantive amendments.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **9-4-102**, as last amended by Laws of Utah 2004, Chapter 18

37 **10-8-85.5**, as last amended by Laws of Utah 2008, Chapter 78

38 **10-9a-514**, as last amended by Laws of Utah 2010, Chapter 378

39 **11-36-102 (Effective 05/11/11)**, as last amended by Laws of Utah 2010, Chapter 203

40 **11-45-102**, as enacted by Laws of Utah 2010, Chapter 72

41 **17-27a-513**, as renumbered and amended by Laws of Utah 2005, Chapter 254

42 **26-15-3**, as last amended by Laws of Utah 2010, Chapter 310

43 **26A-1-113**, as last amended by Laws of Utah 2009, Chapter 339

44 **26A-1-114**, as last amended by Laws of Utah 2009, Chapters 304 and 339

45 **38-11-102**, as last amended by Laws of Utah 2007, Chapter 84

46 **53-7-102**, as last amended by Laws of Utah 2010, Chapters 310 and 324

47 **53-7-204**, as last amended by Laws of Utah 2010, Chapters 61 and 310

48 **57-23-4**, as enacted by Laws of Utah 1991, Chapter 262

49 **58-3a-102**, as enacted by Laws of Utah 1996, Chapter 260

50 **58-3a-602**, as enacted by Laws of Utah 1996, Chapter 260

51 **58-22-102**, as last amended by Laws of Utah 2008, Chapter 277

52 **58-22-602**, as enacted by Laws of Utah 1996, Chapter 259

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

54 **58-55-102**, as last amended by Laws of Utah 2010, Chapters 27, 53, and 227

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

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

57 **58-56-3**, as last amended by Laws of Utah 2010, Chapters 76, 310, and 372

- 58 **58-56-9**, as last amended by Laws of Utah 2010, Chapters 310 and 391
- 59 **58-56-17.5**, as last amended by Laws of Utah 2010, Chapter 310
- 60 **59-12-102**, as last amended by Laws of Utah 2010, Chapters 88, 142, 234, and 263
- 61 **63A-5-206**, as last amended by Laws of Utah 2010, Chapter 338
- 62 **70D-2-102**, as renumbered and amended by Laws of Utah 2009, Chapter 72
- 63 **73-3-1.5**, as enacted by Laws of Utah 2010, Chapter 19

64 ENACTS:

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

- 86 **15A-1-403**, Utah Code Annotated 1953
- 87 **15A-2-101**, Utah Code Annotated 1953
- 88 **15A-2-102**, Utah Code Annotated 1953
- 89 **15A-2-103**, Utah Code Annotated 1953
- 90 **15A-2-104**, Utah Code Annotated 1953
- 91 **15A-2-105**, Utah Code Annotated 1953
- 92 **15A-3-101**, Utah Code Annotated 1953
- 93 **15A-3-102**, Utah Code Annotated 1953
- 94 **15A-3-103**, Utah Code Annotated 1953
- 95 **15A-3-104**, Utah Code Annotated 1953
- 96 **15A-3-105**, Utah Code Annotated 1953
- 97 **15A-3-106**, Utah Code Annotated 1953
- 98 **15A-3-107**, Utah Code Annotated 1953
- 99 **15A-3-108**, Utah Code Annotated 1953
- 100 **15A-3-109**, Utah Code Annotated 1953
- 101 **15A-3-110**, Utah Code Annotated 1953
- 102 **15A-3-111**, Utah Code Annotated 1953
- 103 **15A-3-112**, Utah Code Annotated 1953
- 104 **15A-3-113**, Utah Code Annotated 1953
- 105 **15A-3-201**, Utah Code Annotated 1953
- 106 **15A-3-202**, Utah Code Annotated 1953
- 107 **15A-3-203**, Utah Code Annotated 1953
- 108 **15A-3-204**, Utah Code Annotated 1953
- 109 **15A-3-205**, Utah Code Annotated 1953
- 110 **15A-3-206**, Utah Code Annotated 1953
- 111 **15A-3-301**, Utah Code Annotated 1953
- 112 **15A-3-302**, Utah Code Annotated 1953
- 113 **15A-3-303**, Utah Code Annotated 1953

- 114 **15A-3-304**, Utah Code Annotated 1953
- 115 **15A-3-305**, Utah Code Annotated 1953
- 116 **15A-3-306**, Utah Code Annotated 1953
- 117 **15A-3-307**, Utah Code Annotated 1953
- 118 **15A-3-308**, Utah Code Annotated 1953
- 119 **15A-3-309**, Utah Code Annotated 1953
- 120 **15A-3-310**, Utah Code Annotated 1953
- 121 **15A-3-311**, Utah Code Annotated 1953
- 122 **15A-3-312**, Utah Code Annotated 1953
- 123 **15A-3-313**, Utah Code Annotated 1953
- 124 **15A-3-314**, Utah Code Annotated 1953
- 125 **15A-3-401**, Utah Code Annotated 1953
- 126 **15A-3-501**, Utah Code Annotated 1953
- 127 **15A-3-601**, Utah Code Annotated 1953
- 128 **15A-3-701**, Utah Code Annotated 1953
- 129 **15A-3-801**, Utah Code Annotated 1953
- 130 **15A-4-101**, Utah Code Annotated 1953
- 131 **15A-4-102**, Utah Code Annotated 1953
- 132 **15A-4-103**, Utah Code Annotated 1953
- 133 **15A-4-104**, Utah Code Annotated 1953
- 134 **15A-4-105**, Utah Code Annotated 1953
- 135 **15A-4-106**, Utah Code Annotated 1953
- 136 **15A-4-107**, Utah Code Annotated 1953
- 137 **15A-4-201**, Utah Code Annotated 1953
- 138 **15A-4-202**, Utah Code Annotated 1953
- 139 **15A-4-203**, Utah Code Annotated 1953
- 140 **15A-4-204**, Utah Code Annotated 1953
- 141 **15A-4-205**, Utah Code Annotated 1953

- 142 **15A-4-206**, Utah Code Annotated 1953
- 143 **15A-4-207**, Utah Code Annotated 1953
- 144 **15A-4-301**, Utah Code Annotated 1953
- 145 **15A-4-302**, Utah Code Annotated 1953
- 146 **15A-4-303**, Utah Code Annotated 1953
- 147 **15A-4-401**, Utah Code Annotated 1953
- 148 **15A-4-501**, Utah Code Annotated 1953
- 149 **15A-4-601**, Utah Code Annotated 1953
- 150 **15A-4-701**, Utah Code Annotated 1953
- 151 **15A-5-101**, Utah Code Annotated 1953
- 152 **15A-5-102**, Utah Code Annotated 1953
- 153 **15A-5-103**, Utah Code Annotated 1953
- 154 **15A-5-201**, Utah Code Annotated 1953
- 155 **15A-5-202**, Utah Code Annotated 1953
- 156 **15A-5-203**, Utah Code Annotated 1953
- 157 **15A-5-204**, Utah Code Annotated 1953
- 158 **15A-5-205**, Utah Code Annotated 1953
- 159 **15A-5-206**, Utah Code Annotated 1953
- 160 **15A-5-207**, Utah Code Annotated 1953
- 161 **15A-5-301**, Utah Code Annotated 1953
- 162 **15A-5-302**, Utah Code Annotated 1953
- 163 **15A-5-303**, Utah Code Annotated 1953
- 164 **15A-5-401**, Utah Code Annotated 1953
- 165 **58-56-15.1**, Utah Code Annotated 1953

166 REPEALS:

- 167 **53-7-106**, as last amended by Laws of Utah 2010, Chapter 310
- 168 **58-56-4**, as last amended by Laws of Utah 2010, Chapters 310 and 372
- 169 **58-56-5**, as last amended by Laws of Utah 2010, Chapters 286 and 310

- 170 **58-56-6**, as last amended by Laws of Utah 2010, Chapter 310
- 171 **58-56-7**, as last amended by Laws of Utah 2010, Chapter 310
- 172 **58-56-8**, as last amended by Laws of Utah 2002, Chapter 75
- 173 **58-56-11**, as last amended by Laws of Utah 1997, Chapter 196
- 174 **58-56-12**, as last amended by Laws of Utah 2010, Chapter 310
- 175 **58-56-13**, as last amended by Laws of Utah 2010, Chapter 310
- 176 **58-56-14**, as last amended by Laws of Utah 2010, Chapter 310
- 177 **58-56-15**, as last amended by Laws of Utah 2010, Chapter 310
- 178 **58-56-19**, as last amended by Laws of Utah 2009, Chapter 50
- 179 **58-56-20**, as last amended by Laws of Utah 2010, Chapter 310
- 180 **58-56-21**, as last amended by Laws of Utah 2010, Chapter 310

Utah Code Sections Affected by Coordination Clause:

15A-1-209, Utah Code Annotated 1953

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

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

9-4-102. Definitions.

As used in this chapter:

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

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

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

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

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

(1) As used in this section, "rental dwelling" means a building or portion of a building

198 that is:

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

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

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

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

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

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

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

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

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

217 (ii) Beginning September 1, 2008, a municipality may not charge a fee for the
218 inspection of a rental dwelling.

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

224 (3) A municipality may not:

225 (a) interfere with the ability of an owner of a rental dwelling to contract with a tenant

226 concerning the payment of the cost of a utility or municipal service provided to the rental
227 dwelling; or

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

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

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

240 **10-9a-514. Manufactured homes.**

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

247 (2) A manufactured home may not be excluded from any land use zone or area in
248 which a single-family residence would be permitted, provided the manufactured home
249 complies with all local land use ordinances, building codes, and any restrictive covenants,
250 applicable to a single family residence within that zone or area.

251 (3) A municipality may not:

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

254 or

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

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

258 **11-36-102 (Effective 05/11/11). Definitions.**

259 As used in this chapter:

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

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

266 (3) "Charter school" includes:

267 (a) an operating charter school;

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

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

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

276 (5) "Development approval" means:

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

279 (b) development activity, for a public entity that may develop without written
280 authorization from a local political subdivision;

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

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

283 (i) to reserve:

284 (A) a water right;

285 (B) system capacity; or

286 (C) a distribution facility; or

287 (ii) to deliver for new development:

288 (A) culinary water; or

289 (B) irrigation water; or

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

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

292 (i) to reserve:

293 (A) sewer collection capacity; or

294 (B) treatment capacity; or

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

296 (6) "Enactment" means:

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

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

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

300 entity.

301 (7) "Encumber" means:

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

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

304 (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
305 meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility
306 system of a municipality, county, local district, special service district, or private entity.

307 (9) (a) "Impact fee" means a payment of money imposed upon new development
308 activity as a condition of development approval to mitigate the impact of the new development
309 on public facilities.

310 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a
311 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

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

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

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

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

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

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

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

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

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

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

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

333 (b) wastewater collection and treatment facilities;

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

335 (d) municipal power facilities;

336 (e) roadway facilities;

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

338 (g) public safety facilities.

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

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

341 or

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

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

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

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

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

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

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

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

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

357 (18) "Specified public agency" means:

358 (a) the state;

359 (b) a school district; or

360 (c) a charter school.

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

362 (i) existing public facilities that are:

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

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

365 (ii) future public facilities identified in the impact fee analysis under Section 11-36-201

366 that are intended to provide services to service areas within the community at large.

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

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

369 **11-45-102. Definitions.**

370 As used in this section:

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

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

373 15A-1-204.

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

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

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

377 minimum required by the energy code.

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

379 (i) construction;

380 (ii) engineering;

381 (iii) energy audit; or

382 (iv) inspection.

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

384 Fund.

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

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

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

388 **CHAPTER 1. GENERAL CHAPTER**

389 **Part 1. General Provisions**

390 **15A-1-101. Titles.**

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

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

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

394 **15A-1-102. Definitions.**

395 As used in this title:

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

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

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

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

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

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

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

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

404 Code; and

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

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

407 Act.

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

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

410 **15A-1-103. Formatting powers.**

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

413 Construction Code.

414 (2) Consistent with Part 4, State Fire Code Administration Act, and Title 53, Chapter
415 7, Utah Fire Prevention and Safety Act, the State Fire Marshall Division under the direction of
416 the board may modify the format of the State Fire Code to provide accessibility to users of the
417 State Fire Code.

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

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

420 **15A-1-201. Title.**

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

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

423 **15A-1-202. Definitions.**

424 As used in this chapter:

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

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

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

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

433 (4) "Code" means:

434 (a) the State Construction Code; or

435 (b) an approved code.

436 (5) "Commission" means the Uniform Building Code Commission created in Section
437 15A-1-203.

438 (6) "Compliance agency" means:

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

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

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

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

449 (a) a building code;

- 450 (b) an electrical code;
- 451 (c) a residential one and two family dwelling code;
- 452 (d) a plumbing code;
- 453 (e) a mechanical code;
- 454 (f) a fuel gas code;
- 455 (g) an energy conservation code; and
- 456 (h) a manufactured housing installation standard code.
- 457 (8) "Legislative action" includes legislation that:
- 458 (a) adopts a new State Construction Code;
- 459 (b) amends the State Construction Code; or
- 460 (c) repeals one or more provisions of the State Construction Code.
- 461 (9) "Local regulator" means a political subdivision of the state that is empowered to
- 462 engage in the regulation of construction, alteration, remodeling, building, repair, and other
- 463 activities subject to the codes.
- 464 (10) "Not for human occupancy" means use of a structure for purposes other than
- 465 protection or comfort of human beings, but allows people to enter the structure for:
- 466 (a) maintenance and repair; and
- 467 (b) the care of livestock, crops, or equipment intended for agricultural use which are
- 468 kept there.
- 469 (11) "Opinion" means a written, nonbinding, and advisory statement issued by the
- 470 commission concerning an interpretation of the meaning of the codes or the application of the
- 471 codes in a specific circumstance issued in response to a specific request by a party to the issue.
- 472 (12) "State regulator" means an agency of the state which is empowered to engage in
- 473 the regulation of construction, alteration, remodeling, building, repair, and other activities
- 474 subject to the codes adopted pursuant to this chapter.
- 475 Section 11. Section **15A-1-203** is enacted to read:
- 476 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**
- 477 **Council.**

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

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

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

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

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

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

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

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

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

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

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

496 (b) If the governor rejects a nominee, the executive director shall submit an alternative
497 nominee until the governor confirms the nomination. An appointment is effective after the
498 governor confirms the nomination.

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

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

- 506 (5) When a vacancy occurs in the commission membership for any reason, the
507 executive director shall appoint a replacement for the unexpired term.
- 508 (6) (a) A commission member may not serve more than two full terms.
509 (b) A commission member who ceases to serve may not again serve on the commission
510 until after the expiration of two years from the date of cessation of service.
- 511 (7) A majority of the commission members constitute a quorum and may act on behalf
512 of the commission.
- 513 (8) A commission member may not receive compensation or benefits for the
514 commission member's service, but may receive per diem and travel expenses in accordance
515 with:
- 516 (a) Section 63A-3-106;
517 (b) Section 63A-3-107; and
518 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
519 63A-3-107.
- 520 (9) (a) The commission shall annually designate one of its members to serve as chair of
521 the commission.
- 522 (b) The division shall provide a secretary to facilitate the function of the commission
523 and to record the commission's actions and recommendations.
- 524 (10) The commission shall:
- 525 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim
526 Committee;
- 527 (b) offer an opinion regarding the interpretation of or the application of a code if a
528 person submits a request for an opinion;
- 529 (c) act as an appeals board as provided in Section 15A-1-207;
- 530 (d) establish advisory peer committees on either a standing or ad hoc basis to advise
531 the commission with respect to matters related to a code, including a committee to advise the
532 commission regarding health matters related to a plumbing code; and
- 533 (e) assist the division in overseeing code-related training in accordance with Section

534 15A-1-209.

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

537 (a) the facts in question;

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

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

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

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

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

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

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

549 **15A-1-204. Adoption of State Construction Code -- Amendments by commission--**
550 **Approved codes -- Exemptions.**

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

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

556 (i) new construction is involved; and

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

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

559 conservation, or reconstruction of the building; or

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

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

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

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

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

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

568 (i) to the entire state; or

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

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

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

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

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

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

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

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

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

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

587 (i) on its own initiative;

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

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

590 recommend legislative action related to the State Construction Code:

591 (A) a local regulator;

592 (B) a state regulator;

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

594 (D) the Construction Services Commission;

595 (E) the Electrician Licensing Board;

596 (F) the Plumbers Licensing Board; or

597 (G) a recognized construction-related association.

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

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

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

604 (5) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title
605 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if
606 the commission determines that waiting for legislative action in the next general legislative
607 session would:

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

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

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

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

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

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

617 (i) publish the amendment to the State Construction Code in accordance with Section

618 15A-1-205; and

619 (ii) notify the Business and Labor Interim Committee of the amendment to the State
620 Construction Code, including a copy of the commission's analysis described in Subsection
621 (5)(b).

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

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

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

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

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

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

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

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

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

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

645 (B) within a subdivision for which the county has approved a subdivision plat under

646 Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

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

648 **15A-1-205. Division duties.**

649 (1) (a) The division shall administer the codes adopted or approved under Section
650 15A-1-204 pursuant to this chapter.

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

652 (i) conduct inspections to determine compliance with the codes;

653 (ii) issue permits; or

654 (iii) assess building permit fees.

655 (2) As part of the administration of the codes, the division shall:

656 (a) comply with Section 15A-1-206;

657 (b) schedule appropriate hearings;

658 (c) maintain and publish for reference:

659 (i) the current State Construction Code; and

660 (ii) any approved code; and

661 (d) publish the opinions of the commission with respect to interpretation and
662 application of the codes.

663 Section 14. Section **15A-1-206** is enacted to read:

664 **15A-1-206. Code amendment process.**

665 (1) The division, in consultation with the commission, shall establish by rule the
666 procedure under which a request that the commission recommend legislative action is to be:

667 (a) filed with the division;

668 (b) reviewed by the commission; and

669 (c) addressed by the commission in the commission's report to the Business and Labor
670 Interim Committee required by Section 15A-1-204.

671 (2) The division shall accept a request that the commission recommend legislative
672 action in accordance with Section 15A-1-204 from:

673 (a) a local regulator;

- 674 (b) a state regulator;
- 675 (c) a state agency involved with the construction and design of a building;
- 676 (d) the Construction Services Commission;
- 677 (e) the Electrician Licensing Board;
- 678 (f) the Plumbers Licensing Board; or
- 679 (g) a recognized construction-related association.

680 (3) (a) If one or more requests are received in accordance with this section, the division
681 shall hold at least one public hearing before the commission concerning the requests.

682 (b) The commission shall conduct a public hearing under this Subsection (3) in
683 accordance with the rules of the commission, which may provide for coordinating the public
684 hearing with a meeting of the commission.

685 (c) After a public hearing described in this Subsection (3), the commission shall
686 prepare a written report of its recommendations made on the basis of the public hearing. The
687 commission shall include the information in the written report prepared under this Subsection
688 (3)(c) in the commission's report to the Business and Labor Interim Committee under Section
689 15A-1-204.

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

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

693 **15A-1-207. Compliance with codes -- Responsibility for inspections -- Appeals.**

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

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

702 jeopardizing the public interest and provide the report of investigation to the division.

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

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

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

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

711 (b) waive a requirement of a code.

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

713 **15A-1-208. Standards for specialized buildings.**

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

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

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

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

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

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

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

723 (3) This chapter does not apply to the administration of the statutes described in

724 Subsection (1).

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

726 **15A-1-209. Building permit requirements.**

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

729 (2) (a) The division shall develop a standardized building permit numbering system for

730 use by any compliance agency in the state that issues a permit for construction.

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

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

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

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

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

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

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

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

745 (iii) whether the permit applicant is an original contractor or owner-builder.

746 (c) The standardized building permit form created under this Subsection (3) may
747 include any other information the division considers useful.

748 (d) A compliance agency shall issue a permit for construction only on a standardized
749 building permit form approved by the division.

750 (e) A permit for construction issued by a compliance agency under Subsection (3)(d)
751 shall print the standardized building permit number assigned under Subsection (2) in the upper
752 right-hand corner of the building permit form in at least 12-point font.

753 (f) (i) Except as provided in Subsection (3)(f)(ii), a compliance agency may not issue a
754 permit for construction if the information required by Subsection (3)(b) is not completed on the
755 building permit form.

756 (ii) If a compliance agency does not issue a separate permit for different aspects of the
757 same project, the compliance agency may issue a permit for construction without the

758 information required by Subsection (3)(b)(iii).

759 (g) A compliance agency may require additional information for the issuance of a
760 permit for construction.

761 (4) A local regulator issuing a single-family residential building permit application
762 shall include in the application or attach to the building permit the following notice
763 prominently placed in at least 14-point font: "Decisions relative to this application are subject
764 to review by the chief executive officer of the municipal or county entity issuing the
765 single-family residential building permit and appeal under the International Residential Code as
766 adopted by the Legislature."

767 (5) (a) A compliance agency shall:

768 (i) charge a 1% surcharge on a building permit it issues; and

769 (ii) transmit 80% of the amount collected to the division to be used by the division in
770 accordance with Subsection (5)(c).

771 (b) The portion of the surcharge transmitted to the division shall be deposited as a
772 dedicated credit.

773 (c) The division shall use the money received under this Subsection (5) to provide
774 education:

775 (i) regarding the codes and code amendments that under Section 15A-1-204 are
776 adopted, approved, or being considered for adoption or approval; and

777 (ii) to:

778 (A) building inspectors; and

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

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

781 **15A-1-210. Review of building inspection.**

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

784 (2) Subject to Subsection (3), a city or county shall, by ordinance, provide for review of
785 an inspection conducted by the city's or county's building inspector for a single-family

786 residential building permit.

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

792 (4) A review described in this section:

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

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

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

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

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

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

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

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

808 **15A-1-301. Title.**

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

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

811 **15A-1-302. Definitions.**

812 As used in this part:

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

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

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

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

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

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

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

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

827 (7) "Mobile home" means a transportable factory built housing unit built before June
828 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

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

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

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

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

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

835 **15A-1-303. Factory built housing units.**

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

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

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

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

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

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

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

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

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

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

859 **15A-1-304. Modular units.**

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

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

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

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

869 (4) A local regulator has the responsibility to issue an approval for the political

870 subdivision in which a modular unit is to be setup or is setup.

871 (5) Nothing in this section precludes:

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

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

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

877 **15A-1-305. Modification of factory built housing units and modular units.**

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

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

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

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

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

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

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

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

895 **15A-1-306. Factory built housing and modular units -- Division responsibility --**
896 **Unlawful conduct.**

897 (1) The division:

898 (a) shall maintain current information on the HUD Code and the portions of the State
899 Construction Code relevant to manufactured housing installation and will provide at reasonable
900 cost the information to compliance agencies, local regulators, or state regulators requesting
901 such information;

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

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

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

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

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

913 (i) a dispute resolution program; and

914 (ii) a continuing education requirement for manufactured housing installation
915 contractors.

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

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

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

924 **Part 4. State Fire Code Administration Act**

925 **15A-1-401. Title.**

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

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

928 **15A-1-402. Definitions.**

929 As used in this part:

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

931 (2) "Legislative action" includes legislation that:

932 (a) adopts a State Fire Code;

933 (b) amends a State Fire Code; or

934 (c) repeals one or more provisions of a State Fire Code.

935 Section 27. Section **15A-1-403** is enacted to read:

936 **15A-1-403. Adoption of State Fire Code.**

937 (1) (a) The State Fire Code is:

938 (i) a code promulgated by a nationally recognized code authority that is adopted by the

939 Legislature under this section with any modifications; and

940 (ii) a code to which cities, counties, fire protection districts, and the state shall adhere

941 in safeguarding life and property from the hazards of fire and explosion.

942 (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on

943 July 1, 2010, until in accordance with this section:

944 (i) a new State Fire Code is adopted; or

945 (ii) one or more provisions of the State Fire Code are amended or repealed in

946 accordance with this section.

947 (c) A provision of the State Fire Code may be applicable:

948 (i) to the entire state; or

949 (ii) within a city, county, or fire protection district.

950 (2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts

951 a nationally recognized fire code with any modifications.

952 (b) Legislation enacted under this Subsection (2) shall state that it takes effect on the

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

954 legislation.

955 (c) Subject to Subsection (5), a State Fire Code adopted by the Legislature is the State
956 Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:

957 (i) adopting a new State Fire Code in its entirety; or

958 (ii) amending or repealing one or more provisions of the State Fire Code.

959 (3) (a) The board shall, by no later than November 30 of each year, recommend to the
960 Business and Labor Interim Committee whether the Legislature should:

961 (i) amend or repeal one or more provisions of the State Fire Code; or

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

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

965 (i) on its own initiative; or

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

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

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

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

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

977 (i) in writing; and

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

979 (4) If the Business and Labor Interim Committee decides to recommend legislative
980 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
981 for consideration by the Legislature in the next general session that, if passed by the

982 Legislature, would:

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

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

985 (5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G,

986 Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board

987 determines that waiting for legislative action in the next general legislative session would:

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

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

990 (b) If the board amends a State Fire Code in accordance with this Subsection (5), the

991 board shall:

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

993 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy

994 of an analysis by the board identifying specific reasons and justifications for its findings.

995 (c) If not formally adopted by the Legislature at its next annual general session, an

996 amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1

997 immediately following the next annual general session that follows the adoption of the

998 amendment.

999 (6) (a) A legislative body of a political subdivision may enact an ordinance that is more
1000 restrictive in its fire code requirements than the State Fire Code:

1001 (i) in order to meet a public safety need of the political subdivision; and

1002 (ii) subject to the requirements of this Subsection (6).

1003 (b) A legislative body of a political subdivision that enacts an ordinance under this

1004 section on or after July 1, 2010 shall:

1005 (i) notify the board in writing at least 30 days before the day on which the legislative

1006 body enacts the ordinance and include in the notice a statement as to the proposed subject

1007 matter of the ordinance; and

1008 (ii) after the legislative body enacts the ordinance, report to the board before the board

1009 makes the report required under Subsection (6)(c), including providing the board:

- 1010 (A) a copy of the ordinance enacted under this Subsection (6); and
- 1011 (B) a description of the public safety need that is the basis of enacting the ordinance.
- 1012 (c) The board shall submit to the Business and Labor Interim Committee each year
- 1013 with the recommendations submitted in accordance with Subsection (3):
- 1014 (i) a list of the ordinances enacted under this Subsection (6) during the fiscal year
- 1015 immediately preceding the report; and
- 1016 (ii) recommendations, if any, for legislative action related to an ordinance enacted
- 1017 under this Subsection (6).
- 1018 (d) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under
- 1019 this Subsection (6).
- 1020 (ii) The state fire marshal shall make a copy of an ordinance enacted under this
- 1021 Subsection (6) available on request.
- 1022 (e) The board may make rules in accordance with Title 63G, Chapter 3, Utah
- 1023 Administrative Rulemaking Act, to establish procedures for a legislative body of a political
- 1024 subdivision to follow to provide the notice and report required under this Subsection (6).

1025 Section 28. Section **15A-2-101** is enacted to read:

1026 **CHAPTER 2. ADOPTION OF STATE CONSTRUCTION CODE**

1027 **Part 1. General Provisions**

1028 **15A-2-101. Title -- Adoption of code.**

1029 (1) This chapter is known as the "Adoption of State Construction Code."

1030 (2) In accordance with Chapter 1, Part 2, State Construction Code Administration Act,
1031 the Legislature repeals the State Construction Code in effect on July 1, 2010, and adopts the
1032 following as the State Construction Code:

1033 (a) this chapter;

1034 (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction
1035 Code; and

1036 (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

1037 Section 29. Section **15A-2-102** is enacted to read:

1038 **15A-2-102. Definitions.**

1039 As used in this chapter and Chapters 3 and 4:

1040 (1) "HUD Code" means the Federal Manufactured Housing Construction and Safety
1041 Standards Act, as issued by the Department of Housing and Urban Development and published
1042 in 24 C.F.R. Parts 3280 and 3282 (as revised April 1, 1990).

1043 (2) "IBC" means the edition of the International Building Code adopted under Section
1044 15A-2-103.

1045 (3) "IECC" means the edition of the International Energy Conservation Code adopted
1046 under Section 15A-2-103.

1047 (4) "IFGC" means the edition of the International Fuel Gas Code adopted under
1048 Section 15A-2-103.

1049 (5) "IMC" means the edition of the International Mechanical Code adopted under
1050 Section 15A-2-103.

1051 (6) "IPC" means the edition of the International Plumbing Code adopted under Section
1052 15A-2-103.

1053 (7) "IRC" means the edition of the International Residential Code adopted under
1054 Section 15A-2-103.

1055 (8) "NEC" means the edition of the National Electrical Code adopted under Section
1056 15A-2-103.

1057 (9) "UWUI" means the edition of the Utah Wildland Urban Interface Code adopted
1058 under Section 15A-2-103.

1059 Section 30. Section **15A-2-103** is enacted to read:

1060 **15A-2-103. Specific editions adopted of construction code of a nationally**
1061 **recognized code authority.**

1062 (1) Subject to the other provisions of this part, the following construction codes are
1063 incorporated by reference, and together with the amendments specified in Chapters 3 and 4, are
1064 the construction standards to be applied to building construction, alteration, remodeling, and
1065 repair, and in the regulation of building construction, alteration, remodeling, and repair in the

1066 state:
1067 (a) the 2009 edition of the International Building Code, including Appendix J, issued
1068 by the International Code Council;
1069 (b) the 2009 edition of the International Residential Code, issued by the International
1070 Code Council;
1071 (c) the 2009 edition of the International Plumbing Code, issued by the International
1072 Code Council;
1073 (d) the 2009 edition of the International Mechanical Code, issued by the International
1074 Code Council;
1075 (e) the 2009 edition of the International Fuel Gas Code, issued by the International
1076 Code Council;
1077 (f) the 2008 edition of the National Electrical Code, issued by the National Fire
1078 Protection Association;
1079 (g) the 2009 edition of the International Energy Conservation Code, issued by the
1080 International Code Council;
1081 (h) subject to Subsection 15A-2-104(2), the HUD Code;
1082 (i) subject to Subsection 15A-2-104(1), Appendix E of the 2009 edition of the
1083 International Residential Code, issued by the International Code Council; and
1084 (j) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model
1085 Manufactured Home Installation Standard, issued by the National Fire Protection Association.
1086 (2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire
1087 Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code,
1088 issued by the International Code Council, with the alternatives or amendments approved by the
1089 Utah Division of Forestry, as a construction code that may be adopted by a local compliance
1090 agency by local ordinance or other similar action as a local amendment to the codes listed in
1091 this section.

1092 Section 31. Section **15A-2-104** is enacted to read:
1093 **15A-2-104. Installation standards for manufactured housing.**

1094 (1) The following are the installation standards for manufactured housing for new
1095 installations or for existing manufactured or mobile homes that are subject to relocation,
1096 building alteration, remodeling, or rehabilitation in the state:

1097 (a) The manufacturer's installation instruction for the model being installed is the
1098 primary standard.

1099 (b) If the manufacturer's installation instruction for the model being installed is not
1100 available or is incomplete, the following standards apply:

1101 (i) Appendix E of the 2009 edition of the IRC, as issued by the International Code
1102 Council for installations defined in Section AE101 of Appendix E; or

1103 (ii) if an installation is beyond the scope of the 2009 edition of the IRC as defined in
1104 Section AE101 of Appendix E, the 2005 edition of the NFPA 225 Model Manufactured Home
1105 Installation Standard, issued by the National Fire Protection Association.

1106 (c) A manufacturer, dealer, or homeowner is permitted to design for unusual
1107 installation of a manufactured home not provided for in the manufacturer's standard installation
1108 instruction, Appendix E of the 2009 edition of the IRC, or the 2005 edition of the NFPA 225, if
1109 the design is approved in writing by a professional engineer or architect licensed in Utah.

1110 (d) For a mobile home built before June 15, 1976, the mobile home shall also comply
1111 with the additional installation and safety requirements specified in Chapter 3, Part 8,
1112 Installation and Safety Requirements for Mobile Homes Built Before June 15, 1976.

1113 (2) Pursuant to the HUD Code Section 604(d), a manufactured home may be installed
1114 in the state that does not meet the local snow load requirements as specified in Chapter 3, Part
1115 2, Statewide Amendments to IRC, except that the manufactured home shall have a protective
1116 structure built over the home that meets the IRC and the snow load requirements under Chapter
1117 3, Part 2, Statewide Amendments to IRC.

1118 Section 32. Section **15A-2-105** is enacted to read:

1119 **15A-2-105. Scope of application.**

1120 (1) To the extent that a construction code adopted under Section 15A-2-103 establishes
1121 a local administrative function or establishes a method of appeal which pursuant to Section

1122 15A-1-207 is designated to be established by the compliance agency:

1123 (a) that provision of the construction code is not included in the State Construction
1124 Code; and

1125 (b) a compliance agency may establish provisions to establish a local administrative
1126 function or a method of appeal.

1127 (2) (a) To the extent that a construction code adopted under Subsection (1) establishes
1128 a provision, standard, or reference to another code that by state statute is designated to be
1129 established or administered by another state agency, or a local city, town, or county
1130 jurisdiction:

1131 (i) that provision of the construction code is not included in the State Construction
1132 Code; and

1133 (ii) the state agency or local government has authority over that provision of the
1134 construction code.

1135 (b) Provisions excluded under this Subsection (2) include:

1136 (i) the International Property Maintenance Code;

1137 (ii) the International Private Sewage Disposal Code, authority over which is reserved to
1138 the Department of Health and the Department of Environmental Quality;

1139 (iii) the International Fire Code, authority over which is reserved to the board, pursuant
1140 to Section 15A-1-403;

1141 (iv) a day care provision that is in conflict with Title 26, Chapter 39, Utah Child Care
1142 Licensing Act, authority over which is designated to the Utah Department of Health; and

1143 (v) a wildland urban interface provision that goes beyond the authority under Section
1144 15A-1-204, for the State Construction Code, authority over which is designated to the Utah
1145 Division of Forestry or to a local compliance agency.

1146 (3) If a construction code adopted under Subsection 15A-2-103(1) establishes a
1147 provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code
1148 Administration Act, to the extent the scope is exceeded, the provision is not included in the
1149 State Construction Code.

1150 Section 33. Section 15A-3-101 is enacted to read:

1151 CHAPTER 3. STATEWIDE AMENDMENTS INCORPORATED AS PART OF STATE
1152 CONSTRUCTION CODE

1153 Part 1. Statewide Amendments to IBC

1154 15A-3-101. General provision.

1155 The amendments in this part are adopted as amendments to the IBC to be applicable
1156 statewide.

1157 Section 34. Section 15A-3-102 is enacted to read:

1158 15A-3-102. Amendments to Chapters 1 through 3 of IBC.

1159 (1) IBC, Section 106, is deleted.

1160 (2) (a) In IBC, Section 110, a new section is added as follows: "110.3.5,
1161 Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant
1162 exterior wall envelope as required by Section 1403.2, and flashing as required by Section
1163 1405.4 to prevent water from entering the weather-resistive barrier."

1164 (b) The remaining sections of IBC, Section 110, are renumbered as follows: 110.3.6,
1165 Lath or gypsum board inspection; 110.3.7, Fire- and smoke-resistant penetrations; 110.3.8
1166 Energy efficiency inspections; 110.3.9, Other inspections; 110.3.10, Special inspections; and
1167 110.3.11, Final inspection.

1168 (3) IBC, Section 115.1, is deleted and replaced with the following: "115.1 Authority.
1169 Whenever the building official finds any work regulated by this code being performed in a
1170 manner either contrary to the provisions of this code or other pertinent laws or ordinances or is
1171 dangerous or unsafe, the building official is authorized to stop work."

1172 (4) In IBC, Section 202, the definition for "Assisted Living Facility" is deleted and
1173 replaced with the following: "ASSISTED LIVING FACILITY. See Section 308.1.1."

1174 (5) In IBC, Section 202, the definition for "Child Care Facilities" is deleted and
1175 replaced with the following: "CHILD CARE FACILITIES. See Section 308.3.1."

1176 (6) In the list in IBC, Section 304.1, "Ambulatory health care facilities" is deleted and
1177 replaced with "Ambulatory health care facilities with four or fewer surgical operating rooms."

1178 (7) IBC, Section 305.2, is deleted and replaced with the following: "305.2 Day care.
1179 The use of a building or structure, or portion thereof, for educational, supervision, child day
1180 care centers, or personal care services of more than four children shall be classified as a Group
1181 E occupancy. See Section 424 for special requirements for Group E child day care centers.
1182 Exception: Areas used for child day care purposes with a Residential Certificate or a Family
1183 License, as defined in Utah Administrative Code, R430-90, Licensed Family Child Care, may
1184 be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 or shall comply with
1185 the International Residential Code in accordance with Section 101.2. Areas used for Hourly
1186 Child Care Centers, as defined in Utah Administrative Code, R430-60, or Out of School Time
1187 Programs, as defined in Utah Administrative Code, R430-70, may be classified as accessory
1188 occupancies."

1189 (8) In IBC, Section 308, the following definitions are added: "308.1.1 Definitions. The
1190 following words and terms shall, for the purposes of this section and as used elsewhere in this
1191 code, have the meanings shown herein.

1192 TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the Utah
1193 Department of Health that provides a protected living arrangement for ambulatory,
1194 non-restrained persons who are capable of achieving mobility sufficient to exit the facility
1195 without the assistance of another person.

1196 TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by the Utah
1197 Department of Health that provides an array of coordinated supportive personal and health care
1198 services to residents who meet the definition of semi-independent.

1199 SEMI-INDEPENDENT. A person who is:

1200 A. Physically disabled but able to direct his or her own care; or

1201 B. Cognitively impaired or physically disabled but able to evacuate from the facility with the
1202 physical assistance of one person.

1203 RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential
1204 treatment/support assisted living facility which creates a group living environment for four or
1205 more residents licensed by the Utah Department of Human Services, and provides a protected

1206 living arrangement for ambulatory, non-restrained persons who are capable of achieving
1207 mobility sufficient to exit the facility without the physical assistance of another person."

1208 (9) In IBC, Section 308.2, the words "Assisted living facilities" are deleted and
1209 replaced with "Type I Assisted living facilities."

1210 (10) IBC, Section 308.3, is deleted and replaced with the following: "308.3 Group I-2.
1211 This occupancy shall include buildings and structures used for medical, surgical, psychiatric,
1212 nursing, or custodial care on a 24-hour basis of more than three persons who are not capable of
1213 self-preservation. This group shall include, but not be limited to the following: hospitals,
1214 nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals,
1215 detoxification facilities, ambulatory surgical centers with five or more operating rooms where
1216 care is less than 24 hours, and type II assisted living facilities. Type II assisted living facilities
1217 with five or fewer persons shall be classified as a Group R-4. Type II assisted living facilities
1218 as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as
1219 a Group I-1 facility."

1220 (11) In IBC, Section 308.3.1, the definition for "CHILD CARE FACILITIES" is
1221 deleted and replaced with the following: "CHILD CARE FACILITIES. A child care facility, as
1222 licensed by the Utah Department of Human Services in Utah Administrative Code, R501, that
1223 provides care on a 24-hour basis to more than four children 2 1/2 years of age or less shall be
1224 classified as Group I-2."

1225 (12) IBC, Section 308.5, is deleted and replaced with the following: "308.5 Group I-4,
1226 day care facilities. This group shall include buildings and structures occupied by persons of
1227 any age who receive custodial care less than 24 hours by individuals other than parents or
1228 guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the
1229 person cared for. A facility such as the above with four or fewer persons shall be classified as
1230 an R-3 or shall comply with the International Residential Code in accordance with Section
1231 101.2. Places of worship during religious functions and Group E child day care centers are not
1232 included."

1233 (13) IBC, Section 308.5.2, is deleted.

1234 (14) In IBC, Section 310.1, in the subsection designated as R-1, at the end of the
 1235 sentence beginning with "Congregate living facilities" the following is added: "or shall comply
 1236 with the International Residential Code."

1237 (15) In IBC, Section 310.1, in the subsection designated as R-2, at the end of the
 1238 sentence beginning with "Congregate living facilities" the following is added: "or shall comply
 1239 with the International Residential Code."

1240 (16) In IBC, Section 310.1, the following is added at the end of the subsection
 1241 designated as R-3: "Areas used for day care purposes may be located in a residential dwelling
 1242 unit under all of the following conditions:

1243 1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under
 1244 the authority of the Utah Fire Prevention Board.

1245 2. Use is approved by the Utah Department of Health, as enacted under the authority of the
 1246 Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
 1247 categories:

1248 a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

1249 b. Utah Administrative Code, R430-90, Licensed Family Child Care.

1250 3. Compliance with all zoning regulations of the local regulator."

1251 (17) In IBC, Section 310.1, the subsection designated as R-4 is deleted and replaced
 1252 with the following: "R-4: Residential occupancies shall include buildings arranged for
 1253 occupancy as Type I Assisted Living Facilities or Residential Treatment/Support Assisted
 1254 Living Facilities including more than five but not more than 16 residents, excluding staff.
 1255 Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3
 1256 except as otherwise provided for in this code."

1257 (18) In IBC, Section 310.2, the definition for "Residential Care/Assisted Living
 1258 Facilities" is deleted and replaced with the following: "Assisted Living Facilities, see Section
 1259 308.1.1".

1260 Section 35. Section **15A-3-103** is enacted to read:

1261 **15A-3-103. Amendments to Chapters 4 through 6 of IBC.**

1262 (1) Section IBC, 403.5.5, is deleted.

1263 (2) In IBC, Section 422.1, the words "Sections 422.1 to 422.6" are replaced with
1264 "Sections 422.1 to 422.7".

1265 (3) In IBC, Section 422, a new section is added as follows: "422.7 Separation.
1266 Occupancies classified as Group B Ambulatory Health Care Facilities shall be separated from
1267 all surrounding tenants and occupancies in accordance with Table 508.4 but not less than
1268 one-hour fire barrier when the suite is capable of providing care for four or more care recipients
1269 who are incapable of self preservation."

1270 (4) A new IBC, Section 424, is added as follows: "Section 424 Group E Child Day
1271 Care Centers. Group E child day care centers shall comply with Section 424.

1272 424.1 Location at grade. Group E child day care centers shall be located at the level of exit
1273 discharge.

1274 Exception: Child day care spaces for children over the age of 24 months may be located on the
1275 second floor of buildings equipped with automatic fire protection throughout and an automatic
1276 fire alarm system.

1277 424.2 Egress. All Group E child day care spaces with an occupant load of more than 10 shall
1278 have a second means of egress. If the second means of egress is not an exit door leading
1279 directly to the exterior, the room shall have an emergency escape and rescue window
1280 complying with Section 1029.

1281 424.3 All Group E Child Day Care Centers shall comply with Utah Administrative Code,
1282 R430-100, Child Care Centers."

1283 (5) In IBC, Section 504.2, a new section is added as follows: "504.2.1 Notwithstanding
1284 the exceptions to Section 504.2, Group I-2 Assisted Living Facilities shall be allowed to be two
1285 stories of Type V-A construction when all of the following apply:

1286 1. All secured units are located at the level of exit discharge in compliance with Section
1287 1008.1.9.3 as amended;

1288 2. The total combined area of both stories shall not exceed the total allowable area for a
1289 one-story building; and

1290 3. All other provisions that apply in Section 407 have been provided."

1291 (6) In IBC, Table 508.4, a new footnote g is added as follows: "g. See Section 422.7
1292 for additional requirements of Group B Ambulatory Health Care Facilities."

1293 Section 36. Section **15A-3-104** is enacted to read:

1294 **15A-3-104. Amendments to Chapters 7 through 9 of IBC.**

1295 (1) In IBC, Section 707.5.1, a new exception 4 is added as follows: "4. Group B
1296 Ambulatory Health Care Facilities."

1297 (2) In IBC, Section (F)902, the definition for record drawings is deleted and replaced
1298 with the following: "(F) RECORD DRAWINGS. Drawings ("as built") that document all
1299 aspects of a fire protection system as installed."

1300 (3) In IBC, Section (F)903.2.2, the words "all fire areas" are deleted and replaced with
1301 "buildings".

1302 (4) IBC, Section (F)903.2.4, condition 2, is deleted and replaced with the following: "2.
1303 A Group F-1 fire area is located more than three stories above the lowest level of fire
1304 department vehicle access."

1305 (5) IBC, Section (F)903.2.7, condition 2, is deleted and replaced with the following: "2.
1306 A Group M fire area is located more than three stories above the lowest level of fire
1307 department vehicle access."

1308 (6) IBC, Section (F)903.2.8, is deleted and replaced with the following: "(F)903.2.8
1309 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be
1310 provided throughout all buildings with a Group R fire area.

1311 Exceptions:

1312 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses)
1313 constructed in accordance with the International Residential Code For One- and Two-Family
1314 Dwellings.

1315 2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16
1316 residents, provided the building is equipped throughout with an approved fire alarm system that
1317 is interconnected and receives its primary power from the building wiring and a commercial

1318 power system."

1319 (7) IBC, Section (F)903.2.9, condition 2, is deleted and replaced with the following: "2.

1320 A Group S-1 fire area is located more than three stories above the lowest level of fire

1321 department vehicle access."

1322 (8) IBC, Section (F)903.2.10, is deleted and replaced with the following: "(F)903.2.10

1323 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as

1324 parking garages in accordance with Section 406.2 or where located beneath other groups.

1325 Exception 1: Parking garages of less than 5,000 square feet (464 m²) accessory to Group R-3

1326 occupancies.

1327 Exception 2: Open parking garages not located beneath other groups if one of the following

1328 conditions is met:

1329 a. Access is provided for fire fighting operations to within 150 feet (45,720 mm) of all

1330 portions of the parking garage as measured from the approved fire department vehicle access;

1331 or

1332 b. Class I standpipes are installed throughout the parking garage."

1333 (9) In IBC, Section (F)903.2.10.1, the last clause "where the fire area exceeds 5,000

1334 square feet (464 m²)" is deleted.

1335 (10) IBC, Section (F)904.11, is deleted and replaced with the following: "(F)904.11

1336 Commercial cooking systems. The automatic fire-extinguishing system for commercial

1337 cooking systems shall be of a type recognized for protection of commercial cooking equipment

1338 and exhaust systems. Pre-engineered automatic extinguishing systems shall be tested in

1339 accordance with UL 300 and listed and labeled for the intended application. The system shall

1340 be installed in accordance with this code, its listing and the manufacturer's installation

1341 instructions.

1342 Exception: Factory-built commercial cooking recirculating systems that are tested in

1343 accordance with UL 710B and listed, labeled, and installed in accordance with Section 304.1 of

1344 the International Mechanical Code."

1345 (11) IBC, Subsections (F)904.11.3, (F)904.11.3.1, (F)904.11.4, and (F)904.11.4.1, are

1346 deleted.

1347 (12) A new IBC, Section (F)907.9, is added as follows: "Section (F)907.9 Carbon
1348 monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a
1349 dwelling unit or sleeping unit in Groups R-2, R-3, R-4, and I-1 equipped with fuel burning
1350 appliances and in dwelling units that have attached garages. If more than one carbon monoxide
1351 alarm is required, they shall be interconnected as required in the International Fire Code,
1352 Chapter 9, Section 907.2.11.3. In new construction, carbon monoxide alarms shall receive
1353 their primary power as required in the International Fire Code, Chapter 9, Section 907.2.11.4.
1354 Listed single- and multiple-station carbon monoxide alarms shall comply with UL 2034 and
1355 shall be installed in accordance with the provisions of this code and NFPA 720."

1356 Section 37. Section **15A-3-105** is enacted to read:

1357 **15A-3-105. Amendments to Chapters 10 through 12 of IBC.**

1358 (1) In IBC, Section 1008.1.9.6:

1359 (a) the words "Group I-1 and" are added in the title and in the first sentence before the
1360 words "Group I-2";

1361 (b) the word "delayed" is deleted throughout and replaced with "controlled"; and

1362 (c) the last sentence before the numbered subsections 1 through 6 is deleted.

1363 (2) In IBC, Section 1009.4.2, exception 5 is deleted and replaced with the following:

1364 "5. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group
1365 U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual
1366 dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203
1367 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread
1368 depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall
1369 be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25
1370 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less
1371 than 10 inches (254 mm)."

1372 (3) In IBC, Section 1009.12, a new exception 6 is added as follows: "6. In occupancies
1373 in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are

1374 accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be
1375 provided on at least one side of stairways consisting of four or more risers."

1376 (4) In IBC, Section 1013.2, the words "adjacent fixed seating" are deleted.

1377 (5) In IBC, Section 1013.2, a new exception 5 is added as follows: "5. For occupancies
1378 in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable
1379 in Section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm) in
1380 height."

1381 (6) In IBC, Section 1015.2.2, the following sentence is added at the end: "Additional
1382 exits or exit access doorways shall be arranged a reasonable distance apart so that if one
1383 becomes blocked, the others will be available."

1384 (7) IBC, Section 1024, is deleted.

1385 (8) A new IBC, Section 1109.7.1, is added as follows: "1109.7.1 Platform (wheelchair)
1386 lifts. All platform (wheelchair) lifts shall be capable of independent operation without a key."

1387 (9) In IBC, Section 1208.4, subparagraph 1 is deleted and replaced with the following:
1388 "1. The unit shall have a living room of not less than 165 square feet (15.3 m²) of floor area.
1389 An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such
1390 unit in excess of two."

1391 Section 38. Section **15A-3-106** is enacted to read:

1392 **15A-3-106. Amendments to Chapters 13 through 15 of IBC.**

1393 IBC, Chapters 13 through 15 are not amended.

1394 Section 39. Section **15A-3-107** is enacted to read:

1395 **15A-3-107. Amendments to Chapter 16 of IBC.**

1396 (1) In IBC, Table 1604.5, Occupancy Category III, in the sentence that begins Group
1397 I-2, a new footnote b is added as follows: "b. Type II Assisted Living Facilities that are I-2
1398 occupancy classifications in accordance with Section 308 shall be Occupancy Category II in
1399 this table."

1400 (2) In IBC, Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof
1401 configurations" is deleted and replaced with the following: " $f_2 = 0.20 + .025(A-5)$ for other

1402 configurations where roof snow load exceeds 30 psf;

1403 $f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

1404 Where A = Elevation above sea level at the location of the structure (ft./1,000)."

1405 (3) In IBC, Section 1605.3.1 and Section 1605.3.2, exception 2 in each section is

1406 deleted and replaced with the following: "2. Flat roof snow loads of 30 pounds per square foot

1407 (1.44 kNm²) or less need not be combined with seismic loads. Where flat roof snow loads

1408 exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance

1409 with the following in load combinations including both snow and seismic loads. W_s as

1410 calculated below, shall be combined with seismic loads.

1411 $W_s = (0.20 + 0.025(A-5))P_f$ is greater than or equal to 0.20 P_f .

1412 Where:

1413 W_s = Weight of snow to be included in seismic calculations

1414 A = Elevation above sea level at the location of the structure (ft./1,000)

1415 P_f = Design roof snow load, psf.

1416 For the purpose of this section, snow load shall be assumed uniform on the roof footprint

1417 without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f

1418 may be considered 1.0 for use in the formula for W_s ."

1419 (4) IBC, Section 1608.1, is deleted and replaced with the following: "1608.1 General.

1420 Except as modified in Sections 1608.1.1, 1608.1.2, and 1608.1.3, design snow loads shall be

1421 determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less

1422 than that determined by Section 1607."

1423 (5) A new IBC, Section 1608.1.1, is added as follows: "1608.1.1 Section 7.4.5 of

1424 Chapter 7 of ASCE 7 referenced in Section 1608.1 of the IBC is deleted and replaced with the

1425 following: "Section 7.4.5 Ice Dams and Icicles Along Eaves. Where ground snow loads exceed

1426 75 psf, eaves shall be capable of sustaining a uniformly distributed load of $2p_f$ on all

1427 overhanging portions. No other loads except dead loads shall be present on the roof when this

1428 uniformly distributed load is applied. All building exits under down-slope eaves shall be

1429 protected from sliding snow and ice."

1430 (6) In IBC, Section 1608.1.2, a new section is added as follows: "1608.1.2 Utah Snow
 1431 Loads. The ground snow load, P_g , to be used in the determination of design snow loads for
 1432 buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 +$
 1433 $S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

1434 WHERE:

1435 P_g = Ground snow load at a given elevation (psf);

1436 P_o = Base ground snow load (psf) from Table No. 1608.1.2(a);

1437 S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.2(a);

1438 A = Elevation above sea level at the site (ft./1,000);

1439 A_o = Base ground snow elevation from Table 1608.1.2(a) (ft./1,000).

1440 The building official may round the roof snow load to the nearest 5 psf. The ground snow
 1441 load, P_g , may be adjusted by the building official when a licensed engineer or architect submits
 1442 data substantiating the adjustments. A record of such action together with the substantiating
 1443 data shall be provided to the division for a permanent record.

1444 The building official may also directly adopt roof snow loads in accordance with Table
 1445 1608.1.2(b), provided the site is no more than 100 ft. higher than the listed elevation.

1446 Where the minimum roof live load in accordance with Section 1607.11 is greater than the
 1447 design roof snow load, such roof live load shall be used for design, however, it shall not be
 1448 reduced to a load lower than the design roof snow load. Drifting need not be considered for
 1449 roof snow loads less than 20 psf."

1450 (7) IBC, Table 1608.1.2(a) and Table 1608.1.2(b), are added as follows:

1451 "TABLE NO. 1608.1.2(a)

1452 STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

	<u>COUNTY</u>	<u>P_o</u>	<u>S</u>	<u>A_o</u>
1453	<u>Beaver</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1454	<u>Box Elder</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1455	<u>Cache</u>	<u>50</u>	<u>63</u>	<u>4.5</u>

1456

1457	<u>Carbon</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1458	<u>Daggett</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1459	<u>Davis</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1460	<u>Duchesne</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1461	<u>Emery</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1462	<u>Garfield</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1463	<u>Grand</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1464	<u>Iron</u>	<u>43</u>	<u>63</u>	<u>5.8</u>
1465	<u>Juab</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1466	<u>Kane</u>	<u>36</u>	<u>63</u>	<u>5.7</u>
1467	<u>Millard</u>	<u>43</u>	<u>63</u>	<u>5.3</u>
1468	<u>Morgan</u>	<u>57</u>	<u>63</u>	<u>4.5</u>
1469	<u>Piute</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1470	<u>Rich</u>	<u>57</u>	<u>63</u>	<u>4.1</u>
1471	<u>Salt Lake</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1472	<u>San Juan</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1473	<u>Sanpete</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1474	<u>Sevier</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1475	<u>Summit</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1476	<u>Tooele</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1477	<u>Uintah</u>	<u>43</u>	<u>63</u>	<u>7.0</u>
1478	<u>Utah</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1479	<u>Wasatch</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1480	<u>Washington</u>	<u>29</u>	<u>63</u>	<u>6.0</u>
1481	<u>Wayne</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1482	<u>Weber</u>	<u>43</u>	<u>63</u>	<u>4.5</u>

1483

TABLE NO. 1608.1.2(b)

1484

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

1485

			<u>Roof Snow</u>	<u>Ground Snow</u>
			<u>Load (PSF)</u>	<u>Load (PSF)</u>

1486	<u>Beaver County</u>			
1487	<u>Beaver</u>	<u>5,920 ft.</u>	<u>43</u>	<u>62</u>
1488	<u>Box Elder County</u>			
1489	<u>Brigham City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1490	<u>Tremonton</u>	<u>4,290 ft.</u>	<u>30</u>	<u>43</u>
1491	<u>Cache County</u>			
1492	<u>Logan</u>	<u>4,530 ft.</u>	<u>35</u>	<u>50</u>
1493	<u>Smithfield</u>	<u>4,595 ft.</u>	<u>35</u>	<u>50</u>
1494	<u>Carbon County</u>			
1495	<u>Price</u>	<u>5,550 ft.</u>	<u>30</u>	<u>43</u>
1496	<u>Daggett County</u>			
1497	<u>Manila</u>	<u>5,377 ft.</u>	<u>30</u>	<u>43</u>
1498	<u>Davis County</u>			
1499	<u>Bountiful</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1500	<u>Farmington</u>	<u>4,270 ft.</u>	<u>30</u>	<u>43</u>
1501	<u>Layton</u>	<u>4,400 ft.</u>	<u>30</u>	<u>43</u>
1502	<u>Fruit Heights</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1503	<u>Duchesne County</u>			
1504	<u>Duchesne</u>	<u>5,510 ft.</u>	<u>30</u>	<u>43</u>
1505	<u>Roosevelt</u>	<u>5,104 ft.</u>	<u>30</u>	<u>43</u>
1506	<u>Emery County</u>			
1507	<u>Castledale</u>	<u>5,660 ft.</u>	<u>30</u>	<u>43</u>

1508	<u>Green River</u>	<u>4,070 ft.</u>	<u>25</u>	<u>36</u>
1509	<u>Garfield County</u>			
1510	<u>Panguitch</u>	<u>6,600 ft.</u>	<u>30</u>	<u>43</u>
1511	<u>Grand County</u>			
1512	<u>Moab</u>	<u>3,965 ft.</u>	<u>25</u>	<u>36</u>
1513	<u>Iron County</u>			
1514	<u>Cedar City</u>	<u>5,831 ft.</u>	<u>30</u>	<u>43</u>
1515	<u>Juab County</u>			
1516	<u>Nephi</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1517	<u>Kane County</u>			
1518	<u>Kanab</u>	<u>5,000 ft.</u>	<u>25</u>	<u>36</u>
1519	<u>Millard County</u>			
1520	<u>Millard</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1521	<u>Delta</u>	<u>4,623 ft.</u>	<u>30</u>	<u>43</u>
1522	<u>Morgan County</u>			
1523	<u>Morgan</u>	<u>5,064 ft.</u>	<u>40</u>	<u>57</u>
1524	<u>Piute County</u>			
1525	<u>Piute</u>	<u>5,996 ft.</u>	<u>30</u>	<u>43</u>
1526	<u>Rich County</u>			
1527	<u>Woodruff</u>	<u>6,315 ft.</u>	<u>40</u>	<u>57</u>
1528	<u>Salt Lake County</u>			
1529	<u>Murray</u>	<u>4,325 ft.</u>	<u>30</u>	<u>43</u>
1530	<u>Salt Lake City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1531	<u>Sandy</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1532	<u>West Jordan</u>	<u>4,375 ft.</u>	<u>30</u>	<u>43</u>
1533	<u>West Valley</u>	<u>4,250 ft.</u>	<u>30</u>	<u>43</u>

1534	<u>San Juan County</u>			
1535	<u>Blanding</u>	<u>6,200 ft.</u>	<u>30</u>	<u>43</u>
1536	<u>Monticello</u>	<u>6,820 ft.</u>	<u>35</u>	<u>50</u>
1537	<u>Sanpete County</u>			
1538	<u>Fairview</u>	<u>6,750 ft.</u>	<u>35</u>	<u>50</u>
1539	<u>Mt. Pleasant</u>	<u>5,900 ft.</u>	<u>30</u>	<u>43</u>
1540	<u>Manti</u>	<u>5,740 ft.</u>	<u>30</u>	<u>43</u>
1541	<u>Ephraim</u>	<u>5,540 ft.</u>	<u>30</u>	<u>43</u>
1542	<u>Gunnison</u>	<u>5,145 ft.</u>	<u>30</u>	<u>43</u>
1543	<u>Sevier County</u>			
1544	<u>Salina</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1545	<u>Richfield</u>	<u>5,270 ft.</u>	<u>30</u>	<u>43</u>
1546	<u>Summit County</u>			
1547	<u>Coalville</u>	<u>5,600 ft.</u>	<u>60</u>	<u>86</u>
1548	<u>Kamas</u>	<u>6,500 ft.</u>	<u>70</u>	<u>100</u>
1549	<u>Park City</u>	<u>6,800 ft.</u>	<u>100</u>	<u>142</u>
1550	<u>Park City</u>	<u>8,400 ft.</u>	<u>162</u>	<u>231</u>
1551	<u>Summit Park</u>	<u>7,200 ft.</u>	<u>90</u>	<u>128</u>
1552	<u>Tooele County</u>			
1553	<u>Tooele</u>	<u>5,100 ft.</u>	<u>30</u>	<u>43</u>
1554	<u>Uintah County</u>			
1555	<u>Vernal</u>	<u>5,280 ft.</u>	<u>30</u>	<u>43</u>
1556	<u>Utah County</u>			
1557	<u>American Fork</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1558	<u>Orem</u>	<u>4,650 ft.</u>	<u>30</u>	<u>43</u>
1559	<u>Pleasant Grove</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>

1560	<u>Provo</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1561	<u>Spanish Fork</u>	<u>4,720 ft.</u>	<u>30</u>	<u>43</u>
1562	<u>Wasatch County</u>			
1563	<u>Heber</u>	<u>5,630 ft.</u>	<u>60</u>	<u>86</u>
1564	<u>Washington County</u>			
1565	<u>Central</u>	<u>5,209 ft.</u>	<u>25</u>	<u>36</u>
1566	<u>Dameron</u>	<u>4,550 ft.</u>	<u>25</u>	<u>36</u>
1567	<u>Leeds</u>	<u>3,460 ft.</u>	<u>20</u>	<u>29</u>
1568	<u>Rockville</u>	<u>3,700 ft.</u>	<u>25</u>	<u>36</u>
1569	<u>Santa Clara</u>	<u>2,850 ft.</u>	<u>15 (1)</u>	<u>21</u>
1570	<u>St. George</u>	<u>2,750 ft.</u>	<u>15 (1)</u>	<u>21</u>
1571	<u>Wayne County</u>			
1572	<u>Loa</u>	<u>7,080 ft.</u>	<u>30</u>	<u>43</u>
1573	<u>Hanksville</u>	<u>4,308 ft.</u>	<u>25</u>	<u>36</u>
1574	<u>Weber County</u>			
1575	<u>North Ogden</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1576	<u>Ogden</u>	<u>4,350 ft.</u>	<u>30</u>	<u>43</u>

1577 NOTES

1578 (1) The IBC requires a minimum live load - See 1607.11.2.

1579 (2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation."

1580 (8) A new IBC, Section 1608.1.3, is added as follows: "1608.1.3 Thermal Factor. The

1581 value for the thermal factor, C_t , used in calculation of P_f shall be determined from Table 7.3 in

1582 ASCE 7.

1583 Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground

1584 snow load, P_g is calculated using Section 1608.1.2 as amended."

1585 (9) IBC, Section 1608.2, is deleted and replaced with the following: "1608.2 Ground
1586 Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs
1587 in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table
1588 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure
1589 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2
1590 and for all sites within the CS areas shall be approved. Ground snow load determination for
1591 such sites shall be based on an extreme value statistical analysis of data available in the vicinity
1592 of the site using a value with a 2-percent annual probability of being exceeded (50-year mean
1593 recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as
1594 approved by the building official."

1595 (10) In IBC, Section 1609.1.1, a new exception 7 is added as follows: "7. The wind
1596 design procedure as found in Sections 1616 through 1624 of the 1997 Uniform Building Code
1597 may be used as an alternative wind design procedure for signs and free standing walls as listed
1598 in item 7 listed in Table 16-H of the 1997 Uniform Building Code. The Importance Factor, I,
1599 shall be determined in accordance with Table 6-1 of ASCE 7. Stress increases are only
1600 allowed as provided in Section 1605.3 of the 2009 IBC."

1601 (11) A new IBC, Section 1613.1.1, is added as follows: "1613.1.1 ASCE 12.7.2 and
1602 12.14.8.1 of Chapter 12 of ASCE 7 referenced in Section 1613.1, Definition of W, Item 4 is
1603 deleted and replaced with the following:

1604 4. Where the flat roof snow load, P_f , exceeds 30 psf, the snow load included in seismic design
1605 shall be calculated, in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$ is
1606 greater than or equal to $0.20 P_f$.

1607 WHERE:

1608 W_s = Weight of snow to be included in seismic calculations

1609 A = Elevation above sea level at the location of the structure (ft./1,000)

1610 P_f = Design roof snow load, psf.

1611 For the purposes of this section, snow load shall be assumed uniform on the roof footprint
1612 without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f

1613 may be considered 1.0 for use in the formula for W_s ."

1614 (12) A new IBC, Section 1613.8, is added as follows: "1613.8 ASCE 7, Section
 1615 13.5.6.2.2 paragraph (e) is modified to read as follows: (e) Penetrations shall have a sleeve or
 1616 adapter through the ceiling tile to allow for free movement of at least 1 inch (25 mm) in all
 1617 horizontal directions.

1618 Exceptions:

- 1619 1. Where rigid braces are used to limit lateral deflections.
- 1620 2. At fire sprinkler heads in frangible surfaces per NFPA 13."

1621 Section 40. Section **15A-3-108** is enacted to read:

1622 **15A-3-108. Amendments to Chapters 17 through 19 of IBC.**

1623 (1) A new IBC, Section 1807.1.6.4, is added as follows: "1807.1.6.4 Empirical
 1624 concrete foundation design. Group R, Division 3 Occupancies three stories or less in height,
 1625 and Group U Occupancies, which are constructed in accordance with Section 2308, or with
 1626 other methods employing repetitive wood-frame construction or repetitive cold-formed steel
 1627 structural member construction, shall be permitted to have concrete foundations constructed in
 1628 accordance with Table 1807.1.6.4."

1629 (2) A new IBC, Table 1807.1.6.4 is added as follows:

1630 "TABLE 1807.1.6.4

1631 EMPIRICAL FOUNDATION WALLS (1,7,8)

<u>Max. Height</u>	<u>Top Edge Support</u>	<u>Min. Thickness</u>	<u>Vertical Steel (2)</u>	<u>Horizontal Steel (3)</u>	<u>Steel at Openings (4)</u>	<u>Max. Lintel Length</u>	<u>Min. Lintel Length</u>
<u>2'(610 mm)</u>	<u>None</u>	<u>6"</u>	<u>(5)</u>	<u>2- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>2'(610 mm)</u>	<u>2" for each</u> <u>foot of</u> <u>opening</u> <u>width;</u> <u>min. 6"</u>
<u>3'(914 mm)</u>	<u>None</u>	<u>6"</u>	<u>#4@32"</u>	<u>3- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>2'(610 mm)</u>	<u>2" for each</u> <u>foot of</u> <u>opening</u> <u>width;</u> <u>min. 6"</u>

1634

1635	<u>4'(1,219 mm)</u>	<u>None</u>	<u>6"</u>	<u>#4@32"</u>	<u>4- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>3'(914 mm)</u>	<u>2" for each</u> <u>foot of</u> <u>opening</u> <u>width;</u> <u>min. 6"</u>
1636	<u>6'(1,829 mm)</u>	<u>Floor or roof</u> <u>Diaphragm</u> <u>(6)</u>	<u>8"</u>	<u>#4@24"</u>	<u>5- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>6'(1,829 mm)</u>	<u>2" for each</u> <u>foot of</u> <u>opening</u> <u>width;</u> <u>min. 6"</u>
1637	<u>8'(2,438 mm)</u>	<u>Floor or roof</u> <u>Diaphragm</u> <u>(6)</u>	<u>8"</u>	<u>#4@24"</u>	<u>6- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>6'(1,829 mm)</u>	<u>2" for each</u> <u>foot of</u> <u>opening</u> <u>width;</u> <u>min. 6"</u>
1638	<u>9'(2,743 mm)</u>	<u>Floor or roof</u> <u>Diaphragm</u> <u>(6)</u>	<u>8"</u>	<u>#4@16"</u>	<u>7- #4 Bars</u>	<u>2- #4 Bars above</u> <u>1- #4 Bar each side</u> <u>1- #4 Bar below</u>	<u>6'(1,829 mm)</u>	<u>2" for each</u> <u>foot of</u> <u>opening</u> <u>width;</u> <u>min. 6"</u>
1639	<u>Over 9'(2,743 mm), Engineering required for each column</u>							
1640	<u>Footnotes:</u>							
1641	<u>(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.</u>							
1642	<u>(2) To be placed in the center of the wall, and extended from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.</u>							
1643	<u>(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).</u>							
1644	<u>(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.</u>							

1645 (5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18
 1646 inches (457 mm) into the foundation wall.

1647 (6) Diaphragm shall conform to the requirements of Section 2308.

1648 (7) Footing shall be a minimum of nine inches thick by 20 inches wide.

1649 (8) Soil backfill shall be soil classification types GW, GP, SW, or SP, per Table 1610.1.
Soil shall not be submerged or saturated in groundwater."

1649 Section 41. Section **15A-3-109** is enacted to read:

1650 **15A-3-109. Amendments to Chapters 20 through 22 of IBC.**

1651 IBC, Chapters 20 through 22 are not amended.

1652 Section 42. Section **15A-3-110** is enacted to read:

1653 **15A-3-110. Amendments to Chapters 23 through 25 of IBC.**

1654 (1) A new IBC, Section 2306.1.5, is added as follows: "2306.1.5 Load duration factors.
 1655 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used
 1656 Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at
 1657 elevations above 5,000 feet (1,524 M)."

1658 (2) In IBC, Section 2308.6, a new exception is added as follows: "Exception: Where
 1659 foundation plates or sills are bolted or anchored to the foundation with not less than 1/2 inch
 1660 (12.7 mm) diameter steel bolts or approved anchors, embedded at least 7 inches (178 mm) into
 1661 concrete or masonry and spaced not more than 32 inches (816 mm) apart, there shall be a
 1662 minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from
 1663 each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the
 1664 plate."

1665 (3) IBC, Section 2506.2.1, is deleted and replaced with the following: "2506.2.1 Other
 1666 materials. Metal suspension systems for acoustical and lay-in panel ceilings shall conform with
 1667 ASTM C635 listed in Chapter 35 and Section 13.5.6 of ASCE 7-05, as amended in Section
 1668 1613.8, for installation in high seismic areas.

1669 Section 43. Section **15A-3-111** is enacted to read:

1670 **15A-3-111. Amendments to Chapters 26 through 28 of IBC**

1671 IBC, Chapters 26 through 28 are not amended.

1672 Section 44. Section **15A-3-112** is enacted to read:

1673 **15A-3-112. Amendments to Chapters 29 through 31 of IBC.**

1674 (1) In IBC, Section 2902.1, the title for Table 2902.1 is deleted and replaced and a new
1675 footnote g is added as follows:

1676 (a) "Table 2902.1, Minimum Number of Required Plumbing Facilities^{a, g}"; and

1677 (b) "FOOTNOTE: g. When provided, in public toilet facilities there shall be an equal
1678 number of diaper changing facilities in male toilet rooms and female toilet rooms."

1679 (2) In IBC, Section 3006.5, a new exception is added as follows: "Exception: Hydraulic
1680 elevators and roped hydraulic elevators with a rise of 50 feet or less."

1681 Section 45. Section **15A-3-113** is enacted to read:

1682 **15A-3-113. Amendments to Chapters 32 through 35 of IBC.**

1683 (1) A new section IBC, Section 3401.6, is added as follows: "3401.6 Parapet bracing,
1684 wall anchors, and other appendages. Buildings constructed before 1975 shall have parapet
1685 bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary,
1686 etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration
1687 of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be
1688 evaluated in accordance with 75% of the seismic forces as specified in Section 1613. When
1689 allowed by the local building official, alternate methods of equivalent strength as referenced in
1690 an approved code under Utah Code, Subsection 15A-1-204(6)(a), will be considered when
1691 accompanied by engineer-sealed drawings, details, and calculations. When found to be
1692 deficient because of design or deteriorated condition, the engineer's recommendations to
1693 anchor, brace, reinforce, or remove the deficient feature shall be implemented.

1694 **EXCEPTIONS:**

1695 1. Group R-3 and U occupancies.

1696 2. Unreinforced masonry parapets need not be braced according to the above stated provisions
1697 provided that the maximum height of an unreinforced masonry parapet above the level of the

1698 diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times
1699 the thickness of the parapet wall. The parapet height may be a maximum of two and one-half
1700 times its thickness in other than Seismic Design Categories D, E, or F."

1701 (2) IBC, Section 3408.4, is deleted and replaced with the following: "3408.4 Change in
1702 Occupancy. When a change in occupancy results in a structure being reclassified to a higher
1703 Occupancy Category (as defined in Table 1604.5), or when such change of occupancy results in
1704 a design occupant load increase of 100% or more, the structure shall conform to the seismic
1705 requirements for a new structure.

1706 Exceptions:

1707 1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not
1708 be required to be met where it can be shown that the level of performance and seismic safety is
1709 equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength,
1710 redundancy, and ductility of the structure within the context of the existing and retrofit (if any)
1711 detailing providing. Alternatively, the building official may allow the structure to be upgraded
1712 in accordance with referenced sections as found in an approved code under Utah Code,
1713 Subsection 15A-1-204(6)(a).

1714 2. When a change of use results in a structure being reclassified from Occupancy Category I or
1715 II to Occupancy Category III and the structure is located in a seismic map area where S_{DS} is less
1716 than 0.33, compliance with the seismic requirements of this code and ASCE 7 are not required.

1717 3. Where design occupant load increase is less than 25 occupants and the Occupancy Category
1718 does not change."

1719 (3) In IBC, Section 3411.1, the exception is deleted and replaced with the following:
1720 "Exception: Type B dwelling or sleeping units required by Section 1107 of this code are not
1721 required to be provided in existing buildings and facilities unless being altered or undergoing a
1722 change of occupancy classification."

1723 (4) The following referenced standard is added under NFPA in IBC, Chapter 35:

1724

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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1725	<u>720-09</u>	<u>Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment</u>	<u>907.9"</u>
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1726 (5) The following referenced standard is added under UL in IBC, Chapter 35:

1727	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1728	<u>2034-2008</u>	<u>Standard of Single- and Multiple-station Carbon Monoxide Alarms</u>	<u>907.9"</u>

1729 (6) In IBC, Chapter 35, NFPA referenced standard 10-07 is deleted and replaced with
1730 the following:

1731	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1732	<u>10-10</u>	<u>Portable Fire Extinguishers</u>	<u>906.2, 906.3.2, 906.3.4, Table 906.3(1), Table 906.3(2)"</u>

1733 (7) In IBC, Chapter 35, NFPA referenced standard 11-05 is deleted and replaced with
1734 the following:

1735	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1736	<u>11-10</u>	<u>Low Expansion Foam</u>	<u>904.7"</u>

1737 (8) In IBC, Chapter 35, NFPA referenced standard 12-05 is deleted and replaced with
1738 the following:

1739	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1740	<u>12-08</u>	<u>Carbon Dioxide Extinguishing Systems</u>	<u>904.8, 904.11"</u>

1741 (9) In IBC, Chapter 35, NFPA referenced standard 12A-04 is deleted and replaced with
1742 the following:

1743	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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1744	<u>12A-09</u>	<u>Halon 1301 Fire Extinguishing Systems</u>	<u>904.9"</u>
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1745 (10) In IBC, Chapter 35, NFPA referenced standard 13-07 is deleted and replaced with
 1746 the following:

	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1748	<u>13-10</u>	<u>Installation of Sprinkler Systems</u>	<u>708.2, 903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.3, 904.11, 905.3.4, 907.6.3, 1613.3"</u>

1749 (11) In IBC, Chapter 35, NFPA referenced standard 13D-07 is deleted and replaced
 1750 with the following:

	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1752	<u>13D-10</u>	<u>Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes</u>	<u>903.3.1.3, 903.3.5.1.1"</u>

1753 (12) In IBC, Chapter 35, NFPA referenced standard 13R-07 is deleted and replaced
 1754 with the following:

	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1756	<u>13R-10</u>	<u>Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height</u>	<u>903.3.1.2, 903.3.5.1.1, 903.3.5.1.2, 903.4"</u>

1757 (13) In IBC, Chapter 35, NFPA referenced standard 14-07 is deleted and replaced with
 1758 the following:

	<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1760	<u>14-10</u>	<u>Installation of Standpipe and Hose System</u>	<u>905.2, 905.3.4, 905.6.2, 905.8"</u>

1761 (14) In IBC, Chapter 35, NFPA referenced standard 17-02 is deleted and replaced with

1762 the following:

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

1765 (15) In IBC, Chapter 35, NFPA referenced standard 17A-02 is deleted and replaced

1766 with the following:

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

1769 (16) In IBC, Chapter 35, NFPA referenced standard 20-07 is deleted and replaced with

1770 the following:

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

1773 (17) In IBC, Chapter 35, NFPA referenced standard 72-07 is deleted and replaced with

1774 the following:

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

1777 (18) In IBC, Chapter 35, NFPA referenced standard 92B-05 is deleted and replaced

1778 with the following:

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

1781 (19) In IBC, Chapter 35, NFPA referenced standard 101-06 is deleted and replaced

1782 with the following:

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

1785 (20) In IBC, Chapter 35, NFPA referenced standard 110-05 is deleted and replaced
1786 with the following:

<u>"Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1788 <u>110-10</u>	<u>Emergency and Standby Power Systems</u>	<u>2702.1"</u>

1789 Section 46. Section **15A-3-201** is enacted to read:

1790 **Part 2. Statewide Amendments to IRC**

1791 **15A-3-201. General provision.**

1792 (1) The amendments in this part are adopted as amendments to the IRC to be
1793 applicable statewide.

1794 (2) The statewide amendments to the following which may be applied to detached one-
1795 and two-family dwellings and multiple single-family dwellings shall be applicable to the
1796 corresponding provisions of the IRC:

1797 (a) IBC under Part 1, Statewide Amendments to IBC;

1798 (b) IPC under Part 3, Statewide Amendments to IPC;

1799 (c) IMC under Part 4, Statewide Amendments to IMC;

1800 (d) IFGC under Part 5, Statewide Amendments to IFGC;

1801 (e) NEC under Part 6, Statewide Amendments to NEC; and

1802 (f) IECC under Part 7, Statewide Amendments to IECC.

1803 Section 47. Section **15A-3-202** is enacted to read:

1804 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

1805 (1) In IRC, Section 109:

1806 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant
1807 exterior wall envelope inspections. An inspection shall be made of the weather-resistant
1808 exterior wall envelope as required by Section R703.1 and flashings as required by Section
1809 R703.8 to prevent water from entering the weather-resistive barrier."

1810 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;
1811 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced
1812 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;
1813 and R109.1.7 Final inspection.

1814 (2) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to
1815 owner. Upon notice from the building official that work on any building or structure is being
1816 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an
1817 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order
1818 shall be in writing and shall be given to the owner of the property involved, or to the owner's
1819 agent or to the person doing the work; and shall state the conditions under which work will be
1820 permitted to resume."

1821 (3) In IRC, Section R202, the following definition is added: "CERTIFIED
1822 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
1823 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
1824 under Utah Code, Subsection 19-4-104(4)."

1825 (4) In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced
1826 with the following: "CROSS CONNECTION. Any physical connection or potential
1827 connection or arrangement between two otherwise separate piping systems, one of which
1828 contains potable water and the other either water of unknown or questionable safety or steam,
1829 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
1830 with the direction of flow depending on the pressure differential between the two systems (see
1831 "Backflow, Water Distribution")."

1832 (5) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced
1833 with the following: "POTABLE WATER. Water free from impurities present in amounts

1834 sufficient to cause disease or harmful physiological effects and conforming to the Utah Code,
 1835 Title 19, Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of
 1836 the public health authority having jurisdiction."

1837 (6) IRC, Figure R301.2(5), is deleted and replaced with Table R301.2(5a) and Table
 1838 R301.2(5b) as follows:

<u>"TABLE NO. R301.2(5a)</u>				
<u>STATE OF UTAH - REGIONAL SNOW LOAD FACTORS</u>				
	<u>COUNTY</u>	<u>P_o</u>	<u>S</u>	<u>A_o</u>
1841	<u>Beaver</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1842	<u>Box Elder</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1843	<u>Cache</u>	<u>50</u>	<u>63</u>	<u>4.5</u>
1844	<u>Carbon</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1845	<u>Daggett</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1846	<u>Davis</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1847	<u>Duchesne</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1848	<u>Emery</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1849	<u>Garfield</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1850	<u>Grand</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1851	<u>Iron</u>	<u>43</u>	<u>63</u>	<u>5.8</u>
1852	<u>Juab</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1853	<u>Kane</u>	<u>36</u>	<u>63</u>	<u>5.7</u>
1854	<u>Millard</u>	<u>43</u>	<u>63</u>	<u>5.3</u>
1855	<u>Morgan</u>	<u>57</u>	<u>63</u>	<u>4.5</u>
1856	<u>Piute</u>	<u>43</u>	<u>63</u>	<u>6.2</u>
1857	<u>Rich</u>	<u>57</u>	<u>63</u>	<u>4.1</u>
1858	<u>Salt Lake</u>	<u>43</u>	<u>63</u>	<u>4.5</u>

1860	<u>San Juan</u>	<u>43</u>	<u>63</u>	<u>6.5</u>
1861	<u>Sanpete</u>	<u>43</u>	<u>63</u>	<u>5.2</u>
1862	<u>Sevier</u>	<u>43</u>	<u>63</u>	<u>6.0</u>
1863	<u>Summit</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1864	<u>Tooele</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1865	<u>Uintah</u>	<u>43</u>	<u>63</u>	<u>7.0</u>
1866	<u>Utah</u>	<u>43</u>	<u>63</u>	<u>4.5</u>
1867	<u>Wasatch</u>	<u>86</u>	<u>63</u>	<u>5.0</u>
1868	<u>Washington</u>	<u>29</u>	<u>63</u>	<u>6.0</u>
1869	<u>Wayne</u>	<u>36</u>	<u>63</u>	<u>6.5</u>
1870	<u>Weber</u>	<u>43</u>	<u>63</u>	<u>4.5</u>

1871 TABLE NO. R301.2(5b)

1872 RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

1873			<u>Roof Snow Load (PSF)</u>	<u>Ground Snow Load (PSF)</u>
1874	<u>Beaver County</u>			
1875	<u>Beaver</u>	<u>5,920 ft.</u>	<u>43</u>	<u>62</u>
1876	<u>Box Elder County</u>			
1877	<u>Brigham City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1878	<u>Tremonton</u>	<u>4,290 ft.</u>	<u>30</u>	<u>43</u>
1879	<u>Cache County</u>			
1880	<u>Logan</u>	<u>4,530 ft.</u>	<u>35</u>	<u>50</u>
1881	<u>Smithfield</u>	<u>4,595 ft.</u>	<u>35</u>	<u>50</u>
1882	<u>Carbon County</u>			
1883	<u>Price</u>	<u>5,550 ft.</u>	<u>30</u>	<u>43</u>

1884	<u>Daggett County</u>			
1885	<u>Manila</u>	<u>5,377 ft.</u>	<u>30</u>	<u>43</u>
1886	<u>Davis County</u>			
1887	<u>Bountiful</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1888	<u>Farmington</u>	<u>4,270 ft.</u>	<u>30</u>	<u>43</u>
1889	<u>Layton</u>	<u>4,400 ft.</u>	<u>30</u>	<u>43</u>
1890	<u>Fruit Heights</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1891	<u>Duchesne County</u>			
1892	<u>Duchesne</u>	<u>5,510 ft.</u>	<u>30</u>	<u>43</u>
1893	<u>Roosevelt</u>	<u>5,104 ft.</u>	<u>30</u>	<u>43</u>
1894	<u>Emery County</u>			
1895	<u>Castledale</u>	<u>5,660 ft.</u>	<u>30</u>	<u>43</u>
1896	<u>Green River</u>	<u>4,070 ft.</u>	<u>25</u>	<u>36</u>
1897	<u>Garfield County</u>			
1898	<u>Panguitch</u>	<u>6,600 ft.</u>	<u>30</u>	<u>43</u>
1899	<u>Grand County</u>			
1900	<u>Moab</u>	<u>3,965 ft.</u>	<u>25</u>	<u>36</u>
1901	<u>Iron County</u>			
1902	<u>Cedar City</u>	<u>5,831 ft.</u>	<u>30</u>	<u>43</u>
1903	<u>Juab County</u>			
1904	<u>Nephi</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1905	<u>Kane County</u>			
1906	<u>Kanab</u>	<u>5,000 ft.</u>	<u>25</u>	<u>36</u>
1907	<u>Millard County</u>			
1908	<u>Fillmore</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1909	<u>Delta</u>	<u>4,623 ft.</u>	<u>30</u>	<u>43</u>

1910	<u>Morgan County</u>			
1911	<u>Morgan</u>	<u>5,064 ft.</u>	<u>40</u>	<u>57</u>
1912	<u>Piute County</u>			
1913	<u>Piute</u>	<u>5,996 ft.</u>	<u>30</u>	<u>43</u>
1914	<u>Rich County</u>			
1915	<u>Woodruff</u>	<u>6,315 ft.</u>	<u>40</u>	<u>57</u>
1916	<u>Salt Lake County</u>			
1917	<u>Murray</u>	<u>4,325 ft.</u>	<u>30</u>	<u>43</u>
1918	<u>Salt Lake City</u>	<u>4,300 ft.</u>	<u>30</u>	<u>43</u>
1919	<u>Sandy</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1920	<u>West Jordan</u>	<u>4,375 ft.</u>	<u>30</u>	<u>43</u>
1921	<u>West Valley</u>	<u>4,250 ft.</u>	<u>30</u>	<u>43</u>
1922	<u>San Juan County</u>			
1923	<u>Blanding</u>	<u>6,200 ft.</u>	<u>30</u>	<u>43</u>
1924	<u>Monticello</u>	<u>6,820 ft.</u>	<u>35</u>	<u>50</u>
1925	<u>Sanpete County</u>			
1926	<u>Fairview</u>	<u>6,750 ft.</u>	<u>35</u>	<u>50</u>
1927	<u>Mt. Pleasant</u>	<u>5,900 ft.</u>	<u>30</u>	<u>43</u>
1928	<u>Manti</u>	<u>5,740 ft.</u>	<u>30</u>	<u>43</u>
1929	<u>Ephraim</u>	<u>5,540 ft.</u>	<u>30</u>	<u>43</u>
1930	<u>Gunnison</u>	<u>5,145 ft.</u>	<u>30</u>	<u>43</u>
1931	<u>Sevier County</u>			
1932	<u>Salina</u>	<u>5,130 ft.</u>	<u>30</u>	<u>43</u>
1933	<u>Richfield</u>	<u>5,270 ft.</u>	<u>30</u>	<u>43</u>
1934	<u>Summit County</u>			
1935	<u>Coalville</u>	<u>5,600 ft.</u>	<u>60</u>	<u>86</u>

1936	<u>Kamas</u>	<u>6,500 ft.</u>	<u>70</u>	<u>100</u>
1937	<u>Park City</u>	<u>6,800 ft.</u>	<u>100</u>	<u>142</u>
1938	<u>Park City</u>	<u>8,400 ft.</u>	<u>162</u>	<u>231</u>
1939	<u>Summit Park</u>	<u>7,200 ft.</u>	<u>90</u>	<u>128</u>
1940	<u>Tooele County</u>			
1941	<u>Tooele</u>	<u>5,100 ft.</u>	<u>30</u>	<u>43</u>
1942	<u>Uintah County</u>			
1943	<u>Vernal</u>	<u>5,280 ft.</u>	<u>30</u>	<u>43</u>
1944	<u>Utah County</u>			
1945	<u>American Fork</u>	<u>4,500 ft.</u>	<u>30</u>	<u>43</u>
1946	<u>Orem</u>	<u>4,650 ft.</u>	<u>30</u>	<u>43</u>
1947	<u>Pleasant Grove</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1948	<u>Provo</u>	<u>5,000 ft.</u>	<u>30</u>	<u>43</u>
1949	<u>Spanish Fork</u>	<u>4,720 ft.</u>	<u>30</u>	<u>43</u>
1950	<u>Wasatch County</u>			
1951	<u>Heber</u>	<u>5,630 ft.</u>	<u>60</u>	<u>86</u>
1952	<u>Washington County</u>			
1953	<u>Central</u>	<u>5,209 ft.</u>	<u>25</u>	<u>36</u>
1954	<u>Dameron</u>	<u>4,550 ft.</u>	<u>25</u>	<u>36</u>
1955	<u>Leeds</u>	<u>3,460 ft.</u>	<u>20</u>	<u>29</u>
1956	<u>Rockville</u>	<u>3,700 ft.</u>	<u>25</u>	<u>36</u>
1957	<u>Santa Clara</u>	<u>2,850 ft.</u>	<u>15 (1)</u>	<u>21</u>
1958	<u>St. George</u>	<u>2,750 ft.</u>	<u>15 (1)</u>	<u>21</u>
1959	<u>Wayne County</u>			
1960	<u>Loa</u>	<u>7,080 ft.</u>	<u>30</u>	<u>43</u>
1961	<u>Hanksville</u>	<u>4,308 ft.</u>	<u>25</u>	<u>36</u>

1962	<u>Weber County</u>			
1963	<u>North Ogden</u>	<u>4,500 ft.</u>	<u>40</u>	<u>57</u>
1964	<u>Ogden</u>	<u>4,350 ft.</u>	<u>30</u>	<u>43</u>
1965	NOTES			
1966	<u>(1) The IRC requires a minimum live load - See R301.6.</u>			
1967	<u>(2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation."</u>			

1968 (7) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah
 1969 Snow Loads. The ground snow load, P_g, to be used in the determination of design snow loads
 1970 for buildings and other structures shall be determined by using the following formula: P_g = (P_o²
 1971 + S²(A-A_o)²)^{0.5} for A greater than A_o, and P_g = P_o for A less than or equal to A_o.

1972 WHERE:

1973 P_g = Ground snow load at a given elevation (psf);

1974 P_o = Base ground snow load (psf) from Table No. R301.2(5a);

1975 S = Change in ground snow load with elevation (psf/100 ft.) From Table No. R301.2(5a);

1976 A = Elevation above sea level at the site (ft./1,000);

1977 A_o = Base ground snow elevation from Table R301.2(5a) (ft./1,000).

1978 The building official may round the roof snow load to the nearest 5 psf. The ground snow
 1979 load, P_g, may be adjusted by the building official when a licensed engineer or architect submits
 1980 data substantiating the adjustments. A record of such action together with the substantiating
 1981 data shall be provided to the division for a permanent record.

1982 The building official may also directly adopt roof snow loads in accordance with Table
 1983 R301.2(5b), provided the site is no more than 100 ft. higher than the listed elevation.

1984 Where the minimum roof live load in accordance with Table R301.6 is greater than the design
 1985 roof snow load, such roof live load shall be used for design, however, it shall not be reduced to
 1986 a load lower than the design roof snow load. Drifting need not be considered for roof snow
 1987 loads less than 20 psf."

1988 (8) In IRC, Section R302.2, the words "Exception: A" are deleted and replaced with the
1989 following: "Exceptions: 1. A common 2-hour fire-resistance-rated wall is permitted for
1990 townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in
1991 the cavity of the common wall. Electrical installation shall be installed in accordance with
1992 Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with
1993 Section R302.4.

1994 2. In buildings equipped with an automatic residential fire sprinkler system, a".

1995 (9) In IRC, Section R302.2.4, a new exception 6 is added as follows: "6. Townhouses
1996 separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2."

1997 (10) IRC, Sections R311.7.4 through R311.7.4.3, are deleted and replaced with the
1998 following: "R311.7.4 Stair treads and risers. R311.7.4.1 Riser height. The maximum riser
1999 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
2000 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
2001 exceed the smallest by more than 3/8 inch (9.5 mm).

2002 R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
2003 depth shall be measured horizontally between the vertical planes of the foremost projection of
2004 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
2005 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
2006 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
2007 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
2008 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
2009 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
2010 more than 3/8 inch (9.5 mm).

2011 R311.7.4.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater
2012 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4
2013 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection
2014 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two
2015 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not

2016 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading
2017 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open
2018 risers are permitted, provided that the opening between treads does not permit the passage of a
2019 4-inch diameter (102 mm) sphere.

2020 Exceptions.

2021 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2022 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches
2023 (762 mm) or less."

2024 (11) In IRC, Section R312.2, the words "adjacent fixed seating" are deleted.

2025 (12) IRC, Section R313, is deleted.

2026 (13) IRC, Section R315.1, is deleted and replaced with the following: "R315.1 Carbon
2027 monoxide alarms. For new construction, a listed carbon monoxide alarm shall be installed on
2028 each habitable level of dwelling units within which fuel-fired appliances are installed and in
2029 dwelling units that have attached garages."

2030 (14) IRC, Section R315.3, is deleted and replaced with the following: "R315.3 Alarm
2031 requirements. Listed single- and multiple-station carbon monoxide alarms shall comply with
2032 UL 2034 and shall be installed in accordance with the provision of this code and NFPA 720."

2033 (15) In IRC, Section R403.1.6, a new Exception 4 is added as follows: "4. When
2034 anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed
2035 with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from
2036 each end of each plate section at interior bearing walls, interior braced wall lines, and at all
2037 exterior walls."

2038 (16) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2 and
2039 Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816 mm)
2040 apart, anchor bolts may be placed with a minimum of two bolts per plate section located not
2041 less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
2042 interior braced wall lines, and at all exterior walls."

2043 (17) In IRC, Section R404.1, a new exception is added as follows: "Exception: As an

2044 alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry
2045 foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as
2046 amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

2047 Section 48. Section **15A-3-203** is enacted to read:

2048 **15A-3-203. Amendments to Chapters 6 through 15 of IRC.**

2049 (1) IRC, Sections R612.2 through R612.4.2, are deleted.

2050 (2) IRC, Chapter 11, is deleted and replaced with Chapter 11 of the 2006 International
2051 Residential Code and Chapter 4 of the 2006 International Energy Conservation Code.

2052 (3) IRC, Section M1411.6, is deleted.

2053 (4) In IRC, Section M1502.4.4.1, the words "25 feet (7,620 mm)" are deleted and
2054 replaced with "35 feet (10,668 mm)".

2055 Section 49. Section **15A-3-204** is enacted to read:

2056 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

2057 A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection. Fuel
2058 gas services shall be in an approved location and/or provided with structures designed to
2059 protect the fuel gas meter and surrounding piping from physical damage, including falling,
2060 moving, or migrating ice and snow. If an added structure is used, it must provide access for
2061 service and comply with the IBC or the IRC."

2062 Section 50. Section **15A-3-205** is enacted to read:

2063 **15A-3-205. Amendments to Chapters 26 and 35 of IRC.**

2064 (1) A new IRC, Section P2602.3, is added as follows: "P2602.3 Individual water
2065 supply. Where a potable public water supply is not available, individual sources of potable
2066 water supply shall be utilized, provided that the source has been developed in accordance with
2067 Utah Code, Sections 73-3-1 and 73-3-25, as administered by the Department of Natural
2068 Resources, Division of Water Rights. In addition, the quality of the water shall be approved by
2069 the local health department having jurisdiction."

2070 (2) A new IRC, Section P2602.4, is added as follows: "P2602.4 Sewer required. Every
2071 building in which plumbing fixtures are installed and all premises having drainage piping shall

2072 be connected to a public sewer where the sewer is within 300 feet of the property line in
2073 accordance with Utah Code, Section 10-8-38; or an approved private sewage disposal system in
2074 accordance with Utah Administrative Code, Chapter 4, Rule R317, as administered by the
2075 Department of Environmental Quality, Division of Water Quality."

2076 (3) In IRC, Section P2801.7, the word "townhouses" is deleted.

2077 (4) A new IRC, Section P2902.1.1, is added as follows: "P2902.1.1 Backflow assembly
2078 testing. The premise owner or his designee shall have backflow prevention assemblies
2079 operation tested at the time of installation, repair, and relocation and at least on an annual basis
2080 thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be
2081 performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject
2082 to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker
2083 Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector
2084 Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and
2085 Reduced Pressure Detector Assembly."

2086 (5) IRC, Table P2902.3, is deleted and replaced with the following:

<u>"TABLE P2902.3</u>			
<u>General Methods of Protection</u>			
<u>Assembly</u> <u>(applicable</u> <u>standard)</u>	<u>Degree of</u> <u>Hazard</u>	<u>Application</u>	<u>Installation Criteria</u>

2090

<p><u>Reduced Pressure Principle Backflow Preventer</u> (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and <u>Reduced Pressure Detector Assembly</u> (ASSE 1047, USC-FCCCHR)</p>	<p><u>High or Low</u></p>	<p><u>Backpressure or Backsiphonage</u> 1/2" - 16"</p>	<p>a. <u>The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</u> b. <u>RP assemblies shall NOT be installed in a pit.</u> c. <u>The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</u> d. <u>The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</u></p>
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2091

<p><u>Double Check Backflow Prevention Assembly</u> (AWWA C510, USC-FCCCHR, ASSE 1015) <u>Double Check Detector Assembly Backflow Preventer</u> (ASSE 1048, USC-FCCCHR)</p>	<p><u>Low</u></p>	<p><u>Backpressure or Backsiphonage</u> 1/2" - 16"</p>	<p>a. <u>If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</u> b. <u>Shall be installed in a horizontal position unless listed or approved for vertical installation.</u></p>
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<p>2092</p>	<p><u>Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/2" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u> c. <u>Shall not be installed below ground or in a vault or pit.</u> d. <u>Shall be installed in a vertical position only.</u></p>
<p>2093</p>	<p><u>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/4" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u> c. <u>Shall not be installed below ground or in a vault or pit.</u> d. <u>Shall be installed in a vertical position only.</u></p>

2094

<p><u>General Installation</u> <u>Criteria</u></p>			<p><u>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to ensure the safety of the backflow technician.</u></p> <p><u>Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</u></p> <p><u>The body of the assembly shall not be closer than 12 inches to any wall, ceiling or encumbrance, and shall be accessible for testing, repair and/or maintenance.</u></p> <p><u>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</u></p> <p><u>Assemblies shall be maintained as an intact assembly."</u></p>
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2095

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

2096

"TABLE 2902.3a

2097

Specialty Backflow Devices for low hazard use only

2098

<u>Device</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Applicable Standard</u>
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2099	<u>Air Gap</u>	<u>High or Low</u>	<u>Backsiphonage</u>	<u>See Table P2902.3.1 ASME A112.1.2</u>
2100	<u>Antisiphon-type Water Closet Flush Tank Ball Cock</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1002 CSA CAN/ CSA-B125</u>
2101	<u>Atmospheric Vacuum Breaker</u>	<u>High or Low</u>	<u>Backsiphonage</u> <u>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> <u>b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.</u> <u>c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.</u> <u>d. Shall be installed on the discharge (downstream) side of any valves.</u> <u>e. The AVB shall be installed in a vertical position only.</u>	<u>ASSE 1001 USC-FCCCHR, CSA CAN/ CSA-B64.1.1</u>
2102	<u>Dual check valve Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage or Backpressure</u> <u>1/4" - 1"</u>	<u>ASSE 1024</u>

2103	<u>Backflow Preventer with Intermediate Atmospheric Vent</u>	<u>Low Residential Boiler</u>	<u>Backsiphonage or Backpressure</u> <u>1/4" - 3/4"</u>	<u>ASSE 1012</u> <u>CSA CAN/</u> <u>CSA-B64.3</u>
2104	<u>Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type</u>	<u>Low</u>	<u>Backsiphonage or Backpressure</u> <u>1/4" - 3/8"</u>	<u>ASSE 1022</u>
2105	<u>Hose-connection Vacuum Breaker</u>	<u>Low</u>	<u>Backsiphonage</u> <u>1/2", 3/4", 1"</u>	<u>ASSE 1011</u> <u>CSA CAN/</u> <u>CSA-B64.2</u>
2106	<u>Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type</u>	<u>Low</u>	<u>Backsiphonage</u> <u>3/4", 1"</u>	<u>ASSE 1019</u> <u>CSA CAN/</u> <u>CSA-B64.2.2</u>
2107	<u>Laboratory Faucet Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1035</u> <u>CSA CAN/</u> <u>CSA-B64.7</u>
2108	<u>Hose Connection Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage</u> <u>1/2" - 1"</u>	<u>ASSE 1052</u>

2109 Installation Guidelines: The above specialty devices shall be installed in accordance with
 2110 their listing and the manufacturer's instructions and the specific provisions of this chapter."

2110 (7) In IRC, Section P3103.6, the following sentence is added at the end of the
 2111 paragraph: "Vents extending through the wall shall terminate not less than 12 inches from the
 2112 wall with an elbow pointing downward."

2113 (8) In IRC, Section P3104.4, the following sentence is added at the end of the
 2114 paragraph: "Horizontal dry vents below the flood level rim shall be permitted for floor drain
 2115 and floor sink installations when installed below grade in accordance with Chapter 30, and
 2116 Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent."

2117 Section 51. Section **15A-3-206** is enacted to read:

2118 **15A-3-206. Amendments to Chapters 36 and 44 of IRC.**

2119 (1) In IRC, Section E3902.11, the following words are deleted: "family rooms, dining
 2120 rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways,
 2121 and similar rooms or areas".

2122 (2) IRC, Chapter 44, is amended by adding the following reference standard:

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

2125 (3) In IRC, Chapter 44, the following standard is added under NFPA as follows:

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

2128 (4) IRC, Appendix O, Gray Water Recycling Systems, is deleted and replaced with
 2129 Appendix C of the International Plumbing Code as amended by the State Construction Code.

2130 Section 52. Section **15A-3-301** is enacted to read:

2131 **Part 3. Statewide Amendments to IPC**

2132 **15A-3-301. General provision.**

2133 The amendments in this part are adopted as amendments to the IPC to be applicable
2134 statewide.

2135 Section 53. Section **15A-3-302** is enacted to read:

2136 **15A-3-302. Amendments to Chapters 1 and 2 of IPC.**

2137 (1) A new IPC, Section 101.2, is added as follows: "For clarification, the International
2138 Private Sewage Disposal Code is not part of the plumbing code even though it is in the same
2139 printed volume."

2140 (2) In IPC, Section 202, the definition for "Backflow Backpressure, Low Head" is
2141 deleted.

2142 (3) In IPC, Section 202, the following definition is added: "Certified Backflow
2143 Preventer Assembly Tester. A person who has shown competence to test Backflow prevention
2144 assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection
2145 19-4-104(4)."

2146 (4) In IPC, Section 202, the definition for "Cross Connection" is deleted and replaced
2147 with the following: "Cross Connection. Any physical connection or potential connection or
2148 arrangement between two otherwise separate piping systems, one of which contains potable
2149 water and the other either water of unknown or questionable safety or steam, gas, or chemical,
2150 whereby there exists the possibility for flow from one system to the other, with the direction of
2151 flow depending on the pressure differential between the two systems (see "Backflow")."

2152 (5) In IPC, Section 202, the definition for "Potable Water" is deleted and replaced with
2153 the following: "Potable Water. Water free from impurities present in amounts sufficient to
2154 cause disease or harmful physiological effects and conforming to the Utah Code, Title 19,
2155 Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of the

2156 public health authority having jurisdiction."

2157 Section 54. Section **15A-3-303** is enacted to read:

2158 **15A-3-303. Amendments to Chapter 3 of IPC.**

2159 (1) In IPC, Table 303.4, the item listed as "Backflow prevention devises" is modified
2160 as follows:

2161 (a) in the Third-Party Certified field, after the word "Required" add "See footnote 1";

2162 (b) in the Third-Party Tested field the following is added: "Required see footnote 1";

2163 and

2164 (c) a new footnote 1 is added as follows: "1. Third-party certification will consist of
2165 any combination of two certifications, laboratory or field. Acceptable third party laboratory
2166 certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently
2167 provides the only field testing of backflow protection assemblies. Also see
2168 www.drinkingwater.utah.gov and Division of Drinking Water Rule, Utah Administrative Code,
2169 R309-305-6."

2170 (2) IPC, Section 304.3, Meter Boxes, is deleted.

2171 (3) IPC, Section 311.1, is deleted.

2172 (4) IPC, Sections 312.10 through 312.10.2, are deleted and replaced with the
2173 following: "312.10 Backflow assembly testing. The premise owner or his designee shall have
2174 backflow prevention assemblies operation tested at the time of installation, repair, and
2175 relocation and at least on an annual basis thereafter, or more frequently as required by the
2176 authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer
2177 Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant
2178 Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow
2179 Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced
2180 Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly."

2181 Section 55. Section **15A-3-304** is enacted to read:

2182 **15A-3-304. Amendments to Chapter 4 of IPC.**

2183 (1) In IPC, Section 403.1, a new footnote g is added as follows: "FOOTNOTE: g.

2184 When provided, in public toilet facilities there shall be an equal number of diaper changing
2185 facilities in male toilet rooms and female toilet rooms."

2186 (2) A new IPC, Section 406.4, is added as follows: "406.4 Automatic clothes washer
2187 safe pans. Safe pans, when installed under automatic clothes washers, shall be installed in
2188 accordance with Section 504.7."

2189 (3) A new IPC, Section 412.5, is added as follows: "412.5 Public toilet rooms. All
2190 public toilet rooms shall be equipped with at least one floor drain."

2191 Section 56. Section **15A-3-305** is enacted to read:

2192 **15A-3-305. Amendments to Chapter 5 of IPC.**

2193 (1) In IPC, Section 504.7.2, the following is added at the end of the section: "When
2194 permitted by the code official, the pan drain may be directly connected to a soil stack, waste
2195 stack, or branch drain. The pan drain shall be individually trapped and vented as required in
2196 Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap
2197 shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044."

2198 (2) A new IPC, Section 504.7.3, is added as follows: "504.7.3 Pan Designation. A
2199 water heater pan shall be considered an emergency receptor designated to receive the discharge
2200 of water from the water heater only and shall not receive the discharge from any other fixtures,
2201 devises, or equipment."

2202 Section 57. Section **15A-3-306** is enacted to read:

2203 **15A-3-306. Amendments to Chapter 6 of IPC.**

2204 (1) IPC, Section 602.3, is deleted and replaced with the following: "602.3 Individual
2205 water supply. Where a potable public water supply is not available, individual sources of
2206 potable water supply shall be utilized provided that the source has been developed in
2207 accordance with Utah Code, Sections 73-3-1, 73-3-3, and 73-3-25, as administered by the
2208 Department of Natural Resources, Division of Water Rights. In addition, the quality of the
2209 water shall be approved by the local health department having jurisdiction. The source shall
2210 supply sufficient quantity of water to comply with the requirements of this chapter."

2211 (2) IPC, Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5, and 602.3.5.1, are

2212 deleted.

2213 (3) A new IPC, Section 604.4.1, is added as follows: "604.4.1 Manually operated
2214 metering faucets. Self closing or manually operated metering faucets shall provide a flow of
2215 water for at least 15 seconds without the need to reactivate the faucet."

2216 (4) IPC, Section 606.5, is deleted and replaced with the following: "606.5 Water
2217 pressure booster systems. Water pressure booster systems shall be provided as required by
2218 Section 606.5.1 through 606.5.11."

2219 (5) A new IPC, Section 606.5.11, is added as follows: "606.5.11 Prohibited
2220 installation. In no case shall a booster pump be allowed that will lower the pressure in the
2221 public main to less than 20 psi."

2222 (6) IPC, Table 608.1, is deleted and replaced with the following:

<u>"TABLE 608.1</u>			
<u>General Methods of Protection</u>			
<u>Assembly</u> <u>(applicable</u> <u>standard)</u>	<u>Degree of</u> <u>Hazard</u>	<u>Application</u>	<u>Installation Criteria</u>

2226

<p><u>Reduced Pressure Principle Backflow Preventer</u> (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and <u>Reduced Pressure Detector Assembly</u> (ASSE 1047, USC-FCCCHR)</p>	<p><u>High or Low</u></p>	<p><u>Backpressure or Backsiphonage</u> 1/2" - 16"</p>	<p>a. <u>The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</u> b. <u>RP assemblies shall NOT be installed in a pit.</u> c. <u>The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</u> d. <u>The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.</u></p>
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2227

<p><u>Double Check Backflow Prevention Assembly</u> (AWWA C510, USC-FCCCHR, ASSE 1015) <u>Double Check Detector Assembly Backflow Preventer</u> (ASSE 1048, USC-FCCCHR)</p>	<p><u>Low</u></p>	<p><u>Backpressure or Backsiphonage</u> 1/2" - 16"</p>	<p>a. <u>If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.</u> b. <u>Shall be installed in a horizontal position unless listed or approved for vertical installation.</u></p>
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2228

<p><u>Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/2" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u></p> <p>b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u></p> <p>c. <u>Shall not be installed below ground or in a vault or pit.</u></p> <p>d. <u>Shall be installed in a vertical position only.</u></p>
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2229

<p><u>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</u></p>	<p><u>High or Low</u></p>	<p><u>Backsiphonage</u> <u>1/4" - 2"</u></p>	<p>a. <u>Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u></p> <p>b. <u>Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</u></p> <p>c. <u>Shall not be installed below ground or in a vault or pit.</u></p> <p>d. <u>Shall be installed in a vertical position only.</u></p>
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2230

<p><u>General Installation</u> <u>Criteria</u></p>			<p><u>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to ensure the safety of the backflow technician.</u></p> <p><u>Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</u></p> <p><u>The body of the assembly shall not be closer than 12 inches, to any wall, ceiling or encumbrance, and shall be accessible for testing, repair and/or maintenance.</u></p> <p><u>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</u></p> <p><u>Assemblies shall be maintained as an intact assembly."</u></p>
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2231

(7) IPC, Table 608.1.1, is added as follows:

2232

<p><u>"TABLE 608.1.1</u></p>

2233

<p><u>Specialty Backflow Devices for low hazard use only</u></p>
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2234

<u>Device</u>	<u>Degree of Hazard</u>	<u>Application</u>	<u>Applicable Standard</u>
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2235	<u>Air Gap</u>	<u>High or Low</u>	<u>Backsiphonage</u>	<u>See Table 608.15.1 ASME A112.1.2</u>
2236	<u>Antisiphon-type Water Closet Flush Tank Ball Cock</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1002 CSA CAN/ CSA-B125</u>
2237	<u>Atmospheric Vacuum Breaker</u>	<u>High or Low</u>	<u>Backsiphonage</u> <u>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</u> <u>b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.</u> <u>c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.</u> <u>d. Shall be installed on the discharge (downstream) side of any valves.</u> <u>e. The AVB shall be installed in a vertical position only.</u>	<u>ASSE 1001 USC-FCCCHR, CSA CAN/ CSA-B64.1.1</u>
2238	<u>Dual check valve Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage or Backpressure</u> <u>1/4" - 1"</u>	<u>ASSE 1024</u>

2239	<u>Backflow Preventer with Intermediate Atmospheric Vent</u>	<u>Low Residential Boiler</u>	<u>Backsiphonage or Backpressure</u> <u>1/4" - 3/4"</u>	<u>ASSE 1012</u> <u>CSA CAN/</u> <u>CSA-B64.3</u>
2240	<u>Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type</u>	<u>Low</u>	<u>Backsiphonage or Backpressure</u> <u>1/4" - 3/8"</u>	<u>ASSE 1022</u>
2241	<u>Hose-connection Vacuum Breaker</u>	<u>Low</u>	<u>Backsiphonage</u> <u>1/2", 3/4", 1"</u>	<u>ASSE 1011</u> <u>CSA CAN/</u> <u>CSA-B64.2</u>
2242	<u>Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type</u>	<u>Low</u>	<u>Backsiphonage</u> <u>3/4", 1"</u>	<u>ASSE 1019</u> <u>CSA CAN/</u> <u>CSA-B64.2.2</u>
2243	<u>Laboratory Faucet Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage</u>	<u>ASSE 1035</u> <u>CSA CAN/</u> <u>CSA-B64.7</u>
2244	<u>Hose Connection Backflow Preventer</u>	<u>Low</u>	<u>Backsiphonage</u> <u>1/2" - 1"</u>	<u>ASSE 1052</u>

2245 Installation Guidelines: The above specialty devices shall be installed in accordance with
2246 their listing and the manufacturer's instructions and the specific provisions of this chapter."

2246 (8) In IPC, Section 608.6, the following sentence is added at the end of the paragraph:
2247 "Any connection between potable water piping and sewer-connected waste shall be protected
2248 by an air gap."

2249 (9) IPC, Section 608.7, is deleted.

2250 (10) In IPC, Section 608.11, the following sentence is added at the end of the
2251 paragraph: "The coating and installation shall conform to NSF Standard 61 and application of
2252 the coating shall comply with the manufacturer's instructions."

2253 (11) IPC, Section 608.13.3, is deleted and replaced with the following: "608.13.3
2254 Backflow preventer with intermediate atmospheric vent. Backflow preventers with
2255 intermediate atmospheric vents shall conform to ASSE 1012 or CSA CAN/CSA-B64.3. These
2256 devices shall be permitted to be installed on residential boilers only, without chemical
2257 treatment, where subject to continuous pressure conditions. The relief opening shall discharge
2258 by air gap and shall be prevented from being submerged."

2259 (12) IPC, Section 608.13.4, is deleted.

2260 (13) IPC, Section 608.13.9, is deleted.

2261 (14) IPC, Section 608.15.3, is deleted and replaced with the following: "608.15.3
2262 Protection by a backflow preventer with intermediate atmospheric vent. Connections to
2263 residential boilers only, without chemical treatment, shall be protected by a backflow preventer
2264 with an intermediate atmospheric vent."

2265 (15) IPC, Section 608.15.4, is deleted and replaced with the following: "608.15.4
2266 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type
2267 or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall
2268 be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The
2269 critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm)
2270 above the flood level rim of the fixture or device. Fill valves shall be set in accordance with
2271 Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar

2272 locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be
2273 installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor, or
2274 device served. No valves shall be installed downstream of the atmospheric vacuum breaker."

2275 (16) In IPC, Section 608.15.4.2, the following is added after the first sentence:
2276 "Add-on-backflow prevention devices shall be non-removable. In climates where freezing
2277 temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow
2278 preventer shall be used."

2279 (17) In IPC, Section 608.16.2, the first sentence of the paragraph is deleted and
2280 replaced as follows: "608.16.2 Connections to boilers. The potable water supply to the
2281 residential boiler only, without chemical treatment, shall be equipped with a backflow
2282 preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA
2283 CAN/CSA-B64.3."

2284 (18) IPC, Section 608.16.3, is deleted and replaced with the following: "608.16.3 Heat
2285 exchangers. Heat exchangers shall be separated from potable water by double-wall
2286 construction. An air gap open to the atmosphere shall be provided between the two walls.

2287 Exceptions:

2288 1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

2289 a. It utilizes a heat transfer medium of potable water or contains only substances which are
2290 recognized as safe by the United States Food and Drug Administration (FDA);

2291 b. The pressure of the heat transfer medium is maintained less than the normal minimum
2292 operating pressure of the potable water system; and

2293 c. The equipment is permanently labeled to indicate only additives recognized as safe by the
2294 FDA shall be used.

2295 2. Steam systems that comply with paragraph 1 above.

2296 3. Approved listed electrical drinking water coolers."

2297 (19) In IPC, Section 608.16.4.1, a new exception is added as follows: "Exception: All
2298 class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or
2299 U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a

2300 double check valve assembly. Such systems shall include written certification of the chemical
2301 additives at the time of original installation and service or maintenance."

2302 (20) IPC, Section 608.16.7, is deleted and replaced with the following: "608.16.7
2303 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the
2304 water supply system shall be protected against backflow in accordance with Section 608.13.1,
2305 Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8."

2306 (21) IPC, Section 608.16.8, is deleted and replaced with the following: "608.16.8
2307 Portable cleaning equipment. Where the portable cleaning equipment connects to the water
2308 distribution system, the water supply system shall be protected against backflow in accordance
2309 with Section 608.13.1, Section 608.13.2 or Section 608.13.8."

2310 (22) A new IPC, Section 608.16.11, is added as follows: "608.16.11 Automatic and
2311 coin operated car washes. The water supply to an automatic or coin operated car wash shall be
2312 protected in accordance with Section 608.13.1 or Section 608.13.2."

2313 (23) IPC, Section 608.17, is deleted.

2314 Section 58. Section **15A-3-307** is enacted to read:

2315 **15A-3-307. Amendments to Chapter 7 of IPC.**

2316 IPC, Section 701.2, is deleted and replaced with the following: "701.2 Sewer required.
2317 Every building in which plumbing fixtures are installed and all premises having drainage
2318 pipng shall be connected to a public sewer where the sewer is within 300 feet of the property
2319 line in accordance with Utah Code, Section 10-8-38; or an approved private sewage disposal
2320 system in accordance with Utah Administrative Code, Rule R317-4, as administered by the
2321 Department of Environmental Quality, Division of Water Quality."

2322 Section 59. Section **15A-3-308** is enacted to read:

2323 **15A-3-308. Amendments to Chapter 8 of IPC.**

2324 IPC, Chapter 8, is not amended.

2325 Section 60. Section **15A-3-309** is enacted to read:

2326 **15A-3-309. Amendments to Chapter 9 of IPC.**

2327 (1) IPC, Section 901.3, is deleted and replaced with the following: "901.3 Chemical

2328 waste vent system. The vent system for a chemical waste system shall be independent of the
2329 sanitary vent system and shall terminate separately through the roof to the open air or to an air
2330 admittance valve provided at least one chemical waste vent in the system terminates separately
2331 through the roof to the open air."

2332 (2) In IPC, Section 904.1, when the number of inches is to be specified, "12 inches
2333 (304.8mm)" is inserted.

2334 (3) In IPC, Section 904.6, the following sentence is added at the end of the paragraph:
2335 "Vents extending through the wall shall terminate not less than 12 inches from the wall with an
2336 elbow pointing downward."

2337 (4) In IPC, Section 905.4, the following sentence is added at the end of the paragraph:
2338 "Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink
2339 installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided
2340 with a wall clean out."

2341 (5) In IPC, Section 917.8, a new exception is added as follows: "Exception: Air
2342 admittance valves shall be permitted in non-neutralized special waste systems provided that
2343 they conform to the requirements in Sections 901.3 and 702.5, are tested to ASTM F1412, and
2344 are certified by ANSI/ASSE."

2345 Section 61. Section **15A-3-310** is enacted to read:

2346 **15A-3-310. Amendments to Chapter 10 of IPC.**

2347 In IPC, Section 1002.4, the following is added at the end of the paragraph: "Approved
2348 Means of Maintaining Trap Seals. Approved means of maintaining trap seals include the
2349 following, but are not limited to the methods cited:

2350 (a) Listed Trap Seal Primer

2351 (b) A hose bibb or bibbs within the same room

2352 (c) Drainage from an untrapped lavatory discharging to the tailpiece of those fixture
2353 traps which require priming. All fixtures shall be in the same room and on the same floor level
2354 as the trap primer

2355 (d) Barrier type floor drain trap seal protection device meeting ASSE Standard 1072

2356 (e) Deep seal p-trap".

2357 Section 62. Section **15A-3-311** is enacted to read:

2358 **15A-3-311. Amendments to Chapter 11 of IPC.**

2359 (1) IPC, Section 1104.2, is deleted and replaced with the following: "1104.2

2360 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm
2361 drainage systems is prohibited."

2362 (2) IPC, Section 1108, is deleted.

2363 Section 63. Section **15A-3-312** is enacted to read:

2364 **15A-3-312. Amendments to Chapter 12 of IPC.**

2365 IPC, Chapter 12, is not amended.

2366 Section 64. Section **15A-3-313** is enacted to read:

2367 **15A-3-313. Amendments to Chapter 13 of IPC.**

2368 IPC, Chapter 13, is not amended.

2369 Section 65. Section **15A-3-314** is enacted to read:

2370 **15A-3-314. Amendments to Chapter 14 of IPC.**

2371 (1) In IPC, Chapter 14, the following referenced standard is added under ASSE:

<u>"Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
1072-2007	Performance Requirements for Barrier Type Floor Drain Trap Seal Protection Devices	1004.2"

2374 (2) In IPC, Chapter 14, the following referenced standard is added:

<u>"Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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2376	<u>USC-FCCCHR</u> <u>9th Edition</u> <u>Manual of Cross</u> <u>Connection</u> <u>Control</u>	<u>Foundation for Cross-Connection</u> <u>Control and Hydraulic Research</u> <u>University of Southern California</u> <u>Kaprielian Hall 300 Los Angeles CA</u> <u>90089-2531</u>	<u>Table 608.1"</u>
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2377 (3) IPC, Appendix C, is deleted and replaced with the following Appendix C, Gray
 2378 Water Recycling Systems, which may be adopted by local jurisdictions only as provided under
 2379 the State Construction Code: "Appendix C Gray Water Recycling Systems
 2380 Note: Section 301.3 of this code requires all plumbing fixtures that receive water or waste to
 2381 discharge to the sanitary drainage system of the structure. In order to allow for the utilization
 2382 of a gray water system, Section 301.3 should be revised to read as follows:
 2383 In jurisdictions which have adopted this Appendix C as amended as a local amendment as
 2384 provided herein, Section 301.3 of the IPC is deleted and replaced with the following:
 2385 301.3 Connections to drainage system. All plumbing fixtures, drains, appurtenances, and
 2386 appliances used to receive or discharge liquid wastes or sewage shall be directly connected to
 2387 the sanitary drainage system of the building or premises, in accordance with the requirements
 2388 of this code. This section shall not be construed to prevent indirect waste systems required by
 2389 Chapter 8.
 2390 Exception: Bathtubs, showers, lavatories, clothes washers, laundry trays, and approved clear
 2391 water wastes shall not be required to discharge to the sanitary drainage system where such
 2392 fixtures discharge to an approved gray water system for flushing of water closets and urinals or
 2393 for subsurface landscape irrigation.
 2394 SECTION C101 GENERAL
 2395 C101.1 Scope. The provisions of this appendix shall govern the materials, design,
 2396 construction, and installation of gray water systems for flushing of water closets and urinals
 2397 (see Figure 2).
 2398 C101.2 Recording. The existence of a gray water recycling system shall be recorded on the
 2399 deed of ownership for that property.

2400 C101.3 Definition. The following term shall have the meaning shown herein.
2401 GRAY WATER. Waste discharged from lavatories, bathtubs, showers, clothes washers,
2402 laundry trays, and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable;
2403 non-combustible; without objectionable odors; non-highly pigmented; and will not interfere
2404 with the operation of the sewer treatment facility.

2405 C101.4 Permits. Permits shall be required in accordance with Section 106 and may also be
2406 required by the local health department.

2407 C101.5 Installation. In addition to the provisions of Section C101, systems for flushing of
2408 water closets and urinals shall comply with Section C102. Except as provided for in Appendix
2409 C, all systems shall comply with the provisions of the International Plumbing Code.

2410 C101.6 Materials. Above-ground drain, waste, and vent piping for gray water systems shall
2411 conform to one of the standards listed in Table 702.1. Gray water underground building
2412 drainage and vent pipe shall conform to one of the standards listed in Table 702.2.

2413 C101.7 Tests. Drain, waste, and vent piping for gray water systems shall be tested in
2414 accordance with Section 312.

2415 C101.8 Inspections. Gray water systems shall be inspected in accordance with Section 107.

2416 C101.9 Potable water connections. The potable water supply to any building utilizing a gray
2417 water recycling system shall be protected against backflow by a reduced pressure principle
2418 backflow preventer installed in accordance with this Code.

2419 C101.10 Waste water connections. Gray water recycling systems shall receive only the waste
2420 discharge of bathtubs, showers, lavatories, clothes washers, or laundry trays, and other clear
2421 water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without
2422 objectionable odors; non-highly pigmented; and will not interfere with the operation of the
2423 sewer treatment facility.

2424 C101.11 Collection reservoir. Gray water shall be collected in an approved reservoir
2425 constructed of durable, nonabsorbent, and corrosion-resistant materials. The reservoir shall be
2426 a closed and gas-tight vessel. Access openings shall be provided to allow inspection and
2427 cleaning of the reservoir interior.

2428 C101.12 Filtration. Gray water entering the reservoir shall pass through an approved cartridge
2429 filter having a design flow rate of less than 0.375 gallons per minute per square foot of
2430 effective filter area, or a sand or diatomaceous earth filter designed to handle the anticipated
2431 volume of water.

2432 C101.12.1 Required valve. A full-open valve shall be installed downstream of the last fixture
2433 connection to the gray water discharge pipe before entering the required filter.

2434 C101.13 Overflow. The collection reservoir shall be equipped with an overflow pipe having
2435 the same or larger diameter as the influent pipe for the gray water. The overflow pipe shall be
2436 trapped and indirectly connected to the sanitary drainage system.

2437 C101.14 Drain. A drain shall be located at the lowest point of the collection reservoir and shall
2438 be indirectly connected to the sanitary drainage system. The drain shall be the same diameter
2439 as the overflow pipe required in Section C101.12.

2440 C101.15 Vent required. The reservoir shall be provided with a vent sized in accordance with
2441 Chapter 9 and based on the diameter of the reservoir influent pipe.

2442 **SECTION C102 SYSTEMS FOR FLUSHING WATER CLOSETS AND URINALS**

2443 C102.1 Collection reservoir. The holding capacity of the reservoir shall be a minimum of
2444 twice the volume of water required to meet the daily flushing requirements of the fixtures
2445 supplied with gray water, but not less than 50 gallons (189 L). The reservoir shall be sized to
2446 limit the retention time of gray water to a maximum of 72 hours.

2447 C102.2 Disinfection. Gray water shall be disinfected by an approved method that employs one
2448 or more disinfectants such as chlorine, iodine, or ozone that is recommended for use with the
2449 pipes, fittings, and equipment by the manufacturer of the pipe, fittings, and equipment. A
2450 minimum of 1ppm residual free chlorine shall be maintained in the gray water recycling system
2451 reservoir.

2452 C102.3 Makeup water. Potable water shall be supplied as a source of makeup water for the
2453 gray water system. The potable water supply shall be protected against backflow by a reduced
2454 pressure principle backflow preventer installed in accordance with this Code. There shall be a
2455 full-open valve located on the makeup water supply line to the collection reservoir.

2456 C102.4 Coloring. The gray water shall be dyed blue or green with a food grade vegetable dye
2457 before such water is supplied to the fixtures.

2458 C102.5 Materials. Distribution piping shall conform to one of the standards listed in Table
2459 605.4.

2460 C102.6 Identification. Distribution piping and reservoirs shall be identified as containing
2461 nonpotable water. Piping identification shall be in accordance with Section 608.8.

2462 SECTION C103 SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS

2463 C103.1 Gray water recycling systems utilized for subsurface irrigation for single family
2464 residences shall comply with the requirements of Utah Administrative Code, R317-401, Gray
2465 Water Systems. Gray water recycling systems utilized for subsurface irrigation for other
2466 occupancies shall comply with Utah Administrative Code, R317-3 Design Requirements for
2467 Wastewater Collection, Treatment and Disposal Systems, and Utah Administrative Code,
2468 R317-4, Onsite Wastewater Systems."

2469 Section 66. Section **15A-3-401** is enacted to read:

2470 **Part 4. Statewide Amendments to IMC**

2471 **15A-3-401. General provision.**

2472 The following are adopted as amendments to the IMC to be applicable statewide:

2473 (1) In IMC, Section 403, a new Section 403.8 is added as follows: "Retrospective
2474 effect. Removal, alteration, or abandonment shall not be required, and continued use and
2475 maintenance shall be allowed, for a ventilation system within an existing installation that
2476 complies with the requirements of this Section 403 regardless of whether the ventilation system
2477 satisfied the minimum ventilation rate requirements of prior law."

2478 (2) IMC, Section 1101.10, is deleted.

2479 Section 67. Section **15A-3-501** is enacted to read:

2480 **Part 5. Statewide Amendments to IFGC**

2481 **15A-3-501. General provision.**

2482 The following is adopted as an amendment to the IFGC to be applicable statewide, in
2483 IFGC, Chapter 4, Section 401, General, a new section IFGC, Section 401.9, is added as

2484 follows: "401.9 Meter protection. Fuel gas services shall be in an approved location and/or
2485 provided with structures designed to protect the fuel gas meter and surrounding piping from
2486 physical damage, including falling, moving, or migrating ice and snow. If an added structure is
2487 used, it must still provide access for service and comply with the IBC or the IRC."

2488 Section 68. Section **15A-3-601** is enacted to read:

2489 **Part 6. Statewide Amendments to NEC**

2490 **15A-3-601. General provision.**

2491 The following are adopted as amendments to the NEC to be applicable statewide:

2492 (1) During the period of time when the adopted IRC has not yet incorporated the latest
2493 residential electrical provisions contained in the adopted NEC, the IRC provisions shall prevail
2494 as the adopted residential electrical standards applicable to installations applicable under the
2495 IRC. All other installations shall comply with the adopted NEC.

2496 (2) In NEC, Section 310.15(B)(6), the second sentence is deleted and replaced with the
2497 following: "For application of this section, the main power feeder shall be the feeder(s)
2498 between the main disconnect and the panelboard(s)."

2499 (3) In NEC, Section 338.10(B)(4)(a), the following words are added at the end of the
2500 first sentence after Section 334: "excluding Section 334.80."

2501 Section 69. Section **15A-3-701** is enacted to read:

2502 **Part 7. Statewide Amendments to IECC**

2503 **15A-3-701. General provision.**

2504 The following is adopted as an amendment to the IECC to be applicable statewide, in
2505 IECC, Section 504.4, a new exception is added as follows: "Exception: Heat traps, other than
2506 the arrangement of piping and fittings, shall be prohibited unless a means of controlling
2507 thermal expansion can be ensured as required in the IPC Section 607.3."

2508 Section 70. Section **15A-3-801** is enacted to read:

2509 **Part 8. Installation and Safety Requirements for Mobile Homes Built Before June 15,**

2510 **1976**

2511 **15A-3-801. General provision.**

2512 Mobile homes built before June 15, 1976 that are subject to relocation, building
2513 alteration, remodeling, or rehabilitation shall comply with the following:

2514 (1) Related to exits and egress windows:

2515 (a) Egress windows. The home has at least one egress window in each bedroom, or a
2516 window that meets the minimum specifications of the U.S. Department of Housing and Urban
2517 Development's (HUD) Manufactured Homes Construction and Safety Standards (MHCSS)
2518 program as set forth in 24 C.F.R. Parts 3280 and 3283, MHCSS 3280.106 and 3280.404 for
2519 manufactured homes. These standards require the window to be at least 22 inches in the
2520 horizontal or vertical position in its least dimension and at least five square feet in area. The
2521 bottom of the window opening shall be no more than 36 inches above the floor, and the locks
2522 and latches and any window screen or storm window devices that need to be operated to permit
2523 exiting shall not be located more than 54 inches above the finished floor.

2524 (b) Exits. The home is required to have two exterior exit doors, located remotely from
2525 each other, as required in MHCSS 3280.105. This standard requires that single-section homes
2526 have the doors no less than 12 feet, center-to-center, from each other, and multisection home
2527 doors no less than 20 feet center-to-center from each other when measured in a straight line,
2528 regardless of the length of the path of travel between the doors. One of the required exit doors
2529 must be accessible from the doorway of each bedroom and no more than 35 feet away from any
2530 bedroom doorway. An exterior swing door shall have a 28-inch-wide by 74-inch-high clear
2531 opening and sliding glass doors shall have a 28-inch-wide by 72-inch-high clear opening. Each
2532 exterior door other than screen/storm doors shall have a key-operated lock that has a passage
2533 latch; locks shall not require the use of a key or special tool for operation from the inside of the
2534 home.

2535 (2) Related to flame spread:

2536 (a) Walls, ceilings, and doors. Walls and ceilings adjacent to or enclosing a furnace or
2537 water heater shall have an interior finish with a flame-spread rating not exceeding 25. Sealants
2538 and other trim materials two inches or less in width used to finish adjacent surfaces within
2539 these spaces are exempt from this provision, provided all joints are supported by framing

2540 members or materials with a flame spread rating of 25 or less. Combustible doors providing
2541 interior or exterior access to furnace and water heater spaces shall be covered with materials of
2542 limited combustibility (i.e., 5/16-inch gypsum board, etc.), with the surface allowed to be
2543 interrupted for louvers ventilating the space. However, the louvers shall not be of materials of
2544 greater combustibility than the door itself (i.e., plastic louvers on a wooden door). Reference
2545 MHCSS 3280.203.

2546 (b) Exposed interior finishes. Exposed interior finishes adjacent to the cooking range
2547 (surfaces include vertical surfaces between the range top and overhead cabinets, the ceiling, or
2548 both) shall have a flame-spread rating not exceeding 50, as required by MHCSS 3280.203.
2549 Backsplashes not exceeding six inches in height are exempted. Ranges shall have a vertical
2550 clearance above the cooking top of not less than 24 inches to the bottom of combustible
2551 cabinets, as required by MHCSS 3280.204(e).

2552 (3) Related to smoke detectors:

2553 (a) Location. A smoke detector shall be installed on any ceiling or wall in the hallway
2554 or space communicating with each bedroom area between the living area and the first bedroom
2555 door, unless a door separates the living area from that bedroom area, in which case the detector
2556 shall be installed on the living-area side, as close to the door as practicable, as required by
2557 MHCSS 3280.208. Homes with bedroom areas separated by anyone or combination of
2558 common-use areas such as a kitchen, dining room, living room, or family room (but not a
2559 bathroom or utility room) shall be required to have one detector for each bedroom area. When
2560 located in the hallways, the detector shall be between the return air intake and the living areas.

2561 (b) Switches and electrical connections. Smoke detectors shall have no switches in the
2562 circuit to the detector between the over-current protection device protecting the branch circuit
2563 and the detector. The detector shall be attached to an electrical outlet box and connected by a
2564 permanent wiring method to a general electrical circuit. The detector shall not be placed on the
2565 same branch circuit or any circuit protected by a ground-fault circuit interrupter.

2566 (4) Related to solid-fuel-burning stoves/fireplaces:

2567 (a) Solid-fuel-burning fireplaces and fireplace stoves. Solid-fuel-burning, factory-built

2568 fireplaces, and fireplace stoves may be used in manufactured homes, provided that they are
2569 listed for use in manufactured homes and installed according to their listing/manufacture's
2570 instructions and the minimum requirements of MHCSS 3280.709(g).

2571 (b) Equipment. A solid-fuel-burning fireplace or fireplace stove shall be equipped with
2572 an integral door or shutters designed to close the fire chamber opening and shall include
2573 complete means for venting through the roof, a combustion air inlet, a hearth extension, and
2574 means to securely attach the unit to the manufactured home structure.

2575 (i) Chimney. A listed, factory-built chimney designed to be attached directly to the
2576 fireplace/fireplace stove and equipped with, in accordance with the listing, a termination device
2577 and spark arrester, shall be required. The chimney shall extend at least three feet above the part
2578 of the roof through which it passes and at least two feet above the highest elevation of any part
2579 of the manufactured home that is within 10 feet of the chimney.

2580 (ii) Air-intake assembly and combustion-air inlet. An air-intake assembly shall be
2581 installed in accordance with the terms of listings and the manufacturer's instruction. A
2582 combustion-air inlet shall conduct the air directly into the fire chamber and shall be designed to
2583 prevent material from the hearth from dropping on the area beneath the manufactured home.

2584 (iii) Hearth. The hearth extension shall be of noncombustible material that is a
2585 minimum of 3/8-inch thick and shall extend a minimum of 16 inches in front and eight inches
2586 beyond each side of the fireplace/fireplace stove opening. The hearth shall also extend over the
2587 entire surface beneath a fireplace stove and beneath an elevated and overhanging fireplace.

2588 (5) Related to electrical wiring systems:

2589 (a) Testing. All electrical systems shall be tested for continuity in accordance with
2590 MHCSS 3280.810, to ensure that metallic parts are properly bonded; tested for operation, to
2591 demonstrate that all equipment is connected and in working order; and given a polarity check,
2592 to determine that connections are proper.

2593 (b) 5.2 Protection. The electrical system shall be properly protected for the required
2594 amperage load. If the unit wiring employs aluminum conductors, all receptacles and switches
2595 rated at 20 amperes or less that are directly connected to the aluminum conductors shall be

2596 marked CO/ALA. Exterior receptacles, other than heat tape receptacles, shall be of the
2597 ground-fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum
2598 or copper-clad aluminum) must be connected in accordance with NEC, Section 110-14.

2599 (6) Related to replacement furnaces and water heaters:

2600 (a) Listing. Replacement furnaces or water heaters shall be listed for use in a
2601 manufactured home. Vents, roof jacks, and chimneys necessary for the installation shall be
2602 listed for use with the furnace or water heater.

2603 (b) Securement and accessibility. The furnace and water heater shall be secured in
2604 place to avoid displacement. Every furnace and water heater shall be accessible for servicing,
2605 for replacement, or both as required by MHCSS 3280.709(a).

2606 (c) Installation. Furnaces and water heaters shall be installed to provide complete
2607 separation of the combustion system from the interior atmosphere of the manufactured home,
2608 as required by MHCSS.

2609 (i) Separation. The required separation may be achieved by the installation of a
2610 direct-vent system (sealed combustion system) furnace or water heater or the installation of a
2611 furnace and water heater venting and combustion systems from the interior atmosphere of the
2612 home. There shall be no doors, grills, removable access panels, or other openings into the
2613 enclosure from the inside of the manufactured home. All openings for ducts, piping, wiring,
2614 etc., shall be sealed.

2615 (ii) Water heater. The floor area in the area of the water heater shall be free from
2616 damage from moisture to ensure that the floor will support the weight of the water heater.

2617 Section 71. Section **15A-4-101** is enacted to read:

2618 **CHAPTER 4. LOCAL AMENDMENTS INCORPORATED AS PART OF STATE**

2619 **CONSTRUCTION CODE**

2620 **Part 1. Local Amendments to IBC**

2621 **15A-4-101. General provision.**

2622 The amendments in this part are adopted as amendments to the IBC to be applicable to
2623 the specified jurisdiction.

2624 Section 72. Section **15A-4-102** is enacted to read:

2625 **15A-4-102. Amendments to IBC applicable to Brian Head Town.**

2626 The following amendment is adopted as an amendment to the IBC for Brian Head
2627 Town, Subsection 15A-3-104(6) that amends IBC, Section (F)903.2.8, is deleted and replaced
2628 with the following: "(F)903.2.8 Group R. An automatic sprinkler system installed in
2629 accordance with Section (F)903.3 shall be provided throughout all buildings with a Group R
2630 fire area.

2631 Exception:

2632 1. Detached one and two family dwellings and multiple single-family dwellings (townhouses)
2633 constructed in accordance with the International Residential Code for one and two-family
2634 dwellings. Except that an automatic fire sprinkler system shall be installed in all one- and
2635 two-family dwellings and townhouses over 3,000 square feet in size of defined living space
2636 (garage is excluded from defined living space) in accordance with Section (F)903.3.1 of the
2637 International Building Code. In areas not served by Brian Head Town culinary water services,
2638 NFPA Standard 1142 for water supplies for rural fire fighting shall apply. Any one- and
2639 two-family dwellings and townhouses that are difficult to locate or access, as determined by the
2640 authority having jurisdiction, shall be required to follow the guidelines as set forth in the NFPA
2641 Standard 1142 regardless of the size of the building.

2642 2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16
2643 residents, provided the building is equipped throughout with an approved fire alarm system that
2644 is interconnected and receives its primary power from the building wiring and a commercial
2645 power system."

2646 Section 73. Section **15A-4-103** is enacted to read:

2647 **15A-4-103. Amendments to IBC applicable to City of Farmington.**

2648 The following amendments are adopted as amendments to the IBC for the City of
2649 Farmington:

2650 (1) A new IBC, Section (F) 903.2.13, is added as follows: "(F) 903.2.13 Group R,
2651 Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every

2652 dwelling in accordance with NFPA 13D, when any of the following conditions are present:

2653 1. The structure is over two stories high, as defined by the building code;

2654 2. The nearest point of structure is more than 150 feet from the public way;

2655 3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation
2656 the area of the basement and/or garage); or

2657 4. The structure is located on a street constructed after March 1, 2000, that has a gradient over
2658 12% and, during fire department response, access to the structure will be gained by using such
2659 street. (If the access is intended to be from a direction where the steep gradient is not used, as
2660 determined by the Chief, this criteria shall not apply).

2661 Such sprinkler system shall be installed in basements, but need not be installed in garages,
2662 under eaves or in enclosed attic spaces, unless required by the Chief."

2663 (2) A new IBC, Section 907.9, is added as follows: "907.9 Alarm Circuit Supervision.
2664 Alarm circuits in alarm systems provided for commercial uses (defined as other than one- and
2665 two-family dwellings and townhouses) shall have Class "A" type of supervision. Specifically,
2666 Type "B" or End-of-line resistor and horn supervised systems are not allowed."

2667 (3) In NFPA Section 13-07, new sections are added as follows: "6.8.6 FDC Security
2668 Locks Required. All Fire Department connections installed for fire sprinkler and standpipe
2669 systems shall have approved security locks.

2670 6.10 Fire Pump Disconnect Signs. When installing a fire pump, red plastic laminate signs shall
2671 be installed in the electrical service panel, if the pump is wired separately from the main
2672 disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES
2673 NOT Shut Off Fire Pump".

2674 22.1.6 Plan Preparation Identification. All plans for fire sprinkler systems, except for
2675 manufacturer's cut sheets of equipment shall include the full name of the person who prepared
2676 the drawings. When the drawings are prepared by a registered professional engineer, the
2677 engineer's signature shall also be included.

2678 22.2.2.3 Verification of Water Supply:

2679 22.2.2.3.1 Fire Flow Tests. Fire flow tests for verification of water supply shall be conducted

2680 and witnessed for all applications other than residential unless directed otherwise by the Chief.
2681 For residential water supply, verification shall be determined by administrative procedure.
2682 22.2.2.3.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include
2683 an accurate and verifiable water supply.
2684 24.2.3.7 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall
2685 include, but are not limited to:
2686 Commercial:
2687 FLUSH-Witness Underground Supply Flush;
2688 ROUGH Inspection-Installation of Riser, System Piping, Head Locations and all Components,
2689 Hydrostatic Pressure Test;
2690 FINAL Inspection-Head Installation and Escutcheons, Inspectors Test Location and Flow,
2691 Main Drain Flow, FDC Location and Escutcheon, Alarm Function, Spare Parts, Labeling of
2692 Components and Signage, System Completeness, Water Supply Pressure Verification,
2693 Evaluation of Any Unusual Parameter."

2694 Section 74. Section **15A-4-104** is enacted to read:

2695 **15A-4-104. Amendments to IBC applicable to City of North Salt Lake.**

2696 The following amendment is adopted as an amendment to the IBC for the City of North
2697 Salt Lake, a new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 Group R,
2698 Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every
2699 dwelling in accordance with NFPA 13D, when the following condition is present:
2700 1. The structure is over 6,200 square feet.

2701 Such sprinkler system shall be installed in basements, but need not be installed in garages,
2702 under eaves, or in enclosed attic spaces, unless required by the fire chief."

2703 Section 75. Section **15A-4-105** is enacted to read:

2704 **15A-4-105. Amendments to IBC applicable to Park City Corporation or Park**
2705 **City Fire District.**

2706 (1) The following amendment is adopted as an amendment to the IBC for the Park City
2707 Corporation, in IBC, Section 3409.2, exception 3, is modified to read as follows: "3.

2708 Designated as historic under a state or local historic preservation program."

2709 (2) The following amendments are adopted as amendments to the IBC for the Park City
 2710 Corporation and Park City Fire District:

2711 (a) IBC, Section (F)903.2, is deleted and replaced with the following: "(F)903.2 Where
 2712 required. Approved automatic sprinkler systems in new buildings and structures shall be
 2713 provided in the location described in this section.

2714 All new construction having more than 6,000 square feet on any one floor, except R-3
 2715 occupancy.

2716 All new construction having more than two (2) stories, except R-3 occupancy.

2717 All new construction having three (3) or more dwelling units, including units rented or leased,
 2718 and including condominiums or other separate ownership.

2719 All new construction in the Historic Commercial Business zone district, regardless of
 2720 occupancy.

2721 All new construction and buildings in the General Commercial zone district where there are
 2722 side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5)
 2723 feet per story of height.

2724 All existing building within the Historic District Commercial Business zone."

2725 (b) In IBC, Table 1505.1, new footnotes d and e are added as follows: "d. Wood roof
 2726 covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more
 2727 than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

2728 e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in
 2729 areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score
 2730 of 9 for weather factors. The owner of the building shall enter into a written and recorded
 2731 agreement that the Class A rating of the roof covering assembly will not be altered through any
 2732 type of maintenance process.

<u>TABLE 1505.1.1</u>		
<u>WILDFIRE HAZARD SEVERITY SCALE</u>		
<u>RATING</u>	<u>SLOPE</u>	<u>VEGETATION</u>

2733
 2734
 2735

2736	<u>1</u>	<u>less than or equal to 10%</u>	<u>Pinion-juniper</u>
2737	<u>2</u>	<u>10.1 - 20%</u>	<u>Grass-sagebrush</u>
2738	<u>3</u>	<u>greater than 20%</u>	<u>Mountain brush or softwoods</u>

2739	<u>TABLE 1505.1.2</u>		
2740	<u>PROHIBITION/ALLOWANCE OF WOOD ROOFING</u>		
2741	<u>Rating</u>	<u>R-3 Occupancy</u>	<u>All Other Occupancies</u>
2742	<u>Less than or equal to 11</u>	<u>Wood roof covering assemblies per Table 1505.1 are allowed</u>	<u>Wood roof covering assemblies per Table 1505.1 are allowed</u>
2743	<u>Greater than or equal to 12</u>	<u>Wood roof covering is prohibited</u>	<u>Wood roof covering assemblies with a Class A rating are allowed"</u>

2744 (c) IBC, Appendix C, is adopted.

2745 Section 76. Section **15A-4-106** is enacted to read:

2746 **15A-4-106. Amendments to IBC applicable to Salt Lake City.**

2747 The following amendment is adopted as an amendment to the IBC for Salt Lake City, in
 2748 IBC, Section 1008.1.9.7, a new exception is added as follows: "Exception: In International
 2749 Airport areas designated as Group "A" Occupancies where national security interests are
 2750 present, the use of panic hardware with delayed egress is allowed when all provisions of
 2751 Section 1008.1.9.7 are met and under item #4 1 second is changed to 2 seconds."

2752 Section 77. Section **15A-4-107** is enacted to read:

2753 **15A-4-107. Amendments to IBC applicable to Sandy City.**

2754 The following amendments are adopted as amendments to the IBC for Sandy City:

2755 (1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic
 2756 sprinkler system shall be installed in accordance with NFPA 13 throughout buildings
 2757 containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table

2758 B105.1 of the 2009 International Fire Code. Exempt locations as indicated in Section
2759 903.3.1.1.1 are allowed.
2760 Exception: Automatic fire sprinklers are not required in buildings used solely for worship,
2761 Group R Division 3, Group U occupancies and buildings complying with the International
2762 Residential Code unless otherwise required by the International Fire Code.

2763 (2) A new IBC, Appendix L, is added and adopted as follows: "Appendix L
2764 BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS
2765 WILDLAND-URBAN INTERFACE AREAS

2766 AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban
2767 Interface Areas by Sandy City shall be constructed using ignition resistant construction as
2768 determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban
2769 Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to
2770 determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International
2771 Wildland-Urban Interface Code, as modified herein, shall be used to determine the
2772 requirements for Ignition Resistant Construction.

2773 (i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new
2774 Section 504.1.1 is added as follows: "504.1.1 General. Subsections 504.5, 504.6, and 504.7
2775 shall only be required on the exposure side of the structure, as determined by the Fire Marshal,
2776 where defensible space is less than 50 feet as defined in Section 603 of the 2006 International
2777 Wildland-Urban Interface Code.

2778 (ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION
2779 Subsections 505.5 and 505.7 are deleted."

2780 Section 78. Section **15A-4-201** is enacted to read:

2781 **Part 2. Local Amendments to IRC**

2782 **15A-4-201. General provision.**

2783 (1) The amendments in this part are adopted as amendments to the IRC to be
2784 applicable to specified jurisdiction.

2785 (2) A local amendment to the following which may be applied to detached one and two

2786 family dwellings and multiple single family dwellings shall be applicable to the corresponding
2787 provisions of the IRC for the local jurisdiction to which the local amendment has been made:

- 2788 (a) IBC under Part 1, Local Amendments to IBC;
- 2789 (b) IPC under Part 3, Local Amendments to IPC;
- 2790 (c) IMC under Part 4, Local Amendments to IMC;
- 2791 (d) IFGC under Part 5, Local Amendments to IFGC;
- 2792 (e) NEC under Part 6, Local Amendments to NEC; and
- 2793 (f) IECC under Part 7, Local Amendments to IECC.

2794 Section 79. Section **15A-4-202** is enacted to read:

2795 **15A-4-202. Amendments to IRC applicable to Brian Head Town.**

2796 The following amendment is adopted as an amendment to the IRC for Brian Head
2797 Town, a new IRC, Section R324, is added as follows: "Section R324 Automatic Sprinkler
2798 Systems. An automatic fire sprinkler system shall be installed in all one- and two-family
2799 dwellings and townhouses over 3,000 square feet in size of defined living space (garage is
2800 excluded from defined living space) in accordance with Section (F)903.3.1 of the International
2801 Building Code. In areas not served by Brian Head Town culinary water services, NFPA
2802 Standard 1142 for water supplies for rural fire fighting shall apply. Any one- and two-family
2803 dwellings and townhouses that are difficult to locate or access, as determined by the authority
2804 having jurisdiction, shall be required to follow the guidelines as set forth in the NFPA Standard
2805 1142 regardless of the size of the building"

2806 Section 80. Section **15A-4-203** is enacted to read:

2807 **15A-4-203. Amendments to IRC applicable to City of Farmington.**

2808 The following amendments are adopted as amendments to the IRC for the City of
2809 Farmington:

- 2810 (1) In IRC, R324 Automatic Sprinkler Systems, new IRC, Sections R324.1 and R324.2
2811 are added as follows: "R324.1 When required. An automatic sprinkler system shall be installed
2812 throughout every dwelling in accordance with NFPA 13D, when any of the following
2813 conditions are present:

- 2814 1. the structure is over two stories high, as defined by the building code;
 2815 2. the nearest point of structure is more than 150 feet from the public way;
 2816 3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the
 2817 area of the basement and/or garage); or
 2818 4. the structure is located on a street constructed after March 1, 2000 that has a gradient over
 2819 12% and, during fire department response, access to the structure will be gained by using such
 2820 street. (If the access is intended to be from a direction where the steep gradient is not used, as
 2821 determined by the Chief, this criteria shall not apply).

2822 R324.2 Installation requirements and standards. Such sprinkler system shall be installed in
 2823 basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless
 2824 required by the Chief. Such system shall be installed in accordance with NFPA 13D."

2825 (2) In IRC, Chapter 44, the following NFPA referenced standards are added as follows:

2826		<u>"TABLE</u>
2827	<u>ADD</u>	
2828	<u>13D-07</u>	<u>Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes, as amended by these rules</u>
2829	<u>13R-07</u>	<u>Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height"</u>

2830 (3) In NFPA, Section 13D-07, new sections are added as follows: "1.15 Reference to
 2831 NFPA 13D. All references to NFPA 13D in the codes, ordinances, rules, or regulations
 2832 governing NFPA 13D systems shall be read to refer to "modified NFPA 13D" to reference the
 2833 NFPA 13D as amended by additional regulations adopted by Farmington City.

2834 4.9 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall
 2835 include, but are not limited to:

- 2836 Residential:
 2837 ROUGH Inspection-Verify Water Supply Piping Size and Materials, Installation of Riser,

2838 System Piping, Head Locations and all Components, Hydrostatic Pressure Test.
2839 FINAL Inspection-Inspectors Test Flow, System Completeness, Spare Parts, Labeling of
2840 Components and Signage, Alarm Function, Water Supply Pressure Verification.
2841 5.2.2.3 Exposed Piping of Metal. Exposed Sprinkler Piping material in rooms of dwellings
2842 shall be of Metal.
2843 EXCEPTIONS:
2844 a. CPVC Piping is allowed in unfinished mechanical and storage rooms only when specifically
2845 listed for the application as installed.
2846 b. CPVC Piping is allowed in finished, occupied rooms used for sports courts or similar uses
2847 only when the ceiling/floor framing above is constructed entirely of non-combustible materials,
2848 such as a concrete garage floor on metal decking.
2849 5.2.2.4 Water Supply Piping Material. Water Supply Piping from where the water line enters
2850 the dwelling adjacent to and inside the foundation to the fire sprinkler contractor
2851 point-of-connection shall be metal, suitable for potable plumbing systems. See Section 7.1.4
2852 for valve prohibition in such piping. Piping down stream from the point-of-connection used in
2853 the fire sprinkler system, including the riser, shall conform to NFPA 13D standards.
2854 5.4 Fire Pump Disconnect Signs. When installing a Fire Pump, Red Plastic Laminate Signs
2855 shall be installed in the electrical service panel, if the pump is wired separately from the main
2856 disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES
2857 NOT Shut Off Fire Pump".
2858 7.1.4 Valve Prohibition. NFPA 13D, Section 7.1 is hereby modified such that NO VALVE is
2859 permitted from the City Water Meter to the Fire Sprinkler Riser Control.
2860 7.6.1 Mandatory Exterior Alarm. Every dwelling that has a fire sprinkler system shall have an
2861 exterior alarm, installed in an approved location. The alarm shall be of the combination
2862 horn/strobe or electric bell/strobe type, approved for outdoor use.
2863 8.1.05 Plan Preparation Identification. All plans for fire sprinkler systems, except for
2864 manufacturer's cut sheets of equipment, shall include the full name of the person who prepared
2865 the drawings. When the drawings are prepared by a registered professional engineer, the

2866 engineer's signature shall also be included.

2867 8.7 Verification of Water Supply:

2868 8.7.1 Fire Flow Tests: Fire Flow Tests for verification of Water Supply shall be conducted and
2869 witnesses for all applications other than residential, unless directed otherwise by the Chief. For
2870 residential Water Supply, verification shall be determined by administrative procedure.

2871 8.7.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an
2872 accurate and verifiable Water Supply.

2873 Section 81. Section **15A-4-204** is enacted to read:

2874 **15A-4-204. Amendments to IRC applicable to Morgan City Corporation or**
2875 **Morgan County.**

2876 (1) The following amendment is adopted as an amendment to the IRC for the Morgan
2877 City Corporation, in IRC, Section R105.2, Work Exempt From Permit, a new list item number
2878 11 is added as follows: "11. Structures intended to house farm animals, or for the storage of
2879 feed associated with said farm animals when all the following criteria are met:

2880 a. The parcel of property involved is zoned for the keeping of farm animals or has
2881 grandfathered animal rights.

2882 b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less
2883 than 10 feet from property lines and other structures.

2884 c. The structure does not exceed 1,000 square feet of floor area, and is limited to 20 feet in
2885 height. Height is measured from the average grade to the highest point of the structure.

2886 d. Before construction, a site plan is submitted to, and approved by the building official.

2887 Electrical, plumbing, and mechanical permits shall be required when that work is included in
2888 the structure."

2889 (2) The following amendment is adopted as an amendment to the IRC for Morgan
2890 County, in IRC, Section R105.2, a new list item number 11 is added as follows: "11.

2891 Structures intended to house farm animals, or for the storage of feed associated with said farm
2892 animals when all the following criteria are met:

2893 a. The parcel of property involved is zoned for the keeping of farm animals or has

2894 grandfathered animal rights.

2895 b. The structure is set back not less than required by the Morgan County Zoning Ordinance for
2896 such structures, but not less than 10 feet from property lines and other structures.

2897 c. The structure does not exceed 1,000 square feet of floor area, and is limited to 20 feet in
2898 height. Height is measured from the average grade to the highest point of the structure.

2899 d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan
2900 County Planning and Zoning Department. Electrical, plumbing, and mechanical permits shall
2901 be required when that work is included in the structure."

2902 Section 82. Section **15A-4-205** is enacted to read:

2903 **15A-4-205. Amendments to IRC applicable to City of North Salt Lake.**

2904 The following amendment is adopted as an amendment to the IRC for the City of North
2905 Salt Lake, a new IRC, Section R324, is added as follows: "Section R324 Automatic Sprinkler
2906 System Requirements. R324.1 When Required. An automatic sprinkler system shall be
2907 installed throughout every dwelling when the following condition is present:

2908 1. The structure is over 6,200 square feet.

2909 R324.2 Installation requirements and standards. Such sprinkler system shall be installed in
2910 basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless
2911 required by the fire chief. Such system shall be installed in accordance with NFPA 13D."

2912 Section 83. Section **15A-4-206** is enacted to read:

2913 **15A-4-206. Amendments to IRC applicable to Park City Corporation or Park**
2914 **City Fire District.**

2915 (1) The following amendment is adopted as an amendment to the IRC for the Park City
2916 Corporation, Appendix P, of the 2006 IRC is adopted.

2917 (2) The following amendments are adopted as amendments to the IRC for Park City
2918 Corporation and Park City Fire District:

2919 (a) IRC, Section R905.7, is deleted and replaced with the following: "R905.7 Wood
2920 shingles. The installation of wood shingles shall comply with the provisions of this section.
2921 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the

2922 following tables with a score of 9 for weather factors.

<u>TABLE</u>		
<u>WILDFIRE HAZARD SEVERITY SCALE</u>		
<u>RATING</u>	<u>SLOPE</u>	<u>VEGETATION</u>
<u>1</u>	<u>less than or equal to 10%</u>	<u>Pinion-juniper</u>
<u>2</u>	<u>10.1 - 20%</u>	<u>Grass-sagebrush</u>
<u>3</u>	<u>greater than 20%</u>	<u>Mountain brush or softwoods</u>

<u>PROHIBITION/EXEMPTION TABLE</u>	
<u>RATING</u>	<u>WOOD ROOF PROHIBITION</u>
<u>less than or equal to 11</u>	<u>wood roofs are allowed</u>
<u>greater than or equal to 12</u>	<u>wood roofs are prohibited"</u>

2933 (b) IRC, Section R905.8, is deleted and replaced with the following: "R905.8 Wood
 2934 Shakes. The installation of wood shakes shall comply with the provisions of this section.
 2935 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the
 2936 following tables with a score of 9 for weather factors.

<u>TABLE</u>		
<u>WILDFIRE HAZARD SEVERITY SCALE</u>		
<u>RATING</u>	<u>SLOPE</u>	<u>VEGETATION</u>
<u>1</u>	<u>less than or equal to 10%</u>	<u>Pinion-juniper</u>
<u>2</u>	<u>10.1 - 20%</u>	<u>Grass-sagebrush</u>
<u>3</u>	<u>greater than 20%</u>	<u>Mountain brush or softwoods</u>

<u>PROHIBITION/EXEMPTION TABLE</u>	
<u>RATING</u>	<u>WOOD ROOF PROHIBITION</u>
<u>less than or equal to 11</u>	<u>wood roofs are allowed</u>
<u>greater than or equal to 12</u>	<u>wood roofs are prohibited"</u>

2947 (c) Appendix K is adopted.

2948 Section 84. Section 15A-4-207 is enacted to read:

2949 **15A-4-207. Amendments to IRC applicable to Sandy City.**

2950 The following amendment is adopted as an amendment to the IRC for Sandy City, a
 2951 new IRC, Section R324, is added as follows: "Section R324 IGNITION RESISTANT

2952 CONSTRUCTION
2953 R324.1 General. Buildings and structures constructed in areas designated as Wildland-Urban
2954 Interface Areas by Sandy City shall be constructed using ignition resistant construction as
2955 determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban
2956 Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to
2957 determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as
2958 modified herein, shall be used to determine the requirements for Ignition Resistant
2959 Construction.

2960 (i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new
2961 Section 504.1.1 is added as follows:

2962 504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure
2963 side of the structure, as determined by the Fire Marshal, where defensible space is less than 50
2964 feet as defined in Section 603 of the 2006 IWUIC.

2965 (ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION
2966 Subsections 505.5 and 505.7 are deleted."

2967 Section 85. Section **15A-4-301** is enacted to read:

2968 **Part 3. Local Amendments to IPC**

2969 **15A-4-301. General provision.**

2970 The amendments in this part are adopted as amendments to the IPC to be applicable to
2971 specified jurisdiction.

2972 Section 86. Section **15A-4-302** is enacted to read:

2973 **15A-4-302. Amendments to IPC applicable to Salt Lake City.**

2974 The following amendment is adopted as an amendment to the IPC for Salt Lake City,

2975 IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

2976 Section 87. Section **15A-4-303** is enacted to read:

2977 **15A-4-303. Amendments to IPC applicable to South Jordan.**

2978 The following amendments are adopted as amendments to the IPC for South Jordan:

2979 (1) IPC, Section 312.10.2, is deleted and replaced with the following: "312.10.2

2980 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve

2981 assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection

2982 backflow prevention assemblies, double check detector fire protection backflow prevention

2983 assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be

2984 tested at the time of installation, immediately after repairs or relocation and at least annually.

2985 The testing procedure shall be performed in accordance with one of the following standards:

2986 ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056,

2987 CSA-B64.10, or CSA-B64.10.1. Assemblies, other than the reduced pressure principle

2988 assembly, protecting lawn irrigation systems that fail the annual test shall be replaced with a

2989 reduced pressure principle assembly."

2990 (2) IPC, Section 608.16.5, is deleted and replaced with the following: "608.16.5

2991 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems

2992 shall be protected against backflow by a reduced pressure principle backflow preventer."

2993 Section 88. Section **15A-4-401** is enacted to read:

2994 **Part 4. Local Amendment to IMC**

2995 **15A-4-401. General provision.**

2996 No local amendments to the IMC are adopted.

2997 Section 89. Section **15A-4-501** is enacted to read:

2998 **Part 5. Local Amendment to IFGC**

2999 **15A-4-501. General provision.**

3000 No local amendments to the IFGC are adopted.

3001 Section 90. Section **15A-4-601** is enacted to read:

3002 **Part 6. Local Amendment to NEC**

3003 **15A-4-601. General provision.**

3004 No local amendments to the NEC are adopted.

3005 Section 91. Section **15A-4-701** is enacted to read:

3006 **Part 7. Local Amendment to IECC**

3007 **15A-4-701. General provision.**

3008 No local amendments to the IECC are adopted.

3009 Section 92. Section **15A-5-101** is enacted to read:

3010 **CHAPTER 5. STATE FIRE CODE ACT**

3011 **Part 1. General Provisions**

3012 **15A-5-101. Title -- Adoption of code.**

3013 In accordance with Chapter 1, Part 4, State Fire Code Administration Act, the

3014 Legislature repeals the State Fire Code in effect on July 1, 2010, and adopts this chapter as the
3015 State Fire Code.

3016 Section 93. Section **15A-5-102** is enacted to read:

3017 **15A-5-102. Definitions.**

3018 As used in this chapter:

3019 (1) "Appreciable depth" means a depth greater than 1/4 inch.

3020 (2) "AHJ" means "authority having jurisdiction," which is:

3021 (a) the State Fire Marshal;

3022 (b) an authorized deputy of the State Fire Marshal; or

3023 (c) the local fire enforcement authority.

3024 (3) "Division" means the State Fire Marshal Division created in Section 53-7-103.

3025 (4)(a) "Dwelling Unit" means one or more rooms arranged for the use of one or more
3026 individuals living together, as in a single housekeeping unit normally having cooking, living,
3027 sanitary, and sleeping facilities.

3028 (b) "Dwelling unit" includes a hotel room, dormitory room, apartment, condominium,
3029 sleeping room in a nursing home, or similar living unit.

3030 (5) "IFC" means the edition of the International Fire Code adopted under Section

3031 15A-5-103.

3032 (6) "NFPA" means the edition of the National Fire Protection Association adopted
3033 under Section 15A-5-103.

3034 (7) "UL" means Underwriters Laboratories, Inc.

3035 Section 94. Section **15A-5-103** is enacted to read:

3036 **15A-5-103. Nationally recognized codes incorporated by reference.**

3037 The following codes are incorporated by reference into the State Fire Code:

3038 (1) the International Fire Code, 2009 edition, excluding appendices, as issued by the
3039 International Code Council, Inc., except as amended by Part 2, Statewide Amendments and
3040 Additions to IFC Incorporated as Part of State Fire Code;

3041 (2) National Fire Protection Association, NFPA 96, Standard for Ventilation Control
3042 and Fire Protection of Commercial Cooking Operations, 2008 edition, except as amended by
3043 Part 3, Statewide Amendments and Additions to NFPA Incorporated as Part of State Fire Code;
3044 and

3045 (3) National Fire Protection Association, NFPA 1403, Standard on Live Fire Training
3046 Evolutions, 2007 edition, except as amended by Part 3, Statewide Amendments and Additions
3047 to NFPA Incorporated as Part of State Fire Code.

3048 Section 95. Section **15A-5-201** is enacted to read:

3049 **Part 2. Statewide Amendments and Additions to IFC Incorporated as**
3050 **Part of State Fire Code**

3051 **15A-5-201. General provisions.**

3052 The amendments and additions in this part to the IFC are adopted for application
3053 statewide.

3054 Section 96. Section **15A-5-202** is enacted to read:

3055 **15A-5-202. Amendments and additions to IFC related to administration, permits,**
3056 **definitions, general, and emergency planning.**

3057 (1) For IFC, Scope and Administration:

3058 (a) IFC, Chapter 1, Section 105.6.16, Flammable and combustible liquids, is amended

3059 to add the following section: "12. The owner of an underground tank that is out of service for
3060 longer than one year shall receive a Temporary Closure Notice from the Department of
3061 Environmental Quality and a copy shall be given to the AHJ."

3062 (b) IFC, Chapter 1, Section 109.2, Notice of violation, is amended as follows: On line
3063 three, after the words "is in violation of this code," insert in the section the phrase "or other
3064 pertinent laws or ordinances".

3065 (2) For IFC, Definitions:

3066 (a) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3067 Educational Group E, Day care, is amended as follows: On line three delete the word "five"
3068 and replace it with the word "four".

3069 (b) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3070 Institutional Group I, Group I-1, is amended as follows: On line 10 add "Type I" in front of the
3071 words "Assisted living facilities".

3072 (c) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3073 Institutional Group I, Group I-2, is amended as follows:

3074 (i) On line three delete the word "for" and insert the following into the sentence "on a
3075 24-hour basis of more than three".

3076 (ii) On line 10, after the words "Nursing homes", add the following: "both intermediate
3077 nursing care and skilled nursing care facilities, ambulatory surgical centers with five or more
3078 operating rooms where care is less than 24 hours, and Type II assisted living facilities. Type II
3079 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type II
3080 assisted living facilities with at least six and not more than 16 residents shall be classified as a
3081 Group I-1 facility".

3082 (d) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3083 Institutional Group I, Group I-4, Day care facilities, Child care facility, is amended as follows:

3084 (i) On line three delete the word "five" and replace it with the word "four".

3085 (ii) On line two of the exception delete the word "five" and replace it with the word
3086 "four".

3087 (e) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
3088 Residential Group R, R-2, is amended to add the following: "Exception: Boarding houses
3089 accommodating 10 persons or less shall be classified as Residential Group R-3."

3090 (3) For IFC, General Requirements:

3091 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six
3092 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for
3093 Wildland Fire Ordinance".

3094 (b) IFC, Chapter 3, Section 311.1.1, Abandoned premises, is amended as follows: On
3095 line 10 delete the words "International Property Maintenance Code and the".

3096 (c) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete
3097 the word "shall" and replace it with the word "may".

3098 (d) IFC, Chapter 3, Section 315.2.1, Ceiling clearance, is amended to add the
3099 following: "Exception: Where storage is not directly below the sprinkler heads, storage is
3100 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler
3101 heads in occupancies meeting classification as light or ordinary hazard."

3102 Section 97. Section **15A-5-203** is enacted to read:

3103 **15A-5-203. Amendments and additions to IFC related to fire safety, building, and**
3104 **site requirements.**

3105 (1) For IFC, Emergency Planning and Preparedness:

3106 (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as
3107 follows: After the word "buildings" add "to include sororities and fraternity houses".

3108 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following
3109 footnotes:

3110 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation
3111 drill conducted at least every two months, to a total of four emergency evacuation drills during
3112 the nine-month school year. The first emergency evacuation drill shall be conducted within 10
3113 school days of the beginning of classes."

3114 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the

3115 monthly required emergency evacuation drill can be substituted by a security or safety drill to
3116 include shelter in place, earthquake drill, or lock down for violence. The routine emergency
3117 evacuation drill for fire must be conducted at least every other evacuation drill."

3118 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are
3119 required to have one emergency evacuation drill per year, provided the following conditions are
3120 met:

3121 (A) The building has a fire alarm system in accordance with Section 907.2.

3122 (B) The rooms classified as assembly shall have fire safety floor plans as required in
3123 Section 404.3.2(4) posted.

3124 (C) The building is not classified a high-rise building.

3125 (D) The building does not contain hazardous materials over the allowable quantities by
3126 code."

3127 (2) For IFC, Fire Service Features:

3128 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as
3129 follows: "An authority having jurisdiction over a structure built in accordance with the
3130 requirements of the International Residential Code as adopted in the State Construction Code,
3131 may require an automatic fire sprinkler system for the structure only by ordinance and only if
3132 any of the following conditions exist:

3133 (i) the structure:

3134 (A) is located in an urban-wildland interface area as provided in the Utah Wildland
3135 Urban Interface Code adopted as a construction code under the State Construction Code; and

3136 (B) does not meet the requirements described in Utah Code, Subsection
3137 65A-8-203(3)(a) and Utah Administrative Code, R652-122-200, Minimum Standards for
3138 Wildland Fire Ordinance;

3139 (ii) the structure is in an area where a public water distribution system with fire
3140 hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main
3141 Design;

3142 (iii) the only fire apparatus access road has a grade greater than 10% for more than 500

3143 continual feet; or

3144 (iv) (A) the water supply to the structure does not provide at least 500 gallons fire flow
3145 per minute for a minimum of 30 minutes, if the total square foot living space of the structure is
3146 equal to or less than 5,000 square feet;

3147 (B) the water supply to the structure does not provide at least 750 gallons per minute
3148 fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 5,000
3149 square feet, but is equal to or less than 10,000 square feet; or

3150 (C) the water supply to the structure does not provide at least 1,000 gallons per minute
3151 fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 10,000
3152 square feet.

3153 (b) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings,
3154 is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling
3155 when the authority having jurisdiction over the dwelling determines that the development of a
3156 full fire-flow requirement is impractical."

3157 (c) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as
3158 follows "Total water supply requirements shall not exceed the fire flows described in Section
3159 501.5(iv) for the largest one- or two-family dwelling, protected by an automatic fire sprinkler
3160 system, on a subdivision lot platted before December 31, 1980, unless the municipality or
3161 county in which the lot is located provides the required fire flow capacity."

3162 (3) For IFC, Building Services and Systems:

3163 (a) IFC, Chapter 6, Section 607.4, Elevator keys, is deleted and rewritten as follows:
3164 "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or similar box
3165 with corresponding key system that is adjacent to the elevator for immediate use by the fire
3166 department. The key box shall contain one key for each elevator, one key for lobby control,
3167 and any other keys necessary for emergency service. The elevator key box shall be accessed
3168 using a 6049 numbered key. All existing elevator key box locks that do not use the numbered
3169 6049 key shall be changed to the 6049 key by December 31, 2011."

3170 (b) IFC, Chapter 6, Section 609.1, General, is amended as follows: On line three, after

3171 the word "Code", add the words "and NFPA 96".

3172 (4) For IFC, Fire-Resistance-Rated Construction, IFC, Chapter 7, Section 703.2, is
3173 amended to add the following: "Exception: In Group E Occupancies, where the corridor serves
3174 an occupant load greater than 30 and the building does not have an automatic fire sprinkler
3175 system installed, the door closers may be of the friction hold-open type on classrooms' doors
3176 with a rating of 20 minutes or less only."

3177 Section 98. Section **15A-5-204** is enacted to read:

3178 **15A-5-204. Amendments and additions to IFC related to fire protection systems.**

3179 For IFC, Fire Protection Systems:

3180 (1) IFC, Chapter 9, Section 901.2, Construction documents, is amended to add the
3181 following at the end of the section: "The code official has the authority to request record
3182 drawings ("as built") to verify any modifications to the previously approved construction
3183 documents."

3184 (2) IFC, Chapter 9, Section 902.1, Definitions, RECORD DRAWINGS, is deleted and
3185 rewritten as follows: "Drawings ("as built") that document all aspects of a fire protection
3186 system as installed."

3187 (3) IFC, Chapter 9, Section 903.2.1.2, Group A-2, is amended to add the following
3188 subsection: "4. An automatic fire sprinkler system shall be provided throughout Group A-2
3189 occupancies where indoor pyrotechnics are used."

3190 (4) IFC, Chapter 9, Section 903.2.2, Group B ambulatory health care facilities, is
3191 amended as follows: On line three delete the words "all fire areas" and replace with the word
3192 "buildings".

3193 (5) IFC, Chapter 9, Section 903.2.4, Group F-1, Subsection 2, is deleted and rewritten
3194 as follows: "A Group F-1 fire area is located more than three stories above the lowest level of
3195 fire department vehicle access."

3196 (6) IFC, Chapter 9, Section 903.2.7, Group M, Subsection 2, is deleted and rewritten as
3197 follows: "A Group M fire area is located more than three stories above the lowest level of fire
3198 department vehicle access."

3199 (7) IFC, Chapter 9, Section 903.2.8 Group R, is amended to add the following:
3200 "Exception: Detached one- and two-family dwellings and multiple single-family dwellings
3201 (townhouses) constructed in accordance with the International Residential Code for one- and
3202 two-family dwellings."

3203 (8) IFC, Chapter 9, Section 903.2.8, Group R, is amended to add a second exception as
3204 follows: "Exception: Group R-4 fire areas not more than 4,500 gross square feet and not
3205 containing more than 16 residents, provided the building is equipped throughout with an
3206 approved fire alarm system that is interconnected and receives its primary power from the
3207 building wiring and a commercial power system."

3208 (9) IFC, Chapter 9, Section 903.2.9, Group S-1, Subsection 2, is deleted and rewritten
3209 as follows: "A Group S-1 fire area is located more than three stories above the lowest level of
3210 fire department vehicle access."

3211 (10) (a) IFC, Chapter 9, Section 903.2.10, Group S-2 enclosed parking garages, is
3212 deleted and rewritten as follows: "An automatic sprinkler system shall be provided throughout
3213 buildings classified as parking garages in accordance with Section 406.2 of the International
3214 Building Code or where located beneath other groups."

3215 (b) IFC, Chapter 9, Section 903.2.10, Group S-2 enclosed parking garages, the
3216 exception is deleted and rewritten as follows: "Exception: Parking garages of less than 5,000
3217 square feet (464m²) accessory to Group R-3 occupancies."

3218 (c) IFC, Chapter 9, Section 903.2.10, Group S-2 enclosed parking garages, is amended
3219 to add a second exception, as follows: "Exception: Open parking garages not located beneath
3220 other groups if one of the following conditions are met:

- 3221 1. Access is provided for fire fighting operations to within 150 feet (45,720mm) of all portions
3222 of the parking garage as measured from the approved fire department vehicle access, or
3223 2. Class I standpipes are installed throughout the parking garage."

3224 (11) IFC, Chapter 9, Section 903.2.10.1, Commercial parking garages, is deleted and
3225 rewritten as follows: "An automatic sprinkler system shall be provided throughout buildings
3226 used for storage of commercial trucks or buses."

3227 (12) IFC, Chapter 9, Section 903.3.1.1 is amended by adding the following subsection:
3228 "903.3.1.1.2 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in
3229 new construction in the dwelling unit portion of an occupancy, installed in accordance with
3230 NFPA 13, is allowed up to 20 heads. The number of sprinkler heads can be expanded as
3231 permitted by the AHJ. The mixture of the antifreeze shall be limited to a maximum
3232 concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration
3233 of antifreeze to be increased due to temperature concerns."

3234 (13) IFC, Chapter 9, Section 903.3.1.2 is amended by adding the following subsection:
3235 "903.3.1.2.2 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in
3236 new construction in the dwelling unit portion of an occupancy, installed in accordance with
3237 NFPA 13R, is allowed up to 20 heads. The number of sprinkler heads can be expanded as
3238 permitted by the AHJ. The mixture of the antifreeze shall be limited to a maximum
3239 concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration
3240 of antifreeze to be increased due to temperature concerns."

3241 (14) IFC, Chapter 9, Section 903.3.1.3 is amended by adding the following subsection:
3242 "903.3.1.3.1 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in
3243 new construction installed in accordance with NFPA 13D is allowed up to 20 heads. The
3244 number of sprinkler heads can be expanded as permitted by the AHJ. The mixture of the
3245 antifreeze shall be limited to a maximum concentration of 40% propylene glycol or 50%
3246 glycerin. The AHJ can allow the concentration of antifreeze to be increased due to temperature
3247 concerns."

3248 (15) IFC, Chapter 9, Section 903.3.5, Water supplies, is amended as follows: On line
3249 six, after the word "Code", add "and as amended in Utah's State Construction Code".

3250 (16) IFC, Chapter 9, Section 903.5 is amended to add the following subsection:
3251 "903.5.1 Antifreeze Replacement. Whenever the automatic sprinkler system protecting
3252 residences and dwelling units of mixed occupancies that use antifreeze is drained, the
3253 replacement antifreeze shall be properly mixed and tested, but shall not exceed a maximum
3254 concentration of 40% propylene glycol or a maximum concentration of 50% glycerin. The

3255 AHJ can allow the concentration of antifreeze to be increased due to temperature concerns."

3256 (17) IFC, Chapter 9, Section 903.6, Existing Buildings, and Chapter 46, Section

3257 4603.4, Sprinkler systems, are amended to add the following subsection to each section:

3258 "903.6.3 Group A-2 and 4603.4.3 Group A-2. An automatic fire sprinkler system shall be

3259 provided throughout existing Group A-2 occupancies where indoor pyrotechnics are used."

3260 (18) IFC, Chapter 9, Section 904.11, Commercial cooking systems, is deleted and

3261 rewritten as follows: "The automatic fire extinguishing system for commercial cooking systems

3262 shall be of a type recognized for protection of commercial cooking equipment and exhaust

3263 systems. Pre-engineered automatic extinguishing systems shall be tested in accordance with

3264 UL300 and listed and labeled for the intended application. The system shall be installed in

3265 accordance with this code, its listing and the manufacturer's installation instructions. The

3266 exception in Section 904.11 is not deleted and shall remain as currently written in the IFC."

3267 (19) IFC, Chapter 9, Section 904.11.3, Carbon dioxide systems, and Section

3268 904.11.3.1, Ventilation system, are deleted and rewritten as follows:

3269 (a) "Existing automatic fire extinguishing systems used for commercial cooking that

3270 use dry chemical are prohibited and shall be removed from service."

3271 (b) "Existing wet chemical fire extinguishing systems used for commercial cooking

3272 that are not UL300 listed and labeled are prohibited and shall be either removed or upgraded to

3273 a UL300 listed and labeled system."

3274 (20) IFC, Chapter 9, Section 904.11.4, Special provisions for automatic sprinkler

3275 systems, is amended to add the following subsection: "904.11.4.2 Existing automatic fire

3276 sprinkler systems protecting commercial cooking equipment, hood, and exhaust systems that

3277 generate appreciable depth of cooking oils shall be replaced with a UL300 system that is listed

3278 and labeled for the intended application."

3279 (21) IFC, Chapter 9, Section 904.11.6.2, Extinguishing system service, is amended to

3280 add the following: "Exception: Automatic fire extinguishing systems located in occupancies

3281 where usage is limited and less than six consecutive months may be serviced annually if the

3282 annual service is conducted immediately before the period of usage, and approval is received

3283 from the AHJ."

3284 (22) IFC, Chapter 9, Section 905.11, Existing buildings, and IFC, Chapter 46, Section
3285 4603.5, Standpipes, are deleted.

3286 (23) IFC, Chapter 9, Section 907.3, Where required in existing buildings and
3287 structures, is deleted, and IFC, Chapter 46, Section 4603.6, Fire alarm systems, is deleted and
3288 rewritten as follows: "An approved automatic fire detection system shall be installed in
3289 accordance with the provisions of this code and NFPA 72. Devices, combinations of devices,
3290 appliances, and equipment shall be approved. The automatic fire detectors shall be smoke
3291 detectors, except an approved alternative type of detector shall be installed in spaces such as
3292 boiler rooms where, during normal operation, products of combustion are present in sufficient
3293 quantity to actuate a smoke detector."

3294 (24) IFC, Chapter 9, Section 907.9.5, Maintenance, inspection, and testing, is amended
3295 to add the following sentences at the end of the section: "Increases in nuisance alarms shall
3296 require the fire alarm system to be tested for sensitivity. Fire alarm systems that continue after
3297 sensitivity testing with unwarranted nuisance alarms shall be replaced as directed by the AHJ."

3298 (25) IFC, Chapter 9, Section 907.10, Carbon monoxide alarms, is added as follows:
3299 "Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or
3300 sleeping unit in Groups R-2, R-3, R-4, and I-1 equipped with fuel burning appliances.
3301 901.10.21.1. If more than one carbon monoxide detector is required, they shall be
3302 interconnected as required in IFC, Chapter 9, Section 907.2.11.3.
3303 901.10.21.2. In new construction, carbon monoxide detectors shall receive their primary power
3304 as required in IFC, Chapter 9, Section 907.2.11.4.
3305 901.10.21.3. Upon completion of the installation, the carbon monoxide detector system will
3306 meet the requirements listed in NFPA 720, Installation of Carbon Monoxide Detection and
3307 Warning Equipment and UL2034, Standard for Single and Multiple Station Carbon Monoxide
3308 Alarms."

3309 Section 99. Section **15A-5-205** is enacted to read:

3310 **15A-5-205. Amendments and additions to IFC related to means of egress and**

3311 **special processes and uses.**

3312 For IFC, Means of Egress:

3313 (1) IFC, Chapter 10, Section 1008.1.9.6, Special locking arrangements in Group I-2, is
3314 amended as follows:

3315 (a) The section title "Special locking arrangements in Group I-2." is rewritten to read
3316 "Special locking arrangements in Groups I-1 and I-2."

3317 (b) On line three, after the word "Group", add the words "I-1 and".

3318 (c) On line two and line four delete the word "delayed" and replace it with the word
3319 "controlled".

3320 (d) Beginning on line 11, the entire sentence that begins with "A building occupant" is
3321 deleted.

3322 (e) After existing Item 6 add Item 7 as follows: "7. The secure area or unit with
3323 controlled egress doors shall be located at the level of exit discharge in Type V construction."

3324 (2) In IFC, Chapter 10, Section 1008.1.9.7, Delayed egress locks, Item 7 is added after
3325 the existing Item 6 as follows: "7. The secure area or unit with delayed egress locks shall be
3326 located at the level of exit discharge in Type V construction."

3327 (3) IFC, Chapter 10, Section 1009.4.2, Riser height and tread depth, is amended as
3328 follows:

3329 (a) On line six of Exception 5 delete "7¾ inches (197mm)" and replace it with "8
3330 inches".

3331 (b) On line seven of Exception 5 delete "10 inches (254mm)" and replace it with "9
3332 inches".

3333 (4) IFC, Chapter 10, Section 1009.12, Handrails, is amended to add the following
3334 exception: "6. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies
3335 in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2,
3336 handrails shall be provided on at least one side of stairways consisting of four or more risers."

3337 (5) IFC, Chapter 10, Section 1013.2, Height, is amended to add the following
3338 exception: "5. For occupancies in Group R-3 and within individual dwelling units in

3339 occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier
3340 not less than 36 inches (914mm)."

3341 (6) IFC, Chapter 10, Section 1015.2.2, Three or more exits or exit access doorways, is
3342 amended to add the following sentence at the end of the section: "Additional exits or exit
3343 access doorways shall be arranged a reasonable distance apart so that if one becomes blocked,
3344 the others will be available."

3345 (7) IFC, Chapter 10, Section 1024, Luminous Egress Path Markings, is deleted.

3346 (8) IFC, Chapter 10, Section 1030.2, Reliability, is amended to add the following: On
3347 line six, after the word "fire", add the words "and building".

3348 Section 100. Section **15A-5-206** is enacted to read:

3349 **15A-5-206. Amendments and additions to IFC related to hazardous materials,**
3350 **explosives, fireworks, and flammable and combustible liquids.**

3351 (1) For IFC, Explosives and Fireworks, IFC, Chapter 33, Section 3301.1.3, Fireworks,
3352 Exception 4 is amended to add the following sentence at the end of the exception: "The use of
3353 fireworks for display and retail sales is allowed as set forth in Utah Code, Title 53, Chapter 7,
3354 Utah Fire Prevention and Safety Act, Sections 53-7-220 through 53-7-225; Utah Code, Title
3355 11, Chapter 3, County and Municipal Fireworks Act; Utah Administrative Code, R710-2; and
3356 the State Fire Code."

3357 (2) For IFC, Flammable and Combustible Liquids:

3358 (a) IFC, Chapter 34, Section 3401.4, Permits, is amended to add the following at the
3359 end of the section: "The owner of an underground tank that is out of service for longer than one
3360 year shall receive a Temporary Closure Notice from the Department of Environmental Quality,
3361 and a copy shall be given to the AHJ."

3362 (b) IFC, Chapter 34, Section 3406.1, General, is amended to add the following special
3363 operation: "8. Sites approved by the AHJ".

3364 (c) IFC, Chapter 34, Section 3406.2, Storage and dispensing of flammable and
3365 combustible liquids on farms and construction sites, is amended to add the following: On line
3366 five, after the words "borrow pits", add the words "and sites approved by the AHJ".

3367 (3) For IFC, Liquefied Petroleum Gas:

3368 (a) IFC, Chapter 38, Section 3801.2, Permits, is amended as follows: On line two, after
3369 the word "105.7", add "and the adopted LP Gas rules".

3370 (b) IFC, Chapter 38, Section 3803.1, General, is deleted and rewritten as follows:

3371 "General. LP Gas equipment shall be installed in accordance with NFPA 54, NFPA 58, the
3372 adopted LP Gas rules, and the International Fuel Gas Code, except as otherwise provided in
3373 this chapter."

3374 (c) Chapter 38, Section 3809.12, Location of storage outside of buildings, is amended
3375 as follows: In Table 3809.12, Doorway or opening to a building with two or more means of
3376 egress, with regard to quantities 720 or less and 721 -- 2,500, the currently stated "5" is deleted
3377 and replaced with "10".

3378 (d) IFC, Chapter 38, Section 3809.14, Alternative location and protection of storage, is
3379 amended as follows: Delete "20" from line three and replace it with "10".

3380 (e) IFC, Chapter 38, Section 3810.1, Temporarily out of service, is amended as
3381 follows: On line two, after the word "discontinued", add the words "for more than one year or
3382 longer as allowed by the AHJ,".

3383 Section 101. Section **15A-5-207** is enacted to read:

3384 **15A-5-207. Amendments and additions to IFC related to existing buildings and**
3385 **referenced standards.**

3386 IFC, Chapter 47, Referenced Standards, is amended as follows:

3387 (1) Under the heading NFPA - National Fire Protection Association, delete the existing
3388 "Standard reference number" with regard to the edition and replace it with the following:

3389 (a) "NFPA, Standard 10, Portable Fire Extinguishers, 2010 edition";

3390 (b) "NFPA, Standard 11, Low-, Medium- and High-expansion Foam, 2010 edition";

3391 (c) "NFPA, Standard 12, Carbon Dioxide Extinguishing Systems, 2008 edition";

3392 (d) "NFPA, Standard 12A, Halon 1301 Fire Extinguishing System, 2009 edition";

3393 (e) "NFPA, Standard 13, Installation of Sprinkler Systems, 2010 edition";

3394 (f) "NFPA, Standard 13D, Installation of Sprinkler Systems in One- and Two-family

3395 Dwellings and Manufactured Homes, 2010 edition";
3396 (g) "NFPA, Standard 13R, Installation of Sprinkler Systems in Residential
3397 Occupancies up to and Including Four Stories in Height, 2010 edition";
3398 (h) "NFPA, Standard 14, Installation of Standpipe and Hose Systems, 2010 edition";
3399 (i) "NFPA, Standard 17, Dry Chemical Extinguishing Systems, 2009 edition";
3400 (j) "NFPA, Standard 17A, Wet Chemical Extinguishing Systems, 2009 edition";
3401 (k) "NFPA, Standard 20, Installation of Stationary Pumps for Fire Protection, 2010
3402 edition";
3403 (l) "NFPA, Standard 22, Water Tanks for Private Fire Protection, 2008 edition";
3404 (m) "NFPA, Standard 24, Installation of Private Fire Service Mains and Their
3405 Appurtenances, 2010 edition";
3406 (n) "NFPA, Standard 72, National Fire Alarm Code, 2010 edition," all "Referenced in
3407 code section numbers" remain the same, except the exclusion of Table 508.1.5;
3408 (o) "NFPA, Standard 92B, Smoke Management Systems in Malls, Atria and Large
3409 Spaces, 2009 edition";
3410 (p) "NFPA, Standard 101, Life Safety Code, 2009 edition";
3411 (q) "NFPA, Standard 110, Emergency and Standby Power Systems, 2010 edition";
3412 (r) "NFPA 720, Installation of Carbon Monoxide (CO) Detection and Warning
3413 Equipment, 2009 edition";
3414 (s) "NFPA, Standard 750, Water Mist Fire Protection Systems, 2010 edition"; and
3415 (t) "NFPA, Standard 1123, Fireworks Display, 2010 edition."
3416 (2) Under the heading UL -- Underwriters Laboratories, Inc., add the following:
3417 "UL2034, Standard for Single and Multiple Station Carbon Monoxide Alarms, 1998."
3418 Section 102. Section **15A-5-301** is enacted to read:
3419 **Part 3. Amendments and Additions to NFPA Incorporated as Part of State Fire Code**
3420 **15A-5-301. General provisions.**
3421 The amendments and additions in this part to the NFPA are adopted for application
3422 statewide.

3423 Section 103. Section **15A-5-302** is enacted to read:

3424 **15A-5-302. Amendments and additions to NFPA related to National Fire Alarm**
3425 **Code.**

3426 For NFPA 72, National Fire Alarm Code:

3427 (1) NFPA 72, Chapter 2, Section 2.2, NFPA Publications, is amended to add the
3428 following NFPA standard: "NFPA 20, Standard for the Installation of Stationary Pumps for
3429 Fire Protection, 2007 edition."

3430 (2) NFPA 72, Chapter 4, Section 4.3.2, System Designer, Subsection 4.3.2.2(2), is
3431 deleted and rewritten as follows: "National Institute of Certification in Engineering
3432 Technologies (NICET) fire alarm level II certified personnel."

3433 (3) NFPA 72, Chapter 4, Section 4.3.3, System Installer, Subsection 4.3.3(2), is deleted
3434 and rewritten as follows: "National Institute of Certification in Engineering Technologies
3435 (NICET) fire alarm level II certified personnel."

3436 (4) NFPA 72, Chapter 4, Section 4.4.3.7, Alarm Signal Deactivation, Subsection
3437 4.4.3.7.2, is amended to add the following sentence: "When approved by the AHJ, the audible
3438 notification appliances may be deactivated during the investigation mode to prevent
3439 unauthorized reentry into the building."

3440 (5) NFPA 72, Chapter 4, Section 4.4.5, Protection of Fire Alarm System, is deleted and
3441 rewritten as follows: "Automatic smoke detection shall be provided at the location of each fire
3442 alarm control unit(s), notification appliance circuit power extenders, and supervising station
3443 transmitting equipment to provide notification of fire at the location."

3444 (6) In NFPA 72, Chapter 4, Section 4.4.5, a new Exception 1 is added as follows:
3445 "When ambient conditions prohibit installation of automatic smoke detection, automatic heat
3446 detection shall be permitted."

3447 (7) In NFPA 72, Chapter 6, Section 6.8.5.9, Signal Initiation -- Fire Pump, Subsection
3448 6.8.5.9.3 is added as follows: "Automatic fire pumps shall be supervised in accordance with
3449 NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, and the AHJ."

3450 (8) NFPA 72, Chapter 7, Section 7.4.1, General Requirements, Subsection 7.4.1.2, is

3451 amended as follows: On line three delete "110dBA" and replace it with "120dBA".

3452 (9) NFPA 72, Chapter 8, Section 8.3.4, Indication of Central Station Service,
3453 Subsection 8.3.4.7 is amended as follows: On line two, after the word "notified", insert the
3454 words "without delay".

3455 (10) NFPA 72, Chapter 10, Section 10.2.2.5, Service Personnel Qualifications and
3456 Experience, Subsection 10.2.2.5.1, is deleted and rewritten as follows: "Service personnel shall
3457 be qualified and experienced in the inspection, testing, and maintenance of fire alarm systems.
3458 Qualified personnel shall meet the certification requirements stated in Utah Administrative
3459 Code, R710-11-3, Fire Alarm System Inspecting and Testing."

3460 Section 104. Section **15A-5-303** is enacted to read:

3461 **15A-5-303. Amendments and additions to NFPA related to manufacture,**
3462 **transportation, storage, and retail sales of fireworks.**

3463 (1) For purposes of this section and subject to Subsection (2), the Utah Fire Prevention
3464 Board shall adopt standards by rule for the retail sales of consumer fireworks, and in doing so,
3465 shall consider the applicable provisions of NFPA 1124, Chapter 7, Retail Sales of Consumer
3466 Fireworks.

3467 (2) NFPA 1124 Manufacture, Transportation, Storage, and Retail Sales of Fireworks
3468 and Pyrotechnic Articles:

3469 (a) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
3470 Fireworks, Subsection 7.2.8 is added as follows: "Display of Class C common state approved
3471 explosives inside of buildings protected throughout with an automatic fire sprinkler system
3472 shall not exceed 25% of the area of the retail sales floor or exceed 600 square feet, whichever is
3473 less."

3474 (b) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
3475 Fireworks, Subsection 7.2.9 is added as follows: "Rack storage of Class C common state
3476 approved explosives inside of buildings is prohibited."

3477 (c) NFPA 1124, Chapter 7, Section 7.3.1, Exempt Amounts, Subsection 7.3.1.1, is
3478 deleted and rewritten as follows: "Display of Class C common state approved explosives inside

3479 of buildings not protected with an automatic fire sprinkler system shall not exceed 125 pounds
 3480 of pyrotechnic composition."

3481 (d) NFPA 1124, Chapter 7, Section 7.3.15.2, Height of Sales Displays, Subsection
 3482 7.3.15.2.2, is amended as follows: On line three delete "12 ft. (3.66m)" and replace it with "6
 3483 ft.".

3484 Section 105. Section **15A-5-401** is enacted to read:

3485 **Part 4. Local Ordinances**

3486 **15A-5-401. Grandfathering of local ordinances related to automatic sprinkler**
 3487 **systems.**

3488 An ordinance adopted by a legislative body of a political subdivision that is in effect on
 3489 June 30, 2010, and that imposes a requirement related to an automatic sprinkler system for a
 3490 structure built in accordance with the requirements of the International Residential Code as
 3491 adopted in the State Construction Code may remain in effect on or after July 1, 2010,
 3492 notwithstanding that the ordinance is not authorized under Subsection 15A-5-203(2).

3493 Section 106. Section **17-27a-513** is amended to read:

3494 **17-27a-513. Manufactured homes.**

3495 (1) For purposes of this section, a manufactured home is the same as defined in Section
 3496 ~~[58-56-3]~~ 15A-1-302, except that the manufactured home must be attached to a permanent
 3497 foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and
 3498 frost protection in compliance with the applicable building code. All appendages, including
 3499 carports, garages, storage buildings, additions, or alterations must be built in compliance with
 3500 the applicable building code.

3501 (2) A manufactured home may not be excluded from any land use zone or area in
 3502 which a single-family residence would be permitted, provided the manufactured home
 3503 complies with all local land use ordinances, building codes, and any restrictive covenants,
 3504 applicable to a single-family residence within that zone or area.

3505 (3) A county may not:

3506 (a) adopt or enforce an ordinance or regulation that treats a proposed development that

3507 includes manufactured homes differently than one that does not include manufactured homes;
3508 or

3509 (b) reject a development plan based on the fact that the development is expected to
3510 contain manufactured homes.

3511 Section 107. Section **26-15-3** is amended to read:

3512 **26-15-3. Department to advise regarding the plumbing code.**

3513 (1) The department shall advise the Division of Occupational and Professional
3514 Licensing and the Uniform Building Code Commission with respect to the adoption of a state
3515 construction code under Section [~~58-56-4~~] 15A-1-204, including providing recommendations
3516 as to:

3517 (a) a specific edition of a plumbing code issued by a nationally recognized code
3518 authority; and

3519 (b) any amendments to a nationally recognized code.

3520 (2) The department may enforce the plumbing code adopted under Section [~~58-56-4~~]
3521 15A-1-204.

3522 (3) Section 58-56-9 does not apply to health inspectors acting under this section.

3523 Section 108. Section **26A-1-113** is amended to read:

3524 **26A-1-113. Right of entry to regulated premises by representatives for inspection.**

3525 (1) Upon presenting proper identification, authorized representatives of local health
3526 departments may enter upon the premises of properties regulated by local health departments to
3527 perform routine inspections to insure compliance with rules, standards, regulations, and
3528 ordinances as adopted by the Departments of Health and Environmental Quality, local boards
3529 of health, county or municipal governing bodies, or administered by the Division of
3530 Occupational and Professional Licensing under [~~Section 58-56-4~~] Title 15A, Chapter 1, Part 2,
3531 State Construction Code Administration Act.

3532 (2) Section 58-56-9 does not apply to health inspectors acting under this section.

3533 (3) This section does not authorize local health departments to inspect private
3534 dwellings.

3535 Section 109. Section **26A-1-114** is amended to read:

3536 **26A-1-114. Powers and duties of departments.**

3537 (1) A local health department may:

3538 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
3539 department rules, and local health department standards and regulations relating to public
3540 health and sanitation, including the plumbing code administered by the Division of
3541 Occupational and Professional Licensing under [~~Section 58-56-4~~] Title 15A, Chapter 1, Part 2,
3542 State Construction Code Administration Act, and under Title 26, Chapter 15a, Food Safety
3543 Manager Certification Act, in all incorporated and unincorporated areas served by the local
3544 health department;

3545 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical
3546 control over property and over individuals as the local health department finds necessary for
3547 the protection of the public health;

3548 (c) establish and maintain medical, environmental, occupational, and other laboratory
3549 services considered necessary or proper for the protection of the public health;

3550 (d) establish and operate reasonable health programs or measures not in conflict with
3551 state law which:

3552 (i) are necessary or desirable for the promotion or protection of the public health and
3553 the control of disease; or

3554 (ii) may be necessary to ameliorate the major risk factors associated with the major
3555 causes of injury, sickness, death, and disability in the state;

3556 (e) close theaters, schools, and other public places and prohibit gatherings of people
3557 when necessary to protect the public health;

3558 (f) abate nuisances or eliminate sources of filth and infectious and communicable
3559 diseases affecting the public health and bill the owner or other person in charge of the premises
3560 upon which this nuisance occurs for the cost of abatement;

3561 (g) make necessary sanitary and health investigations and inspections on its own
3562 initiative or in cooperation with the Department of Health or Environmental Quality, or both,

3563 as to any matters affecting the public health;

3564 (h) pursuant to county ordinance or interlocal agreement:

3565 (i) establish and collect appropriate fees for the performance of services and operation
3566 of authorized or required programs and duties;

3567 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,
3568 property, services, or materials for public health purposes; and

3569 (iii) make agreements not in conflict with state law which are conditional to receiving a
3570 donation or grant;

3571 (i) prepare, publish, and disseminate information necessary to inform and advise the
3572 public concerning:

3573 (i) the health and wellness of the population, specific hazards, and risk factors that may
3574 adversely affect the health and wellness of the population; and

3575 (ii) specific activities individuals and institutions can engage in to promote and protect
3576 the health and wellness of the population;

3577 (j) investigate the causes of morbidity and mortality;

3578 (k) issue notices and orders necessary to carry out this part;

3579 (l) conduct studies to identify injury problems, establish injury control systems,
3580 develop standards for the correction and prevention of future occurrences, and provide public
3581 information and instruction to special high risk groups;

3582 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
3583 within the jurisdiction of the boards;

3584 (n) cooperate with the state health department, the Department of Corrections, the
3585 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
3586 Victim Reparations Board to conduct testing for HIV infection of convicted sexual offenders
3587 and any victims of a sexual offense;

3588 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and

3589 (p) provide public health assistance in response to a national, state, or local emergency,
3590 a public health emergency as defined in Section 26-23b-102, or a declaration by the President

3591 of the United States or other federal official requesting public health-related activities.

3592 (2) The local health department shall:

3593 (a) establish programs or measures to promote and protect the health and general
3594 wellness of the people within the boundaries of the local health department;

3595 (b) investigate infectious and other diseases of public health importance and implement
3596 measures to control the causes of epidemic and communicable diseases and other conditions
3597 significantly affecting the public health which may include involuntary testing of convicted
3598 sexual offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of
3599 victims of sexual offenses for HIV infection pursuant to Section 76-5-503;

3600 (c) cooperate with the department in matters pertaining to the public health and in the
3601 administration of state health laws; and

3602 (d) coordinate implementation of environmental programs to maximize efficient use of
3603 resources by developing with the Department of Environmental Quality a Comprehensive
3604 Environmental Service Delivery Plan which:

3605 (i) recognizes that the Department of Environmental Quality and local health
3606 departments are the foundation for providing environmental health programs in the state;

3607 (ii) delineates the responsibilities of the department and each local health department
3608 for the efficient delivery of environmental programs using federal, state, and local authorities,
3609 responsibilities, and resources;

3610 (iii) provides for the delegation of authority and pass through of funding to local health
3611 departments for environmental programs, to the extent allowed by applicable law, identified in
3612 the plan, and requested by the local health department; and

3613 (iv) is reviewed and updated annually.

3614 (3) The local health department has the following duties regarding public and private
3615 schools within its boundaries:

3616 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
3617 persons attending public and private schools;

3618 (b) exclude from school attendance any person, including teachers, who is suffering

3619 from any communicable or infectious disease, whether acute or chronic, if the person is likely
3620 to convey the disease to those in attendance; and

3621 (c) (i) make regular inspections of the health-related condition of all school buildings
3622 and premises;

3623 (ii) report the inspections on forms furnished by the department to those responsible for
3624 the condition and provide instructions for correction of any conditions that impair or endanger
3625 the health or life of those attending the schools; and

3626 (iii) provide a copy of the report to the department at the time the report is made.

3627 (4) If those responsible for the health-related condition of the school buildings and
3628 premises do not carry out any instructions for corrections provided in a report in Subsection
3629 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the
3630 persons responsible.

3631 (5) The local health department may exercise incidental authority as necessary to carry
3632 out the provisions and purposes of this part.

3633 (6) Nothing in this part may be construed to authorize a local health department to
3634 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon
3635 monoxide detector in a residential dwelling against anyone other than the occupant of the
3636 dwelling.

3637 Section 110. Section **38-11-102** is amended to read:

3638 **38-11-102. Definitions.**

3639 (1) "Board" means the Residence Lien Recovery Fund Advisory Board established
3640 under Section 38-11-104.

3641 (2) "Certificate of compliance" means an order issued by the director to the owner
3642 finding that the owner is in compliance with the requirements of Subsections 38-11-204(4)(a)
3643 and (4)(b) and is entitled to protection under Section 38-11-107.

3644 (3) "Construction on an owner-occupied residence" means designing, engineering,
3645 constructing, altering, remodeling, improving, repairing, or maintaining a new or existing
3646 residence.

- 3647 (4) "Department" means the Department of Commerce.
- 3648 (5) "Director" means the director of the Division of Occupational and Professional
3649 Licensing.
- 3650 (6) "Division" means the Division of Occupational and Professional Licensing.
- 3651 (7) "Duplex" means a single building having two separate living units.
- 3652 (8) "Encumbered fund balance" means the aggregate amount of outstanding claims
3653 against the fund. The remainder of monies in the fund are unencumbered funds.
- 3654 (9) "Executive director" means the executive director of the Department of Commerce.
- 3655 (10) "Factory built housing" is as defined in Section [~~58-56-3~~] 15A-1-302.
- 3656 (11) "Factory built housing retailer" means a person that sells factory built housing to
3657 consumers.
- 3658 (12) "Fund" means the Residence Lien Recovery Fund established under Section
3659 38-11-201.
- 3660 (13) "Laborer" means a person who provides services at the site of the construction on
3661 an owner-occupied residence as an employee of an original contractor or other qualified
3662 beneficiary performing qualified services on the residence.
- 3663 (14) "Licensee" means any holder of a license issued under Title 58, Chapters 3a,
3664 Architects Licensing Act, 22, Professional Engineers and Land Surveyors Licensing Act, 53,
3665 Landscape Architects Licensing Act, and 55, Utah Construction Trades Licensing Act.
- 3666 (15) "Nonpaying party" means the original contractor, subcontractor, or real estate
3667 developer who has failed to pay the qualified beneficiary making a claim against the fund.
- 3668 (16) "Original contractor" means a person who contracts with the owner of real
3669 property or the owner's agent to provide services, labor, or material for the construction of an
3670 owner-occupied residence.
- 3671 (17) "Owner" means a person who:
- 3672 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
3673 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction on an
3674 owner-occupied residence upon real property owned by that person;

3675 (b) contracts with a real estate developer to buy a residence upon completion of the
3676 construction on the owner-occupied residence; or

3677 (c) buys a residence from a real estate developer after completion of the construction
3678 on the owner-occupied residence.

3679 (18) "Owner-occupied residence" means a residence that is, or after completion of the
3680 construction on the residence will be, occupied by the owner or the owner's tenant or lessee as a
3681 primary or secondary residence within 180 days from the date of the completion of the
3682 construction on the residence.

3683 (19) "Qualified beneficiary" means a person who:

3684 (a) provides qualified services;

3685 (b) pays necessary fees or assessments required under this chapter; and

3686 (c) registers with the division:

3687 (i) as a licensed contractor under Subsection 38-11-301(1) or (2), if that person seeks
3688 recovery from the fund as a licensed contractor; or

3689 (ii) as a person providing qualified services other than as a licensed contractor under
3690 Subsection 38-11-301(3) if the person seeks recovery from the fund in a capacity other than as
3691 a licensed contractor.

3692 (20) (a) "Qualified services" means the following performed in construction on an
3693 owner-occupied residence:

3694 (i) contractor services provided by a contractor licensed or exempt from licensure
3695 under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

3696 (ii) architectural services provided by an architect licensed under Title 58, Chapter 3a,
3697 Architects Licensing Act;

3698 (iii) engineering and land surveying services provided by a professional engineer or
3699 land surveyor licensed or exempt from licensure under Title 58, Chapter 22, Professional
3700 Engineers and Professional Land Surveyors Licensing Act;

3701 (iv) landscape architectural services by a landscape architect licensed or exempt from
3702 licensure under Title 58, Chapter 53, Landscape Architects Licensing Act;

- 3703 (v) design and specification services of mechanical or other systems;
- 3704 (vi) other services related to the design, drawing, surveying, specification, cost
- 3705 estimation, or other like professional services;
- 3706 (vii) providing materials, supplies, components, or similar products;
- 3707 (viii) renting equipment or materials;
- 3708 (ix) labor at the site of the construction on the owner-occupied residence; and
- 3709 (x) site preparation, set up, and installation of factory built housing.

3710 (b) "Qualified services" do not include the construction of factory built housing in the
3711 factory.

3712 (21) "Real estate developer" means a person having an ownership interest in real
3713 property who:

3714 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
3715 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction of a
3716 residence that is offered for sale to the public; or

3717 (b) is a licensed contractor under Title 58, Chapter 55, Utah Construction Trades
3718 Licensing Act, who engages in the construction of a residence that is offered for sale to the
3719 public.

3720 (22) (a) "Residence" means an improvement to real property used or occupied, to be
3721 used or occupied as, or in conjunction with:

- 3722 (i) a primary or secondary detached single-family dwelling; or
- 3723 (ii) a multifamily dwelling up to and including duplexes.

3724 (b) "Residence" includes factory built housing.

3725 (23) "Subsequent owner" means a person who purchases a residence from an owner
3726 within 180 days from the date the construction on the residence is completed.

3727 Section 111. Section **53-7-102** is amended to read:

3728 **53-7-102. Definitions.**

3729 As used in this chapter:

3730 (1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203, except

3731 as provided in Part 3, Liquefied Petroleum Gas Act.

3732 (2) "Director" means the state fire marshal appointed in accordance with Section
3733 53-7-103.

3734 (3) "Division" means the State Fire Marshal Division created in Section 53-7-103.

3735 (4) "Fire officer" means:

3736 (a) the state fire marshal;

3737 (b) the state fire marshal's deputies or salaried assistants;

3738 (c) the fire chief or fire marshal of any county, city, or town fire department;

3739 (d) the fire officer of any fire district;

3740 (e) the fire officer of any special service district organized for fire protection purposes;

3741 and

3742 (f) authorized personnel of any of the persons specified in Subsections (4)(a) through

3743 (e).

3744 [~~(5) "Legislative action" includes legislation that:~~]

3745 [~~(a) adopts a state fire code;~~]

3746 [~~(b) amends a state fire code; or~~]

3747 [~~(c) repeals one or more provisions of a state fire code.~~]

3748 [~~(6)~~] (5) "State fire code" means the code adopted under Section [~~53-7-106~~]

3749 15A-1-403.

3750 [~~(7)~~] (6) "State fire marshal" means the fire marshal appointed director by the

3751 commissioner under Section 53-7-103.

3752 Section 112. Section **53-7-204** is amended to read:

3753 **53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council**

3754 **-- Local administrative duties.**

3755 (1) The board shall:

3756 (a) administer the state fire code as the standard in the state;

3757 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,

3758 Utah Administrative Rulemaking Act:

- 3759 (i) establishing standards for the prevention of fire and for the protection of life and
3760 property against fire and panic in any:
- 3761 (A) publicly owned building, including all public and private schools, colleges, and
3762 university buildings;
- 3763 (B) building or structure used or intended for use as an asylum, a mental hospital, a
3764 hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or
3765 day care center, or any building or structure used for a similar purpose; or
- 3766 (C) place of assemblage where 50 or more persons may gather together in a building,
3767 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
- 3768 (ii) establishing safety and other requirements for placement and discharge of display
3769 fireworks on the basis of:
- 3770 (A) the state fire code; and
- 3771 (B) relevant publications of the National Fire Protection Association;
- 3772 (iii) establishing safety standards for retail storage, handling, and sale of class C
3773 common state approved explosives;
- 3774 (iv) defining methods to establish proof of competence to place and discharge display
3775 fireworks, special effects fireworks, and flame effects;
- 3776 (v) deputizing qualified persons to act as deputy fire marshals, and to secure special
3777 services in emergencies;
- 3778 (vi) implementing Section [~~53-7-106~~] 15A-1-403;
- 3779 (vii) setting guidelines for use of funding;
- 3780 (viii) establishing criteria for training and safety equipment grants for fire departments
3781 enrolled in firefighter certification; and
- 3782 (ix) establishing ongoing training standards for hazardous materials emergency
3783 response agencies;
- 3784 (c) recommend to the commissioner a state fire marshal;
- 3785 (d) develop policies under which the state fire marshal and the state fire marshal's
3786 authorized representatives will perform;

- 3787 (e) provide for the employment of field assistants and other salaried personnel as
3788 required;
- 3789 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
3790 representatives;
- 3791 (g) establish a statewide fire prevention, fire education, and fire service training
3792 program in cooperation with the Board of Regents;
- 3793 (h) establish a statewide fire statistics program for the purpose of gathering fire data
3794 from all political subdivisions of the state;
- 3795 (i) establish a fire academy in accordance with Section 53-7-204.2;
- 3796 (j) coordinate the efforts of all people engaged in fire suppression in the state;
- 3797 (k) work aggressively with the local political subdivisions to reduce fire losses;
- 3798 (l) regulate the sale and servicing of portable fire extinguishers and automatic fire
3799 suppression systems in the interest of safeguarding lives and property;
- 3800 (m) establish a certification program for persons who inspect and test automatic fire
3801 sprinkler systems;
- 3802 (n) establish a certification program for persons who inspect and test fire alarm
3803 systems;
- 3804 (o) establish a certification for persons who provide response services regarding
3805 hazardous materials emergencies;
- 3806 (p) in accordance with Section ~~[53-7-106]~~ 15A-1-403, report to the Business and Labor
3807 Interim Committee; and
- 3808 (q) jointly create the Unified Code Analysis Council with the Uniform Building Code
3809 Commission in accordance with ~~[Subsection 58-56-5(12)]~~ Section 15A-1-203.
- 3810 (2) The board may incorporate in its rules by reference, in whole or in part:
- 3811 (a) the state fire code; or
- 3812 (b) subject to the state fire code, a nationally recognized and readily available standard
3813 pertaining to the protection of life and property from fire, explosion, or panic.
- 3814 (3) The following functions shall be administered locally by a city, county, or fire

3815 protection district:

3816 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
3817 19-2-114;

3818 (b) creating a local board of appeals in accordance with the state fire code; and

3819 (c) subject to the state fire code and the other provisions of this chapter, establishing,
3820 modifying, or deleting fire flow and water supply requirements.

3821 Section 113. Section **57-23-4** is amended to read:

3822 **57-23-4. Exclusions.**

3823 This chapter does not apply to:

3824 (1) an interest in real estate regulated under Title 57, Chapter 19, Timeshare and Camp
3825 Resort Act;

3826 (2) an offering for an interest in real estate which is regulated under:

3827 (a) Title 61, Chapter 1, Utah Uniform Securities Act;

3828 (b) the securities laws of any state; or

3829 (c) federal securities laws; or

3830 (3) a sale of manufactured housing licensed under Title 58, Chapter 56, [~~Utah Uniform~~
3831 ~~Building Standards Act~~] Building Inspector and Factory Built Housing Licensing Act, unless
3832 the sale is made in conjunction with an offering or sale of a cooperative interest under this
3833 chapter.

3834 Section 114. Section **58-3a-102** is amended to read:

3835 **58-3a-102. Definitions.**

3836 In addition to the definitions in Section 58-1-102, as used in this chapter:

3837 (1) "Architect" means a person licensed under this chapter as an architect.

3838 (2) "Board" means the Architects Licensing Board created in Section 58-3a-201.

3839 (3) "Building" means a structure which has human occupancy or habitation as its
3840 principal purpose, and includes the structural, mechanical, and electrical systems, utility
3841 services, and other facilities required for the building, and is otherwise governed by the [~~codes~~
3842 ~~adopted under Title 58, Chapter 56, Uniform Building Standards Act~~] State Construction Code

3843 or an approved code under Title 15A, State Construction and Fire Codes Act.

3844 (4) "Complete construction plans" means a final set of plans and specifications for a
3845 building that normally includes:

3846 (a) floor plans;

3847 (b) elevations;

3848 (c) site plans;

3849 (d) foundation, structural, and framing detail;

3850 (e) electrical, mechanical, and plumbing design;

3851 (f) information required by the energy code;

3852 (g) specifications and related calculations as appropriate; and

3853 (h) all other documents required to obtain a building permit.

3854 (5) "Fund" means the Architects Education and Enforcement Fund created in Section
3855 58-3a-103.

3856 (6) (a) "Practice of architecture" means rendering or offering to render the following
3857 services in connection with the design, construction, enlargement, or alteration of a building or
3858 group of buildings, and the space within and surrounding such buildings:

3859 (i) planning;

3860 (ii) facility programming;

3861 (iii) preliminary studies;

3862 (iv) preparation of designs, drawings, and specifications;

3863 (v) preparation of technical submissions and coordination of any element of technical
3864 submissions prepared by others including, as appropriate and without limitation, professional
3865 engineers, and landscape architects; and

3866 (vi) administration of construction contracts.

3867 (b) "Practice of architecture" does not include the practice of professional engineering
3868 as defined in Section 58-22-102, but a licensed architect may perform such professional
3869 engineering work as is incidental to the practice of architecture.

3870 (7) "Principal" means a licensed architect having responsible charge of an

3871 organization's architectural practice.

3872 (8) "Supervision of an employee, subordinate, associate, or drafter of an architect"
3873 means that a licensed architect is responsible for and personally reviews, corrects when
3874 necessary, and approves work performed by any employee, subordinate, associate, or drafter
3875 under the direction of the architect, and may be further defined by rule by the division in
3876 collaboration with the board.

3877 (9) "Unlawful conduct" as defined in Section 58-1-501 is further defined in Section
3878 58-3a-501.

3879 (10) "Unprofessional conduct" as defined in Section 58-1-501 may be further defined
3880 by rule by the division in collaboration with the board.

3881 Section 115. Section **58-3a-602** is amended to read:

3882 **58-3a-602. Plans and specifications to be sealed.**

3883 (1) Any final plan and specification of a building erected in this state shall bear the seal
3884 of an architect licensed under this chapter, except as provided in Section 58-3a-304, in Title 58,
3885 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, and by the
3886 [~~codes adopted under Title 58, Chapter 56, Uniform Building Standards Act~~] State
3887 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
3888 Act.

3889 (2) Any final plan and specification of a building prepared by or under the supervision
3890 of the licensed architect shall bear the seal of the architect when submitted to a client, or when
3891 submitted to a building official for the purpose of obtaining a building permit, even if the
3892 practice is exempt from licensure under Section 58-3a-304.

3893 Section 116. Section **58-22-102** is amended to read:

3894 **58-22-102. Definitions.**

3895 In addition to the definitions in Section 58-1-102, as used in this chapter:

3896 (1) "Board" means the Professional Engineers and Professional Land Surveyors
3897 Licensing Board created in Section 58-22-201.

3898 (2) "Building" means a structure which has human occupancy or habitation as its

3899 principal purpose, and includes the structural, mechanical, and electrical systems, utility
3900 services, and other facilities required for the building, and is otherwise governed by the [codes
3901 ~~adopted under Title 58, Chapter 56, Utah Uniform Building Standards Act~~] State Construction
3902 Code or an approved code under Title 15A, State Construction and Fire Codes Act.

3903 (3) "Complete construction plans" means a final set of plans, specifications, and reports
3904 for a building or structure that normally includes:

- 3905 (a) floor plans;
- 3906 (b) elevations;
- 3907 (c) site plans;
- 3908 (d) foundation, structural, and framing detail;
- 3909 (e) electrical, mechanical, and plumbing design;
- 3910 (f) information required by the energy code;
- 3911 (g) specifications and related calculations as appropriate; and
- 3912 (h) all other documents required to obtain a building permit.

3913 (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation
3914 Board for Engineering and Technology.

3915 (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and
3916 Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.

3917 (6) "NCEES" means the National Council of Examiners for Engineering and
3918 Surveying.

3919 (7) "Principal" means a licensed professional engineer, professional structural engineer,
3920 or professional land surveyor having responsible charge of an organization's professional
3921 engineering, professional structural engineering, or professional land surveying practice.

3922 (8) "Professional engineer" means a person licensed under this chapter as a
3923 professional engineer.

3924 (9) (a) "Professional engineering or the practice of engineering" means a service or
3925 creative work, the adequate performance of which requires engineering education, training, and
3926 experience in the application of special knowledge of the mathematical, physical, and

3927 engineering sciences to the service or creative work as consultation, investigation, evaluation,
3928 planning, design, and design coordination of engineering works and systems, planning the use
3929 of land and water, facility programming, performing engineering surveys and studies, and the
3930 review of construction for the purpose of monitoring compliance with drawings and
3931 specifications; any of which embraces these services or work, either public or private, in
3932 connection with any utilities, structures, buildings, machines, equipment, processes, work
3933 systems, projects, and industrial or consumer products or equipment of a mechanical, electrical,
3934 hydraulic, pneumatic, or thermal nature, and including other professional services as may be
3935 necessary to the planning, progress, and completion of any engineering services.

3936 (b) The practice of professional engineering does not include the practice of
3937 architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform
3938 architecture work as is incidental to the practice of engineering.

3939 (10) "Professional engineering intern" means a person who:

3940 (a) has completed the education requirements to become a professional engineer;

3941 (b) has passed the fundamentals of engineering examination; and

3942 (c) is engaged in obtaining the four years of qualifying experience for licensure under
3943 the direct supervision of a licensed professional engineer.

3944 (11) "Professional land surveying or the practice of land surveying" means a service or
3945 work, the adequate performance of which requires the application of special knowledge of the
3946 principles of mathematics, the related physical and applied sciences, and the relevant
3947 requirements of law for adequate evidence to the act of measuring and locating lines, angles,
3948 elevations, natural and man-made features in the air, on the surface of the earth, within
3949 underground workings, and on the beds of bodies of water for the purpose of determining areas
3950 and volumes, for the monumenting or locating property boundaries or points controlling
3951 boundaries, and for the platting and layout of lands and subdivisions of lands, including the
3952 topography, alignment and grades of streets, and for the preparation and perpetuation of maps,
3953 record plats, field notes records, and property descriptions that represent these surveys and
3954 other duties as sound surveying practices could direct.

3955 (12) "Professional land surveyor" means an individual licensed under this chapter as a
3956 professional land surveyor.

3957 (13) "Professional structural engineer" means a person licensed under this chapter as a
3958 professional structural engineer.

3959 (14) "Professional structural engineering or the practice of structural engineering"
3960 means a service or creative work in the following areas, and may be further defined by rule by
3961 the division in collaboration with the board:

3962 (a) providing structural engineering services for significant structures including:

3963 (i) buildings and other structures representing a substantial hazard to human life, which
3964 include:

3965 (A) buildings and other structures whose primary occupancy is public assembly with an
3966 occupant load greater than 300;

3967 (B) buildings and other structures with elementary school, secondary school, or day
3968 care facilities with an occupant load greater than 250;

3969 (C) buildings and other structures with an occupant load greater than 500 for colleges
3970 or adult education facilities;

3971 (D) health care facilities with an occupant load of 50 or more resident patients, but not
3972 having surgery or emergency treatment facilities;

3973 (E) jails and detention facilities with a gross area greater than 3,000 square feet; or

3974 (F) an occupancy with an occupant load greater than 5,000;

3975 (ii) buildings and other structures designated as essential facilities, including:

3976 (A) hospitals and other health care facilities having surgery or emergency treatment
3977 facilities with a gross area greater than 3,000 square feet;

3978 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height
3979 greater than 24 feet or a gross area greater than 5,000 square feet;

3980 (C) designated earthquake, hurricane, or other emergency shelters with a gross area
3981 greater than 3,000 square feet;

3982 (D) designated emergency preparedness, communication, and operation centers and

3983 other buildings required for emergency response with a mean height more than 24 feet or a
3984 gross area greater than 5,000 square feet;

3985 (E) power-generating stations and other public utility facilities required as emergency
3986 backup facilities with a gross area greater than 3,000 square feet;

3987 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000
3988 square feet containing highly toxic materials as defined by the division by rule, where the
3989 quantity of the material exceeds the maximum allowable quantities set by the division by rule;
3990 and

3991 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars
3992 at commercial service and cargo air services airports as defined by the Federal Aviation
3993 Administration with a mean height greater than 35 feet or a gross area greater than 20,000
3994 square feet; and

3995 (iii) buildings and other structures requiring special consideration, including:

3996 (A) structures or buildings that are:

3997 (I) normally occupied by human beings; and

3998 (II) five stories or more in height; or

3999 (III) that have an average roof height more than 60 feet above the average ground level
4000 measured at the perimeter of the structure; or

4001 (B) all buildings over 200,000 aggregate gross square feet in area; and

4002 (b) includes the definition of professional engineering or the practice of professional
4003 engineering as provided in Subsection (9).

4004 (15) "Structure" means that which is built or constructed, an edifice or building of any
4005 kind, or a piece of work artificially built up or composed of parts joined together in a definite
4006 manner, and as otherwise governed by the [~~codes adopted under Title 58, Chapter 56, Utah~~
4007 ~~Uniform Building Standards Act~~] State Construction Code or an approved code under Title
4008 15A, State Construction and Fire Codes Act.

4009 (16) "Supervision of an employee, subordinate, associate, or drafter of a licensee"

4010 means that a licensed professional engineer, professional structural engineer, or professional

4011 land surveyor is responsible for and personally reviews, corrects when necessary, and approves
4012 work performed by an employee, subordinate, associate, or drafter under the direction of the
4013 licensee, and may be further defined by rule by the division in collaboration with the board.

4014 (17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation
4015 Board for Engineering and Technology.

4016 (18) "Unlawful conduct" is defined in Sections 58-1-501 and 58-22-501.

4017 (19) "Unprofessional conduct" as defined in Section 58-1-501 may be further defined
4018 by rule by the division in collaboration with the board.

4019 Section 117. Section **58-22-602** is amended to read:

4020 **58-22-602. Plans, specifications, reports, maps, sketches, surveys, drawings,**
4021 **documents, and plats to be sealed.**

4022 (1) Any final plan, specification, and report of a building or structure erected in this
4023 state shall bear the seal of a professional engineer or professional structural engineer licensed
4024 under this chapter, except as provided in Section 58-22-305, in Title 58, Chapter 3a, Architect
4025 Licensing Act, and by the [~~codes adopted under Title 58, Chapter 56, Uniform Building~~
4026 ~~Standards Act~~] State Construction Code or an approved code under Title 15A, State
4027 Construction and Fire Codes Act.

4028 (2) Any final plan, specification, and report prepared by, or under the supervision of,
4029 the professional engineer or professional structural engineer shall bear the seal of the
4030 professional engineer or professional structural engineer when submitted to a client, when filed
4031 with public authorities, or when submitted to a building official for the purpose of obtaining a
4032 building permit, even if the practice is exempt from licensure under Section 58-22-305.

4033 (3) Any final plan, map, sketch, survey, drawing, document, plat, and report shall bear
4034 the seal of the professional land surveyor licensed under this chapter when submitted to a client
4035 or when filed with public authorities.

4036 Section 118. Section **58-53-602** is amended to read:

4037 **58-53-602. Site plans to be sealed.**

4038 (1) Any site plan prepared in this state shall bear the seal of a landscape architect

4039 licensed under this chapter, except as provided in Section 58-53-304, in Title 58, Chapter 22,
4040 Professional Engineers and Professional Land Surveyors Licensing Act, in Title 58, Chapter 3a,
4041 Architects Licensing Act, or by the [~~codes adopted under Title 58, Chapter 56, Utah Uniform~~
4042 ~~Building Standards Act~~] State Construction Code or an approved code under Title 15A, State
4043 Construction and Fire Codes Act.

4044 (2) Any final site plan prepared by or under the supervision of the licensed landscape
4045 architect shall bear the seal of the landscape architect when submitted to a client, or when
4046 submitted to a building official for the purpose of obtaining a building permit, even if the
4047 practice is exempt from licensure under Section 58-53-304.

4048 Section 119. Section **58-55-102** is amended to read:

4049 **58-55-102. Definitions.**

4050 In addition to the definitions in Section 58-1-102, as used in this chapter:

4051 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
4052 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,
4053 except as provided in Subsection (1)(b).

4054 (b) "Alarm business or company" does not include:

4055 (i) a person engaged in the manufacture and sale of alarm systems when that person is
4056 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or
4057 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business
4058 established by the person engaged in the manufacture or sale and does not involve site visits at
4059 the place or intended place of installation of an alarm system; or

4060 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
4061 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
4062 of the alarm system owned by that owner.

4063 (2) "Alarm company agent" means any individual employed within this state by a
4064 person engaged in the alarm business.

4065 (3) "Alarm system" means equipment and devices assembled for the purpose of:

4066 (a) detecting and signaling unauthorized intrusion or entry into or onto certain

4067 premises; or

4068 (b) signaling a robbery or attempted robbery on protected premises.

4069 (4) "Apprentice electrician" means a person licensed under this chapter as an
4070 apprentice electrician who is learning the electrical trade under the immediate supervision of a
4071 master electrician, residential master electrician, a journeyman electrician, or a residential
4072 journeyman electrician.

4073 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
4074 plumber who is learning the plumbing trade under the immediate supervision of a master
4075 plumber, residential master plumber, journeyman plumber, or a residential journeyman
4076 plumber.

4077 (6) "Approved continuing education" means instruction provided through courses
4078 under a program established under Subsection 58-55-302.5(2).

4079 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
4080 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

4081 (8) "Combustion system" means an assembly consisting of:

4082 (a) piping and components with a means for conveying, either continuously or
4083 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
4084 appliance;

4085 (b) the electric control and combustion air supply and venting systems, including air
4086 ducts; and

4087 (c) components intended to achieve control of quantity, flow, and pressure.

4088 (9) "Commission" means the Construction Services Commission created under Section
4089 58-55-103.

4090 (10) "Construction trade" means any trade or occupation involving:

4091 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
4092 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
4093 or other project, development, or improvement to other than personal property; and

4094 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as

4095 defined in Section [~~58-56-3~~] 15A-1-302; or

4096 (b) installation or repair of a residential or commercial natural gas appliance or
4097 combustion system.

4098 (11) "Construction trades instructor" means a person licensed under this chapter to
4099 teach one or more construction trades in both a classroom and project environment, where a
4100 project is intended for sale to or use by the public and is completed under the direction of the
4101 instructor, who has no economic interest in the project.

4102 (12) (a) "Contractor" means any person who for compensation other than wages as an
4103 employee undertakes any work in the construction, plumbing, or electrical trade for which
4104 licensure is required under this chapter and includes:

4105 (i) a person who builds any structure on his own property for the purpose of sale or
4106 who builds any structure intended for public use on his own property;

4107 (ii) any person who represents himself to be a contractor by advertising or any other
4108 means;

4109 (iii) any person engaged as a maintenance person, other than an employee, who
4110 regularly engages in activities set forth under the definition of "construction trade";

4111 (iv) any person engaged in any construction trade for which licensure is required under
4112 this chapter; or

4113 (v) a construction manager who performs management and counseling services on a
4114 construction project for a fee.

4115 (b) "Contractor" does not include an alarm company or alarm company agent.

4116 (13) (a) "Electrical trade" means the performance of any electrical work involved in the
4117 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
4118 buildings, or appendages or appurtenances.

4119 (b) "Electrical trade" does not include:

4120 (i) transporting or handling electrical materials;

4121 (ii) preparing clearance for raceways for wiring; or

4122 (iii) work commonly done by unskilled labor on any installations under the exclusive

4123 control of electrical utilities.

4124 (c) For purposes of Subsection (13)(b):

4125 (i) no more than one unlicensed person may be so employed unless more than five
4126 licensed electricians are employed by the shop; and

4127 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
4128 permitted by this Subsection (13)(c).

4129 (14) "Elevator" has the same meaning as defined in Section 34A-7-202, except that for
4130 purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline
4131 platform lift.

4132 (15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
4133 this chapter that is engaged in the business of erecting, constructing, installing, altering,
4134 servicing, repairing, or maintaining an elevator.

4135 (16) "Elevator mechanic" means an individual who is licensed under this chapter as an
4136 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
4137 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

4138 (17) "Employee" means an individual as defined by the division by rule giving
4139 consideration to the definition adopted by the Internal Revenue Service and the Department of
4140 Workforce Services.

4141 (18) "Engage in a construction trade" means to:

4142 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
4143 in a construction trade; or

4144 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
4145 to believe one is or will act as a contractor.

4146 (19) (a) "Financial responsibility" means a demonstration of a current and expected
4147 future condition of financial solvency evidencing a reasonable expectation to the division and
4148 the board that an applicant or licensee can successfully engage in business as a contractor
4149 without jeopardy to the public health, safety, and welfare.

4150 (b) Financial responsibility may be determined by an evaluation of the total history

4151 concerning the licensee or applicant including past, present, and expected condition and record
4152 of financial solvency and business conduct.

4153 (20) "Gas appliance" means any device that uses natural gas to produce light, heat,
4154 power, steam, hot water, refrigeration, or air conditioning.

4155 (21) (a) "General building contractor" means a person licensed under this chapter as a
4156 general building contractor qualified by education, training, experience, and knowledge to
4157 perform or superintend construction of structures for the support, shelter, and enclosure of
4158 persons, animals, chattels, or movable property of any kind or any of the components of that
4159 construction except plumbing, electrical work, mechanical work, and manufactured housing
4160 installation, for which the general building contractor shall employ the services of a contractor
4161 licensed in the particular specialty, except that a general building contractor engaged in the
4162 construction of single-family and multifamily residences up to four units may perform the
4163 mechanical work and hire a licensed plumber or electrician as an employee.

4164 (b) The division may by rule exclude general building contractors from engaging in the
4165 performance of other construction specialties in which there is represented a substantial risk to
4166 the public health, safety, and welfare, and for which a license is required unless that general
4167 building contractor holds a valid license in that specialty classification.

4168 (22) (a) "General engineering contractor" means a person licensed under this chapter as
4169 a general engineering contractor qualified by education, training, experience, and knowledge to
4170 perform construction of fixed works in any of the following: irrigation, drainage, water, power,
4171 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports
4172 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring
4173 specialized engineering knowledge and skill, piers, and foundations, or any of the components
4174 of those works.

4175 (b) A general engineering contractor may not perform construction of structures built
4176 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

4177 (23) "Immediate supervision" means reasonable direction, oversight, inspection, and
4178 evaluation of the work of a person:

- 4179 (a) as the division specifies in rule;
- 4180 (b) by, as applicable, a qualified electrician or plumber;
- 4181 (c) as part of a planned program of training; and
- 4182 (d) to ensure that the end result complies with applicable standards.
- 4183 (24) "Individual" means a natural person.
- 4184 (25) "Journeyman electrician" means a person licensed under this chapter as a
- 4185 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
- 4186 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.
- 4187 (26) "Journeyman plumber" means a person licensed under this chapter as a
- 4188 journeyman plumber having the qualifications, training, experience, and technical knowledge
- 4189 to engage in the plumbing trade.
- 4190 (27) "Master electrician" means a person licensed under this chapter as a master
- 4191 electrician having the qualifications, training, experience, and knowledge to properly plan,
- 4192 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
- 4193 for light, heat, power, and other purposes.
- 4194 (28) "Master plumber" means a person licensed under this chapter as a master plumber
- 4195 having the qualifications, training, experience, and knowledge to properly plan and layout
- 4196 projects and supervise persons in the plumbing trade.
- 4197 (29) "Person" means a natural person, sole proprietorship, joint venture, corporation,
- 4198 limited liability company, association, or organization of any type.
- 4199 (30) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
- 4200 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
- 4201 three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:
- 4202 (i) delivery of the water supply;
- 4203 (ii) discharge of liquid and water carried waste; or
- 4204 (iii) the building drainage system within the walls of the building.
- 4205 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
- 4206 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains

4207 together with their devices, appurtenances, and connections where installed within the outside
4208 walls of the building.

4209 (31) (a) "Ratio of apprentices" means, for the purpose of determining compliance with
4210 the requirements for planned programs of training and electrician apprentice licensing
4211 applications, the shop ratio of apprentice electricians to journeyman or master electricians shall
4212 be one journeyman or master electrician to one apprentice on industrial and commercial work,
4213 and one journeyman or master electrician to three apprentices on residential work.

4214 (b) On-the-job training shall be under circumstances in which the ratio of apprentices
4215 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to
4216 three apprentices to one supervisor on residential projects.

4217 (32) "Residential and small commercial contractor" means a person licensed under this
4218 chapter as a residential and small commercial contractor qualified by education, training,
4219 experience, and knowledge to perform or superintend the construction of single-family
4220 residences, multifamily residences up to four units, and commercial construction of not more
4221 than three stories above ground and not more than 20,000 square feet, or any of the components
4222 of that construction except plumbing, electrical work, mechanical work, and manufactured
4223 housing installation, for which the residential and small commercial contractor shall employ
4224 the services of a contractor licensed in the particular specialty, except that a residential and
4225 small commercial contractor engaged in the construction of single-family and multifamily
4226 residences up to four units may perform the mechanical work and hire a licensed plumber or
4227 electrician as an employee.

4228 (33) "Residential building," as it relates to the license classification of residential
4229 journeyman plumber and residential master plumber, means a single or multiple family
4230 dwelling of up to four units.

4231 (34) "Residential journeyman electrician" means a person licensed under this chapter
4232 as a residential journeyman electrician having the qualifications, training, experience, and
4233 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
4234 and other purposes on buildings using primarily nonmetallic sheath cable.

4235 (35) "Residential journeyman plumber" means a person licensed under this chapter as a
4236 residential journeyman plumber having the qualifications, training, experience, and knowledge
4237 to engage in the plumbing trade as limited to the plumbing of residential buildings.

4238 (36) "Residential master electrician" means a person licensed under this chapter as a
4239 residential master electrician having the qualifications, training, experience, and knowledge to
4240 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
4241 and equipment for light, heat, power, and other purposes on residential projects.

4242 (37) "Residential master plumber" means a person licensed under this chapter as a
4243 residential master plumber having the qualifications, training, experience, and knowledge to
4244 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
4245 plumbing of residential buildings.

4246 (38) "Residential project," as it relates to an electrician or electrical contractor, means
4247 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
4248 and regulations governing this work, including the National Electrical Code, and in which the
4249 voltage does not exceed 250 volts line to line and 125 volts to ground.

4250 (39) (a) "Specialty contractor" means a person licensed under this chapter under a
4251 specialty contractor classification established by rule, who is qualified by education, training,
4252 experience, and knowledge to perform those construction trades and crafts requiring
4253 specialized skill, the regulation of which are determined by the division to be in the best
4254 interest of the public health, safety, and welfare.

4255 (b) A specialty contractor may perform work in crafts or trades other than those in
4256 which he is licensed if they are incidental to the performance of his licensed craft or trade.

4257 (40) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

4258 (41) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as
4259 may be further defined by rule.

4260 (42) "Wages" means amounts due to an employee for labor or services whether the
4261 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
4262 the amount.

4263 Section 120. Section **58-55-305** is amended to read:

4264 **58-55-305. Exemptions from licensure.**

4265 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
4266 persons may engage in acts or practices included within the practice of construction trades,
4267 subject to the stated circumstances and limitations, without being licensed under this chapter:

4268 (a) an authorized representative of the United States government or an authorized
4269 employee of the state or any of its political subdivisions when working on construction work of
4270 the state or the subdivision, and when acting within the terms of the person's trust, office, or
4271 employment;

4272 (b) a person engaged in construction or operation incidental to the construction and
4273 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation
4274 districts, and drainage districts or construction and repair relating to farming, dairying,
4275 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel
4276 excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction
4277 sites, and lumbering;

4278 (c) public utilities operating under the rules of the Public Service Commission on work
4279 incidental to their own business;

4280 (d) sole owners of property engaged in building:

4281 (i) no more than one residential structure per year and no more than three residential
4282 structures per five years on their property for their own noncommercial, nonpublic use; except,
4283 a person other than the property owner or individuals described in Subsection (1)(e), who
4284 engages in building the structure must be licensed under this chapter if the person is otherwise
4285 required to be licensed under this chapter; or

4286 (ii) structures on their property for their own noncommercial, nonpublic use which are
4287 incidental to a residential structure on the property, including sheds, carports, or detached
4288 garages;

4289 (e) (i) a person engaged in construction or renovation of a residential building for
4290 noncommercial, nonpublic use if that person:

4291 (A) works without compensation other than token compensation that is not considered
4292 salary or wages; and

4293 (B) works under the direction of the property owner who engages in building the
4294 structure; and

4295 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
4296 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
4297 exempted from licensure under this Subsection (1)(e), that is:

4298 (A) minimal in value when compared with the fair market value of the services
4299 provided by the person;

4300 (B) not related to the fair market value of the services provided by the person; and

4301 (C) is incidental to the providing of services by the person including paying for or
4302 providing meals or refreshment while services are being provided, or paying reasonable
4303 transportation costs incurred by the person in travel to the site of construction;

4304 (f) a person engaged in the sale or merchandising of personal property that by its design
4305 or manufacture may be attached, installed, or otherwise affixed to real property who has
4306 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or
4307 attach that property;

4308 (g) a contractor submitting a bid on a federal aid highway project, if, before
4309 undertaking construction under that bid, the contractor is licensed under this chapter;

4310 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or
4311 improvement of a building with a contracted or agreed value of less than \$3,000, including
4312 both labor and materials, and including all changes or additions to the contracted or agreed
4313 upon work; and

4314 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
4315 section:

4316 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
4317 any six month period of time:

4318 (I) must be performed by a licensed electrical or plumbing contractor, if the project

4319 involves an electrical or plumbing system; and

4320 (II) may be performed by a licensed journeyman electrician or plumber or an individual
4321 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system
4322 such as a faucet, toilet, fixture, device, outlet, or electrical switch;

4323 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
4324 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
4325 received certification under Subsection 58-55-308(2) except as otherwise provided in
4326 Subsection 58-55-308(2)(d) or 58-55-308(3);

4327 (C) installation, repair, or replacement of water-based fire protection systems on a
4328 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
4329 contractor or a licensed journeyman plumber;

4330 (D) work as an alarm business or company or as an alarm company agent shall be
4331 performed by a licensed alarm business or company or a licensed alarm company agent, except
4332 as otherwise provided in this chapter;

4333 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
4334 project must be performed by a licensed alarm business or company or a licensed alarm
4335 company agent;

4336 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
4337 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
4338 licensed by the division;

4339 (G) installation, repair, or replacement of a radon mitigation system or a soil
4340 depressurization system must be performed by a licensed contractor; and

4341 (H) if the total value of the project is greater than \$1,000, the person shall file with the
4342 division a one-time affirmation, subject to periodic reaffirmation as established by division
4343 rule, that the person has:

4344 (I) public liability insurance in coverage amounts and form established by division
4345 rule; and

4346 (II) if applicable, workers compensation insurance which would cover an employee of

4347 the person if that employee worked on the construction project;

4348 (i) a person practicing a specialty contractor classification or construction trade which
4349 the director does not classify by administrative rule as significantly impacting the public's
4350 health, safety, and welfare;

4351 (j) owners and lessees of property and persons regularly employed for wages by owners
4352 or lessees of property or their agents for the purpose of maintaining the property, are exempt
4353 from this chapter when doing work upon the property;

4354 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the
4355 division by rule, to the replacement or repair of a fixture or an appliance in a residential or
4356 small commercial building, or structure used for agricultural use, as defined in Section
4357 ~~[58-56-3]~~ 15A-1-202, provided that no modification is made to:

4358 (A) existing culinary water, soil, waste, or vent piping; or

4359 (B) a gas appliance or combustion system; and

4360 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or
4361 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

4362 (l) a person who ordinarily would be subject to the plumber licensure requirements
4363 under this chapter when installing or repairing a water conditioner or other water treatment
4364 apparatus if the conditioner or apparatus:

4365 (i) meets the appropriate state construction codes or local plumbing standards; and

4366 (ii) is installed or repaired under the direction of a person authorized to do the work
4367 under an appropriate specialty contractor license;

4368 (m) a person who ordinarily would be subject to the electrician licensure requirements
4369 under this chapter when employed by:

4370 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator
4371 contractors or constructors, or street railway systems; or

4372 (ii) public service corporations, rural electrification associations, or municipal utilities
4373 who generate, distribute, or sell electrical energy for light, heat, or power;

4374 (n) a person involved in minor electrical work incidental to a mechanical or service

4375 installation;

4376 (o) a student participating in construction trade education and training programs
4377 approved by the commission with the concurrence of the director under the condition that:

4378 (i) all work intended as a part of a finished product on which there would normally be
4379 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed
4380 building inspector; and

4381 (ii) a licensed contractor obtains the necessary building permits;

4382 (p) a delivery person when replacing any of the following existing equipment with a
4383 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

4384 (i) gas range;

4385 (ii) gas dryer;

4386 (iii) outdoor gas barbeque; or

4387 (iv) outdoor gas patio heater;

4388 (q) a person performing maintenance on an elevator as defined in Subsection
4389 58-55-102(14), if the maintenance is not related to the operating integrity of the elevator; and

4390 (r) an apprentice or helper of an elevator mechanic licensed under this chapter when
4391 working under the general direction of the licensed elevator mechanic.

4392 (2) A compliance agency as defined in Section [~~58-56-3~~] 15A-1-202 that issues a
4393 building permit to a person requesting a permit as a sole owner of property referred to in
4394 Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the
4395 issuance of the permit.

4396 Section 121. Section **58-56-1** is amended to read:

4397 **58-56-1. Short title.**

4398 This chapter is known as the [~~"Utah Uniform Building Standards Act."~~] "Building
4399 Inspector and Factory Built Housing Licensing Act."

4400 Section 122. Section **58-56-3** is amended to read:

4401 **58-56-3. Definitions.**

4402 In addition to the definitions in Section 58-1-102, [~~as used in this chapter:~~] definitions

4403 in the following sections apply to this chapter:

4404 (1) Section 15A-1-102;

4405 (2) Section 15A-1-202; and

4406 (3) Section 15A-1-302.

4407 ~~[(1) "Agricultural use" means a use that relates to the tilling of soil and raising of~~
4408 ~~crops, or keeping or raising domestic animals.]~~

4409 ~~[(2)(a) "Approved code" means a code, including the standards and specifications~~
4410 ~~contained in the code, approved by the division under Section 58-56-4 for use by a compliance~~
4411 ~~agency;]~~

4412 ~~[(b) "Approved code" does not include a state construction code.]~~

4413 ~~[(3) "Building" means a structure used or intended for supporting or sheltering any use~~
4414 ~~or occupancy and any improvements attached to it.]~~

4415 ~~[(4) "Code" means:]~~

4416 ~~[(a) a state construction code; or]~~

4417 ~~[(b) an approved code;]~~

4418 ~~[(5) "Commission" means the Uniform Building Code Commission created under this~~
4419 ~~chapter;]~~

4420 ~~[(6) "Compliance agency" means:]~~

4421 ~~[(a) an agency of the state or any of its political subdivisions which issues permits for~~
4422 ~~construction regulated under the codes;]~~

4423 ~~[(b) any other agency of the state or its political subdivisions specifically empowered to~~
4424 ~~enforce compliance with the codes; or]~~

4425 ~~[(c) any other state agency which chooses to enforce codes adopted under this chapter~~
4426 ~~by authority given the agency under a title other than Title 58, Occupations and Professions;]~~

4427 ~~[(7) "Construction code" means standards and specifications published by a nationally~~
4428 ~~recognized code authority for use in circumstances described in Subsection 58-56-4(1);~~
4429 ~~including:]~~

4430 ~~[(a) a building code;]~~

- 4431 [~~(b) an electrical code;~~]
- 4432 [~~(c) a residential one and two family dwelling code;~~]
- 4433 [~~(d) a plumbing code;~~]
- 4434 [~~(e) a mechanical code;~~]
- 4435 [~~(f) a fuel gas code;~~]
- 4436 [~~(g) an energy conservation code; and~~]
- 4437 [~~(h) a manufactured housing installation standard code.~~]
- 4438 [~~(8) "Factory built housing" means manufactured homes or mobile homes.~~]
- 4439 [~~(9) (a) "Factory built housing set-up contractor" means an individual licensed by the~~
- 4440 ~~division to set up or install factory built housing on a temporary or permanent basis.~~]
- 4441 [~~(b) The scope of the work included under the license includes the placement or~~
- 4442 ~~securing, or both placement and securing, of the factory built housing on a permanent or~~
- 4443 ~~temporary foundation, securing the units together if required, and connection of the utilities to~~
- 4444 ~~the factory built housing unit, but does not include site preparation, construction of a~~
- 4445 ~~permanent foundation, and construction of utility services to the near proximity of the factory~~
- 4446 ~~built housing unit.]~~
- 4447 [~~(c) If a dealer is not licensed as a factory built housing set-up contractor, that~~
- 4448 ~~individual must subcontract the connection services to individuals who are licensed by the~~
- 4449 ~~division to perform those specific functions under Title 58, Chapter 55, Utah Construction~~
- 4450 ~~Trades Licensing Act.]~~
- 4451 [~~(10) "HUD code" means the National Manufactured Housing Construction and Safety~~
- 4452 ~~Standards Act, 42 U.S.C. Sec. 5401 et seq.]~~
- 4453 [~~(11) "Legislative action" includes legislation that:]~~
- 4454 [~~(a) adopts a new state construction code;~~]
- 4455 [~~(b) amends a state construction code; or~~]
- 4456 [~~(c) repeals one or more provisions of a state construction code.]~~
- 4457 [~~(12) "Local regulator" means a political subdivision of the state that is empowered to~~
- 4458 ~~engage in the regulation of construction, alteration, remodeling, building, repair, and other~~

4459 activities subject to the codes:]

4460 [(13)(a) "Manufactured home" means a transportable factory built housing unit
4461 constructed on or after June 15, 1976, according to the HUD Code, in one or more sections,
4462 which:]

4463 [(i) in the traveling mode, is eight body feet or more in width or 40 body feet or more
4464 in length, or when erected on site, is 400 or more square feet; and]

4465 [(ii) is built on a permanent chassis and designed to be used as a dwelling with or
4466 without a permanent foundation when connected to the required utilities, and includes the
4467 plumbing, heating, air-conditioning, and electrical systems:]

4468 [(b) Manufactured homes constructed on or after June 15, 1976, shall be identifiable by
4469 the manufacturer's data plate bearing the date the unit was manufactured and a HUD label
4470 attached to the exterior of the home certifying the home was manufactured to HUD standards:]

4471 [(14) "Mobile home" means a transportable factory built housing unit built prior to
4472 June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD
4473 Code:]

4474 [(15) "Modular unit" means a structure built from sections which are manufactured in
4475 accordance with the state construction code adopted pursuant to Section 58-56-4 and
4476 transported to a building site, the purpose of which is for human habitation, occupancy, or use:]

4477 [(16) "Not for human occupancy" means use of a structure for purposes other than
4478 protection or comfort of human beings, but allows people to enter the structure for:]

4479 [(a) maintenance and repair; and]

4480 [(b) the care of livestock, crops, or equipment intended for agricultural use which are
4481 kept there:]

4482 [(17) "Opinion" means a written, nonbinding, and advisory statement issued by the
4483 commission concerning an interpretation of the meaning of the codes or the application of the
4484 codes in a specific circumstance issued in response to a specific request by a party to the issue:]

4485 [(18) "State construction code" means a construction code adopted by the Legislature
4486 in accordance with Section 58-56-4:]

4487 ~~[(19) "State regulator" means an agency of the state which is empowered to engage in~~
4488 ~~the regulation of construction, alteration, remodeling, building, repair, and other activities~~
4489 ~~subject to the codes adopted pursuant to this chapter.]~~

4490 Section 123. Section **58-56-9** is amended to read:

4491 **58-56-9. Qualifications of inspectors -- Contract for inspection services.**

4492 (1) An inspector employed by a local regulator, state regulator, or compliance agency
4493 to enforce the codes ~~[adopted or approved pursuant to this chapter]~~ shall:

4494 (a) (i) meet minimum qualifications as established by the division in collaboration with
4495 the commission;

4496 (ii) be certified by a nationally recognized organization which promulgates
4497 construction codes ~~[adopted under this chapter]~~; or

4498 (iii) pass an examination developed by the division in collaboration with the
4499 commission;

4500 (b) be currently licensed by the division as meeting those minimum qualifications; and

4501 (c) be subject to revocation or suspension of the inspector's license or being placed on
4502 probation if found guilty of unlawful or unprofessional conduct.

4503 (2) A local regulator, state regulator, or compliance agency may contract for the
4504 services of a licensed inspector not regularly employed by the regulator or agency.

4505 ~~[(3) The division shall use the money received under Subsection (4) to provide~~
4506 ~~education:]~~

4507 ~~[(a) regarding the codes and code amendments that under Section 58-56-4 are adopted,~~
4508 ~~approved, or being considered for adoption or approval; and]~~

4509 ~~[(b) to:]~~

4510 ~~[(i) building inspectors; and]~~

4511 ~~[(ii) individuals engaged in construction-related trades or professions:]~~

4512 ~~[(4) (a) A compliance agency shall:]~~

4513 ~~[(i) charge a 1% surcharge on a building permit it issues; and]~~

4514 ~~[(ii) transmit 80% of the amount collected to the division to be used by the division to~~

4515 fulfill the requirements of Subsection (3).]

4516 [~~(b) The surcharge shall be deposited as a dedicated credit.~~]

4517 Section 124. Section **58-56-15.1** is enacted to read:

4518 **58-56-15.1. Factory built housing set-up contractor license.**

4519 (1) The scope of the work included under a factory built housing set-up contractor
4520 license includes:

4521 (a) the placement or securing, or both placement and securing, of the factory built
4522 housing on a permanent or temporary foundation;

4523 (b) securing units together, if required; and

4524 (c) connection of the utilities to a factory built housing unit.

4525 (2) The scope of work included under a factory built housing set-up contractor license
4526 does not include:

4527 (a) site preparation;

4528 (b) construction of a permanent foundation; and

4529 (c) construction of utility services to the near proximity of the factory built housing
4530 unit.

4531 (3) If a dealer is not licensed as a factory built housing set-up contractor, that
4532 individual must subcontract the connection services to an individual who is licensed by the
4533 division to perform those specific functions under Title 58, Chapter 55, Utah Construction
4534 Trades Licensing Act.

4535 Section 125. Section **58-56-17.5** is amended to read:

4536 **58-56-17.5. Factory Built Housing Fees Restricted Account.**

4537 (1) There is created within the General Fund a restricted account known as "Factory
4538 Built Housing Fees Account."

4539 (2) (a) The restricted account shall be funded from the fees the dealer collects and
4540 remits to the division for each factory built home the dealer sells as provided in Subsection
4541 58-56-17(1).

4542 (b) The division shall deposit all money collected under Subsection 58-56-17(1) in the

4543 restricted account.

4544 (c) The restricted account shall be used to pay for education and enforcement of this
4545 chapter and Title 15A, Chapter 1, Part 3, Factory Built Housing and Modular Units
4546 Administration Act, including investigations and administrative actions and the funding of
4547 additional employees to the amount of the legislative appropriation.

4548 (d) The restricted account may accrue interest which shall be deposited into the
4549 restricted account.

4550 Section 126. Section **59-12-102** is amended to read:

4551 **59-12-102. Definitions.**

4552 As used in this chapter:

4553 (1) "800 service" means a telecommunications service that:

4554 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

4555 (b) is typically marketed:

4556 (i) under the name 800 toll-free calling;

4557 (ii) under the name 855 toll-free calling;

4558 (iii) under the name 866 toll-free calling;

4559 (iv) under the name 877 toll-free calling;

4560 (v) under the name 888 toll-free calling; or

4561 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the

4562 Federal Communications Commission.

4563 (2) (a) "900 service" means an inbound toll telecommunications service that:

4564 (i) a subscriber purchases;

4565 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to
4566 the subscriber's:

4567 (A) prerecorded announcement; or

4568 (B) live service; and

4569 (iii) is typically marketed:

4570 (A) under the name 900 service; or

4571 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal
4572 Communications Commission.

4573 (b) "900 service" does not include a charge for:

4574 (i) a collection service a seller of a telecommunications service provides to a
4575 subscriber; or

4576 (ii) the following a subscriber sells to the subscriber's customer:

4577 (A) a product; or

4578 (B) a service.

4579 (3) (a) "Admission or user fees" includes season passes.

4580 (b) "Admission or user fees" does not include annual membership dues to private
4581 organizations.

4582 (4) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
4583 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
4584 Agreement after November 12, 2002.

4585 (5) "Agreement combined tax rate" means the sum of the tax rates:

4586 (a) listed under Subsection (6); and

4587 (b) that are imposed within a local taxing jurisdiction.

4588 (6) "Agreement sales and use tax" means a tax imposed under:

4589 (a) Subsection 59-12-103(2)(a)(i)(A);

4590 (b) Subsection 59-12-103(2)(b)(i);

4591 (c) Subsection 59-12-103(2)(c)(i);

4592 (d) Subsection 59-12-103(2)(d)(i)(A)(I);

4593 (e) Section 59-12-204;

4594 (f) Section 59-12-401;

4595 (g) Section 59-12-402;

4596 (h) Section 59-12-703;

4597 (i) Section 59-12-802;

4598 (j) Section 59-12-804;

- 4599 (k) Section 59-12-1102;
- 4600 (l) Section 59-12-1302;
- 4601 (m) Section 59-12-1402;
- 4602 (n) Section 59-12-1802;
- 4603 (o) Section 59-12-2003;
- 4604 (p) Section 59-12-2103;
- 4605 (q) Section 59-12-2213;
- 4606 (r) Section 59-12-2214;
- 4607 (s) Section 59-12-2215;
- 4608 (t) Section 59-12-2216;
- 4609 (u) Section 59-12-2217; or
- 4610 (v) Section 59-12-2218.
- 4611 (7) "Aircraft" is as defined in Section 72-10-102.
- 4612 (8) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 4613 (a) except for an airline as defined in Section 59-2-102 or an affiliated group as defined
- 4614 in Subsection 59-12-107(1)(f) of an airline; and
- 4615 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 4616 whether the business entity performs the following in this state:
- 4617 (i) check, diagnose, overhaul, and repair:
- 4618 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 4619 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
- 4620 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft
- 4621 engine;
- 4622 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 4623 aircraft:
- 4624 (A) an inspection;
- 4625 (B) a repair, including a structural repair or modification;
- 4626 (C) changing landing gear; and

- 4627 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 4628 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and
- 4629 completely apply new paint to the fixed wing turbine powered aircraft; and
- 4630 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 4631 results in a change in the fixed wing turbine powered aircraft's certification requirements by the
- 4632 authority that certifies the fixed wing turbine powered aircraft.
- 4633 (9) "Alcoholic beverage" means a beverage that:
- 4634 (a) is suitable for human consumption; and
- 4635 (b) contains .5% or more alcohol by volume.
- 4636 (10) (a) "Ancillary service" means a service associated with, or incidental to, the
- 4637 provision of telecommunications service.
- 4638 (b) "Ancillary service" includes:
- 4639 (i) a conference bridging service;
- 4640 (ii) a detailed communications billing service;
- 4641 (iii) directory assistance;
- 4642 (iv) a vertical service; or
- 4643 (v) a voice mail service.
- 4644 (11) "Area agency on aging" is as defined in Section 62A-3-101.
- 4645 (12) "Assisted amusement device" means an amusement device, skill device, or ride
- 4646 device that is started and stopped by an individual:
- 4647 (a) who is not the purchaser or renter of the right to use or operate the amusement
- 4648 device, skill device, or ride device; and
- 4649 (b) at the direction of the seller of the right to use the amusement device, skill device,
- 4650 or ride device.
- 4651 (13) "Assisted cleaning or washing of tangible personal property" means cleaning or
- 4652 washing of tangible personal property if the cleaning or washing labor is primarily performed
- 4653 by an individual:
- 4654 (a) who is not the purchaser of the cleaning or washing of the tangible personal

4655 property; and

4656 (b) at the direction of the seller of the cleaning or washing of the tangible personal
4657 property.

4658 (14) "Authorized carrier" means:

4659 (a) in the case of vehicles operated over public highways, the holder of credentials
4660 indicating that the vehicle is or will be operated pursuant to both the International Registration
4661 Plan and the International Fuel Tax Agreement;

4662 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
4663 certificate or air carrier's operating certificate; or

4664 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
4665 stock, the holder of a certificate issued by the United States Surface Transportation Board.

4666 (15) (a) Except as provided in Subsection (15)(b), "biomass energy" means any of the
4667 following that is used as the primary source of energy to produce fuel or electricity:

4668 (i) material from a plant or tree; or

4669 (ii) other organic matter that is available on a renewable basis, including:

4670 (A) slash and brush from forests and woodlands;

4671 (B) animal waste;

4672 (C) methane produced:

4673 (I) at landfills; or

4674 (II) as a byproduct of the treatment of wastewater residuals;

4675 (D) aquatic plants; and

4676 (E) agricultural products.

4677 (b) "Biomass energy" does not include:

4678 (i) black liquor;

4679 (ii) treated woods; or

4680 (iii) biomass from municipal solid waste other than methane produced:

4681 (A) at landfills; or

4682 (B) as a byproduct of the treatment of wastewater residuals.

4683 (16) (a) "Bundled transaction" means the sale of two or more items of tangible personal
4684 property, products, or services if the tangible personal property, products, or services are:

- 4685 (i) distinct and identifiable; and
4686 (ii) sold for one nonitemized price.

4687 (b) "Bundled transaction" does not include:

4688 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
4689 the basis of the selection by the purchaser of the items of tangible personal property included in
4690 the transaction;

4691 (ii) the sale of real property;

4692 (iii) the sale of services to real property;

4693 (iv) the retail sale of tangible personal property and a service if:

4694 (A) the tangible personal property:

4695 (I) is essential to the use of the service; and

4696 (II) is provided exclusively in connection with the service; and

4697 (B) the service is the true object of the transaction;

4698 (v) the retail sale of two services if:

4699 (A) one service is provided that is essential to the use or receipt of a second service;

4700 (B) the first service is provided exclusively in connection with the second service; and

4701 (C) the second service is the true object of the transaction;

4702 (vi) a transaction that includes tangible personal property or a product subject to
4703 taxation under this chapter and tangible personal property or a product that is not subject to
4704 taxation under this chapter if the:

4705 (A) seller's purchase price of the tangible personal property or product subject to
4706 taxation under this chapter is de minimis; or

4707 (B) seller's sales price of the tangible personal property or product subject to taxation
4708 under this chapter is de minimis; and

4709 (vii) the retail sale of tangible personal property that is not subject to taxation under
4710 this chapter and tangible personal property that is subject to taxation under this chapter if:

- 4711 (A) that retail sale includes:
- 4712 (I) food and food ingredients;
- 4713 (II) a drug;
- 4714 (III) durable medical equipment;
- 4715 (IV) mobility enhancing equipment;
- 4716 (V) an over-the-counter drug;
- 4717 (VI) a prosthetic device; or
- 4718 (VII) a medical supply; and
- 4719 (B) subject to Subsection (16)(f):
- 4720 (I) the seller's purchase price of the tangible personal property subject to taxation under
- 4721 this chapter is 50% or less of the seller's total purchase price of that retail sale; or
- 4722 (II) the seller's sales price of the tangible personal property subject to taxation under
- 4723 this chapter is 50% or less of the seller's total sales price of that retail sale.
- 4724 (c) (i) For purposes of Subsection (16)(a)(i), tangible personal property, a product, or a
- 4725 service that is distinct and identifiable does not include:
- 4726 (A) packaging that:
- 4727 (I) accompanies the sale of the tangible personal property, product, or service; and
- 4728 (II) is incidental or immaterial to the sale of the tangible personal property, product, or
- 4729 service;
- 4730 (B) tangible personal property, a product, or a service provided free of charge with the
- 4731 purchase of another item of tangible personal property, a product, or a service; or
- 4732 (C) an item of tangible personal property, a product, or a service included in the
- 4733 definition of "purchase price."
- 4734 (ii) For purposes of Subsection (16)(c)(i)(B), an item of tangible personal property, a
- 4735 product, or a service is provided free of charge with the purchase of another item of tangible
- 4736 personal property, a product, or a service if the sales price of the purchased item of tangible
- 4737 personal property, product, or service does not vary depending on the inclusion of the tangible
- 4738 personal property, product, or service provided free of charge.

4739 (d) (i) For purposes of Subsection (16)(a)(ii), property sold for one nonitemized price
4740 does not include a price that is separately identified by tangible personal property, product, or
4741 service on the following, regardless of whether the following is in paper format or electronic
4742 format:

4743 (A) a binding sales document; or

4744 (B) another supporting sales-related document that is available to a purchaser.

4745 (ii) For purposes of Subsection (16)(d)(i), a binding sales document or another
4746 supporting sales-related document that is available to a purchaser includes:

4747 (A) a bill of sale;

4748 (B) a contract;

4749 (C) an invoice;

4750 (D) a lease agreement;

4751 (E) a periodic notice of rates and services;

4752 (F) a price list;

4753 (G) a rate card;

4754 (H) a receipt; or

4755 (I) a service agreement.

4756 (e) (i) For purposes of Subsection (16)(b)(vi), the sales price of tangible personal
4757 property or a product subject to taxation under this chapter is de minimis if:

4758 (A) the seller's purchase price of the tangible personal property or product is 10% or
4759 less of the seller's total purchase price of the bundled transaction; or

4760 (B) the seller's sales price of the tangible personal property or product is 10% or less of
4761 the seller's total sales price of the bundled transaction.

4762 (ii) For purposes of Subsection (16)(b)(vi), a seller:

4763 (A) shall use the seller's purchase price or the seller's sales price to determine if the
4764 purchase price or sales price of the tangible personal property or product subject to taxation
4765 under this chapter is de minimis; and

4766 (B) may not use a combination of the seller's purchase price and the seller's sales price

4767 to determine if the purchase price or sales price of the tangible personal property or product
4768 subject to taxation under this chapter is de minimis.

4769 (iii) For purposes of Subsection (16)(b)(vi), a seller shall use the full term of a service
4770 contract to determine if the sales price of tangible personal property or a product is de minimis.

4771 (f) For purposes of Subsection (16)(b)(vii)(B), a seller may not use a combination of
4772 the seller's purchase price and the seller's sales price to determine if tangible personal property
4773 subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales
4774 price of that retail sale.

4775 (17) "Certified automated system" means software certified by the governing board of
4776 the agreement that:

4777 (a) calculates the agreement sales and use tax imposed within a local taxing
4778 jurisdiction:

4779 (i) on a transaction; and

4780 (ii) in the states that are members of the agreement;

4781 (b) determines the amount of agreement sales and use tax to remit to a state that is a
4782 member of the agreement; and

4783 (c) maintains a record of the transaction described in Subsection (17)(a)(i).

4784 (18) "Certified service provider" means an agent certified:

4785 (a) by the governing board of the agreement; and

4786 (b) to perform all of a seller's sales and use tax functions for an agreement sales and
4787 use tax other than the seller's obligation under Section 59-12-124 to remit a tax on the seller's
4788 own purchases.

4789 (19) (a) Subject to Subsection (19)(b), "clothing" means all human wearing apparel
4790 suitable for general use.

4791 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4792 commission shall make rules:

4793 (i) listing the items that constitute "clothing"; and

4794 (ii) that are consistent with the list of items that constitute "clothing" under the

4795 agreement.

4796 (20) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.

4797 (21) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other
4798 fuels that does not constitute industrial use under Subsection (48) or residential use under
4799 Subsection (94).

4800 (22) (a) "Common carrier" means a person engaged in or transacting the business of
4801 transporting passengers, freight, merchandise, or other property for hire within this state.

4802 (b) (i) "Common carrier" does not include a person who, at the time the person is
4803 traveling to or from that person's place of employment, transports a passenger to or from the
4804 passenger's place of employment.

4805 (ii) For purposes of Subsection (22)(b)(i), in accordance with Title 63G, Chapter 3,
4806 Utah Administrative Rulemaking Act, the commission may make rules defining what
4807 constitutes a person's place of employment.

4808 (23) "Component part" includes:

4809 (a) poultry, dairy, and other livestock feed, and their components;

4810 (b) baling ties and twine used in the baling of hay and straw;

4811 (c) fuel used for providing temperature control of orchards and commercial
4812 greenhouses doing a majority of their business in wholesale sales, and for providing power for
4813 off-highway type farm machinery; and

4814 (d) feed, seeds, and seedlings.

4815 (24) "Computer" means an electronic device that accepts information:

4816 (a) (i) in digital form; or

4817 (ii) in a form similar to digital form; and

4818 (b) manipulates that information for a result based on a sequence of instructions.

4819 (25) "Computer software" means a set of coded instructions designed to cause:

4820 (a) a computer to perform a task; or

4821 (b) automatic data processing equipment to perform a task.

4822 (26) (a) "Conference bridging service" means an ancillary service that links two or

4823 more participants of an audio conference call or video conference call.

4824 (b) "Conference bridging service" includes providing a telephone number as part of the
4825 ancillary service described in Subsection (26)(a).

4826 (c) "Conference bridging service" does not include a telecommunications service used
4827 to reach the ancillary service described in Subsection (26)(a).

4828 (27) "Construction materials" means any tangible personal property that will be
4829 converted into real property.

4830 (28) "Delivered electronically" means delivered to a purchaser by means other than
4831 tangible storage media.

4832 (29) (a) "Delivery charge" means a charge:

4833 (i) by a seller of:

4834 (A) tangible personal property;

4835 (B) a product transferred electronically; or

4836 (C) services; and

4837 (ii) for preparation and delivery of the tangible personal property, product transferred
4838 electronically, or services described in Subsection (29)(a)(i) to a location designated by the
4839 purchaser.

4840 (b) "Delivery charge" includes a charge for the following:

4841 (i) transportation;

4842 (ii) shipping;

4843 (iii) postage;

4844 (iv) handling;

4845 (v) crating; or

4846 (vi) packing.

4847 (30) "Detailed telecommunications billing service" means an ancillary service of
4848 separately stating information pertaining to individual calls on a customer's billing statement.

4849 (31) "Dietary supplement" means a product, other than tobacco, that:

4850 (a) is intended to supplement the diet;

- 4851 (b) contains one or more of the following dietary ingredients:
- 4852 (i) a vitamin;
- 4853 (ii) a mineral;
- 4854 (iii) an herb or other botanical;
- 4855 (iv) an amino acid;
- 4856 (v) a dietary substance for use by humans to supplement the diet by increasing the total
- 4857 dietary intake; or
- 4858 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
- 4859 described in Subsections (31)(b)(i) through (v);
- 4860 (c) (i) except as provided in Subsection (31)(c)(ii), is intended for ingestion in:
- 4861 (A) tablet form;
- 4862 (B) capsule form;
- 4863 (C) powder form;
- 4864 (D) softgel form;
- 4865 (E) gelcap form; or
- 4866 (F) liquid form; or
- 4867 (ii) notwithstanding Subsection (31)(c)(i), if the product is not intended for ingestion in
- 4868 a form described in Subsections (31)(c)(i)(A) through (F), is not represented:
- 4869 (A) as conventional food; and
- 4870 (B) for use as a sole item of:
- 4871 (I) a meal; or
- 4872 (II) the diet; and
- 4873 (d) is required to be labeled as a dietary supplement:
- 4874 (i) identifiable by the "Supplemental Facts" box found on the label; and
- 4875 (ii) as required by 21 C.F.R. Sec. 101.36.
- 4876 (32) (a) "Direct mail" means printed material delivered or distributed by United States
- 4877 mail or other delivery service:
- 4878 (i) to:

- 4879 (A) a mass audience; or
- 4880 (B) addressees on a mailing list provided:
 - 4881 (I) by a purchaser of the mailing list; or
 - 4882 (II) at the discretion of the purchaser of the mailing list; and
 - 4883 (ii) if the cost of the printed material is not billed directly to the recipients.
- 4884 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
- 4885 purchaser to a seller of direct mail for inclusion in a package containing the printed material.
- 4886 (c) "Direct mail" does not include multiple items of printed material delivered to a
- 4887 single address.
- 4888 (33) "Directory assistance" means an ancillary service of providing:
 - 4889 (a) address information; or
 - 4890 (b) telephone number information.
- 4891 (34) (a) "Disposable home medical equipment or supplies" means medical equipment
- 4892 or supplies that:
 - 4893 (i) cannot withstand repeated use; and
 - 4894 (ii) are purchased by, for, or on behalf of a person other than:
 - 4895 (A) a health care facility as defined in Section 26-21-2;
 - 4896 (B) a health care provider as defined in Section 78B-3-403;
 - 4897 (C) an office of a health care provider described in Subsection (34)(a)(ii)(B); or
 - 4898 (D) a person similar to a person described in Subsections (34)(a)(ii)(A) through (C).
 - 4899 (b) "Disposable home medical equipment or supplies" does not include:
 - 4900 (i) a drug;
 - 4901 (ii) durable medical equipment;
 - 4902 (iii) a hearing aid;
 - 4903 (iv) a hearing aid accessory;
 - 4904 (v) mobility enhancing equipment; or
 - 4905 (vi) tangible personal property used to correct impaired vision, including:
 - 4906 (A) eyeglasses; or

- 4907 (B) contact lenses.
- 4908 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4909 commission may by rule define what constitutes medical equipment or supplies.
- 4910 (35) (a) "Drug" means a compound, substance, or preparation, or a component of a
4911 compound, substance, or preparation that is:
- 4912 (i) recognized in:
- 4913 (A) the official United States Pharmacopoeia;
- 4914 (B) the official Homeopathic Pharmacopoeia of the United States;
- 4915 (C) the official National Formulary; or
- 4916 (D) a supplement to a publication listed in Subsections (35)(a)(i)(A) through (C);
- 4917 (ii) intended for use in the:
- 4918 (A) diagnosis of disease;
- 4919 (B) cure of disease;
- 4920 (C) mitigation of disease;
- 4921 (D) treatment of disease; or
- 4922 (E) prevention of disease; or
- 4923 (iii) intended to affect:
- 4924 (A) the structure of the body; or
- 4925 (B) any function of the body.
- 4926 (b) "Drug" does not include:
- 4927 (i) food and food ingredients;
- 4928 (ii) a dietary supplement;
- 4929 (iii) an alcoholic beverage; or
- 4930 (iv) a prosthetic device.
- 4931 (36) (a) Except as provided in Subsection (36)(c), "durable medical equipment" means
4932 equipment that:
- 4933 (i) can withstand repeated use;
- 4934 (ii) is primarily and customarily used to serve a medical purpose;

- 4935 (iii) generally is not useful to a person in the absence of illness or injury; and
- 4936 (iv) is not worn in or on the body.
- 4937 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 4938 equipment described in Subsection (36)(a).
- 4939 (c) Notwithstanding Subsection (36)(a), "durable medical equipment" does not include
- 4940 mobility enhancing equipment.
- 4941 (37) "Electronic" means:
- 4942 (a) relating to technology; and
- 4943 (b) having:
- 4944 (i) electrical capabilities;
- 4945 (ii) digital capabilities;
- 4946 (iii) magnetic capabilities;
- 4947 (iv) wireless capabilities;
- 4948 (v) optical capabilities;
- 4949 (vi) electromagnetic capabilities; or
- 4950 (vii) capabilities similar to Subsections (37)(b)(i) through (vi).
- 4951 (38) "Employee" is as defined in Section 59-10-401.
- 4952 (39) "Fixed guideway" means a public transit facility that uses and occupies:
- 4953 (a) rail for the use of public transit; or
- 4954 (b) a separate right-of-way for the use of public transit.
- 4955 (40) "Fixed wing turbine powered aircraft" means an aircraft that:
- 4956 (a) is powered by turbine engines;
- 4957 (b) operates on jet fuel; and
- 4958 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 4959 (41) "Fixed wireless service" means a telecommunications service that provides radio
- 4960 communication between fixed points.
- 4961 (42) (a) "Food and food ingredients" means substances:
- 4962 (i) regardless of whether the substances are in:

- 4963 (A) liquid form;
- 4964 (B) concentrated form;
- 4965 (C) solid form;
- 4966 (D) frozen form;
- 4967 (E) dried form; or
- 4968 (F) dehydrated form; and
- 4969 (ii) that are:
- 4970 (A) sold for:
- 4971 (I) ingestion by humans; or
- 4972 (II) chewing by humans; and
- 4973 (B) consumed for the substance's:
- 4974 (I) taste; or
- 4975 (II) nutritional value.
- 4976 (b) "Food and food ingredients" includes an item described in Subsection (78)(b)(iii).
- 4977 (c) "Food and food ingredients" does not include:
- 4978 (i) an alcoholic beverage;
- 4979 (ii) tobacco; or
- 4980 (iii) prepared food.
- 4981 (43) (a) "Fundraising sales" means sales:
- 4982 (i) (A) made by a school; or
- 4983 (B) made by a school student;
- 4984 (ii) that are for the purpose of raising funds for the school to purchase equipment,
- 4985 materials, or provide transportation; and
- 4986 (iii) that are part of an officially sanctioned school activity.
- 4987 (b) For purposes of Subsection (43)(a)(iii), "officially sanctioned school activity"
- 4988 means a school activity:
- 4989 (i) that is conducted in accordance with a formal policy adopted by the school or school
- 4990 district governing the authorization and supervision of fundraising activities;

4991 (ii) that does not directly or indirectly compensate an individual teacher or other
4992 educational personnel by direct payment, commissions, or payment in kind; and

4993 (iii) the net or gross revenues from which are deposited in a dedicated account
4994 controlled by the school or school district.

4995 (44) "Geothermal energy" means energy contained in heat that continuously flows
4996 outward from the earth that is used as the sole source of energy to produce electricity.

4997 (45) "Governing board of the agreement" means the governing board of the agreement
4998 that is:

4999 (a) authorized to administer the agreement; and

5000 (b) established in accordance with the agreement.

5001 (46) (a) For purposes of Subsection 59-12-104(41), "governmental entity" means:

5002 (i) the executive branch of the state, including all departments, institutions, boards,
5003 divisions, bureaus, offices, commissions, and committees;

5004 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
5005 Office of the Court Administrator, and similar administrative units in the judicial branch;

5006 (iii) the legislative branch of the state, including the House of Representatives, the
5007 Senate, the Legislative Printing Office, the Office of Legislative Research and General
5008 Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal
5009 Analyst;

5010 (iv) the National Guard;

5011 (v) an independent entity as defined in Section 63E-1-102; or

5012 (vi) a political subdivision as defined in Section 17B-1-102.

5013 (b) "Governmental entity" does not include the state systems of public and higher
5014 education, including:

5015 (i) a college campus of the Utah College of Applied Technology;

5016 (ii) a school;

5017 (iii) the State Board of Education;

5018 (iv) the State Board of Regents; or

- 5019 (v) a state institution of higher education as defined in Section 53B-3-102.
- 5020 (47) "Hydroelectric energy" means water used as the sole source of energy to produce
5021 electricity.
- 5022 (48) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or
5023 other fuels:
- 5024 (a) in mining or extraction of minerals;
- 5025 (b) in agricultural operations to produce an agricultural product up to the time of
5026 harvest or placing the agricultural product into a storage facility, including:
- 5027 (i) commercial greenhouses;
- 5028 (ii) irrigation pumps;
- 5029 (iii) farm machinery;
- 5030 (iv) implements of husbandry as defined in Subsection 41-1a-102(23) that are not
5031 registered under Title 41, Chapter 1a, Part 2, Registration; and
- 5032 (v) other farming activities;
- 5033 (c) in manufacturing tangible personal property at an establishment described in SIC
5034 Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal
5035 Executive Office of the President, Office of Management and Budget;
- 5036 (d) by a scrap recycler if:
- 5037 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
5038 one or more of the following items into prepared grades of processed materials for use in new
5039 products:
- 5040 (A) iron;
- 5041 (B) steel;
- 5042 (C) nonferrous metal;
- 5043 (D) paper;
- 5044 (E) glass;
- 5045 (F) plastic;
- 5046 (G) textile; or

5047 (H) rubber; and
5048 (ii) the new products under Subsection (48)(d)(i) would otherwise be made with
5049 nonrecycled materials; or
5050 (e) in producing a form of energy or steam described in Subsection 54-2-1(2)(a) by a
5051 cogeneration facility as defined in Section 54-2-1.
5052 (49) (a) Except as provided in Subsection (49)(b), "installation charge" means a charge
5053 for installing:
5054 (i) tangible personal property; or
5055 (ii) a product transferred electronically.
5056 (b) "Installation charge" does not include a charge for repairs or renovations of:
5057 (i) tangible personal property; or
5058 (ii) a product transferred electronically.
5059 (50) (a) "Lease" or "rental" means a transfer of possession or control of tangible
5060 personal property or a product transferred electronically for:
5061 (i) (A) a fixed term; or
5062 (B) an indeterminate term; and
5063 (ii) consideration.
5064 (b) "Lease" or "rental" includes an agreement covering a motor vehicle and trailer if the
5065 amount of consideration may be increased or decreased by reference to the amount realized
5066 upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue
5067 Code.
5068 (c) "Lease" or "rental" does not include:
5069 (i) a transfer of possession or control of property under a security agreement or
5070 deferred payment plan that requires the transfer of title upon completion of the required
5071 payments;
5072 (ii) a transfer of possession or control of property under an agreement that requires the
5073 transfer of title:
5074 (A) upon completion of required payments; and

- 5075 (B) if the payment of an option price does not exceed the greater of:
5076 (I) \$100; or
5077 (II) 1% of the total required payments; or
5078 (iii) providing tangible personal property along with an operator for a fixed period of
5079 time or an indeterminate period of time if the operator is necessary for equipment to perform as
5080 designed.
- 5081 (d) For purposes of Subsection (50)(c)(iii), an operator is necessary for equipment to
5082 perform as designed if the operator's duties exceed the:
5083 (i) set-up of tangible personal property;
5084 (ii) maintenance of tangible personal property; or
5085 (iii) inspection of tangible personal property.
- 5086 (51) "Load and leave" means delivery to a purchaser by use of a tangible storage media
5087 if the tangible storage media is not physically transferred to the purchaser.
- 5088 (52) "Local taxing jurisdiction" means a:
5089 (a) county that is authorized to impose an agreement sales and use tax;
5090 (b) city that is authorized to impose an agreement sales and use tax; or
5091 (c) town that is authorized to impose an agreement sales and use tax.
- 5092 (53) "Manufactured home" is as defined in Section ~~[58-56-3]~~ 15A-1-302.
- 5093 (54) For purposes of Section 59-12-104, "manufacturing facility" means:
5094 (a) an establishment described in SIC Codes 2000 to 3999 of the 1987 Standard
5095 Industrial Classification Manual of the federal Executive Office of the President, Office of
5096 Management and Budget;
5097 (b) a scrap recycler if:
5098 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
5099 one or more of the following items into prepared grades of processed materials for use in new
5100 products:
5101 (A) iron;
5102 (B) steel;

- 5103 (C) nonferrous metal;
- 5104 (D) paper;
- 5105 (E) glass;
- 5106 (F) plastic;
- 5107 (G) textile; or
- 5108 (H) rubber; and
- 5109 (ii) the new products under Subsection (54)(b)(i) would otherwise be made with
- 5110 nonrecycled materials; or
- 5111 (c) a cogeneration facility as defined in Section 54-2-1.
- 5112 (55) "Member of the immediate family of the producer" means a person who is related
- 5113 to a producer described in Subsection 59-12-104(20)(a) as a:
- 5114 (a) child or stepchild, regardless of whether the child or stepchild is:
- 5115 (i) an adopted child or adopted stepchild; or
- 5116 (ii) a foster child or foster stepchild;
- 5117 (b) grandchild or stepgrandchild;
- 5118 (c) grandparent or stepgrandparent;
- 5119 (d) nephew or stepnephew;
- 5120 (e) niece or stepniece;
- 5121 (f) parent or stepparent;
- 5122 (g) sibling or stepsibling;
- 5123 (h) spouse;
- 5124 (i) person who is the spouse of a person described in Subsections (55)(a) through (g);
- 5125 or
- 5126 (j) person similar to a person described in Subsections (55)(a) through (i) as
- 5127 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 5128 Administrative Rulemaking Act.
- 5129 (56) "Mobile home" is as defined in Section ~~[58-56-3]~~ 15A-1-302.
- 5130 (57) "Mobile telecommunications service" is as defined in the Mobile

5131 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

5132 (58) (a) "Mobile wireless service" means a telecommunications service, regardless of
5133 the technology used, if:

- 5134 (i) the origination point of the conveyance, routing, or transmission is not fixed;
- 5135 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
- 5136 (iii) the origination point described in Subsection (58)(a)(i) and the termination point
5137 described in Subsection (58)(a)(ii) are not fixed.

5138 (b) "Mobile wireless service" includes a telecommunications service that is provided
5139 by a commercial mobile radio service provider.

5140 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5141 commission may by rule define "commercial mobile radio service provider."

5142 (59) (a) Except as provided in Subsection (59)(c), "mobility enhancing equipment"
5143 means equipment that is:

- 5144 (i) primarily and customarily used to provide or increase the ability to move from one
5145 place to another;
- 5146 (ii) appropriate for use in a:
 - 5147 (A) home; or
 - 5148 (B) motor vehicle; and
- 5149 (iii) not generally used by persons with normal mobility.

5150 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
5151 the equipment described in Subsection (59)(a).

5152 (c) Notwithstanding Subsection (59)(a), "mobility enhancing equipment" does not
5153 include:

- 5154 (i) a motor vehicle;
- 5155 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor
5156 vehicle manufacturer;
- 5157 (iii) durable medical equipment; or
- 5158 (iv) a prosthetic device.

5159 (60) "Model 1 seller" means a seller registered under the agreement that has selected a
5160 certified service provider as the seller's agent to perform all of the seller's sales and use tax
5161 functions for agreement sales and use taxes other than the seller's obligation under Section
5162 59-12-124 to remit a tax on the seller's own purchases.

5163 (61) "Model 2 seller" means a seller registered under the agreement that:

5164 (a) except as provided in Subsection (61)(b), has selected a certified automated system
5165 to perform the seller's sales tax functions for agreement sales and use taxes; and

5166 (b) notwithstanding Subsection (61)(a), retains responsibility for remitting all of the
5167 sales tax:

5168 (i) collected by the seller; and

5169 (ii) to the appropriate local taxing jurisdiction.

5170 (62) (a) Subject to Subsection (62)(b), "model 3 seller" means a seller registered under
5171 the agreement that has:

5172 (i) sales in at least five states that are members of the agreement;

5173 (ii) total annual sales revenues of at least \$500,000,000;

5174 (iii) a proprietary system that calculates the amount of tax:

5175 (A) for an agreement sales and use tax; and

5176 (B) due to each local taxing jurisdiction; and

5177 (iv) entered into a performance agreement with the governing board of the agreement.

5178 (b) For purposes of Subsection (62)(a), "model 3 seller" includes an affiliated group of
5179 sellers using the same proprietary system.

5180 (63) "Model 4 seller" means a seller that is registered under the agreement and is not a
5181 model 1 seller, model 2 seller, or model 3 seller.

5182 (64) "Modular home" means a modular unit as defined in Section [~~58-56-3~~]
5183 15A-1-302.

5184 (65) "Motor vehicle" is as defined in Section 41-1a-102.

5185 (66) "Oil shale" means a group of fine black to dark brown shales containing
5186 bituminous material that yields petroleum upon distillation.

5187 (67) (a) "Other fuels" means products that burn independently to produce heat or
5188 energy.

5189 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
5190 personal property.

5191 (68) (a) "Paging service" means a telecommunications service that provides
5192 transmission of a coded radio signal for the purpose of activating a specific pager.

5193 (b) For purposes of Subsection (68)(a), the transmission of a coded radio signal
5194 includes a transmission by message or sound.

5195 (69) "Pawnbroker" is as defined in Section 13-32a-102.

5196 (70) "Pawn transaction" is as defined in Section 13-32a-102.

5197 (71) (a) "Permanently attached to real property" means that for tangible personal
5198 property attached to real property:

5199 (i) the attachment of the tangible personal property to the real property:

5200 (A) is essential to the use of the tangible personal property; and

5201 (B) suggests that the tangible personal property will remain attached to the real
5202 property in the same place over the useful life of the tangible personal property; or

5203 (ii) if the tangible personal property is detached from the real property, the detachment
5204 would:

5205 (A) cause substantial damage to the tangible personal property; or

5206 (B) require substantial alteration or repair of the real property to which the tangible
5207 personal property is attached.

5208 (b) "Permanently attached to real property" includes:

5209 (i) the attachment of an accessory to the tangible personal property if the accessory is:

5210 (A) essential to the operation of the tangible personal property; and

5211 (B) attached only to facilitate the operation of the tangible personal property;

5212 (ii) a temporary detachment of tangible personal property from real property for a
5213 repair or renovation if the repair or renovation is performed where the tangible personal
5214 property and real property are located; or

5215 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
5216 Subsection (71)(c)(iii) or (iv).

5217 (c) "Permanently attached to real property" does not include:

5218 (i) the attachment of portable or movable tangible personal property to real property if
5219 that portable or movable tangible personal property is attached to real property only for:

5220 (A) convenience;

5221 (B) stability; or

5222 (C) for an obvious temporary purpose;

5223 (ii) the detachment of tangible personal property from real property except for the
5224 detachment described in Subsection (71)(b)(ii);

5225 (iii) an attachment of the following tangible personal property to real property if the
5226 attachment to real property is only through a line that supplies water, electricity, gas,
5227 telecommunications, cable, or supplies a similar item as determined by the commission by rule
5228 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

5229 (A) a computer;

5230 (B) a telephone;

5231 (C) a television; or

5232 (D) tangible personal property similar to Subsections (71)(c)(iii)(A) through (C) as
5233 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
5234 Administrative Rulemaking Act; or

5235 (iv) an item listed in Subsection (111)(c).

5236 (72) "Person" includes any individual, firm, partnership, joint venture, association,
5237 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
5238 municipality, district, or other local governmental entity of the state, or any group or
5239 combination acting as a unit.

5240 (73) "Place of primary use":

5241 (a) for telecommunications service other than mobile telecommunications service,
5242 means the street address representative of where the customer's use of the telecommunications

5243 service primarily occurs, which shall be:

5244 (i) the residential street address of the customer; or

5245 (ii) the primary business street address of the customer; or

5246 (b) for mobile telecommunications service, is as defined in the Mobile

5247 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

5248 (74) (a) "Postpaid calling service" means a telecommunications service a person

5249 obtains by making a payment on a call-by-call basis:

5250 (i) through the use of a:

5251 (A) bank card;

5252 (B) credit card;

5253 (C) debit card; or

5254 (D) travel card; or

5255 (ii) by a charge made to a telephone number that is not associated with the origination

5256 or termination of the telecommunications service.

5257 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling

5258 service, that would be a prepaid wireless calling service if the service were exclusively a

5259 telecommunications service.

5260 (75) "Postproduction" means an activity related to the finishing or duplication of a

5261 medium described in Subsection 59-12-104(54)(a).

5262 (76) "Prepaid calling service" means a telecommunications service:

5263 (a) that allows a purchaser access to telecommunications service that is exclusively

5264 telecommunications service;

5265 (b) that:

5266 (i) is paid for in advance; and

5267 (ii) enables the origination of a call using an:

5268 (A) access number; or

5269 (B) authorization code;

5270 (c) that is dialed:

- 5271 (i) manually; or
- 5272 (ii) electronically; and
- 5273 (d) sold in predetermined units or dollars that decline:
- 5274 (i) by a known amount; and
- 5275 (ii) with use.
- 5276 (77) "Prepaid wireless calling service" means a telecommunications service:
- 5277 (a) that provides the right to utilize:
- 5278 (i) mobile wireless service; and
- 5279 (ii) other service that is not a telecommunications service, including:
- 5280 (A) the download of a product transferred electronically;
- 5281 (B) a content service; or
- 5282 (C) an ancillary service;
- 5283 (b) that:
- 5284 (i) is paid for in advance; and
- 5285 (ii) enables the origination of a call using an:
- 5286 (A) access number; or
- 5287 (B) authorization code;
- 5288 (c) that is dialed:
- 5289 (i) manually; or
- 5290 (ii) electronically; and
- 5291 (d) sold in predetermined units or dollars that decline:
- 5292 (i) by a known amount; and
- 5293 (ii) with use.
- 5294 (78) (a) "Prepared food" means:
- 5295 (i) food:
- 5296 (A) sold in a heated state; or
- 5297 (B) heated by a seller;
- 5298 (ii) two or more food ingredients mixed or combined by the seller for sale as a single

5299 item; or

5300 (iii) except as provided in Subsection (78)(c), food sold with an eating utensil provided

5301 by the seller, including a:

5302 (A) plate;

5303 (B) knife;

5304 (C) fork;

5305 (D) spoon;

5306 (E) glass;

5307 (F) cup;

5308 (G) napkin; or

5309 (H) straw.

5310 (b) "Prepared food" does not include:

5311 (i) food that a seller only:

5312 (A) cuts;

5313 (B) repackages; or

5314 (C) pasteurizes; or

5315 (ii) (A) the following:

5316 (I) raw egg;

5317 (II) raw fish;

5318 (III) raw meat;

5319 (IV) raw poultry; or

5320 (V) a food containing an item described in Subsections (78)(b)(ii)(A)(I) through (IV);

5321 and

5322 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the

5323 Food and Drug Administration's Food Code that a consumer cook the items described in

5324 Subsection (78)(b)(ii)(A) to prevent food borne illness; or

5325 (iii) the following if sold without eating utensils provided by the seller:

5326 (A) food and food ingredients sold by a seller if the seller's proper primary

5327 classification under the 2002 North American Industry Classification System of the federal
5328 Executive Office of the President, Office of Management and Budget, is manufacturing in
5329 Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla

5330 Manufacturing;

5331 (B) food and food ingredients sold in an unheated state:

5332 (I) by weight or volume; and

5333 (II) as a single item; or

5334 (C) a bakery item, including:

5335 (I) a bagel;

5336 (II) a bar;

5337 (III) a biscuit;

5338 (IV) bread;

5339 (V) a bun;

5340 (VI) a cake;

5341 (VII) a cookie;

5342 (VIII) a croissant;

5343 (IX) a danish;

5344 (X) a donut;

5345 (XI) a muffin;

5346 (XII) a pastry;

5347 (XIII) a pie;

5348 (XIV) a roll;

5349 (XV) a tart;

5350 (XVI) a torte; or

5351 (XVII) a tortilla.

5352 (c) Notwithstanding Subsection (78)(a)(iii), an eating utensil provided by the seller
5353 does not include the following used to transport the food:

5354 (i) a container; or

- 5355 (ii) packaging.
- 5356 (79) "Prescription" means an order, formula, or recipe that is issued:
- 5357 (a) (i) orally;
- 5358 (ii) in writing;
- 5359 (iii) electronically; or
- 5360 (iv) by any other manner of transmission; and
- 5361 (b) by a licensed practitioner authorized by the laws of a state.
- 5362 (80) (a) Except as provided in Subsection (80)(b)(ii) or (iii), "prewritten computer
- 5363 software" means computer software that is not designed and developed:
- 5364 (i) by the author or other creator of the computer software; and
- 5365 (ii) to the specifications of a specific purchaser.
- 5366 (b) "Prewritten computer software" includes:
- 5367 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer
- 5368 software is not designed and developed:
- 5369 (A) by the author or other creator of the computer software; and
- 5370 (B) to the specifications of a specific purchaser;
- 5371 (ii) notwithstanding Subsection (80)(a), computer software designed and developed by
- 5372 the author or other creator of the computer software to the specifications of a specific purchaser
- 5373 if the computer software is sold to a person other than the purchaser; or
- 5374 (iii) notwithstanding Subsection (80)(a) and except as provided in Subsection (80)(c),
- 5375 prewritten computer software or a prewritten portion of prewritten computer software:
- 5376 (A) that is modified or enhanced to any degree; and
- 5377 (B) if the modification or enhancement described in Subsection (80)(b)(iii)(A) is
- 5378 designed and developed to the specifications of a specific purchaser.
- 5379 (c) Notwithstanding Subsection (80)(b)(iii), "prewritten computer software" does not
- 5380 include a modification or enhancement described in Subsection (80)(b)(iii) if the charges for
- 5381 the modification or enhancement are:
- 5382 (i) reasonable; and

- 5383 (ii) separately stated on the invoice or other statement of price provided to the
5384 purchaser.
- 5385 (81) (a) "Private communication service" means a telecommunications service:
5386 (i) that entitles a customer to exclusive or priority use of one or more communications
5387 channels between or among termination points; and
5388 (ii) regardless of the manner in which the one or more communications channels are
5389 connected.
- 5390 (b) "Private communications service" includes the following provided in connection
5391 with the use of one or more communications channels:
5392 (i) an extension line;
5393 (ii) a station;
5394 (iii) switching capacity; or
5395 (iv) another associated service that is provided in connection with the use of one or
5396 more communications channels as defined in Section 59-12-215.
- 5397 (82) (a) "Prosthetic device" means a device that is worn on or in the body to:
5398 (i) artificially replace a missing portion of the body;
5399 (ii) prevent or correct a physical deformity or physical malfunction; or
5400 (iii) support a weak or deformed portion of the body.
- 5401 (b) "Prosthetic device" includes:
5402 (i) parts used in the repairs or renovation of a prosthetic device;
5403 (ii) replacement parts for a prosthetic device;
5404 (iii) a dental prosthesis; or
5405 (iv) a hearing aid.
- 5406 (c) "Prosthetic device" does not include:
5407 (i) corrective eyeglasses; or
5408 (ii) contact lenses.
- 5409 (83) (a) "Protective equipment" means an item:
5410 (i) for human wear; and

- 5411 (ii) that is:
- 5412 (A) designed as protection:
- 5413 (I) to the wearer against injury or disease; or
- 5414 (II) against damage or injury of other persons or property; and
- 5415 (B) not suitable for general use.
- 5416 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5417 commission shall make rules:
- 5418 (i) listing the items that constitute "protective equipment"; and
- 5419 (ii) that are consistent with the list of items that constitute "protective equipment"
- 5420 under the agreement.
- 5421 (84) (a) For purposes of Subsection 59-12-104(41), "publication" means any written or
- 5422 printed matter, other than a photocopy:
- 5423 (i) regardless of:
- 5424 (A) characteristics;
- 5425 (B) copyright;
- 5426 (C) form;
- 5427 (D) format;
- 5428 (E) method of reproduction; or
- 5429 (F) source; and
- 5430 (ii) made available in printed or electronic format.
- 5431 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5432 commission may by rule define the term "photocopy."
- 5433 (85) (a) "Purchase price" and "sales price" mean the total amount of consideration:
- 5434 (i) valued in money; and
- 5435 (ii) for which tangible personal property, a product transferred electronically, or
- 5436 services are:
- 5437 (A) sold;
- 5438 (B) leased; or

- 5439 (C) rented.
- 5440 (b) "Purchase price" and "sales price" include:
- 5441 (i) the seller's cost of the tangible personal property, a product transferred
- 5442 electronically, or services sold;
- 5443 (ii) expenses of the seller, including:
- 5444 (A) the cost of materials used;
- 5445 (B) a labor cost;
- 5446 (C) a service cost;
- 5447 (D) interest;
- 5448 (E) a loss;
- 5449 (F) the cost of transportation to the seller; or
- 5450 (G) a tax imposed on the seller;
- 5451 (iii) a charge by the seller for any service necessary to complete the sale; or
- 5452 (iv) consideration a seller receives from a person other than the purchaser if:
- 5453 (A) (I) the seller actually receives consideration from a person other than the purchaser;
- 5454 and
- 5455 (II) the consideration described in Subsection (85)(b)(iv)(A)(I) is directly related to a
- 5456 price reduction or discount on the sale;
- 5457 (B) the seller has an obligation to pass the price reduction or discount through to the
- 5458 purchaser;
- 5459 (C) the amount of the consideration attributable to the sale is fixed and determinable by
- 5460 the seller at the time of the sale to the purchaser; and
- 5461 (D) (I) (Aa) the purchaser presents a certificate, coupon, or other documentation to the
- 5462 seller to claim a price reduction or discount; and
- 5463 (Bb) a person other than the seller authorizes, distributes, or grants the certificate,
- 5464 coupon, or other documentation with the understanding that the person other than the seller
- 5465 will reimburse any seller to whom the certificate, coupon, or other documentation is presented;
- 5466 (II) the purchaser identifies that purchaser to the seller as a member of a group or

5467 organization allowed a price reduction or discount, except that a preferred customer card that is
5468 available to any patron of a seller does not constitute membership in a group or organization
5469 allowed a price reduction or discount; or

5470 (III) the price reduction or discount is identified as a third party price reduction or
5471 discount on the:

5472 (Aa) invoice the purchaser receives; or

5473 (Bb) certificate, coupon, or other documentation the purchaser presents.

5474 (c) "Purchase price" and "sales price" do not include:

5475 (i) a discount:

5476 (A) in a form including:

5477 (I) cash;

5478 (II) term; or

5479 (III) coupon;

5480 (B) that is allowed by a seller;

5481 (C) taken by a purchaser on a sale; and

5482 (D) that is not reimbursed by a third party; or

5483 (ii) the following if separately stated on an invoice, bill of sale, or similar document
5484 provided to the purchaser:

5485 (A) the following from credit extended on the sale of tangible personal property or
5486 services:

5487 (I) a carrying charge;

5488 (II) a financing charge; or

5489 (III) an interest charge;

5490 (B) a delivery charge;

5491 (C) an installation charge;

5492 (D) a manufacturer rebate on a motor vehicle; or

5493 (E) a tax or fee legally imposed directly on the consumer.

5494 (86) "Purchaser" means a person to whom:

- 5495 (a) a sale of tangible personal property is made;
- 5496 (b) a product is transferred electronically; or
- 5497 (c) a service is furnished.
- 5498 (87) "Regularly rented" means:
- 5499 (a) rented to a guest for value three or more times during a calendar year; or
- 5500 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 5501 value.
- 5502 (88) "Renewable energy" means:
- 5503 (a) biomass energy;
- 5504 (b) hydroelectric energy;
- 5505 (c) geothermal energy;
- 5506 (d) solar energy; or
- 5507 (e) wind energy.
- 5508 (89) (a) "Renewable energy production facility" means a facility that:
- 5509 (i) uses renewable energy to produce electricity; and
- 5510 (ii) has a production capacity of 20 kilowatts or greater.
- 5511 (b) A facility is a renewable energy production facility regardless of whether the
- 5512 facility is:
- 5513 (i) connected to an electric grid; or
- 5514 (ii) located on the premises of an electricity consumer.
- 5515 (90) "Rental" is as defined in Subsection (50).
- 5516 (91) "Repairs or renovations of tangible personal property" means:
- 5517 (a) a repair or renovation of tangible personal property that is not permanently attached
- 5518 to real property; or
- 5519 (b) attaching tangible personal property or a product that is transferred electronically to
- 5520 other tangible personal property if the other tangible personal property to which the tangible
- 5521 personal property or product that is transferred electronically is attached is not permanently
- 5522 attached to real property.

5523 (92) "Research and development" means the process of inquiry or experimentation
5524 aimed at the discovery of facts, devices, technologies, or applications and the process of
5525 preparing those devices, technologies, or applications for marketing.

5526 (93) (a) "Residential telecommunications services" means a telecommunications
5527 service or an ancillary service that is provided to an individual for personal use:

5528 (i) at a residential address; or

5529 (ii) at an institution, including a nursing home or a school, if the telecommunications
5530 service or ancillary service is provided to and paid for by the individual residing at the
5531 institution rather than the institution.

5532 (b) For purposes of Subsection (93)(a), a residential address includes an:

5533 (i) apartment; or

5534 (ii) other individual dwelling unit.

5535 (94) "Residential use" means the use in or around a home, apartment building, sleeping
5536 quarters, and similar facilities or accommodations.

5537 (95) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other
5538 than:

5539 (a) resale;

5540 (b) sublease; or

5541 (c) subrent.

5542 (96) (a) "Retailer" means any person engaged in a regularly organized business in
5543 tangible personal property or any other taxable transaction under Subsection 59-12-103(1), and
5544 who is selling to the user or consumer and not for resale.

5545 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
5546 engaged in the business of selling to users or consumers within the state.

5547 (97) (a) "Sale" means any transfer of title, exchange, or barter, conditional or
5548 otherwise, in any manner, of tangible personal property or any other taxable transaction under
5549 Subsection 59-12-103(1), for consideration.

5550 (b) "Sale" includes:

- 5551 (i) installment and credit sales;
- 5552 (ii) any closed transaction constituting a sale;
- 5553 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
- 5554 chapter;
- 5555 (iv) any transaction if the possession of property is transferred but the seller retains the
- 5556 title as security for the payment of the price; and
- 5557 (v) any transaction under which right to possession, operation, or use of any article of
- 5558 tangible personal property is granted under a lease or contract and the transfer of possession
- 5559 would be taxable if an outright sale were made.
- 5560 (98) "Sale at retail" is as defined in Subsection (95).
- 5561 (99) "Sale-leaseback transaction" means a transaction by which title to tangible
- 5562 personal property or a product transferred electronically that is subject to a tax under this
- 5563 chapter is transferred:
- 5564 (a) by a purchaser-lessee;
- 5565 (b) to a lessor;
- 5566 (c) for consideration; and
- 5567 (d) if:
- 5568 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase
- 5569 of the tangible personal property or product transferred electronically;
- 5570 (ii) the sale of the tangible personal property or product transferred electronically to the
- 5571 lessor is intended as a form of financing:
- 5572 (A) for the tangible personal property or product transferred electronically; and
- 5573 (B) to the purchaser-lessee; and
- 5574 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee
- 5575 is required to:
- 5576 (A) capitalize the tangible personal property or product transferred electronically for
- 5577 financial reporting purposes; and
- 5578 (B) account for the lease payments as payments made under a financing arrangement.

5579 (100) "Sales price" is as defined in Subsection (85).
5580 (101) (a) "Sales relating to schools" means the following sales by, amounts paid to, or
5581 amounts charged by a school:
5582 (i) sales that are directly related to the school's educational functions or activities
5583 including:
5584 (A) the sale of:
5585 (I) textbooks;
5586 (II) textbook fees;
5587 (III) laboratory fees;
5588 (IV) laboratory supplies; or
5589 (V) safety equipment;
5590 (B) the sale of a uniform, protective equipment, or sports or recreational equipment
5591 that:
5592 (I) a student is specifically required to wear as a condition of participation in a
5593 school-related event or school-related activity; and
5594 (II) is not readily adaptable to general or continued usage to the extent that it takes the
5595 place of ordinary clothing;
5596 (C) sales of the following if the net or gross revenues generated by the sales are
5597 deposited into a school district fund or school fund dedicated to school meals:
5598 (I) food and food ingredients; or
5599 (II) prepared food; or
5600 (D) transportation charges for official school activities; or
5601 (ii) amounts paid to or amounts charged by a school for admission to a school-related
5602 event or school-related activity.
5603 (b) "Sales relating to schools" does not include:
5604 (i) bookstore sales of items that are not educational materials or supplies;
5605 (ii) except as provided in Subsection (101)(a)(i)(B):
5606 (A) clothing;

- 5607 (B) clothing accessories or equipment;
- 5608 (C) protective equipment; or
- 5609 (D) sports or recreational equipment; or
- 5610 (iii) amounts paid to or amounts charged by a school for admission to a school-related
- 5611 event or school-related activity if the amounts paid or charged are passed through to a person:
- 5612 (A) other than a:
- 5613 (I) school;
- 5614 (II) nonprofit organization authorized by a school board or a governing body of a
- 5615 private school to organize and direct a competitive secondary school activity; or
- 5616 (III) nonprofit association authorized by a school board or a governing body of a
- 5617 private school to organize and direct a competitive secondary school activity; and
- 5618 (B) that is required to collect sales and use taxes under this chapter.
- 5619 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5620 commission may make rules defining the term "passed through."
- 5621 (102) For purposes of this section and Section 59-12-104, "school":
- 5622 (a) means:
- 5623 (i) an elementary school or a secondary school that:
- 5624 (A) is a:
- 5625 (I) public school; or
- 5626 (II) private school; and
- 5627 (B) provides instruction for one or more grades kindergarten through 12; or
- 5628 (ii) a public school district; and
- 5629 (b) includes the Electronic High School as defined in Section 53A-15-1002.
- 5630 (103) "Seller" means a person that makes a sale, lease, or rental of:
- 5631 (a) tangible personal property;
- 5632 (b) a product transferred electronically; or
- 5633 (c) a service.
- 5634 (104) (a) "Semiconductor fabricating, processing, research, or development materials"

5635 means tangible personal property or a product transferred electronically if the tangible personal
5636 property or product transferred electronically is:

5637 (i) used primarily in the process of:

5638 (A) (I) manufacturing a semiconductor;

5639 (II) fabricating a semiconductor; or

5640 (III) research or development of a:

5641 (Aa) semiconductor; or

5642 (Bb) semiconductor manufacturing process; or

5643 (B) maintaining an environment suitable for a semiconductor; or

5644 (ii) consumed primarily in the process of:

5645 (A) (I) manufacturing a semiconductor;

5646 (II) fabricating a semiconductor; or

5647 (III) research or development of a:

5648 (Aa) semiconductor; or

5649 (Bb) semiconductor manufacturing process; or

5650 (B) maintaining an environment suitable for a semiconductor.

5651 (b) "Semiconductor fabricating, processing, research, or development materials"

5652 includes:

5653 (i) parts used in the repairs or renovations of tangible personal property or a product
5654 transferred electronically described in Subsection (104)(a); or

5655 (ii) a chemical, catalyst, or other material used to:

5656 (A) produce or induce in a semiconductor a:

5657 (I) chemical change; or

5658 (II) physical change;

5659 (B) remove impurities from a semiconductor; or

5660 (C) improve the marketable condition of a semiconductor.

5661 (105) "Senior citizen center" means a facility having the primary purpose of providing
5662 services to the aged as defined in Section 62A-3-101.

- 5663 (106) "Simplified electronic return" means the electronic return:
5664 (a) described in Section 318(C) of the agreement; and
5665 (b) approved by the governing board of the agreement.
- 5666 (107) "Solar energy" means the sun used as the sole source of energy for producing
5667 electricity.
- 5668 (108) (a) "Sports or recreational equipment" means an item:
5669 (i) designed for human use; and
5670 (ii) that is:
5671 (A) worn in conjunction with:
5672 (I) an athletic activity; or
5673 (II) a recreational activity; and
5674 (B) not suitable for general use.
- 5675 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5676 commission shall make rules:
5677 (i) listing the items that constitute "sports or recreational equipment"; and
5678 (ii) that are consistent with the list of items that constitute "sports or recreational
5679 equipment" under the agreement.
- 5680 (109) "State" means the state of Utah, its departments, and agencies.
- 5681 (110) "Storage" means any keeping or retention of tangible personal property or any
5682 other taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
5683 sale in the regular course of business.
- 5684 (111) (a) Except as provided in Subsection (111)(d) or (e), "tangible personal property"
5685 means personal property that:
5686 (i) may be:
5687 (A) seen;
5688 (B) weighed;
5689 (C) measured;
5690 (D) felt; or

- 5691 (E) touched; or
- 5692 (ii) is in any manner perceptible to the senses.
- 5693 (b) "Tangible personal property" includes:
- 5694 (i) electricity;
- 5695 (ii) water;
- 5696 (iii) gas;
- 5697 (iv) steam; or
- 5698 (v) prewritten computer software.
- 5699 (c) "Tangible personal property" includes the following regardless of whether the item
- 5700 is attached to real property:
- 5701 (i) a dishwasher;
- 5702 (ii) a dryer;
- 5703 (iii) a freezer;
- 5704 (iv) a microwave;
- 5705 (v) a refrigerator;
- 5706 (vi) a stove;
- 5707 (vii) a washer; or
- 5708 (viii) an item similar to Subsections (111)(c)(i) through (vii) as determined by the
- 5709 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 5710 Rulemaking Act.
- 5711 (d) "Tangible personal property" does not include a product that is transferred
- 5712 electronically.
- 5713 (e) "Tangible personal property" does not include the following if attached to real
- 5714 property, regardless of whether the attachment to real property is only through a line that
- 5715 supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the
- 5716 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 5717 Rulemaking Act:
- 5718 (i) a hot water heater;

5719 (ii) a water filtration system; or

5720 (iii) a water softener system.

5721 (112) "Tar sands" means impregnated sands that yield mixtures of liquid hydrocarbon
5722 and require further processing other than mechanical blending before becoming finished
5723 petroleum products.

5724 (113) (a) "Telecommunications enabling or facilitating equipment, machinery, or
5725 software" means an item listed in Subsection (113)(b) if that item is purchased or leased
5726 primarily to enable or facilitate one or more of the following to function:

5727 (i) telecommunications switching or routing equipment, machinery, or software; or

5728 (ii) telecommunications transmission equipment, machinery, or software.

5729 (b) The following apply to Subsection (113)(a):

5730 (i) a pole;

5731 (ii) software;

5732 (iii) a supplementary power supply;

5733 (iv) temperature or environmental equipment or machinery;

5734 (v) test equipment;

5735 (vi) a tower; or

5736 (vii) equipment, machinery, or software that functions similarly to an item listed in
5737 Subsections (113)(b)(i) through (vi) as determined by the commission by rule made in
5738 accordance with Subsection (113)(c).

5739 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5740 commission may by rule define what constitutes equipment, machinery, or software that
5741 functions similarly to an item listed in Subsections (113)(b)(i) through (vi).

5742 (114) "Telecommunications equipment, machinery, or software required for 911
5743 service" means equipment, machinery, or software that is required to comply with 47 C.F.R.
5744 Sec. 20.18.

5745 (115) "Telecommunications maintenance or repair equipment, machinery, or software"
5746 means equipment, machinery, or software purchased or leased primarily to maintain or repair

5747 one or more of the following, regardless of whether the equipment, machinery, or software is
5748 purchased or leased as a spare part or as an upgrade or modification to one or more of the
5749 following:

5750 (a) telecommunications enabling or facilitating equipment, machinery, or software;

5751 (b) telecommunications switching or routing equipment, machinery, or software; or

5752 (c) telecommunications transmission equipment, machinery, or software.

5753 (116) (a) "Telecommunications service" means the electronic conveyance, routing, or
5754 transmission of audio, data, video, voice, or any other information or signal to a point, or
5755 among or between points.

5756 (b) "Telecommunications service" includes:

5757 (i) an electronic conveyance, routing, or transmission with respect to which a computer
5758 processing application is used to act:

5759 (A) on the code, form, or protocol of the content;

5760 (B) for the purpose of electronic conveyance, routing, or transmission; and

5761 (C) regardless of whether the service:

5762 (I) is referred to as voice over Internet protocol service; or

5763 (II) is classified by the Federal Communications Commission as enhanced or value
5764 added;

5765 (ii) an 800 service;

5766 (iii) a 900 service;

5767 (iv) a fixed wireless service;

5768 (v) a mobile wireless service;

5769 (vi) a postpaid calling service;

5770 (vii) a prepaid calling service;

5771 (viii) a prepaid wireless calling service; or

5772 (ix) a private communications service.

5773 (c) "Telecommunications service" does not include:

5774 (i) advertising, including directory advertising;

- 5775 (ii) an ancillary service;
- 5776 (iii) a billing and collection service provided to a third party;
- 5777 (iv) a data processing and information service if:
 - 5778 (A) the data processing and information service allows data to be:
 - 5779 (I) (Aa) acquired;
 - 5780 (Bb) generated;
 - 5781 (Cc) processed;
 - 5782 (Dd) retrieved; or
 - 5783 (Ee) stored; and
 - 5784 (II) delivered by an electronic transmission to a purchaser; and
- 5785 (B) the purchaser's primary purpose for the underlying transaction is the processed data
- 5786 or information;
- 5787 (v) installation or maintenance of the following on a customer's premises:
 - 5788 (A) equipment; or
 - 5789 (B) wiring;
- 5790 (vi) Internet access service;
- 5791 (vii) a paging service;
- 5792 (viii) a product transferred electronically, including:
 - 5793 (A) music;
 - 5794 (B) reading material;
 - 5795 (C) a ring tone;
 - 5796 (D) software; or
 - 5797 (E) video;
- 5798 (ix) a radio and television audio and video programming service:
 - 5799 (A) regardless of the medium; and
 - 5800 (B) including:
 - 5801 (I) furnishing conveyance, routing, or transmission of a television audio and video
 - 5802 programming service by a programming service provider;

- 5803 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
- 5804 (III) audio and video programming services delivered by a commercial mobile radio
- 5805 service provider as defined in 47 C.F.R. Sec. 20.3;
- 5806 (x) a value-added nonvoice data service; or
- 5807 (xi) tangible personal property.
- 5808 (117) (a) "Telecommunications service provider" means a person that:
- 5809 (i) owns, controls, operates, or manages a telecommunications service; and
- 5810 (ii) engages in an activity described in Subsection (117)(a)(i) for the shared use with or
- 5811 resale to any person of the telecommunications service.
- 5812 (b) A person described in Subsection (117)(a) is a telecommunications service provider
- 5813 whether or not the Public Service Commission of Utah regulates:
- 5814 (i) that person; or
- 5815 (ii) the telecommunications service that the person owns, controls, operates, or
- 5816 manages.
- 5817 (118) (a) "Telecommunications switching or routing equipment, machinery, or
- 5818 software" means an item listed in Subsection (118)(b) if that item is purchased or leased
- 5819 primarily for switching or routing:
- 5820 (i) an ancillary service;
- 5821 (ii) data communications;
- 5822 (iii) voice communications; or
- 5823 (iv) telecommunications service.
- 5824 (b) The following apply to Subsection (118)(a):
- 5825 (i) a bridge;
- 5826 (ii) a computer;
- 5827 (iii) a cross connect;
- 5828 (iv) a modem;
- 5829 (v) a multiplexer;
- 5830 (vi) plug in circuitry;

- 5831 (vii) a router;
- 5832 (viii) software;
- 5833 (ix) a switch; or
- 5834 (x) equipment, machinery, or software that functions similarly to an item listed in
- 5835 Subsections (118)(b)(i) through (ix) as determined by the commission by rule made in
- 5836 accordance with Subsection (118)(c).
- 5837 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5838 commission may by rule define what constitutes equipment, machinery, or software that
- 5839 functions similarly to an item listed in Subsections (118)(b)(i) through (ix).
- 5840 (119) (a) "Telecommunications transmission equipment, machinery, or software"
- 5841 means an item listed in Subsection (119)(b) if that item is purchased or leased primarily for
- 5842 sending, receiving, or transporting:
- 5843 (i) an ancillary service;
- 5844 (ii) data communications;
- 5845 (iii) voice communications; or
- 5846 (iv) telecommunications service.
- 5847 (b) The following apply to Subsection (119)(a):
- 5848 (i) an amplifier;
- 5849 (ii) a cable;
- 5850 (iii) a closure;
- 5851 (iv) a conduit;
- 5852 (v) a controller;
- 5853 (vi) a duplexer;
- 5854 (vii) a filter;
- 5855 (viii) an input device;
- 5856 (ix) an input/output device;
- 5857 (x) an insulator;
- 5858 (xi) microwave machinery or equipment;

- 5859 (xii) an oscillator;
- 5860 (xiii) an output device;
- 5861 (xiv) a pedestal;
- 5862 (xv) a power converter;
- 5863 (xvi) a power supply;
- 5864 (xvii) a radio channel;
- 5865 (xviii) a radio receiver;
- 5866 (xix) a radio transmitter;
- 5867 (xx) a repeater;
- 5868 (xxi) software;
- 5869 (xxii) a terminal;
- 5870 (xxiii) a timing unit;
- 5871 (xxiv) a transformer;
- 5872 (xxv) a wire; or
- 5873 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
- 5874 Subsections (119)(b)(i) through (xxv) as determined by the commission by rule made in
- 5875 accordance with Subsection (119)(c).

5876 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5877 commission may by rule define what constitutes equipment, machinery, or software that
5878 functions similarly to an item listed in Subsections (119)(b)(i) through (xxv).

5879 (120) "Tobacco" means:

- 5880 (a) a cigarette;
- 5881 (b) a cigar;
- 5882 (c) chewing tobacco;
- 5883 (d) pipe tobacco; or
- 5884 (e) any other item that contains tobacco.

5885 (121) "Unassisted amusement device" means an amusement device, skill device, or
5886 ride device that is started and stopped by the purchaser or renter of the right to use or operate

5887 the amusement device, skill device, or ride device.

5888 (122) (a) "Use" means the exercise of any right or power over tangible personal
5889 property, a product transferred electronically, or a service under Subsection 59-12-103(1),
5890 incident to the ownership or the leasing of that tangible personal property, product transferred
5891 electronically, or service.

5892 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
5893 property, a product transferred electronically, or a service in the regular course of business and
5894 held for resale.

5895 (123) "Value-added nonvoice data service" means a service:

5896 (a) that otherwise meets the definition of a telecommunications service except that a
5897 computer processing application is used to act primarily for a purpose other than conveyance,
5898 routing, or transmission; and

5899 (b) with respect to which a computer processing application is used to act on data or
5900 information:

- 5901 (i) code;
- 5902 (ii) content;
- 5903 (iii) form; or
- 5904 (iv) protocol.

5905 (124) (a) Subject to Subsection (124)(b), "vehicle" means the following that are
5906 required to be titled, registered, or titled and registered:

- 5907 (i) an aircraft as defined in Section 72-10-102;
- 5908 (ii) a vehicle as defined in Section 41-1a-102;
- 5909 (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 5910 (iv) a vessel as defined in Section 41-1a-102.

5911 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:

- 5912 (i) a vehicle described in Subsection (124)(a); or
- 5913 (ii) (A) a locomotive;
- 5914 (B) a freight car;

- 5915 (C) railroad work equipment; or
5916 (D) other railroad rolling stock.
- 5917 (125) "Vehicle dealer" means a person engaged in the business of buying, selling, or
5918 exchanging a vehicle as defined in Subsection (124).
- 5919 (126) (a) "Vertical service" means an ancillary service that:
5920 (i) is offered in connection with one or more telecommunications services; and
5921 (ii) offers an advanced calling feature that allows a customer to:
5922 (A) identify a caller; and
5923 (B) manage multiple calls and call connections.
- 5924 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
5925 conference bridging service.
- 5926 (127) (a) "Voice mail service" means an ancillary service that enables a customer to
5927 receive, send, or store a recorded message.
- 5928 (b) "Voice mail service" does not include a vertical service that a customer is required
5929 to have in order to utilize a voice mail service.
- 5930 (128) (a) Except as provided in Subsection (128)(b), "waste energy facility" means a
5931 facility that generates electricity:
5932 (i) using as the primary source of energy waste materials that would be placed in a
5933 landfill or refuse pit if it were not used to generate electricity, including:
5934 (A) tires;
5935 (B) waste coal; or
5936 (C) oil shale; and
5937 (ii) in amounts greater than actually required for the operation of the facility.
- 5938 (b) "Waste energy facility" does not include a facility that incinerates:
5939 (i) municipal solid waste;
5940 (ii) hospital waste as defined in 40 C.F.R. 60.51c; or
5941 (iii) medical/infectious waste as defined in 40 C.F.R. 60.51c.
- 5942 (129) "Watercraft" means a vessel as defined in Section 73-18-2.

5943 (130) "Wind energy" means wind used as the sole source of energy to produce
5944 electricity.

5945 (131) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic
5946 location by the United States Postal Service.

5947 Section 127. Section **63A-5-206** is amended to read:

5948 **63A-5-206. Construction, alteration, and repair of state facilities -- Powers of**
5949 **director -- Exceptions -- Expenditure of appropriations -- Notification to local**
5950 **governments for construction or modification of certain facilities.**

5951 (1) As used in this section:

5952 (a) "Capital developments" and "capital improvements" have the same meaning as
5953 provided in Section 63A-5-104.

5954 (b) "Compliance agency" has the same meaning as provided in [~~Subsection 58-56-3(4)]~~
5955 Section 15A-1-202.

5956 (c) (i) "Facility" means any building, structure, or other improvement that is
5957 constructed on property owned by the state, its departments, commissions, institutions, or
5958 agencies.

5959 (ii) "Facility" does not mean an unoccupied structure that is a component of the state
5960 highway system.

5961 (d) "Life cycle cost-effective" means, as provided for in rules adopted by the State
5962 Building Board, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
5963 Act, the most prudent cost of owning and operating a facility, including the initial cost, energy
5964 costs, operation and maintenance costs, repair costs, and the costs of energy conservation and
5965 renewable energy systems.

5966 (e) "Local government" means the county, municipality, or local school district that
5967 would have jurisdiction to act as the compliance agency if the property on which the project is
5968 being constructed were not owned by the state.

5969 (f) "Renewable energy system" means a system designed to use solar, wind, geothermal
5970 power, wood, or other replenishable energy source to heat, cool, or provide electricity to a

5971 building.

5972 (2) (a) (i) Except as provided in Subsections (3) and (4), the director shall exercise
5973 direct supervision over the design and construction of all new facilities, and all alterations,
5974 repairs, and improvements to existing facilities if the total project construction cost, regardless
5975 of the funding source, is greater than \$100,000, unless there is memorandum of understanding
5976 between the director and an institution of higher education that permits the institution of higher
5977 education to exercise direct supervision for a project with a total project construction cost of
5978 not greater than \$250,000.

5979 (ii) A state entity may exercise direct supervision over the design and construction of
5980 all new facilities, and all alterations, repairs, and improvements to existing facilities if:

5981 (A) the total project construction cost, regardless of the funding sources, is \$100,000 or
5982 less; and

5983 (B) the state entity assures compliance with the division's forms and contracts and the
5984 division's design, construction, alteration, repair, improvements, and code inspection standards.

5985 (b) The director shall prepare or have prepared by private firms or individuals designs,
5986 plans, and specifications for the projects administered by the division.

5987 (c) Before proceeding with construction, the director and the officials charged with the
5988 administration of the affairs of the particular department, commission, institution, or agency
5989 shall approve the location, design, plans, and specifications.

5990 (3) Projects for the construction of new facilities and alterations, repairs, and
5991 improvements to existing facilities are not subject to Subsection (2) if the project:

5992 (a) occurs on property under the jurisdiction of the State Capitol Preservation Board;

5993 (b) is within a designated research park at the University of Utah or Utah State
5994 University;

5995 (c) occurs within the boundaries of This is the Place State Park and is administered by
5996 This is the Place Foundation except that This is the Place Foundation may request the director
5997 to administer the design and construction; or

5998 (d) is for the creation and installation of art under Title 9, Chapter 6, Part 4, Utah

5999 Percent-for-Art Act.

6000 (4) (a) (i) The State Building Board may authorize the delegation of control over
6001 design, construction, and all other aspects of any project to entities of state government on a
6002 project-by-project basis or for projects within a particular dollar range and a particular project
6003 type.

6004 (ii) The state entity to whom control is delegated shall assume fiduciary control over
6005 project finances, shall assume all responsibility for project budgets and expenditures, and shall
6006 receive all funds appropriated for the project, including any contingency funds contained in the
6007 appropriated project budget.

6008 (iii) Delegation of project control does not exempt the state entity from complying with
6009 the codes and guidelines for design and construction adopted by the division and the State
6010 Building Board.

6011 (iv) State entities that receive a delegated project may not access, for the delegated
6012 project, the division's statewide contingency reserve and project reserve authorized in Section
6013 63A-5-209.

6014 (b) For facilities that will be owned, operated, maintained, and repaired by an entity
6015 that is not a state agency or institution and that are located on state property, the State Building
6016 Board may authorize the owner to administer the design and construction of the project instead
6017 of the division.

6018 (5) Notwithstanding any other provision of this section, if a donor donates land to an
6019 eligible institution of higher education and commits to build a building or buildings on that
6020 land, and the institution agrees to provide funds for the operations and maintenance costs from
6021 sources other than state funds, and agrees that the building or buildings will not be eligible for
6022 state capital improvement funding, the higher education institution may:

6023 (a) oversee and manage the construction without involvement, oversight, or
6024 management from the division; or

6025 (b) arrange for management of the project by the division.

6026 (6) (a) The role of compliance agency as provided in [~~Title 58, Chapter 56, Utah~~

6027 ~~Uniform Building Standards Act]~~ Title 15A, State Construction and Fire Codes Act, shall be
6028 provided by:

- 6029 (i) the director, for projects administered by the division;
- 6030 (ii) the entity designated by the State Capitol Preservation Board, for projects under
6031 Subsection (3)(a);
- 6032 (iii) the local government, for projects exempt from the division's administration under
6033 Subsection (3)(b) or administered by This is the Place Foundation under Subsection (3)(c);
- 6034 (iv) the state entity or local government designated by the State Building Board, for
6035 projects under Subsection (4); or
- 6036 (v) the institution, for projects exempt from the division's administration under
6037 Subsection (5)(a).

6038 (b) For the installation of art under Subsection (3)(d), the role of compliance agency
6039 shall be provided by the entity that is acting in this capacity for the balance of the project as
6040 provided in Subsection (6)(a).

6041 (c) The local government acting as the compliance agency under Subsection (6)(a)(iii)
6042 may:

6043 (i) only review plans and inspect construction to enforce the ~~[building codes as adopted~~
6044 ~~by the Uniform Building Codes Commission]~~ State Construction Code or an approved code
6045 under Title 15A, State Construction and Fire Codes Act; and

6046 (ii) charge a building permit fee of no more than the amount it could have charged if
6047 the land upon which the improvements are located were not owned by the state.

6048 (d) (i) The use of state property and any improvements constructed on state property,
6049 including improvements constructed by nonstate entities, is not subject to the zoning authority
6050 of local governments as provided in Sections 10-9a-304 and 17-27a-304.

6051 (ii) The state entity controlling the use of the state property shall consider any input
6052 received from the local government in determining how the property shall be used.

6053 (7) Before construction may begin, the director shall review the design of projects
6054 exempted from the division's administration under Subsection (4) to determine if the design:

6055 (a) complies with any restrictions placed on the project by the State Building Board;
6056 and

6057 (b) is appropriate for the purpose and setting of the project.

6058 (8) The director shall ensure that state-owned facilities, except for facilities under the
6059 control of the State Capitol Preservation Board, are life cycle cost-effective.

6060 (9) The director may expend appropriations for statewide projects from funds provided
6061 by the Legislature for those specific purposes and within guidelines established by the State
6062 Building Board.

6063 (10) (a) The director, with the approval of the Office of Legislative Fiscal Analyst,
6064 shall develop standard forms to present capital development and capital improvement cost
6065 summary data.

6066 (b) The director shall:

6067 (i) within 30 days after the completion of each capital development project, submit cost
6068 summary data for the project on the standard form to the Office of Legislative Fiscal Analyst;
6069 and

6070 (ii) upon request, submit cost summary data for a capital improvement project to the
6071 Office of Legislative Fiscal Analyst on the standard form.

6072 (11) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures
6073 Act, the director may:

6074 (a) accelerate the design of projects funded by any appropriation act passed by the
6075 Legislature in its annual general session;

6076 (b) use any unencumbered existing account balances to fund that design work; and

6077 (c) reimburse those account balances from the amount funded for those projects when
6078 the appropriation act funding the project becomes effective.

6079 (12) (a) The director, the director's designee, or the state entity to whom control has
6080 been designated under Subsection (4), shall notify in writing the elected representatives of local
6081 government entities directly and substantively affected by any diagnostic, treatment, parole,
6082 probation, or other secured facility project exceeding \$250,000, if:

6083 (i) the nature of the project has been significantly altered since prior notification;

6084 (ii) the project would significantly change the nature of the functions presently

6085 conducted at the location; or

6086 (iii) the project is new construction.

6087 (b) At the request of either the state entity or the local government entity,

6088 representatives from the state entity and the affected local entity shall conduct or participate in

6089 a local public hearing or hearings to discuss these issues.

6090 (13) (a) (i) Before beginning the construction of student housing on property owned by

6091 the state or a public institution of higher education, the director shall provide written notice of

6092 the proposed construction, as provided in Subsection (13)(a)(ii), if any of the proposed student

6093 housing buildings is within 300 feet of privately owned residential property.

6094 (ii) Each notice under Subsection (13)(a)(i) shall be provided to the legislative body

6095 and, if applicable, the mayor of:

6096 (A) the county in whose unincorporated area the privately owned residential property is

6097 located; or

6098 (B) the municipality in whose boundaries the privately owned residential property is

6099 located.

6100 (b) (i) Within 21 days after receiving the notice required by Subsection (13)(a)(i), a

6101 county or municipality entitled to the notice may submit a written request to the director for a

6102 public hearing on the proposed student housing construction.

6103 (ii) If a county or municipality requests a hearing under Subsection (13)(b)(i), the

6104 director and the county or municipality shall jointly hold a public hearing to provide

6105 information to the public and to allow the director and the county or municipality to receive

6106 input from the public about the proposed student housing construction.

6107 Section 128. Section **70D-2-102** is amended to read:

6108 **70D-2-102. Definitions.**

6109 As used in this chapter:

6110 (1) (a) Except as provided in Subsection (1)(b), "broker" means a person who in the

6111 regular course of business assists a person in obtaining a mortgage loan for a fee or other
6112 consideration paid directly or indirectly.

6113 (b) "Broker" does not include a person solely because of the person's:

6114 (i) real estate brokerage activities; or

6115 (ii) activities as an attorney licensed to practice law in this state who, in the course of
6116 the attorney's practice as an attorney, assists a person in obtaining a mortgage loan.

6117 (2) "Business as a lender, broker, or servicer" means a person who engages in an act for
6118 compensation or in the expectation of compensation that makes the person a lender, broker, or
6119 servicer.

6120 (3) (a) Except as provided in Subsection (3)(b), "lender" means a person who in the
6121 regular course of business originates a loan secured by a mortgage.

6122 (b) "Lender" does not include a person who:

6123 (i) as a seller only receives one or more mortgages as security for a purchase money
6124 obligation; or

6125 (ii) only receives a mortgage as security for an obligation:

6126 (A) payable on an installment or deferred payment basis; and

6127 (B) arising out of materials furnished or services rendered in the improvement of real
6128 property.

6129 (4) "Manufactured home" means a transportable factory built housing unit that:

6130 (a) is constructed:

6131 (i) on or after June 15, 1976, according to the National Manufactured Housing
6132 Construction and Safety Standards Act of 1974; and

6133 (ii) in one or more sections, which:

6134 (A) in the traveling mode, is eight body feet or more in width or 40 body feet or more
6135 in length; or

6136 (B) when erected on site, is 400 or more square feet;

6137 (b) is built on a permanent chassis;

6138 (c) is designed to be used as a dwelling with or without a permanent foundation when

6139 connected to the required utilities; and

6140 (d) includes the plumbing, heating, air-conditioning, and electrical systems.

6141 (5) "Mobile home" means a transportable factory built housing unit built before June
6142 15, 1976, in accordance with a state mobile home code that existed before the National
6143 Manufactured Housing Construction and Safety Standards Act of 1974.

6144 (6) "Permanently affixed" means anchored to, and supported by, a permanent
6145 foundation or installed in accordance with the manufactured housing installation standard code
6146 referred to in Section ~~[58-56-4]~~ 15A-1-202.

6147 (7) "Servicer" means a person who in the regular course of business assumes
6148 responsibility for servicing and accepting payments for a mortgage loan.

6149 Section 129. Section **73-3-1.5** is amended to read:

6150 **73-3-1.5. Capture and storage of precipitation.**

6151 (1) As used in this section, "parcel" means an identifiable contiguous unit of property
6152 that is treated as separate for valuation or zoning purposes and includes an improvement on
6153 that unit of property.

6154 (2) Notwithstanding Section 73-3-2, a person may:

6155 (a) directly capture and store precipitation on a parcel owned or leased by the person in
6156 accordance with Subsection (3) or (4); and

6157 (b) place the water captured and stored as provided in Subsection (2)(a) to beneficial
6158 use on the parcel on which the water is captured and stored.

6159 (3) If a person collects or stores precipitation in an underground storage container, the
6160 person may collect and store precipitation:

6161 (a) in only one underground storage container for a parcel if the underground storage
6162 container:

6163 (i) has a maximum capacity of no more than 2,500 gallons; and

6164 (ii) is installed in accordance with relevant ~~[building codes adopted under Title 58,~~
6165 ~~Chapter 56, Utah Uniform Building Standards Act]~~ provisions of the State Construction Code
6166 or an approved code under Title 15A, State Construction and Fire Codes Act; and

6167 (b) after registering for the capture and storage of precipitation in accordance with
6168 Subsection (5).

6169 (4) If a person collects or stores precipitation in a covered storage container, the person
6170 may collect and store precipitation in no more than two covered storage containers, if the
6171 maximum storage capacity of any one covered storage container is not greater than 100 gallons.

6172 (5) (a) The state engineer shall provide a website on which a person may register as
6173 required by Subsection (3).

6174 (b) To register, a person shall complete information required by the state engineer
6175 including the:

6176 (i) name and address of the person capturing or storing precipitation;

6177 (ii) total capacity of all containers storing precipitation; and

6178 (iii) street address or other suitable description of the location where precipitation is to
6179 be captured and stored.

6180 Section 130. **Repealer.**

6181 This bill repeals:

6182 Section **53-7-106, Adoption of state fire code.**

6183 Section **58-56-4, Adoption of state construction code -- Amendments -- Approval of**
6184 **other codes -- Exemptions.**

6185 Section **58-56-5, Uniform Building Code Commission -- Composition of**
6186 **commission -- Commission duties and responsibilities -- Unified Code Analysis Council.**

6187 Section **58-56-6, Codes -- Division duties and responsibilities.**

6188 Section **58-56-7, Code amendment process.**

6189 Section **58-56-8, Compliance with codes -- Responsibility for inspections --**
6190 **Appeals.**

6191 Section **58-56-11, Standards for specialized buildings.**

6192 Section **58-56-12, Factory built housing units.**

6193 Section **58-56-13, Modular units.**

6194 Section **58-56-14, Modification of factory built housing units and modular units.**

6195 Section **58-56-15, Factory built housing and modular units -- Division**
6196 **responsibility -- Unlawful conduct.**

6197 Section **58-56-19, Standardized building permit numbering.**

6198 Section **58-56-20, Standardized building permit content.**

6199 Section **58-56-21, Review of building inspection.**

6200 Section 131. **Effective date.**

6201 This bill takes effect on July 1, 2011.

6202 Section 132. **Coordinating H.B. 203 with H.B. 260 -- Technically merging**
6203 **substantive amendments.**

6204 If this H.B. 203 and H.B. 260, Mechanics' Liens Revisions, both pass, it is the intent of
6205 the Legislature that the Office of Legislative Research and General Counsel in preparing the
6206 Utah Code database for publication:

6207 (1) modify Subsection 15A-1-209(3)(b) to read:

6208 "(b) The standardized building permit form created under this Subsection (3) shall
6209 include fields for indicating the following information:

6210 (i) the name and address of the owner of the property on which the project will occur;

6211 (ii) the name and address of the contractor for the project;

6212 (iii) (A) the address of the project; or

6213 (B) a general description of the project;

6214 (iv) the county in which the property on which the project will occur is located;

6215 (v) the tax parcel identification number of the property; and

6216 (vi) whether the permit applicant is an original contractor or owner-builder."; and

6217 (2) change the citation in Subsection (3)(f)(ii) from "Subsection (3)(b)(iii)" to

6218 "Subsection (3)(b)(vi)."