Appendix B: Sample Enabling Acts:

Arkansas
Kentucky
South Carolina
Utah

Arkansas

Arkansas Act 1100 (1991)—*Requiring Earthquake Resistant Design*

As Engrossed: 3/15/91 3/26/91

State of Arkansas
78th General Assembly
Regular Session, 1991
By: Representative O. Miller

HOUSE BILL 1577

For An Act To Be Entitled

"AN ACT TO SAFEGUARD LIFE, HEALTH AND PROPERTY BY REQUIRING EARTHQUAKE RESISTANT DESIGN FOR ALL PUBLIC STRUCTURES TO BE CONSTRUCTED OR REMODELED WITHIN THE BOUNDARIES OF THIS STATE BEGINNING SEPTEMBER 1, 1991."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. It is the purpose of this act to protect the public by requiring that all public structures be designed and constructed to resist destructive forces when an earthquake occurs in the New Madrid Seismic Zone.

SECTION 2. Definitions. Whenever used in this act, unless a different meaning clearly appears from the context:

(a) "Owner" shall mean any agency of the state, county, city, township, town, village, or private entity, partnership, business or corporation.

(b) "Public Structure" means any building intended, or adaptable, for public employment, assembly, or any other use if it will be open to the public. Also included in this definition are certain building types as defined under the term "Public Works" projects.

(c) "Public Works" means works, whether of construction or adaptation, undertaken and carried out by the national, state, county, school district, or municipal authorities, and designed to serve some purpose of public necessity, use, or convenience; such as public buildings, road, aqueducts, parks, and all other fixed works constructed for public use. The term relates to the construction of public improvements and not to their maintenance or operation.

(d) "Add to" shall mean adding to existing buildings or structures more than four thousand (4000) square feet in gross floor area and all areas of increased building height.

(e) "Alter", "retrofit", and "remodel" means any alteration or repair of a building which when completed will increase the market value of the building by one hundred percent (100%) or more.

(f) "Seal" means the Arkansas seal issued to signify certification of registration to practice architecture or engineering.

(g) "Seismic" means pertaining to an earthquake or earth tremor (vibrations).

(h) "Structural Elements" shall mean all structural load carrying members of a building or structure required to transmit loads (forces) within the building or between the building and the ground.

SECTION 3. Seismic Zones Established. Areas within the boundaries of this State shall be divided into zones of anticipated damage that will occur in various locations with respect to the New Madrid Seismic Zone.

(a) Zone 3. Area of greatest anticipated seismic damage shall include the following counties: Clay, Greene, Craighead, Mississippi, Poinsett, Cross, Crittenden, St. Francis, Randolph, Lawrence, Jackson, Woodruff, and Lee.

(b) Zone 2. Area of moderate anticipated seismic damage shall include the following counties: Sharp, Independence, White, Lonoke, Prairie, Arkansas, Monroe, Phillips, Fulton, Izard, Stone, and Cleburne.

(c) Zone 1. Area of low anticipated seismic damage shall include all remaining counties within the boundaries of this State.

SECTION 4. Design Requirements. Hereafter, neither the state, any county, city, township, village or private entity shall construct, add to, alter, retrofit, or remodel any public structure unless the structural elements are designed to resist the anticipated forces of the designated seismic zone in which the structure is located. Design loads and seismic design requirements shall be, as a minimum, those listed in the chapter of Minimum Design Loads and Referenced Chapters from the Standard Building Code, 1988 or latest edition with revisions.

All construction plans for public buildings and structures shall comply with Arkansas Code 17-14-101 through 17-14-311. The design of structural elements of public buildings and structures shall be performed by a professional engineer registered in the State of Arkansas who is competent in seismic structural design according to current standards of technical competence. The structural plans of each public building or structure shall bear the Engineer's Arkansas seal and signature and a statement of reference to what Seismic Zone the structure is designed to satisfy.

SECTION 5. Exemptions. Certain building types such as single family residential, duplexes, triplexes, fourplexes, and agricultural structures shall not be included in the requirements of act.

SECTION 6. Violations and Penalties. Any owner knowingly constructing a public building with this State after September 1, 1991, without complying with the provisions of this act shall be guilty of a Class A misdemeanor and shall upon conviction, be sentenced to pay a fine of not less than one thousand dollars ($1,000). Each day of such unlawful construction practice shall constitute a distinct and separate offense.

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable.

SECTION 9. All laws and parts of laws in conflict with this act are hereby repealed.

Approved by Governor Bill Clinton, April 9, 1991.

Kentucky

Kentucky Revised Statutes

CHAPTER 198B
HOUSING, BUILDINGS AND CONSTRUCTION—BUILDING CODE

SECTION
198B.010 Definitions.
198B.020 Board of housing, buildings and construction.
198B.030 Department of housing, buildings and construction.
198B.035 Transfer of other agency functions to department.
198B.040 General powers and duties of the board.
198B.050 Uniform state building code.
198B.060 Local enforcement of Uniform Building Code—Workers' compensation coverage requirement.
198B.070 Appeals.
198B.080 Amendments to the uniform state building code.
198B.090 Certification of professional classifications—Training program for building code administration and enforcement.
198B.100 Mobile home exemption.
198B.110 Effective dates for uniform building code—Exemptions.
198B.120 Injunctions to enforce building code compliance.
198B.130 Private action for damages.
198B.140 Hindrance of building inspectors prohibited.
198B.250 Architectural barriers advisory committee.
198B.260 Regulations to make buildings accessible to physically handicapped persons—Compliance required.
198B.270 Present requirements in effect until new regulations filed.
198B.280 Exemption for temporary change.

SAFETY GLAZING IN HAZARDOUS LOCATIONS
198B.300 Definitions for KRS 198B.310 to 198B.330.
198B.310 Labelling requirements.
198B.320 Prohibitions.
198B.330 Workers exempt from liability.

ELEVATOR INSPECTIONS
198B.400 Definitions.
198B.410 Inspectors—Certificates of competency — Application — Examination — Issuance — Reexamination.
198B.420 State elevator inspection program — Qualifications of director — Appointment of general inspectors.
198B.430 Employment of special inspectors.
198B.440 Suspension or revocation of certificates.
198B.450 Lost or destroyed certificates.
198B.460 Registration of elevators.
198B.470 Annual inspection.
198B.480 Report of inspection—Hearing on construction plans and specifications — Findings and orders of department.
198B.490 Rules and regulations.
198B.500 Safety equipment.
198B.510 Certificates of operation—Renewal.
198B.520 Permits for erection or repairs.
198B.530 Prohibition.
198B.540 Enforcement—Notice of defective machinery.

FIRE PROTECTION SPRINKLER CONTRACTORS
198B.550 Definitions.
198B.555 Administration of KRS 198B.550 to 198B.630 — Duties of commissioner.
198B.560 Fire protection sprinkler contractor's license required — Exemptions.
198B.565 Preparation of designs of system.
198B.570 Examination of applicant.
198B.575 Affidavits in lieu of examination.
198B.580 Prerequisites to becoming licensed fire protection sprinkler contractor.
198B.585 Seal of certificate holder.
198B.590 Signature on license and certificate.
198B.595 Proof of liability insurance coverage.
198B.600 Certificate holder permitted to obtain only one contractor's license at a time.
198B.605 Annual renewal of certificates and licenses.
198B.610 License as proof of competency — Power of local officials regarding regulation.
198B.615 Disposition of fees collected by commissioner.
198B.620 Refusal to renew license—Revocation or suspension of license — Administrative fine — Appeal
198B.625 Inspection—Cease and desist order.
198B.630 Application of KRS 198B.550 to 198B630.

PENALTIES
198B.990 Penalties.
198B.991 Penalty.

198B.010. Definitions. — As used in this chapter, unless otherwise provided:

(1) "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social or recreational purposes, including among others:

(a) Armories;
(b) Assembly halls;
(c) Auditoriums;
(d) Bowling alleys;
(e) Broadcasting studios;
(f) Chapels;
(g) Churches;
(h) Clubrooms;
(i) Community buildings;
(j) Courthouses;
(k) Dance halls;
(l) Exhibition rooms;
(m) Gymnasiums;
(n) Hotels;
(o) Lecture rooms;
(p) Lodge rooms;
(q) Motels;

(r) Motion picture theaters;
(s) Museums;
(t) Night clubs;
(u) Opera houses;
(v) Passenger stations;
(w) Pool rooms;
(x) Recreation areas;
(y) Restaurants;
(z) Skating rinks;
(aa) Television studios;
(bb) Theaters.

(2) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.

(3) "Basement" means that portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tools shops, and installation and operation of heating, cooling and ventilating facilities, but which is not ordinarily used for purposes of general household habitation.

(4) "Building" means any combination of materials, whether portable or fixed, which comprises a structure or non-mine underground area affording facilities or shelter for any human occupancy, whether infrequent or regular. The word "building" shall be construed wherever used herein as if followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning. "Building" shall also mean swimming pools constructed below grade on site, but not swimming pools assembled above grade on site. "Building" shall not mean a mobile home, or a farm dwelling or other farm buildings and structures incident to the operation and maintenance of the farm if such farm structures are located outside the boundary of a municipality and are not used in the business of retail trade or used as a place of regular employment for ten (10) or more people or structures used in the storage or processing of timber products. This chapter shall not apply to any single family dwelling except those sold or constructed under a trade or brand name.

(5) Any city, county or urban-county government of the Commonwealth may extend, by ordinance, the application of this chapter to those single family dwellings exempted under subsection (4) of this section, but may not enforce any building code other than the uniform state building code on such dwellings.

(6) Nothing in this chapter shall be construed to exempt single family dwellings from those provisions of the uniform state building code that relate to the national electric code and the state plumbing code.

(7) "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying , selling or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard, including among others:
(a) Banks;
(b) Barber shops;
(c) Beauty parlors;
(d) Department stores;
(e) Garages;
(f) Markets;
(g) Service stations;
(h) Offices;
(i) Stores;
(j) Radio stations;
(k) Telephone exchanges;
(l) Television stations.

(8) "Certified building inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a city, county, or state building inspector within the Commonwealth.

(9) "Certified plans and specifications inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a city, county, or state plans and specifications inspector within the Commonwealth.

(10) "Certified plumbing inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 and 318.140, or 318.090 to practice as a city, county, or state plumbing inspector within the Commonwealth.

(11) "Commissioner" means the commissioner of housing, buildings and construction.

(12) "Construction" means the erection, fabrication, reconstruction, substantial alteration or conversion of a building, or the installation of equipment therein, but shall not include the ordinary repair of a building or structure.

(13) "Department" means the department of housing, buildings and construction.

(14) "Educational occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving education instruction, including among others:
(a) Academies;
(b) Care centers;
(c) Colleges;
(d) Kindergartens;
(e) Libraries;
(f) Pre-schools;

Kentucky

(g) Relocatable classroom units;
(h) Schools;
(i) Seminaries;
(j) Universities.

(15) "Equipment" means facilities or installations, including but not limited to, heating, electrical, ventilating, air conditioning, and refrigerating facilities or installations.

(16) "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable or explosive materials or which has inherent characteristics that constitute a special fire hazard, including among others:
(a) Aluminum powder factories;
(b) Charging or filling stations;
(c) Distilleries;
(d) Dry cleaning plants;
(e) Dry dyeing plants;
(f) Explosive-manufacture, sale or storage;
(g) Flour and feed mills;
(h) Gasoline bulk plants;
(i) Grain elevators;
(j) Lacquer factories;
(k) Liquefied petroleum gas;
(l) Mattress factories;
(m) Paint factories;
(n) Pyroxylin-factories, or warehouses;
(o) Rubber factories.

(17) "Industrial occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except for occupancies of high hazard, including among others:
(a) Assembly plants;
(b) Creameries;
(c) Electrical substations
(d) Factories;
(e) Ice plants;
(f) Laboratories;
(g) Laundries;
(h) Manufacturing plants;
(i) Mills;
(j) Power plants;
(k) Processing plants;
(l) Pumping stations;
(m) Repair garages;
(n) Smokehouses;
(o) Workshops.

(18) "Industrialized building system" means any structure or component thereof which is wholly or in substantial part fabricated in an off-site manufacturing facility for installation or assembly on a permanent foundation at the building site.

(19) "Institutional occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained, including among others:
(a) Asylums;
(b) Homes for the aged;
(c) Hospitals;
(d) Houses of correction;
(e) Infirmaries;
(f) Jails;
(g) Nursing homes;
(h) Orphanages;
(i) Penal institutions;
(j) Reformatories;
(k) Sanitariums;
(l) Nurseries.

(20) "Mobile home" means the mobile home as defined in KRS 227.550(9).

(21) "Ordinary repair" means any nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance, or decoration, and shall include, but not be limited to, the replacement or installation of nonstructural components of the building such as roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement, in kind, that does not alter the structural integrity, alter the occupancy or use of the building, or affect, by rearrangement, exitways and means of egress; but shall not include additions to, or alteration of, or relocation of any standpipe, water supply, sewer, drainage, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment, including furnaces and hot water heaters or other work affecting public health or safety.

(22) "Story" means that part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

(23) "Physically handicapped person" means a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he is insecure or exposed to danger; a person whose hearing is so impaired that he is unable to hear warning signals; and a person whose mobility,

flexibility, coordination and perceptiveness are significantly reduced by aging.

(24) "Facility for physically handicapped person" means any convenience or device which facilitates the health, safety or comfort of a handicapped person, including, but not limited to, ramps, handrails, elevators, and doors. (Enact. Acts 1978, ch. 117, sec. 1, effective June 17, 1978; 1980, ch. 361, sec. 1, effective July 15, 1980; 1982, ch. 189, sec. 1, effective July 15, 1982; 1982, ch. 308, sec. 1, effective July 15, 1982.)

198B.020. Board of housing, buildings and construction. — (1) There is hereby created the Kentucky board of housing, buildings and construction within the Kentucky department of housing, buildings and construction comprised of twenty (20) members to include: the commissioner of the department, one (1) local government fire chief selected by the governor from a list of three (3) submitted by the Kentucky firemen's association; the executive director of the Kentucky housing corporation; the commissioner of the department of health services, cabinet for human resources; the attorney general or any assistant attorney general he may designate to represent the interests of consumers; one (1) professional homebuilder selected by the governor from a list of three (3) submitted by the home builders association of Kentucky; one (1) registered architect selected by the governor from a list of three (3) submitted by the Kentucky society of architects; one (1) registered structural engineer selected by the governor from a list of three (3) submitted by the Kentucky society of professional engineers; one (1) registered electrical engineer selected by the governor from a list of three (3) submitted by the Kentucky society of professional engineers; one (1) citizen member selected by the governor to represent the interests of low and moderate income housing consumers within the Commonwealth of Kentucky; one (1) citizen member at large; one (1) practicing general contractor selected by the governor from a list of three (3) submitted by the Kentucky association of general contractors; one (1) practicing code administrator selected by the governor from a list of three (3) submitted by codes administrators association of Kentucky; one (1) realtor selected by the governor from a list of three (3) submitted by the Kentucky association of realtors; one (1) member selected by the governor from a list of three (3) submitted by the Kentucky state building trades council; one (1) member selected by the governor from a list of three (3) submitted by the mechanical contractors association; one (1) electrical contractor member selected by the governor from a list of three (3) submitted by the national electrical contractors association; and one (1) retailer member selected by the governor from a list of three (3) submitted by the Kentucky retail federation.

(2) Except for the commissioner of the department, the commissioner of the department of health services, the executive director of the Kentucky housing corporation and the attorney general or his designee who shall serve on the board during the term of their existing office and shall be voting members, board members shall be appointed for four (4) year terms, except that initially four (4) shall be appointed for two (2) year terms, four (4) shall be appointed for three (3) year terms, and six (6) shall be appointed for four (4) year terms. No board member shall be appointed for more than one (1) successive term except as provided in subsection (3) of this section. The governor shall, within the limitations of this subsection, set the length of term of each of the initial appointees to the board.

(3) Vacancies occurring on the board among those members appointed by the governor shall be filled by seeking nominations as in subsection (1) of this section from the organization which originally nominated the member who is to be replaced. A replacement for a board member shall be appointed immediately upon the expiration of the departing board member's term of service. Should a board member vacate his position on the board prior to the expiration of his term, his replacement shall be appointed for the period of the unexpired term. Should the unexpired term be less than two (2) years, the person selected to fill the unexpired term may subsequently be appointed to one (1) successive four (4) year term.

(4) Members may be removed from the board by the governor for unethical conduct or for failure to attend three (3) or more successive meetings of the board without reasonable cause.

(5) The board shall meet at least quarterly, and the first meeting shall occur no later than August 31, 1978. Before assuming their duties, members of the board shall take an oath as specified in section 228 of the Constitution of Kentucky.

(6) The commissioner of the department shall serve as chairman of the board. The board may elect from its members other officers as are required to conduct its business, except that neither the commissioner of the department for health services, the executive director of the Kentucky housing corporation nor the attorney general or his designee shall be elected to office on the board.

(7) The board may adopt such rules, regulations and bylaws as are necessary to conduct its internal business.

(8) No member of the board may vote on any matter which will result in his direct or indirect financial gain.

Kentucky

(9) Those members of the board who are not salaried governmental employees shall be compensated for their time when attending board meetings or attending to official duties as directed by the board at the rate of fifty ($50) per day. All board members shall be compensated for expenses incurred in the conduct of board business. (Enact. Acts 1978, ch. 117, sec. 2, effective June 17, 1978; 1980, ch. 82, sec. 1, effective July 15, 1980; 1982, ch. 270, sec. 1, effective July 15, 1982; 1986, ch. 331, sec. 32, effective July 15, 1986.)

198B.030. Department of housing, buildings and construction. — (1) There is hereby created the Kentucky department of housing, buildings and construction within the cabinet for public protection and regulation. The governor shall appoint a commissioner to head the department by July 1, 1978. The commissioner shall receive for his services such compensation as the governor shall determine.

(2) The commissioner may employ sufficient staff to carry out the functions of his office. Neither the commissioner nor any member of his staff shall be employed, either directly or indirectly, in any aspect of the building industry as regulated by this chapter while employed by the department of housing, buildings and construction.

(3) The department shall serve as staff for the board of housing, buildings and construction as established by this chapter, and shall perform all budgeting, procurement, and other administrative activities necessary to the functioning of this body. The board shall prescribe the duties of the commissioner in addition to those duties otherwise delegated to it by the governor or prescribed for him by law.

(4) The department may enter into contracts with the federal government, other agencies of state government or with its subdivisions, or with private profit or nonprofit organizations in order to effect the purposes of this chapter.

(5) Subject to the direction of the board of housing, buildings and construction, the commissioner shall cooperate with the agencies of the United States and with the governing bodies and housing authorities of counties, cities, and with nonprofit organizations and area development districts in relation to matters set forth in this chapter, and in any reasonable manner that may be necessary for the state to qualify for, and to receive grants or aid from such agencies. To these ends and subject to the direction of the board, the commissioner shall have the power to comply with each condition and execute such agreements as may be necessary, convenient, or desirable.

(6) Nothing in this chapter shall preclude any other agency, board, or officer of the state from being designated as the directing or allocating agency, board, or officer for the distribution of federal grants and aid, or their performance of other duties to the extent necessary to qualify for and to receive grants and aid for programs under the administration of the department.

(7) The commissioner is authorized to receive, for and on behalf of the state, the department, and the board of housing, buildings and construction, from the United States and agencies thereof, and from any and all other sources, grants and aid and gifts made for the purpose of providing, or to assist in providing, any of the programs authorized by this chapter, including expenses of administration. Al such funds shall be paid into the state treasury and credited to a trust and agency fund to be used by the department in carrying out the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth. (Enact. Acts 1978, ch. 117, sec. 3, effective June 17, 1978.)

198B.035. Transfer of other agency functions to department. — There are hereby transferred and vested in the Department of Housing, Buildings and Construction, office of the Fire Marshal or its successor agency, all functions, powers and duties, funds, personnel, equipment and supplies now vested in the Commission on Fire Protection Personnel Standards and Education (KRS Chapter 95A), and in the Department of Public Safety as follows:

Fire department aid (KRS 17.210 to 17.270); safety glazing (KRS 17.410 to 17.440 and 17.990); boiler safety (KRS Chapter 236); dry cleaning and dyeing (KRS Chapter 228); fire prevention and protection (KRS 227.200 to 227.410); and transportation of hazardous substances (KRS Chapter 234). (Enact. Acts 1974, ch. 74, Art. V, sec. 20; 1980, ch. 188, sec. 243, effective July 15, 1980.)

198B.040. General powers and duties of the board. — The Kentucky board of housing, buildings and construction shall have the following general powers and duties:

(1) To conduct or cause to be conducted studies to determine the needs of the building industry of Kentucky;

(2) To conduct or cause to be conducted or participate in studies of the costs of the various factors of building construction and uses of buildings; and to

recommend programs and procedures which will minimize the cost of buildings, including the use of energy, while maintaining safety, durability and comfort;

(3) To administer regulatory legislation relating to buildings and construction;

(4) To assume administrative coordination of the various state construction review programs and to cooperate with various federal, state and local agencies in the programs as they relate to buildings and construction;

(5) To assume administration and coordination of various state housing programs to include:

(a) Devising and implementing procedures, in conjunction with the department of local government, for attaining and maintaining an accurate count of the housing inventory in Kentucky, including information on the age, physical condition, size, facilities and amenities of such housing, and housing constructed and demolished each year;

(b) Designing programs coordinating the elements of housing finance, production, maintenance and rehabilitation for the purpose of assuring the availability of safe, adequate housing in a healthful environment for all Kentucky citizens;

(c) Establishing or causing to be established public information and educational programs relating to housing, to include informing Kentucky citizens about housing and housing related programs that are available on all levels of government;

(d) Designing and administering, or participating in the design and administration of educational programs to prepare low income families for home ownership, and counseling them during their early years as home-owners;

(e) Promoting educational programs to assist sponsors in the development and management of low and moderate income housing for sale or rental;

(f) Cooperating with various federal, state and local agencies in their programs as they relate to housing;

(g) Conducting or causing to be conducted studies to determine the housing preferences of Kentucky citizens and the present and future housing requirements of the state;

(6) To recommend state building industry policies and goals to the Kentucky general assembly;

(7) To adopt and promulgate a mandatory uniform state building code, and parts thereof, which shall establish standards for the construction of all buildings, as defined in KRS 198B.010, in the state;

(8) To issue regulations providing for the proper construction of public water purification plants, other than the water treatment equipment and systems in such plants, provided, however, that any such regulations must require that applications for permits to build public water purification plants will be submitted by the department to the natural resources and environmental protection cabinet for that cabinet's comments. Any such regulations shall require the natural resources and environmental protection cabinet's comments to be completed and submitted to the department within sixty (60) days;

(9) To issue regulations providing for the proper construction of sewage treatment plants, other than the sewage treatment equipment and systems in such plants, provided, however, that any such regulations must require that applications for permits to build sewage treatment plants will be submitted by the department to the natural resources and environmental protection cabinet for that cabinet's comments. Any such regulations shall require the natural resources and environmental protection cabinet's comments to be completed and submitted to the department within sixty (60) days; and

(10) To issue regulations for the safe installation and operation of plumbing and plumbing fixtures. (Enact. Acts 1978, ch. 117, sec. 4, effective June 17, 1978.)

198B.050. Uniform state building code. — (1) Within one (1) year from its initial meeting, after adequate notice in accordance with KRS Chapter 13A, the board shall adopt and promulgate a mandatory uniform state building code which shall establish standards for the construction of all buildings, as defined in KRS 198B.010, in the state. The code shall provide that the review and approval, as necessary, of building plans for conformance with the uniform state building code prior to construction approval shall be conducted only by the department of a local government or governments delegated such responsibilities by this chapter, and any exceptions to this policy shall be explicitly stated in the code.

(2) The code shall be comprehensive and shall include but not be limited to provisions for general construction; structural quality; mechanical systems to include heating, cooling, and ventilation; electrical systems; and life safety from hazards of fire, explosion, and other disasters, whether caused by acts of nature or man. The code shall encompass the Kentucky State Plumbing Code promulgated pursuant to KRS 318.130, boiler rules and regulations issued pursuant to KRS 236.030, and the national electrical code.

(3) This code shall be designed after and may be selected from the models offered by such model code agencies as the Building Officials and Code Administrators, International, Inc.; the International Conference of Building Officials; the Southern

Kentucky

Building Code Congress; and other nationally recognized organizations which may include governmental agencies. The code shall:

(a) Provide uniform standards and requirements for construction and construction materials;

(b) To the extent practicable, set forth standards, specifications and requirements in terms of performance objectives, so as to facilitate the use of new technologies, techniques, and materials. The code shall not discriminate in favor of particular suppliers' materials, techniques, or technologies;

(c) Protect the public health, safety, and welfare within the state.

(4) Adoption of a code shall include provisions for the continuing review of, and the board shall adopt when deemed justified to fulfill the purposes of this chapter, new materials, technologies, and techniques in the building industry. The board may adopt a model code promulgated by a model code agency only if that agency provides a method for democratic participation by the board and any local governments which may enforce the code, in a continuing review and possible adoption of new materials, technologies, and techniques in the building industry.

(5) The board shall issue regulations, after notice in accordance with KRS Chapter 13A, which are necessary to implement the uniform state building code or to carry out any other responsibility assigned to said board by this chapter.

(6) The board shall monitor the effectiveness of agencies designated by local governments to enforce the provisions of the uniform state building code.

(7) If the board determines that any agency is not enforcing the provisions of the uniform state building code, it shall direct the department to determine where deficiencies exist. The department shall require the local government to correct the deficiencies within sixty (60) days and report to the department its method of correcting the deficiencies.

(8) If the local government fails to correct the deficiencies, the department shall recommend to the board that the department be permitted to preempt the local program as provided for in KRS 198B.060(4).

198B.060. Economic security and public welfare. — (9) The board shall provide for the supply, including amendments and revisions thereto, of sufficient copies of the uniform state building code for all interested parties. (Enact. Acts 1978, ch. 117, sec. 5, effective June 17, 1978; 1982, ch. 308, sec. 2, effective July 15, 1982.)

South Carolina

An act to amend Chapter 9, Title 6, Code of Laws of South Carolina, 1976, relating to building codes, so as to revise the requirements and methods of adoption, the application, scope, and exceptions, and for the enforcement of these codes; to provide for appointment of building officials and establishment of building programs; to provide for adoption of building codes and standards by state agencies, and the application of local ordinances, regulations, and standards to certain state and school district construction projects, and to farm structures; to provide for the membership and duties of the South Carolina Building Codes Council and for the duties of the State Fire Marshal and State Engineer in connection with certain projects; to amend the 1976 Code by adding Chapter 8 to Title 6 so as to provide for building codes enforcement officers and for their functions, duties, and registration; by adding Section 38-7-35 so as to provide that the first one hundred fifty thousand dollars of revenue collected pursuant to Section 38-7-30 must be used for the purpose of implementing the training, certification, and continuing education program for building codes enforcement officers; to amend Chapter 75 of Title 38 by adding Article 8 so as to provide for the Advisory Committee to the Director and the South Carolina Building Codes Council and Loss Mitigation Grant Program; to provide that Chapter 10 of Title 6 is not applicable in counties or municipalities that fully have implemented building codes required by Section 6-9-10; and to declare the public policy of South Carolina pertaining to maintaining reasonable standards of construction in this state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA:

Building codes revised

SECTION 1. Chapter 9, Title 6 of the 1976 Code is amended to read:

CHAPTER 9

Building Codes

Section 6-9-10. All municipalities, as defined by Section 5-1-20, and counties in this State shall adopt building, energy, electrical, plumbing, mechanical, gas, and fire codes, referred to as building codes in this chapter, relating to the construction, livability, sanitation, erection, energy efficiency, installation of equipment, alteration, repair, occupancy, or removal of structures located within their jurisdictions and promulgate regulations to implement their enforcement. The municipality or county may adopt only the national, regional, or model codes provided in Section 6-9-50.

With the exception of structures used primarily for offices, storage, warehouses, shop areas, or residential housing, nothing in the building codes or regulations applies to electric cooperatives, the Public Service Authority, or to a public utility corporation subject to regulation by the authorities of the South Carolina Public Service Commission or the Liquefied Petroleum Gas Board.

To the extent that federal regulations preempt state and local laws, nothing in this chapter shall conflict with the federal Department of Housing and Urban Development regulations regarding manufactured housing construction and installation.

South Carolina

Section 6-9-20. Municipalities and counties may establish agreements with other governmental entities of the State to issue permits and enforce building codes in order to provide the services required by this chapter. The South Carolina Building Codes Council may assist in arranging for municipalities, counties, or consultants to provide the services required by this chapter to other municipalities or counties if a written request from the governing body of the municipality or county is submitted to the council. If a municipality or county determines that it is unable to arrange for services for any annual period at costs totally within the schedule of fees recommended in the appendixes to the building codes referred to in Section 6-9-50, the municipality or county shall submit an affidavit to the council to be exempt from the requirements of this chapter. If such an affidavit is submitted, the municipality or county is exempt from the requirements of this chapter, which exemption is effective until such time as it becomes financially feasible for a county or municipality to provide the services, or five years, whichever is less. A county or municipality may renew its affidavit at the end of five years and at each five-year interval thereafter if it makes another determination that it cannot arrange for services at costs totally within the schedule of fees recommended in the building codes referred to in Section 6-9-50.

Section 6-9-30. Each county shall appoint a building official or contract with other political subdivisions as authorized in Section 6-9-20 so that the unincorporated area of the county is under the jurisdiction of a building official. Each municipality shall appoint a building official or contract for a building official within the municipal limits. Based on the needs established by each municipality or county, the building official or appointing authority may appoint and employ other personnel and assistants necessary to perform the required inspections and duties and may prescribe fees for construction permits and inspections. The appointment of a building official and the establishment of a building inspection program for all municipalities and counties must be accomplished according to the following dates and populations based on the population figures of the latest official United States Census:

(1) municipalities and counties with a population above 70,000: one year after the effective date of this provision;

(2) municipalities and counties with a population of 35,000 to 70,000: two years after the effective date of this provision;

(3) municipalities and counties with a population under 35,000: three years after the effective date of this provision.

Section 6-9-40. The building codes and standards referenced in Section 6-9-50 must be adopted within six months after the establishment of a building inspection department. State agency adoption of a building code or regulation permitted by this chapter must be accomplished in accordance with the Administrative Procedures Act.

Section 6-9-50. (A) Municipalities and counties shall adopt by reference only those provisions of the latest editions of the following nationally known codes and the standards referenced in the codes for regulation of construction which directly relate to building and safety standards within their respective jurisdictions: Standard Building Code, Standard Gas Code, Standard Plumbing Code, Standard Mechanical Code, the Standard Fire Prevention Code, as published by the Southern Building Code Congress International, Inc., the Model Energy Code, as published by the Council of American Building Officials, and the National Electrical Code, as published by the National Fire Protection Association. The appendixes of the codes provided in this section may be adopted as needed by a municipality or county, but this fact must be referenced by name or letter designation in the adoption ordinance. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative

procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body.

(B) The governing body of a county may not enforce that portion of a nationally recognized fire prevention code it has adopted which may regulate outdoor burning for forestry, wildlife, and agricultural purposes as regulated by the South Carolina Forestry Commission.

(C) A residential building is considered in compliance with the Building Envelope Requirements of the Model Energy Code if:

(1) it is built in compliance with prescriptive standards issued by the South Carolina Residential Builders Commission, in consultation with the State Energy Office, based on computer models of the Model Energy Code including, but not limited to, options developed by Pacific Northwest National Laboratories for South Carolina's climatic zones, or

(2) if double pane or single pane with storm windows are used for window glass and in the case of ceilings, exterior walls, floors with crawl space, and heating and air conditioning duct work, the determination of the minimum thermal resistance ratings (R-value) is:

(a) R-30 for ceilings, except for ceiling/roof combinations, which must be at least R-19;

(b) R-13 for exterior walls;

(c) R-19 for floors with crawl space;

(d) R-6, or the installed equivalent, for heating and air conditioning duct work not located in conditioned space.

Section 6-9-60. (A) Municipalities and counties may adopt by reference only those provisions of the latest editions of the following nationally known codes and the standards referenced in the codes for regulation of construction which directly relate to building and safety standards within their respective jurisdictions: Standard Housing Code, Standard Existing Building Code, Standard Swimming Pool Code, the Standard Excavation and Grading Code, as published by the Southern Building Code Congress International, Inc., and the One and Two Family Dwelling Code, as published by the Council of American Building Officials. The appendixes of the codes provided in this section may be adopted as needed by a municipality or county, but this fact must be referenced by name or letter designation in the adopting ordinance. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body. If a county or municipality adopts the One and Two Family Dwelling Code, the One and Two Family Dwelling Code shall take precedence over the Standard Building Code for dwellings as defined in the Standard Building Code. If a municipality or county contends that the codes authorized by this chapter do not meet its needs due to local physical or climatological conditions, the variations and modifications must be submitted for approval to the South Carolina Building Codes Council of fifteen members which is established in this section.

(B) Members of the council must be appointed by the Governor for terms of four years each and until a successor is appointed and qualifies. The council shall consist of (1) an architect registered in South Carolina, (2) a municipal administrator, manager, or elected official, (3) a county administrator, manager, or elected official, (4) a representative of the electrical industry who is either an engineer or master electrician registered in South Carolina, (5) a general contractor licensed in South Carolina, (6) a residential home builder licensed in South Carolina, (7) a disabled person, (8) a representative of the mechanical and gas industries who is either an engineer registered in South Carolina or a master mechanic, (9) a representative of the plumbing industry who is either an engineer registered in South Carolina or a master plumber, (10) a representative

South Carolina

designated by the State Engineer of the Budget and Control Board, (11) a structural engineer registered in South Carolina, (12) a representative of the general public who is not in the practice of home or safety inspection, construction, or building, who does not have any financial interest in these professions, and who does not have any immediate family member in these professions, (13) a representative designated by the State Fire Marshal, (14) a representative from the Manufactured Housing Institute of South Carolina who shall serve as a nonvoting member, and (15) a representative designated by the Director of the State Energy Office of the Budget and Control Board who shall serve as a nonvoting member. A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term. The primary function of the council is to decide to what extent a jurisdiction may vary from the series of codes listed in this chapter in the establishment of construction standards. The council shall monitor the adoption of building codes by municipalities and counties to ensure compliance with this chapter. Members of the council shall receive mileage, subsistence, and per diem as provided for other state boards, committees, or commissions for attendance at board meetings called by the chairman. The council shall elect from its members a chairman, vice-chairman, and secretary. The council shall adopt regulations consistent with this chapter. Meetings may be called by the chairman on his own initiative and must be called by him at the request of three or more members of the council. All members must be notified by the chairman in writing of the time and place of meeting at least seven days in advance of the meeting. Seven members constitute a quorum. All meetings are open to the public. At least two-thirds vote of those members in attendance at the meeting constitutes an official decision of the council.

Section 6-9-65. (A) For purposes of this section, 'farm structure' means a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds, and poultry houses, but not public livestock areas. For purposes of this section, 'farm structure' does not include a structure originally qualifying as a 'farm structure' but later converted to another use.

(B) The governing body of a county or municipality may not enforce that portion of a nationally recognized building code it has adopted which regulates the construction or improvement of a farm structure. The standards published by the Federal Emergency Management Agency for the National Flood Insurance Program shall apply.

(C) The provisions of this section do not apply unless before constructing a farm structure the person owning the property on which the structure is to be constructed files an affidavit with the county or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition.

(D) This section does not affect the authority of the governing body of a county or municipality to issue building permits before the construction or improvement of a farm structure.

Section 6-9-70. (A) A person found to be in violation of the building codes or regulations adopted pursuant to the provisions of this chapter must be fined, by civil fine, in an amount not more than two hundred dollars. Each day the violation continues is a separate offense. However, this provision does not prevent a county or municipality from exercising its authority to impose by ordinance criminal sanctions of a fine of not more than two hundred dollars or imprisonment for not more than thirty days in lieu of the civil penalties required by this provision.

(B) However, before being charged with a second violation, an individual must be given seven calendar days to remedy the violation if in the opinion of the inspector or official it does not place the public in imminent danger or create an emergency situation. Each day a violation continues is a separate offense if the inspector or official determines the situation places the public in imminent

danger or creates an emergency situation. In a situation which does not place the public in imminent danger or create an emergency situation, if in the opinion of the inspector or official no substantial progress is made toward correcting the violation by the end of the seventh calendar day, each day the violation continues thereafter is considered a separate offense.

Section 6-9-80. For a violation of the building codes or regulations adopted pursuant to this chapter, the local building officials, municipal or county attorneys, or other appropriate authorities of a political subdivision, or an adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding.

Section 6-9-90. Notwithstanding any other provision of law, the governing body of a county or municipality may impose fees necessary to implement and continue the programs required by this chapter upon a vote of a simple majority of the governing body unless (1) a super majority vote is required by local ordinance, or (2) prior to December 1, 1998, the General Assembly specifically amends, repeals, or otherwise affects this law by direct reference to this section, or (3) after November 30, 1998, the General Assembly provides otherwise by law.

Section 6-9-100. The provisions of this chapter are cumulative to other local ordinances and do not limit the authority of counties or municipalities.

Section 6-9-110. (A) A county, municipal, or other local ordinance or regulation which requires the purchase or acquisition of a permit, license, or other device utilized to enforce any building standard does not apply to a:

(1) state department, institution, or agency permanent improvement project, construction project, renovation project, or property; or

(2) school district facility, permanent improvement project, construction project, renovation project, or property which is reviewed and approved by the State Department of Education; except that the State Department of Education or a local school district may direct that the local ordinance or regulation apply to a particular facility, project, or property.

(B) After successful completion of all requirements, the State Fire Marshal shall certify personnel of the State Engineer's Office of the Budget and Control Board designated by the State Engineer. The certified personnel and deputy state fire marshals, including resident state fire marshals, have exclusive jurisdiction over state buildings, including schools, in the exercise of the powers and jurisdictional authority of the State Fire Marshal under Sections 23-9-30, 23-9-40, and 23-9-50.

Section 6-9-120. Nothing in this chapter affects water or sewer systems in this State.

Section 6-9-130. Buildings must be inspected according to the codes in effect for the locality on the date of the issuance of the building permit.

Building Codes Council membership terms

SECTION 2. Members of the South Carolina Building Codes Council serving in office on the effective date of this act whom the Governor determines possess those qualifications required by Section 6-9-60 and, if applicable, represent an entity required to be represented by Section 6-9-60 shall continue to serve until their current terms of office expire. The terms of all other members shall expire on the effective date of this act at which time, their successors shall be appointed by the Governor in the manner provided by Section 6-9-60.

Building Codes Enforcement Officers

South Carolina

SECTION 3. Title 6 of the 1976 Code is amended by adding:

CHAPTER 8
Building Codes Enforcement Officers

Section 6-8-10. When used in this chapter 'building codes enforcement officer' means a person employed by a public entity who is primarily responsible for the overall inspection or enforcement of applicable building code requirements within the jurisdiction of the employer.

Section 6-8-20. (A) The South Carolina Building Codes Council is responsible for the registration of building codes enforcement officers pursuant to this chapter. The council or its designated representatives may conduct hearings and proceedings required by law or considered necessary by the council. The Department of Labor, Licensing and Regulation shall employ and supervise personnel necessary for the administration of this chapter. The council may promulgate regulations for the proper enforcement of this chapter.

(B) The council shall keep a record of its hearings and proceedings and a register of applications for the certificates of registration showing the date of application, name, qualifications, and addresses of the business and residence of the applicant and whether the certificate is approved or denied. The council shall publish biannually during odd-numbered years the applications in the register which are approved. Applicants and registrants shall notify the council of changes in required information within ten days of a change.

Section 6-8-30. (A) Certificates of registration may be issued without examination to building codes enforcement officers employed in codes enforcement on the effective date of this chapter only for the position and locality held at the time of registration pursuant to this section. This registration is valid for two years and may be renewed.

(B) Upon initial employment by a political subdivision, an individual must be granted a provisional certificate of registration without examination which is valid for one year from the date of issuance. The provisional certificate of registration may not be renewed.

Section 6-8-40. No person may practice as a codes enforcement officer in this State unless registered as provided in this chapter. A person violating the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days. Each day the violation continues is a separate offense.

Section 6-8-50. If the council has reason to believe that a person is violating or intends to violate a provision of this chapter, in addition to other remedies, it may order the person immediately to refrain from the conduct. The council may apply to the court of common pleas for an injunction restraining the person from the conduct. The court may issue a temporary injunction ex parte not to exceed ten days and upon notice and full hearing may issue other orders in the matter it considers proper. No bond is required of the council by the court as a condition to the issuance of an injunction or order pursuant to this section.

Section 6-8-60. (A) A person desiring to be registered as a building codes enforcement officer as required by this chapter shall apply upon a form prescribed by the council.

(B) An applicant shall furnish satisfactory proof to the council of valid certification by a recognized code organization or testing agency in the general or special capacity in which he desires to be registered. Special certificates of registration authorize the registrant to practice in the named specialty only. General certificates of registration are not restricted. The council or its designated representatives shall review the guidelines employed by the organization or agency

in order to determine their continued compatibility with the requirements considered by the council to be consistent with this chapter.

(C) A local jurisdiction may impose additional requirements upon a person employed as a building codes enforcement officer in its jurisdiction.

Section 6-8-70. (A) A certificate of registration is valid for two years and expires on July first of each odd-numbered year unless renewed before that date. Renewal of all registrations must be based upon a determination by council of the applicant's participation in approved continuing education programs. The council must promulgate regulations setting forth the continuing education requirements for building codes enforcement officers. A person failing to make timely renewal of his certificate is not registered unless qualified in the manner provided for new registrants and may not practice until registered in accordance with this chapter.

(B) Funding for the certification, training, and continuing education of building code enforcement officers must be appropriated to the Department of Labor, Licensing and Regulation in the manner provided in Section 38-7-35.

Building Codes Enforcement Officers' training

SECTION 4. The 1976 Code is amended by adding:

Section 38-7-35. (A) The first one hundred and seventy-five thousand dollars of the revenue collected annually pursuant to Section 38-7-30 must be transferred to the Department of Labor, Licensing and Regulation for the purpose of implementing the training, certification, and continuing education program for building codes enforcement officers as provided in Section 6-8-70 and by law.

(B) The Department of Labor, Licensing and Regulation shall report annually to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing actual program expenditures including, but not limited to, the number of instructors employed, the number of training sessions conducted, and the number of certifications issued. This report must be submitted to the respective chairmen no later than January fifteenth of each year.

(C) One hundred thousand dollars of the revenue collected annually pursuant to Section 38-7-30 must be transferred to the Department of Insurance for the purpose of implementing the program as provided in Section 38-75-480.

(D) Subsection (C) of this section ceases to be of any force or effect after June 30, 2002.

Advisory committee to Building Codes Council

SECTION 5. Chapter 75 of Title 38 of the 1976 Code is amended by adding:

ARTICLE 8
Advisory Committee to the Director and the South Carolina
Building Codes Council and Loss Mitigation Grant Program

Section 38-75-470. The Director of Insurance shall appoint an advisory committee to the director and the South Carolina Building Codes Council to study issues associated with the development of strategies for reducing loss of life and mitigating property losses due to hurricane, earthquake, and fire. The advisory committee also must consider the costs associated with these strategies to individual property owners. The advisory committee must include:

(1) one representative from Clemson University involved with wind engineering;

South Carolina

(2) one representative from an academic institution involved with the study of earthquakes;
(3) one representative from the Department of Insurance;
(4) one representative from an insurer writing property insurance in South Carolina;
(5) one representative from the Department of Commerce;
(6) one representative from the Federal Emergency Management Association;
(7) one representative from the Homebuilders Association;
(8) one representative from the Manufactured Housing Institute of South Carolina;
(9) one representative from the State Fire Marshal's office;
(10) two at-large members appointed by the director; and
(11) two at-large members appointed by the Governor.

Members shall serve for terms of two years and shall receive no per diem, mileage, or subsistence. Vacancies must be filled in the same manner as the original appointment.

Within thirty days after its appointment, the advisory committee shall meet at the call of the Director of Insurance. The advisory committee shall elect from its members a chairman and a secretary and shall adopt rules not inconsistent with this chapter. Meetings may be called by the chairman on his own initiative and must be called at the request of three or more members of the advisory committee. All members shall be notified by the chairman of the time and place of the meeting at least seven days in advance of the meeting. All meetings must be open to the public. At least two-thirds vote of those members in attendance at the meeting shall constitute an official decision of the advisory committee.

Section 38-75-480. (A) There is established within the Department of Insurance a loss mitigation grant program. Funds may be appropriated to the grant program, and any funds so appropriated shall be used for the purpose of making grants to local governments or for the study and development of strategies for reducing loss of life and mitigating property losses due to hurricane, earthquake, and fire. Grants to local governments shall be for the following purposes:

(1) implementation of building code enforcement programs including preliminary training of inspectors; and

(2) conducting assessments to determine need for and desirability of making agreements to provide enforcement services pursuant to Section 6-9-60.

Funds may be appropriated for a particular grant only after a majority affirmative vote on each grant by the advisory committee.

(B) The Department of Insurance may make application and enter into contracts for and accept grants in aid from federal and state government and private sources for the purposes of:

(1) implementation of building code enforcement programs including preliminary training of inspectors;

(2) conducting assessments to determine need for and desirability of making agreements to provide enforcement services pursuant to Section 6-9-60; and

(3) study and development of strategies for reducing loss of life and mitigating property losses due to hurricane, earthquake, and fire.

Exemptions to building codes requirements

SECTION 6. Chapter 10 of Title 6 of the 1976 Code is not applicable in counties or municipalities which have fully implemented building codes as required in Section 6-9-10, as amended by this act.

Public policy as to building codes

SECTION 7. The public policy of South Carolina is to maintain reasonable standards of construction in buildings and other structures in the State consistent with the public health, safety, and welfare of its citizens. To secure these purposes, a person performing building codes enforcement must be certified by the South Carolina Building Codes Council, and this act is necessary to provide for certification.

To clarify the intent of the General Assembly and address questions which might arise or have arisen with respect to provisions of the nationally known codes which have been or are in place, only those portions or provisions of the nationally known building and safety codes which relate to building standards and safety are binding upon any state or local governmental entity or agency which adopts the building and safety codes authorized or required by Chapter 9 of Title 6 of the South Carolina Code of Laws.

Time effective

SECTION 8. This act takes effect upon approval by the Governor.

Approved the 13th day of June, 1997.

Legislative Printing-LPITR @http://www.lpitr.state.sc.us

South Carolina

CODE OF LAWS OF SOUTH CAROLINA 1976 ANNOTATED
CHAPTER 9.
BUILDING, HOUSING, ELECTRICAL, PLUMBING AND GAS CODES

§ 6-9-10. Authorization for and scope of codes and regulations.

The governing body of any incorporated municipality or county in this State is authorized to adopt building, housing, electrical, plumbing, and gas codes relating to the construction, livability, sanitation, erection, equipment, alteration, repair, occupancy, or removal of buildings and structures located within its jurisdiction and promulgate regulations to implement the codes.

The codes and the implementing regulations may embrace matters such as the preparation and submission of plans and specifications; the issuance of permits; standards governing the kind, quality, and performance of materials, equipment, and workmanship; the establishment of fire zones; fireproofing; means of egress and ingress; floor-area-per-occupant requirements; sanitary facilities and proceedings for the correction of unsafe, unsanitary, or inadequate structures.

The codes and regulations may only be adopted by reference to national, regional, or model codes listed in § 6-9-60 and to certain special provisions approved by the South Carolina Building Code Council. Nothing in these codes or regulations may extend to or be construed as being applicable to the regulation of the design, construction, location, installation, or operation of equipment or facilities used in the generation, transmission, distribution, or communication of a public or private utility or electric or telephone membership cooperatives, other than buildings used primarily for offices or residential housing nor to equipment or facilities already subject to regulation by the Liquefied Petroleum Gas Board.

HISTORY: 1977 Act No. 173 § 1; 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT
The 1977 amendment inserted the words "lightning protection systems design and installation," in the first paragraph of this section.

The 1984 amendment made grammatical changes in this section and deleted "lightning protection systems design and installation" codes from the list of codes in the first paragraph.

§ 6-9-20. Regional agreements.

County and municipal bodies are authorized to establish regional agreements with other political subdivisions of the State to issue building permits and enforce building, electrical, plumbing, gas, housing, and other codes in order to more effectively carry out the provisions of this chapter.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EDITOR'S NOTE
Section 2, Act 481 of 1984 purported to amend this section. It is, however, identical with the contents appearing in the bound volume.

§ 6-9-30. Employment of inspectors and assistants.

The county and municipal governing bodies may appoint building, electrical, plumbing, gas, and housing inspectors and employ other assistants as they may consider necessary and may prescribe fees or charges for permits and inspections.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT
The 1984 amendment made grammatical changes which did not affect the substance of this section.

§ 6-9-40. Notice and hearing required before adoption of code or regulations.
Prior to adoption of any of the codes or regulations permitted in this chapter, the governing body shall hold public hearings on the codes or regulations. Not less than fifteen days' notice of the time and place of the hearings must be published in a newspaper of general circulation in the county.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT
The 1984 amendment made grammatical changes which did not affect the substance of this section.

§ 6-9-50. Area of application of county codes.
County governing bodies have the authority to establish codes and promulgate regulations under this chapter for the entire unincorporated area of the county or for any specified portion of the unincorporated area.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT
The 1984 amendment made grammatical changes which did not affect the substance of this section.

§ 6-9-60. Adoption and modification of certain standard codes by reference; creation, membership, meetings and functions of South Carolina Building Code Council.
Municipalities or counties are authorized to adopt by reference only the latest editions of the following nationally known codes for regulation of construction within their respective jurisdictions: Standard Building Code, Standard Housing Code, Standard Gas Code, Standard Plumbing Code, Standard One and Two Family Dwelling Code, Standard Mechanical Code, Standard Fire Prevention Code, Standard Swimming Pool Code, Standard Excavation and Grading Code, National Electrical Code, and National Fire Protection Association Gas Codes.

Should any city, town, or county contend that the codes authorized by this chapter do not meet its needs due to local physical or climatological conditions, the variations and modifications must be submitted for approval to a South Carolina Building Code Council of thirteen members which is established in this section. Members of this council must be appointed by the Governor. The council shall include an architect, representatives from the Municipal Association of South Carolina, the South Carolina Association of Counties, the Building Officials' Association of South Carolina, South Carolina Building Trade Council, a representative from the electric utility industry, a representative of the Carolinas Branch of the Associated General Contractors of America, Inc., representatives from the gas, electric, and plumbing industries, a representative of the Home Builders Association of South Carolina, a handicapped person, and the Chief Engineer of the State Budget and Control Board. At least one member of the council must be a member of each of the congressional districts, to be appointed, if positions become vacant, in the order provided below or as resignations occur. The primary function of the council is to decide to what extent any jurisdiction may vary from the series of codes listed in this section in the establishment of standards. The council shall monitor the adoption of building codes by cities and counties to insure compliance with this chapter.

Of the members initially appointed by the Governor, four shall serve for terms of two years, four shall serve for four years, and five shall serve for terms of six years. After the initial appointment, all appointments are for terms of six years.

Members of the council shall receive mileage, subsistence, and per diem as provided for other state boards, committees, or commissions for attendance at board meetings called by the chairman. The council shall elect from its appointive members a chairman and secretary. The council shall adopt regulations not inconsistent with this chapter.

Meetings may be called by the chairman on his own initiative and must be called by him at the request of three or more members of the council. All members must be notified by the chairman in writing of the time and place of meeting at least seven days in advance of the meeting. Seven members constitute a quorum. All meetings are open to the public. At least two-thirds vote of those members in attendance at the meeting constitutes an official decision of the council.
HISTORY: 1977 Act No. 173 § 2; 1978 Act No. 629; 1984 Act No. 481, § 2; 1993 Act No 181 § 64, eff February 1, 1994.

South Carolina

EFFECT OF AMENDMENT
The 1977 amendment substituted the words ", National Fire Protection Association Gas Codes, Underwriters' Laboratories Lightning Protection Code and Lightning Protection Institute Installation Code" for the words "and National Fire Protection Association Gas Codes" in the first paragraph of this section.

The 1978 amendment substantially rewrote this section.

The 1984 amendment added the last sentence of the second paragraph, rewrote the fourth paragraph, and also made grammatical changes which did not affect the substance of this section.

The 1993 amendment consolidated the former five paragraphs of this section into a single paragraph; and deleted provisions regarding the Division of General Services of the State Budget and Control Board providing personnel for enforcement of these laws and regulations and for carrying out the duties of the council.

§ 6-9-65. Regulation of construction or improvement of farm structure; authority to issue building permits.

(A) For purposes of this section, "farm structure" means a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm, including but not limited to, barns, sheds, and poultry houses, but not public livestock areas. For purposes of this section, "farm structure" does not include a structure originally qualifying as a "farm structure" but later converted to another use.

(B) The governing body of a county or municipality may not enforce that portion of any nationally recognized building code it has adopted which regulates the construction or improvement of a farm structure. Standards for flood plain management by the Southern Building Code Congress International apply.

(C) The provisions of this section do not apply unless prior to constructing a farm structure the person owning the property on which the structure is to be constructed files an affidavit with the county or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition.

(D) This section does not affect the authority of the governing body of a county or municipality to issue building permits prior to the construction or improvement of a farm structure.

HISTORY: 1987 Act No. 24 § 1, eff April 13, 1987.

§ 6-9-70. Penalties for violation of code or regulation.

The violation of any of the codes or regulations adopted pursuant to the provisions of this chapter is declared to be a misdemeanor, and any person violating the codes or regulations is guilty of a misdemeanor and, upon conviction, must be punished by a fine not to exceed one hundred dollars or imprisonment of not more than thirty days. Each day the violation continues is a separate offense.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT
The 1984 amendment made grammatical changes which did not affect the substance of this section.

§ 6-9-80. Mandamus and injunctive relief for violation of code or regulation.

In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this chapter, the South Carolina Building Code Council, the building inspectors, municipal or county attorneys, or other appropriate authority of the political subdivision, or any adjacent or neighboring property owner who would be damaged by the violation may, in addition to other remedies, apply for injunctive relief, mandamus, or other appropriate proceeding to prevent, correct, or abate the violation or threatened violation.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT

The 1984 amendment added "the South Carolina Building Code Council" and also made grammatical changes which did not affect the substance of this section.

§ 6-9-90. Appropriations and expenditures.

County or municipal governing bodies are authorized to appropriate and expend funds to implement the provisions of this chapter.

HISTORY: 1984 Act No. 481, § 2, eff June 20, 1984.
EDITOR'S NOTE
Section 2, Act 481 of 1984, purported to amend this section. It is, however, identical with the provisions appearing in the parent volume.

§ 6-9-100. Provisions of chapter shall be cumulative; use of other codes adopted prior to effective date.

The provisions of this chapter are cumulative to other authority of counties and municipalities and do not limit the authority of counties and municipalities.

A city or county that has adopted any of the national, regional, or model codes or any other code prior to May 1, 1982, may continue its use.

HISTORY: 1982 Act No. 351, § 3, eff May 10, 1982; 1984 Act No. 481, § 2, eff June 20, 1984.
EFFECT OF AMENDMENT
The 1982 amendment substituted "May 1, 1982" for "June 21, 1972" in the second paragraph.

The 1984 amendment made grammatical changes which did not affect the substance of this section.

§ 6-9-110. Inapplicability to state property of local ordinances which require permits, etc., as means of enforcing building standards.

In no event may any county, municipal, or other local ordinance or regulation which requires the purchase or acquisition of a permit, license, or other device utilized to enforce any building standard be construed to apply to any state department, institution, or agency permanent improvement project, construction project, renovation project, or property.

HISTORY: 1982 Act No. 466 Part II § 28, eff June 15, 1982; 1984 Act No. 481, § 2, eff June 20, 1984; 1986 Act No. 347, § 6, eff March 4, 1986.
EFFECT OF AMENDMENT
The 1984 amendment made grammatical changes which did not affect the substance of this section, including deletion of the phrase "Notwithstanding any other provision of law," from the first sentence.

The 1986 amendment deleted a provision relative to inapplicability to state projects of local ordinances which prescribe building standards, deleted a provision relative to mutually agreed upon inspections of state-owned buildings by local officials, and made grammatical changes.

Utah

CHAPTER 56
UTAH UNIFORM BUILDING STANDARDS ACT
Effective May 5, 1997

58-56-1. Short title.
This chapter is known as the "Utah Uniform Building Standards Act."

58-56-2. Chapter administration.
The provisions of this chapter shall be administered by the Division of Occupational and Professional Licensing.

58-56-3. Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "ANSI" means American National Standards Institute, Inc.
(2) "Code(s)" means the NEC, building code, mechanical code, or plumbing code as defined in this section and as applied in context.
(3) "Commission" means the Uniform Building Code Commission created under this chapter.
(4) "Compliance agency" means an agency of the state or any of its political subdivisions which issue permits for construction regulated under the codes, or any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes.
(5) "Factory built housing" means manufactured homes or mobile homes.
(6) "HUD code" means the Federal Manufactured Housing Construction and Safety Standards Act.
(7) "Installation standard" means the standard adopted and published by the National Conference of States on Building Codes and Standards (NCSBCS), for the installation of manufactured homes titled "The Standard for Manufactured Home Installations", the accompanying manufacturer's instructions for the installation of the manufactured home, or such equivalent standard as adopted by rule.
(8) "Local regulator" means each political subdivision of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.
(9) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
(10) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis. The scope of the work included under the license includes the placement and or securing of the factory built housing on a permanent or temporary foundation, securing the units together if required, and connection of the utilities to the factory built housing unit, but does not include site preparation, construction of a permanent foundation, and construction of utility services to the near proximity of the factory built housing unit. If a dealer is not licensed as a factory built housing set up contractor, that individual must subcontract the connection services to individuals who are licensed by the division to perform those specific functions under Title 58, Chapter 55, Utah Construction Trades Licensing Act.
(11) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(12) "Modular unit" means a structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Section 58-56-4 and transported to a building site, the purpose of which is for human habitation, occupancy or use.
(13) "NEC" means the National Electrical Code.
(14) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.
(15) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.
(16) "Unlawful conduct" as defined in Section 58-1-501 includes:
(a) engaging in the sale of factory built housing without being registered with the division as a dealer, unless the sale is exempt under Section 58-56-16; and
(b) selling factory built housing within the state as a dealer without collecting and remitting to the division the fee required by Section 58-56-17.

58-56-4. Adoption of building codes - Amendments.
(1) As used in this section:
(a) "Agricultural use" means a use which relates to the tilling of soil and raising of crops, or keeping or raising domestic animals, for the purpose of commercial food production.
(b) "Not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for maintenance and repair, and for the care of livestock, crops, or equipment intended for agricultural use which are kept there.
(2) Subject to the provisions of Subsections (4) and (5), the following are adopted as the construction standards to which the state and each political subdivision of this state shall adhere in building construction, alteration, remodeling and repair, and in the regulation of building construction, alteration, remodeling and repair:
(a) a building code promulgated by a nationally recognized code authority;
(b) the National Electrical Code promulgated by the National Fire Protection Association;
(c) a plumbing code adopted by a nationally recognized code authority; and
(d) a mechanical code promulgated by a nationally recognized code authority.
(3) The division, in collaboration with the commission, shall adopt by rule the edition of the NEC or code and specific edition of the codes described in Subsections (1)(a), (c) and (d) to be used as the standard and may adopt by rule successor editions of any adopted code.
(4) The division, in collaboration with the commission, may adopt amendments to the adopted codes to be applicable to the entire state or within a political subdivision only in accordance with 58-56-7.
(5) Except in a residential area, a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempted from the permit requirements of any building code adopted by the division, however, unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

58-56-5. Building Code Commission - Composition of Commission - Commission duties and responsibilities.
(1) There is established a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes under this chapter.
(2) The commission shall be appointed by the executive director who shall submit his nominations to the governor for confirmation or rejection. If a nominee is rejected, alternative names shall be submitted until confirmation is received. Following confirmation by the governor, the appointment shall be made.
(3) The Commission shall consist of eleven members who shall be appointed in accordance with the following:
(a) one member shall be from among candidates nominated by the Utah League of Cities and Towns and the Utah Association of Counties;

Utah

(b) one member shall be a licensed building inspector employed by a political subdivision of the state;
(c) one member shall be a licensed professional engineer;
(d) one member shall be a licensed architect;
(e) one member shall be a fire official;
(f) three members shall be contractors licensed by the state, of which one shall be a general contractor, one an electrical contractor, and one a plumbing contractor;
(g) two members shall be from the general public and have no affiliation with the construction industry or real estate development industry; and
(h) one member shall be from the Division of Facilities Construction Management, Department of Administrative Services.

(4) (a) Except as required by Subsection (b), as terms of current commission members expire, the executive director shall appoint each new member or reappointed member to a four-year term.
(b) Notwithstanding the requirements of Subsection (a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(6) No commission member may serve more than two full terms, and no commission member who ceases to serve may again serve on the commission until after the expiration of two years from the date of cessation of service.
(7) A majority of the commission members shall constitute a quorum and may act in behalf of the commission.
(8) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
(ii) Members may decline to receive per diem and expenses for their service.
(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
(ii) State government officer and employee members may decline to receive per diem and expenses for their service.
(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
(ii) Local government members may decline to receive per diem and expenses for their service.
(9) The commission shall annually designate one of its members to serve as chair of the commission. The division shall provide a secretary to facilitate the function of the commission and to record its actions and recommendations.
(10) The duties and responsibilities of the commission are to:
(a) recommend to the director the adoption by rule of the edition of the NEC, and the specific codes and editions of the codes described in Subsections 58-56-4(1)(a), (c) and (d) adopted pursuant to this chapter;
(b) recommend to the director the adoption by rule of amendments to the NEC, the building code, the mechanical code, and plumbing code adopted pursuant to this chapter;
(c) offer an opinion regarding the interpretation of or the application of any of the codes adopted pursuant to this chapter upon a formal submission by a party to the matter in question which submission must clearly state the facts in question, the specific code citation involved and the position taken by all parties;
(d) act as an appeals board as provided in 58-56-8(3);

(e) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to building code matters, including a committee to advise the commission regarding health matters related to the UPC; and
(f) assist the division in overseeing code related training in accordance with Section 58-56-9 of this chapter.

58-56-6. Building codes - Division duties and responsibilities.
(1) The division shall administer the adoption and amendment of the NEC, the building code, the mechanical code, and the plumbing code adopted under Section 58-56-4 pursuant to this chapter; but, shall have no responsibility or duty to conduct inspections to determine compliance with the codes, issue permits or assess building permit fees.
(2) Administration of the NEC, the building code, the mechanical code, and the plumbing code adopted under Section 58-56-4 by the division shall include:
(a) receiving recommendations from the commission and thereafter adopting by rule the editions of the codes and amendments to the codes;
(b) maintaining and publishing for reference on a current basis the editions of the code in force and amendments thereto; and
(c) receiving requests for amendments and opinions from the commission, scheduling appropriate hearings and publishing the amendments to the codes and the opinions of the commission with respect to interpretation and application of the codes.

58-56-7. Code amendments - Commission recommendations - Division duties and responsibilities.
(1) The division, with the commission, shall establish by rule the procedure and manner under which requests for amendments to codes shall be:
(a) filed with the division; and
(b) recommended or declined for adoption.
(2) The division shall accept from any local regulators, state regulators, state agencies involved with the construction and design of buildings, the contractors, plumbers, or electricians licensing boards, or from recognized construction-related associations a request for amendment to the NEC, the building code, the mechanical code, or the plumbing code adopted under Section 58-56-4.
(3) The division or the commission on its own initiative may make recommendations to the commission for amendment to the NEC, the building code, the mechanical code, or the plumbing code adopted under Section 58-56-4.
(4) On May 15 and November 15 of each calendar year, or the first government working day thereafter if either date falls on a weekend or government holiday, the division shall convene a public hearing, as a part of the rulemaking process, before the commission concerning requests for amendment of the codes, recommended by the division and commission to be adopted by rule. The hearing shall be conducted in accordance with the rules of the commission.
(5) Within 15 days following completion of the hearing under Subsection (4) or (5), the commission shall provide to the division a written recommendation concerning each amendment.
(6) The division shall consider the recommendations and promulgate amendments by rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act and as prescribed by the director.
(7) The decision of the division to accept or reject the recommendation of the commission shall be made within 15 days after receipt of the recommendation.
(8) All decisions of the division pertaining to adoption of a code edition or amendments to any code, which are contrary to recommendations of the commission, may be overridden by a two-thirds vote of the commission according to a procedure to be established by rule.
(9) (a) Amendments with statewide application:
(i) shall be effective on the January 1 or July 1 immediately following the public hearing; or
(ii) may be effective prior to the dates in Subsection (i) if designated by the division and the commission as necessary for the public health, safety, and welfare.

Utah

(b) Amendments with local application only shall be effective on a date to be determined by the division and the commission.
(c) In making rules required by this chapter, the division shall comply with he provisions of Title 63, Chapter 46a, Administrative Rulemaking Act, the provisions of that chapter shall have control over this section in case of any conflict.
(10) The commission shall study the necessity of an engineer's stamp on all building permits. This study shall be reported to the Business and Labor Interim Committee by November 1996.

58-56-8. Compliance with codes - Responsibility for inspections - Appeals.
(1) The responsibility for inspection of construction projects and enforcement of compliance with provisions of the codes shall be with the compliance agency having jurisdiction over the project and the applicable codes.
(2) A finding by a compliance agency that a licensed contractor, electrician, or plumber has materially violated the provisions of a code in a manner to jeopardize the public health, safety, and welfare and failed to comply with corrective orders of the compliance agency shall be furnished in writing to the division by the compliance agency. It shall be the responsibility of the compliance agency to conduct a primary investigation to determine that, in fact, there has been a material violation of the provisions of the code jeopardizing the public interest and provide the report of investigation to the division.
(3) Each compliance agency shall establish a method of appeal by which a person disputing the application and interpretation of a code may appeal and receive a timely review of the disputed issues in accordance with provisions of the National Electrical Code, the building code, the mechanical code, or the plumbing code adopted under Section 58-56-4. If a compliance agency refuses to establish a method of appeal, the commission shall act as the appeals board and conduct a hearing within 45 days. The findings of the commission shall be binding. An appeals board established under this section shall have no authority to interpret the administrative provisions of the codes nor shall the appeals board be empowered to waive requirements of the codes.

58-56-8.5 Building Inspector Licensing Board.
(1) There is created a Building Inspector Licensing Board consisting of four building inspectors and one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 through 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

58-56-9. Qualifications of inspectors - Contract for inspection services.
(1) Effective July 1, 1993, all inspectors employed by a local regulator, state regulator, or compliance agency to enforce provisions of the codes adopted pursuant to this chapter shall:
(a) meet minimum qualifications as established by the division in collaboration with the commission or be certified by a nationally recognized organization which promulgates codes adopted under this chapter, or pass an examination developed by the division in collaboration with the commission;
(b) be currently licensed by the division as meeting those minimum qualifications; and
(c) be subject to revocation or suspension of their license or may be placed on probation if found guilty of unlawful or unprofessional conduct.
(2) A local regulator, state regulator, or compliance agency may contract for the services of a licensed inspector not regularly employed by the regulator or agency.

(3) (a) The division shall use the monies received in Subsection (4) to provide education regarding the codes and code amendments to:
(i) building inspectors; and
(ii) individuals engaged in construction-related trades.
(b) All funding available for the building inspector's education program shall be nonlapsing.
(4) Each compliance agency shall charge a 1% surcharge on all building permits issued and shall transmit 80% of the amount collected to the division to be utilized by the division to fulfill the requirements of Subsection (3). The surcharge shall be deposited as a dedicated credit.

58-56-10. Repealed.

58-56-11. Standards for specialized buildings.
(1) This chapter shall not be implied to repeal or otherwise affect authorities granted to a state agency to make or administer standards for specialized buildings, as provided in Title 26, Chapter 21, Title 62A, Chapter 2, and Title 64, Chapter 13, or authorities granted to a state agency by statute to make or administer other special standards. In the event of a conflict between such special standards and codes adopted pursuant to this chapter, the special standards shall prevail.
(2) The provisions of this chapter do not apply to the administration of the statutes described in Subsection (1).

58-56-12. Factory built housing units.
Factory built housing unit construction, permit issuance for set-up, set-up and set-up inspection shall be in accordance with the following:
(1) Manufactured homes:
(a) manufactured homes constructed, sold, or set-up in the state shall be constructed in accordance with the HUD code;
(b) manufactured homes set-up in the state shall be installed in accordance with the "installation standard" defined in Section 58-56-3;
(c) the authority and responsibility for the issuance of building permits for the modification or set-up of manufactured homes within a political subdivision of the state shall be with the local regulator within that political subdivision; and
(d) the inspection of modifications to or set-up shall be conducted and approvals given by the local regulator within the political subdivision in which the set-up takes place.
(2) Mobile homes:
(a) mobile homes sold or set-up in the state shall be constructed in accordance with the mobile home construction code in existence in the state in which the mobile home was constructed at the time the mobile home was constructed;
(b) mobile homes set-up in the state shall be installed in accordance with the "installation standard" defined in Section 58-56-3;
(c) the authority and responsibility for the issuance of building permits for the modification of or set-up of mobile homes within a political subdivision of the state shall be with the local regulator within that political subdivision; and
(d) the inspection of, modification to, or set-up shall be conducted and approvals given by the local regulator within the political subdivision in which the set-up takes place.

58-56-13. Modular units.
Modular unit construction, set-up, issuance of permits for construction or set-up, and set-up shall be in accordance with the following:
(1) construction and set up shall be in accordance with the building standards adopted pursuant to Section 58-56-4, or equivalent standards adopted by rule;
(2) the responsibility and authority for plan review and issuance of permits for construction, modification, or set-up shall be that of the local regulator of the political subdivision in which the modular unit is to be set-up;

Utah

(3) the inspection of the construction, modification of, or set-up of a modular unit to determine conformance with the provisions of this chapter and the issuance of approvals shall be the responsibility of the local regulator in the political subdivision in which the modular unit is to be set-up or is set-up; and
(4) nothing in this section shall preclude a local regulator from contracting with a qualified third party for the inspection or plan review provided in this section, or the state from entering into an interstate compact for third party inspection of the construction of modular units.

58-56-14. Modification of factory built housing units and modular units.
(1) Any modification to factory built housing units shall be made in accordance with the following:
(a) Prior to set-up, modification to a manufactured home or mobile home prior to installation or set-up of the unit for habitation shall be made in accordance with the HUD code.
(b) After set-up:
(i) modification to a manufactured home or mobile home after installation or set-up of the unit for habitation, which modification does not include the addition of any space to the existing unit or the attachment of any structure to the existing unit shall be made in accordance with the HUD code; and
(ii) modification to a manufactured home or mobile home after installation or set-up of the unit for habitation, which modification includes the addition of any space to the existing unit or the attachment of any structure to the unit shall be made as follows:
(A) modifications to the existing unit shall be in accordance with the HUD code; and
(B) additional structure outside of the existing unit shall be in accordance with the Utah Uniform Building Standards Act.
(2) Any modification to modular housing units shall be made in accordance with the Utah Uniform Building Standards Act.

58-56-15. Factory built housing and modular units - Division responsibility.
The division:
(1) shall maintain current files with respect to the HUD code and amendments thereto with respect to manufactured homes and the "installation standard" defined in Section 58-56-3 with respect to installation of factory built housing; and will provide at reasonable cost such information to all compliance agencies, local regulators, or state regulators requesting such information;
(2) shall provide qualified personnel to advise compliance agencies, local regulators, and state regulators regarding the standards for construction and set-up, construction and set-up inspection, and additions or modifications to factory built housing;
(3) may regularly inspect the work of all factory built housing manufacturers in the state during the construction process to determine compliance of the manufacturer with the applicable standards of the HUD code or the American National Standards Institute, Inc. or equivalent standards adopted by rule; and upon a finding of any substantive deficiency furnish a written finding of such deficiency to the standards agency;
(4) is hereby designated as the state administrative agency and shall act as such for all purposes under the provisions of the HUD code; and
(5) may inspect the work of all modular unit manufacturers in the state during the construction process to determine compliance of the manufacturer with the Utah Uniform Building Standard Act for those units to be installed within the state; and upon a finding of any substantive deficiency issue a corrective order to the manufacturer with a copy to the local regulator in the state's political subdivision in the unit is to be installed.

58-56-16. Registration of dealers.
(1) Each person engaged in the sale of factory built housing in the state shall annually register with the division as a "dealer" and shall pay an annual registration fee of $15.
(2) Subsection (1) does not apply to:

(a) a person not regularly engaged in the sale of factory built housing who is selling a unit he owns for his own account;
(b) a principal broker licensed under Title 61, Chapter 2, Division of Real Estate; or
(c) a sales agent or associate broker licensed under Title 61, Chapter 2, Division of Real Estate, sells factory built housing as an agent for, and under the supervision, of the licensed principal broker with whom he is affiliated.

58-56-17. Fees on sale - Escrow agents - Sales tax.
(1) Each dealer shall collect and remit a fee of $75 to the division for each factory built home the dealer sells that has not been permanently affixed to real property. The fee shall be payable within 30 days following the close of each calendar quarter for all units sold during that calendar quarter. The fee shall be deposited in a restricted account as provided in Section 58-56-17.5.
(2) Any principal real estate broker, associate broker, or sales agent exempt from registration as a dealer under Section 58-56-16 who sells a factory built home that has not been affixed to real property shall close the sale only through a qualified escrow agent in this state registered with the Insurance Department or the Department of Financial Institutions.
(3) Each escrow agent through which a sale is closed under Subsection (2) shall remit all required sales tax to the state.

58-56-17.5. Factory Building Housing Fees Restricted Account.
(1) There is created within the General Fund a restricted account known as "Factory Built Housing Fees Account."
(2) (a) The restricted account shall be funded from the fees the dealer collects and remits to the division for each factory built home the dealer sells as provided in Subsection 58-56-17(1).
(b) The division shall deposit all monies collected under Subsection 58-56-17(1) in the restricted account.
(c) The restricted account shall be used to pay for education and enforcement of the Uniform Building Standards Act, including investigations and administrative actions and the funding of additional employees to the amount of the legislative appropriation.
(d) The restricted account may accrue interest which shall be deposited into the restricted account.

58-56-18. Repealed.

UTAH UNIFORM BUILDING STANDARDS ACT
Title 58, Chapter 56
Utah Code Annotated 1953
As Amended by
Session Laws of Utah 1997
Issued May 5, 1997
Division of Occupational and Professional Licensing
State of Utah