



Midway

CITY COUNCIL STAFF REPORT

DATE OF MEETING: February 17, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Ordinance 2026-06 Wildland Urban Interface Modifications Code and Maps: Pursuant to HB 48 (2025), proposed code text amendment to Chapter 12.03 to 1) adopt the Utah Division of Forestry, Fire & State Lands’ High Risk Wildland Urban Interface (WUI) Map; 2) adopt the Utah WUI Building Code; and 3) adopt the Midway WUI Map identifying the boundary in which the WUI Building Code shall apply and be subject to enforcement.

ITEM: 7

Proposed code text amendment to Midway City Code Section 12.03 Code Adopted to add a new section 12.03.110 Wildland Urban Interface Code and Maps to comply with legislation passed by the Utah state legislature in the 2025 session, effective 2026.

BACKGROUND:

During the 2025 Utah Legislative Session, the Legislature passed what is known as HB 48, which addressed wildfire risks associated with wildland-urban interface property. The legislation imposed several requirements upon cities and counties, including those set forth below. The proposed Code Text Amendment and Midway Wildland Urban Interface (WUI) map, address two of the legislative requirements. Adopting the High Risk WUI map created by the State Division of Forestry, Fire & State Lands (FFSL) addresses another.

- I. High Risk WUI Map (Utah Division FFSL): Pursuant to HB 48, FFSL was charged with developing a map depicting “high risk wildland urban interface property”. Property in this boundary is subject to assessment of a fee in an amount set by FFSL, part of which fee will be retained by counties to mitigate their costs associated with

wildfire prevention, preparedness and mitigation, and the remainder of which is transmitted to a FFSL Mitigation Fund. The law directs that casualty insurers must rely solely on this map in determining whether a property is high risk wildland urban interface property. If an insurer cancels or fails to renew a policy, or raises a premium by more than 20% due to risks of wildfire, the casualty insurer must include in its notice the facts on which the decision is based with reasonable precision.

The Utah Division of Forestry, Fire & State Lands completed its High Risk WUI map in the last week of December, 2025. Pursuant to HB 48, Midway City must adopt the High Risk WUI map, which is attached.

- II. HB 48 also requires cities like Midway to adopt and enforce wildland urban interface building standards (as defined in Utah Code Section 65A-8-401) and create and adopt a Midway WUI map identifying the areas in which the WUI building code will apply.

WUI Building Code: In 2006, the Utah legislature adopted the Utah Wildland-Urban Interface Code, based largely on the 2003 International WUI code. While there is proposed legislation in the 2026 legislative session for Utah to adopt the 2024 International WUI code, it is unknown at this time whether this legislation will pass and whether the updated code will be adopted.

Accordingly, pursuant to HB 48 and the recommendation of the Midway Building Officer and Fire Marshall, it is proposed that Midway adopt the 2006 Utah WUI Code. To avoid having to revisit code whenever there are updates to the code, however, staff is proposing an ordinance, copy attached, which automatically updates code when the state adopts new code.

The WUI building code requires additional measures, including the following:

- Site plans shall include topography, width and percent grade of access roads, landscape and vegetation details, locations of structures and building envelopes, existing or proposed overhead utilities, roof classification, types of ignition-resistant construction, water supply systems, etc.
- Vegetation management plan.
- Fire protection plan may be required.
- Fire apparatus access requirements.
- Ignition-resistant construction standards.
- Eaves and soffits protected on exposed underside by materials approved for a minimum of 1 hour fire-resistance-rated construction. Similar requirements for fascias and exterior walls.
- Gutters and downspouts noncombustible materials.
- Underfloors enclosed to ground.
- Exterior window and door requirements.
- Restrictions on venting.
- Defensible space requirements (10 feet).

Midway WUI Map: For purposes of identifying the area in which the WUI Building Code will apply and be enforced, Midway has developed, in coordination with the County Fire Department, a Midway WUI Map identifying the WUI area in which property will be subject to the WUI Building Code.

A copy of the proposed WUI map is attached. Legislation directs municipalities like Midway to rely on easily identifiable boundaries like streets and natural boundaries, and to avoid dividing subdivisions and similar properties. As can be seen from the proposed map, the Midway WUI areas are confined to the west and north sides of Midway, in a manner consistent with the state map.

To the west, the Midway WUI is bounded by the City boundary to the west and Homestead Drive, portions of snake creek, and Stringtown Road to the east. This boundary is consistent with the traditional County WUI line, follows easily identifiable boundaries, avoids bisecting developments, and acknowledges the history of fires from the west which many in Midway remember.

To the north, the proposed WUI boundary follows the City boundary and subdivision boundaries. The boundary again aligns for the most part with the traditional County WUI boundary, follows easily identifiable boundaries, avoids bisecting developments, identifies areas of heightened risk in accordance with the state map, but acknowledges the lack of history of fire proceeding southward from the north, and attempts to define a reasonable WUI boundary in which the WUI building code will apply and be subject to enforcement due to reasonable risk.

Note: The Midway WUI Map should not be confused with the State FFSL High Risk WUI Map. The Midway WUI Map is created by Midway and simply identifies the areas in Midway in which the heightened building standards of the WUI Building Code will apply. The FFSL High Risk WUI Map is created by the state Division of Forest, Fire and State Lands and identifies the area in which properties are at high fire risk and will be subject to an assessment and fees created by the state.

DISCUSSION:

Midway City Code provides for adoption of state and international codes at Section 12.03.

[12.03 Code Adopted](#) (Existing Code)

[12.03.010 International Building Code Adopted](#)

[12.03.020 International Mechanical Code Adopted](#)

[12.03.030 International Plumbing Code Adopted](#)

[12.03.040 National Electrical Code Adopted](#)

[12.03.050 International Fire Code Adopted](#)

[12.03.060 International Energy Conservation Code Adopted](#)

PLANNING COMMISSION REVIEW:

Not required because it does not involve a land use application under Chapter 16 of the code.

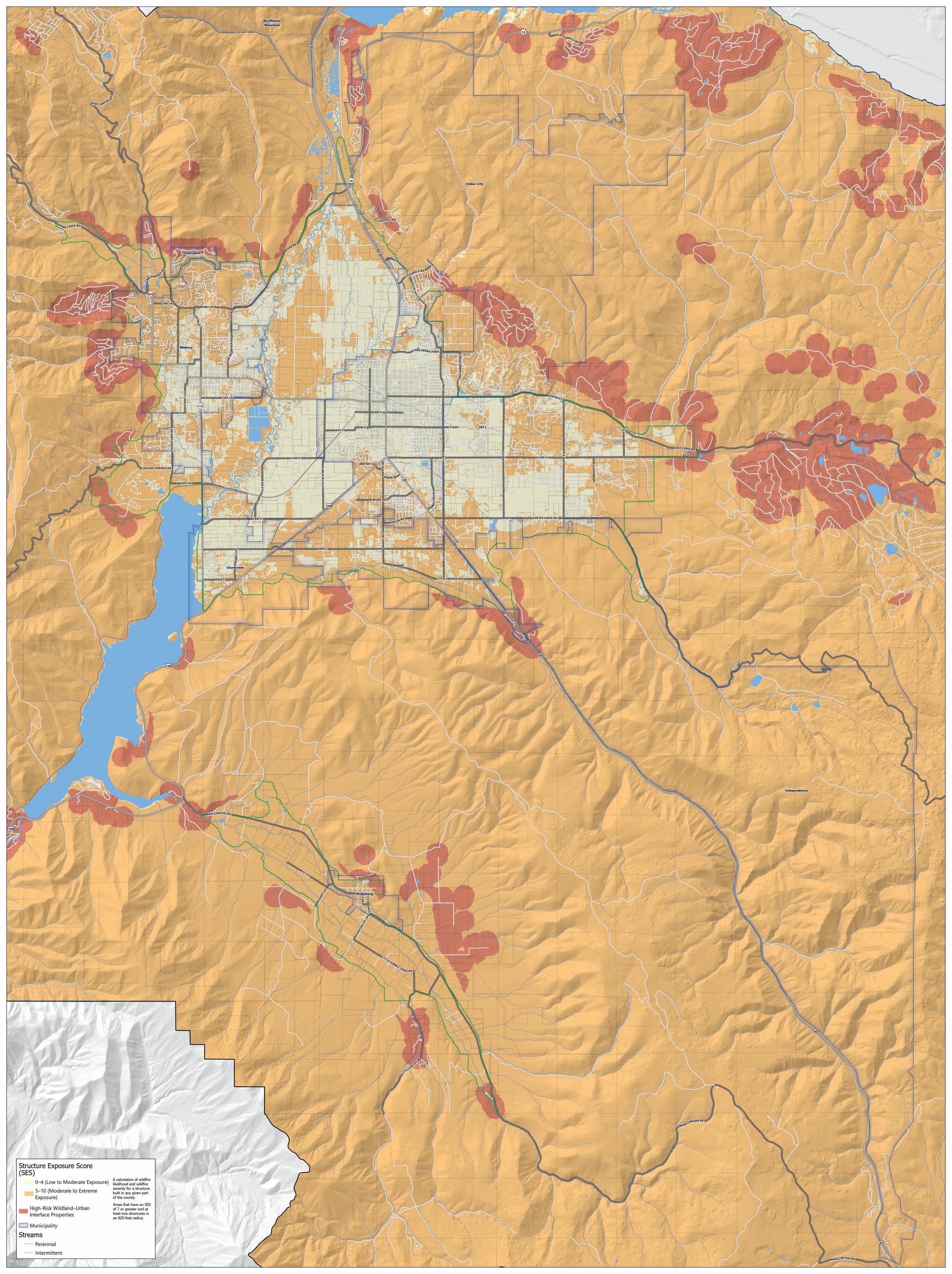
POSSIBLE FINDINGS:

1. The proposed amendment to Midway City Code Chapter 12.03 effectuates compliance with governing State Law, including House Bill 48 (2025).
2. The proposed amendment adopts the State High-Risk Wildland Urban Interface Map, as required by state law.
3. The proposed amendment adopts the current Utah Wildland-Urban Interface (Building) Code, as required by state law.
4. The proposed amendment creates and adopts a Midway Wildland-Urban Interface Map defining the boundary of areas in which the Utah Wildland-Urban Interface (Building) Code will apply in Midway and be subject to enforcement, as required by state law.
5. The proposed amendment is consistent with the intent, language, and construction of the existing Midway City Code, including Chapter 12.03.
6. The purpose of the local construction and property regulations is intended to reduce the risk of and damages resulting from wildland fires spreading to structures and structure fires spreading to other structures and wildland.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again.

3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for denial.



Structure Exposure Score (SES)

0-4 (Low to Moderate Exposure)

5-10 (Moderate to Extreme Exposure)

High-Risk Wildland-Urban Interface Properties

Municipality

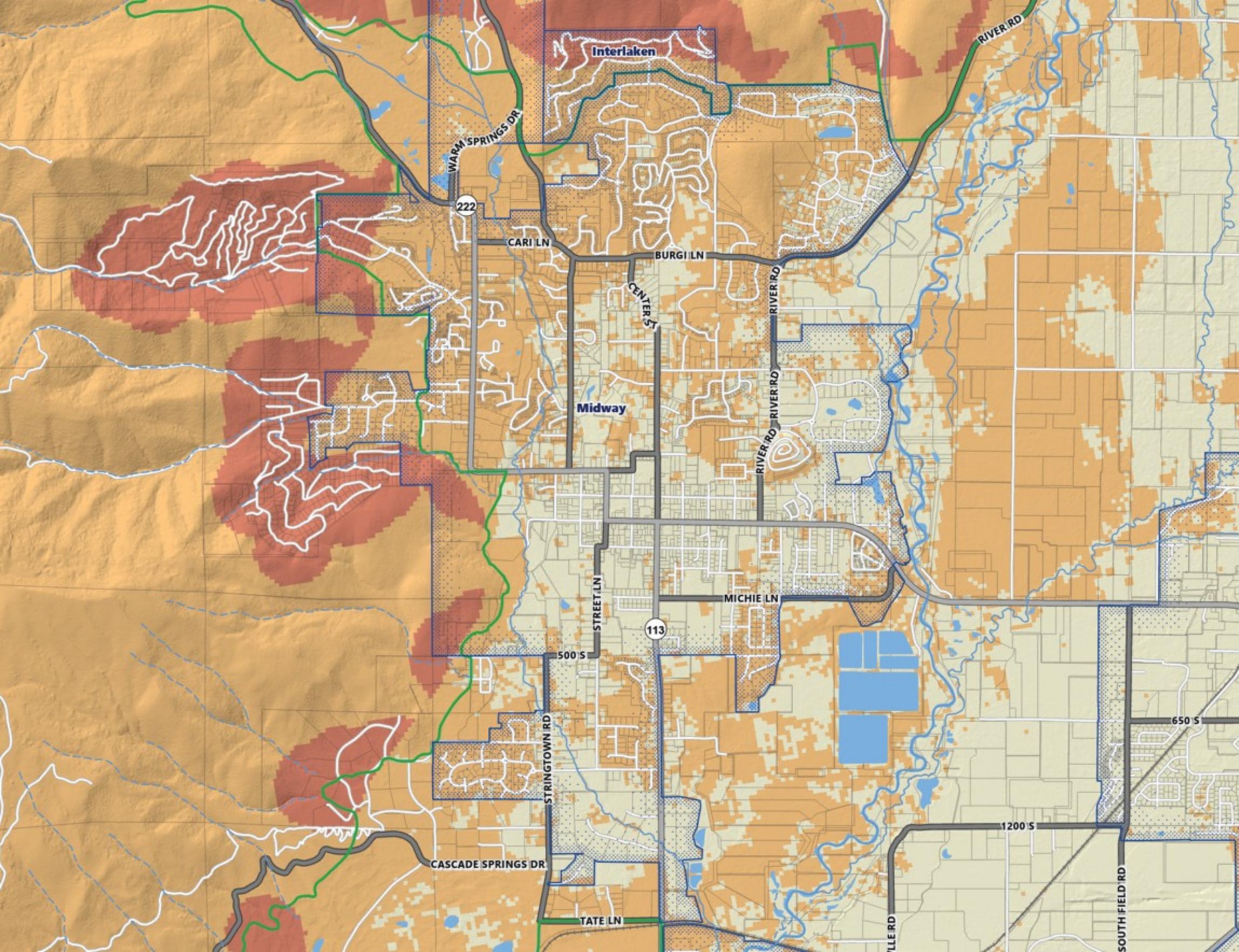
Streams

Perennial

Intermittent

A calculation of wildfire likelihood and wildfire severity for a structure built in any given part of the county.

Areas that have an SES of 7 or greater and at least two structures in an 820-foot radius.



Interlaken

Midway

WARM SPRINGS DR

222

CARI LN

BURGI LN

CENTER ST

RIVER RD

RIVER RD

113

MICHIE LN

500 S

STRINGTOWN RD

CASCADE SPRINGS DR

TATE LN

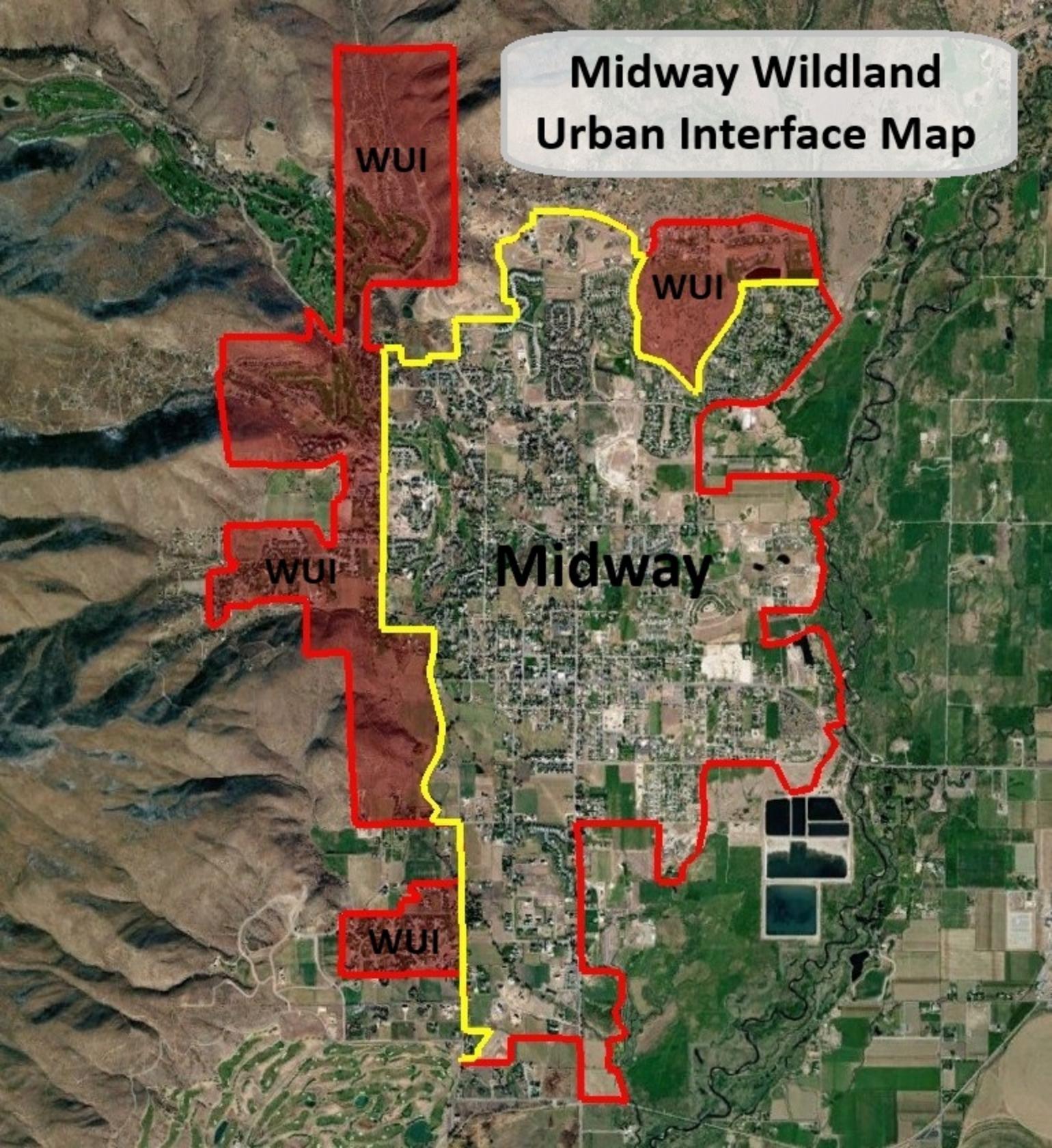
1200 S

650 S

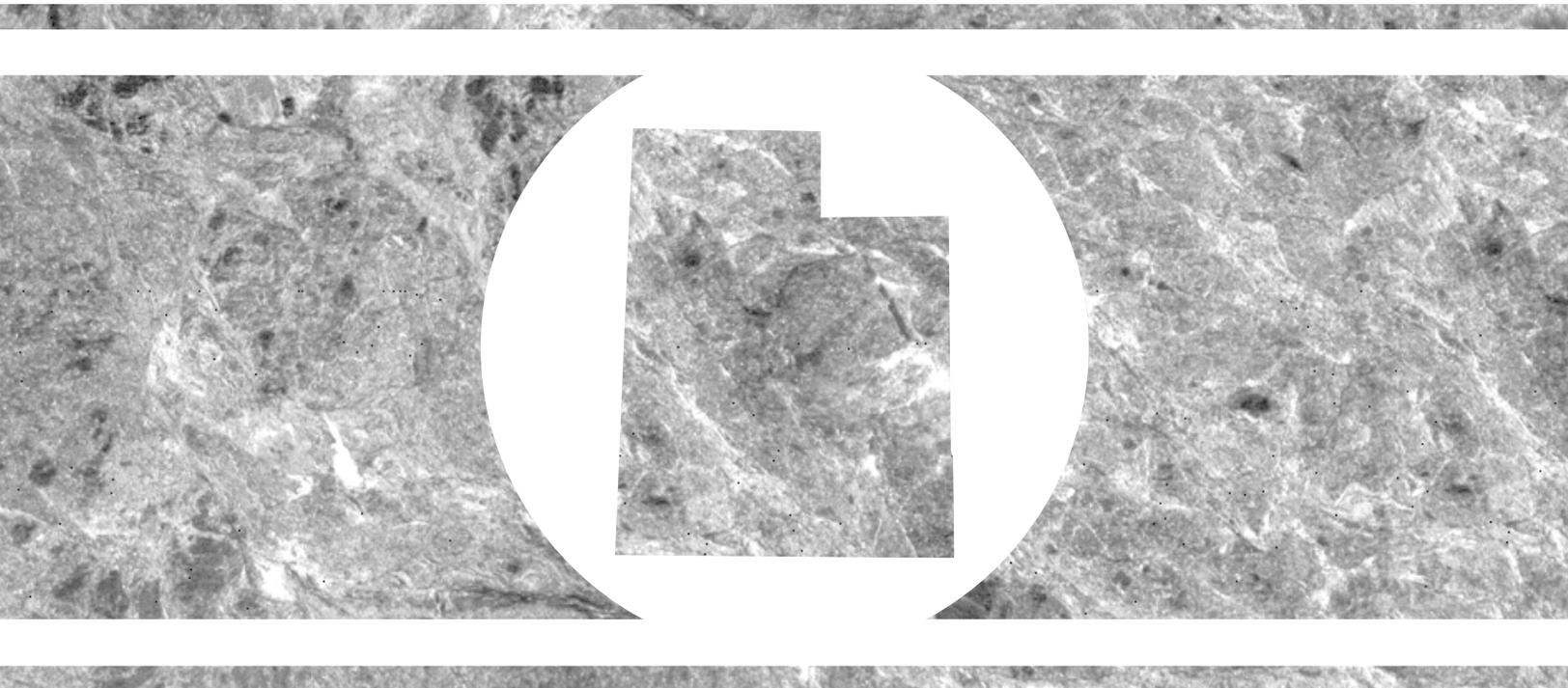
LILLE RD

SOUTH FIELD RD

Midway Wildland Urban Interface Map



2006 UTAH WILDLAND-URBAN INTERFACE CODE



2006 Utah Wildland-Urban Interface Code

First Printing: July 2006
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Fifth Printing: June 2008

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date code addressing the mitigation of fire in the urban-wildland interface. The *International Wildland-Urban Interface Code*™, in this 2003 edition, is designed to bridge the gap between enforcement of the *International Building Code*® and *International Fire Code*® by mitigating the hazard of wildfires through model code regulations, which safeguard the public health and safety in all communities, large and small.

This comprehensive urban-wildland interface code establishes minimum regulations for land use and the built environment in designated urban-wildland interface areas using prescriptive and performance-related provisions. It is founded on data collected from tests and fire incidents, technical reports and mitigation strategies from around the world. This 2003 edition is fully compatible with all the *International Codes*™ (“I-Codes”™) published by the International Code Council® (ICC®), including the *International Building Code*®, *ICC Electrical Code*™, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Mechanical Code*®, *ICC Performance Code*™, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Property Maintenance Code*®, *International Residential Code*® and *International Zoning Code*®.

The *International Wildland-Urban Interface Code* provisions provide many benefits, including the model code development process, which offers an international forum for fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

This is the first edition of the *International Wildland-Urban Interface Code* (2003) and is the culmination of an effort initiated in 2001 by the ICC and the three statutory members of the International Code Council: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The intent was to draft a comprehensive set of regulations for mitigating the hazard to life and property from the intrusion of fire from wildland exposures and fire from adjacent structures, and preventing structure fires from spreading to wildland fuels. Technical content of the 2000 *Wildland-Urban Interface Code*, published by the International Fire Code Institute, was utilized as the basis for the development, followed by the publication of the 2001 Final Draft. This 2003 edition is based on the Final Draft, with changes approved in the 2002 ICC Code Development Process. A new edition such as this is promulgated every three years.

With the development and publication of the family of *International Codes* in 2000, the continued development and maintenance of the model codes individually promulgated by BOCA (“BOCA National Codes”), ICBO (“Uniform Codes”) and SBCCI (“Standard Codes”) was discontinued. The 2003 *International Codes*, as well as their predecessors—the 2000 *International Codes*—are intended to be the successor set of codes to those codes previously developed by BOCA, ICBO and SBCCI.

The development of a single family of comprehensive and coordinated *International Codes* was a significant milestone in the development of regulations for the built environment. The timing of this publication mirrors a milestone in the change in structure of the model codes, namely, the pending consolidation of BOCA, ICBO and SBCCI into the ICC. The activities and services previously provided by the individual model code organizations will be the responsibility of the consolidated ICC.

This code is founded on principles intended to mitigate the hazard from fires through the development of provisions that adequately protect public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Wildland-Urban Interface Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction’s laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Wildland-Urban Interface Code* is kept up-to-date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Code and Standard Development Department of the International Code Council.

Although the development procedure of the *International Wildland-Urban Interface Code* assures the highest degree of care, ICC and the founding members of ICC—BOCA, ICBO and SBCCI—their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions, because ICC and its founding members do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Authority

The Division is required to establish minimum standards for a wildland fire ordinance and specify minimum standards for wildland fire training, certification and wildland fire suppression equipment in accordance with subsections 65A-8-6(3)(a) and 65A-8-6(3)(b). This requirement is promulgated under general rule-making authority of subsection 65A-1-4(2).

ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2003 *International Wildland-Urban Interface Code* as an enforceable regulation for the mitigation of fire in the urban-wildland interface should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Minimum Standards for Wildland Fire Ordinance

The division uses the *International Wildland-Urban Interface Code* as a basis for establishing the minimum standards discussed in this document. A county ordinance that at least meets the minimum standards should be in place by September 2006.

The Division incorporates by reference the 2003 *International Code Council Wildland-Urban Interface Code* as the minimum standard for wildland fire ordinance in conjunction with Utah requirements.

SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL WILDLAND-URBAN INTERFACE CODE*

ORDINANCE NO. _____

An ordinance of the [JURISDICTION] adopting the 2003 edition of the *International Wildland-Urban Interface Code* as currently amended by the division of Forestry, Fire and State Lands, regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Wildland-Urban Interface Code*, 2003 edition, including Appendix Chapters [FILL IN THE APPENDIX CHAPTERS BEING ADOPTED], as published by the International Code Council, be and is hereby adopted as the Urban-Wildland Interface Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Urban-Wildland Interface Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the *Wildland-Urban Interface Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

Section 8. Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the wildland area interface map. The legal description of such areas is as described as follows: [INSERT LEGAL DESCRIPTION]

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CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the urban-wildland interface areas in this jurisdiction.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.2 Objective. The objective of this code is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

The development and use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the wildland-urban interface areas.

101.3 Retroactivity. The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code, to conditions which, in the opinion of the code official, constitute a distinct hazard to life or property.

101.4 Additions or alterations. Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive. See Section 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally

unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

101.5 Maintenance. All buildings, structures, landscape materials, vegetation, defensible space or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102 AUTHORITY OF THE CODE OFFICIAL

102.1 Powers and duties of the code official. The code official is hereby authorized to administer and enforce this code, or designated sections thereof, and all ordinances of the jurisdiction pertaining to designated wildland-urban interface areas. For such purposes, the code official shall have the powers of a law enforcement officer.

102.2 Interpretations, rules and regulations. The code official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance to the intent and purpose of this code.

A copy of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

102.3 Liability of the code official. The code official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because of such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction. The code enforcement agency or its parent jurisdiction shall not be held as assuming any liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

102.4 Other agencies. When requested to do so by the code official, other officials of this jurisdiction shall assist and coop-

erate with the code official in the discharge of the duties required by this code.

**SECTION 103
COMPLIANCE ALTERNATIVES**

103.1 Practical difficulties. When there are practical difficulties involved in carrying out the provisions of this code, the code official is authorized to grant modifications for individual cases on application in writing by the owner or a duly authorized representative. The code official shall first find that a special individual reason makes enforcement of the strict letter of this code impractical, the modification is in conformance to the intent and purpose of this code, and the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered into the files of the code enforcement agency.

If the code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended, provided that reasonable alternative measures are taken.

103.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

103.3 Alternative materials or methods. The code official, in concurrence with approval from the building official and fire chief, is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the *International Building Code*.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

**SECTION 104
APPEALS**

104.1 General. To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, building official and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.

104.2 Limitations of authority. The board of appeals shall not have authority relative to interpretation of the administrative provisions of this code and shall not have authority to waive requirements of this code.

**SECTION 105
PERMITS**

105.1 General. When not otherwise provided in the requirements of the building or fire code, permits are required in accordance with Section 105.

105.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the code official.

When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within an wildland-urban interface area:

1. Automobile wrecking yard;
2. Candles and open flames in assembly areas;
3. Explosives or blasting agents;
4. Fireworks;
5. Flammable or combustible liquids;
6. Hazardous materials;
7. Liquefied petroleum gases;
8. Lumberyards;
9. Motor vehicle fuel-dispensing stations;
10. Open burning;
11. Pyrotechnical special effects material;
12. Tents, canopies and temporary membrane structures;
13. Tire storage;
14. Welding and cutting operations; or
15. Other activities as determined by the code official.

105.3 Work exempt from permit. Unless otherwise provided in the requirements of the building or fire code, a permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and

the structure is located more than 50 feet (15 240 mm) from the nearest adjacent structure.

2. Fences not over 6 feet (1829 mm) high.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the code official.

105.4 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Section 106 of this code.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as may be required by the code official.

105.5 Permit approval. Before a permit is issued, the code official, or an authorized representative, shall review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from all agencies or departments concerned.

105.6 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the code official is allowed to issue a permit to the applicant.

When the code official issues the permit, the code official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorization from the code official, and all work regulated by this code shall be done in accordance with the approved plans.

105.7 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall

not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

105.8 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The code official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.9 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official or other authorized representative.

105.10 Revocation of permits. Permits issued under this code may be suspended or revoked when it is determined by the code official that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.
4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. When the permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The code official is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 106 PLANS AND SPECIFICATIONS

106.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in at least two sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a li-

censed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

106.3 Site plan. In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

106.4 Vegetation management plans. When utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

106.5 Fire protection plan. When required by the code official pursuant to Section 405, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit.

106.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

106.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet (91 440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

106.8 Retention of plans. One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress.

SECTION 107 INSPECTION AND ENFORCEMENT

107.1 Inspection.

107.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall

remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

107.1.2 Authority to inspect. The code official shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the code official for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

107.1.3 Reinspections. To determine compliance with this code, the code official may cause a structure to be reinspected. A fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

107.2 Enforcement.

107.2.1 Authorization to issue corrective orders and notices. When the code official finds any building or premises that are in violation of this code, the code official is authorized to issue corrective orders and notices.

107.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

107.3 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or on any premises any condition that makes such building or premises unsafe, the code official is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the code official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises, shall, after proper request is made as herein provided, promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

107.4 Compliance with orders and notices.

107.4.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.

107.4.2 Compliance with tags. A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 107.4.1.

107.4.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the code official shall not be mutilated, destroyed or removed without authorization by the code official.

107.4.4 Citations. Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the code official shall be guilty of a misdemeanor.

107.4.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

SECTION 108 CERTIFICATE OF COMPLETION

No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion therefor as provided herein. The certificate of occupancy shall not be issued until the certificate of completion indicating that the project is in compliance with this code has been issued by the code official.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other *International Codes*, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

BRUSH, SHORT. Low-growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry and rabbitbrush are some varieties.

BRUSH, TALL. Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry and mahogany, but may also include other species.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *International Building Code*, or the building official's duly authorized representative.

CERTIFICATE OF COMPLETION. Written documentation that the project or work for which a permit was issued has been completed in conformance with requirements of this code.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the code official's authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five dwelling units.

FIRE AREA. The floor area, in square feet (square meters), used to determine the adequate water supply.

FIRE CHIEF. The chief officer or the chief officer's authorized representative of the fire department serving the jurisdiction.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for the wildland-urban interface area. It describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system.

FIRE WEATHER. Weather conditions favorable to the ignition and rapid spread of fire. In wildfires, this generally includes high temperatures combined with strong winds and low humidity.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the wildland-urban interface area.

FLAME SPREAD RATING. As used herein refers to rating obtained according to tests conducted as specified by a nationally recognized standard.

FUEL BREAK. An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for fire fighting.

FUEL, HEAVY. Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater.

FUEL, LIGHT. Vegetation consisting of herbaceous and round wood less than 1/4 inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be 1/2 ton to 2 tons per acre.

FUEL, MEDIUM. Vegetation consisting of round wood 1/4 to 3 inches (6.4mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

DEFINITIONS

FUEL MOSAIC. A fuel modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of fuel modification.

FUEL-LOADING. The oven-dry weight of fuels in a given area, usually expressed in pounds per acre (lb/a) (kg/ha). Fuel loading may be referenced to fuel size or timelag categories, and may include surface fuels or total fuels.

GREENBELT. A fuel break designated for a use other than fire protection.

HAZARDOUS MATERIALS. As defined in the *International Fire Code*.

HEAVY TIMBER CONSTRUCTION. As described in the *International Building Code*.

INSURANCE SERVICES OFFICE (ISO). An agency that recommends fire insurance rates based on a grading schedule that incorporates evaluation of fire fighting resources and capabilities.

LEGISLATIVE BODY. The governing body of the political jurisdiction administering this code.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E 136 shall be considered noncombustible within the meaning of this section.
2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over $\frac{1}{8}$ inch (3.2 mm) thick, which has a flame-spread rating of 50 or less. Flame-spread rating as used herein refers to rating obtained according to tests conducted as specified in ASTM E 84.

“Noncombustible” does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Item 1. No material shall be classed as noncombustible that is subject to increase in combustibility or flame-spread rating, beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

NONCOMBUSTIBLE ROOF COVERING. One of the following:

1. Cement shingles or sheets.
2. Exposed concrete slab roof.
3. Ferrous or copper shingles or sheets.

4. Slate shingles.

5. Clay or concrete roofing tile.

6. Approved roof covering of noncombustible material.

SLOPE. The variation of terrain from the horizontal; the number of feet (meters) rise or fall per 100 feet (30 480 mm) measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

UNENCLOSED ACCESSORY STRUCTURE. An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

WILDFIRE. An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

WILDLAND. An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND URBAN INTERFACE. The line, area or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel.

CHAPTER 3

WILDLAND-URBAN INTERFACE AREAS

SECTION 301 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

301.1 Declaration. The legislative body shall declare the wildland-urban interface areas within the jurisdiction. The urban-wildland interface areas shall be based on the maps created in accordance with Section 301.

301.2 Mapping. In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative (per participating agreement between county and FFSL) will create or review Wildland-Urban Interface Area maps, to be recorded and filed with the clerk of the jurisdiction. These areas shall become effective immediately thereafter.

301.3 Review of wildland-urban interface areas. The code official and the FFSL wildfire representative shall reevaluate and recommend modification to the wildland-urban interface areas in accordance with Section 301.1 on a three-year basis or more frequently as deemed necessary by the legislative body.

CHAPTER 4

WILDLAND-URBAN INTERFACE AREA REQUIREMENTS

SECTION 401 GENERAL

401.1 Scope. Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter.

401.2 Objective. The objective of this chapter is to establish the minimum requirements for emergency vehicle access and water supply for buildings and structures located in the wildland-urban interface areas.

401.3 General safety precautions. General safety precautions shall be in accordance with this chapter. See also Appendix A.

SECTION 402 APPLICABILITY

402.1 Subdivisions.

402.1.1 Access. New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the *International Fire Code* and access requirements in accordance with Section 403.

402.1.2 Water supply. New subdivisions as determined by this jurisdiction shall be provided with water supply in accordance with Section 404.

402.2 Individual structures.

402.2.1 Access. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the *International Fire Code* and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

402.2.2 Water supply. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404.

Exceptions:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 for a nonconforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

SECTION 403 ACCESS

403.1 Restricted access. Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet (3658 mm) and a minimum unobstructed height of 13 feet 6 inches (4115 mm). Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60 960 mm) in length and less than 20 feet (6096 mm) in width shall be provided with turnouts in addition to turnarounds.

A driveway shall not serve in excess of five dwelling units.

Driveway turnarounds shall have inside turning radii of not less than 30 feet (9144 mm) and outside turning radii of not less than 45 feet (13 716 mm). Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Driveway turnouts shall be an all-weather road surface at least 10 feet (3048 mm) wide and 30 feet (9144 mm) long. Driveway turnouts shall be located as required by the code official.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

403.3 Fire apparatus access road. When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles to protect structures and wildlands within the jurisdiction.

403.4 Marking of roads. Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum 4-inch-high (102 mm) reflective letters with 1/2 inch (12.7 mm) stroke on a contrasting 6-inch-high (152 mm) sign. Road identification signage shall be mounted at a height of 7 feet (2134 mm) from the road surface to the bottom of the sign.

403.5 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the code official to prevent obstruction.

403.6 Address markers. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

403.7 Grade. The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official. It will be up to the code official to ascertain the standard based on local fire equipment grade not to exceed 12 percent.

SECTION 404 WATER SUPPLY

404.1 General. When provided in order to qualify as a conforming water supply for the purpose of Table 503.1, an approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland-urban interface area of the jurisdiction in accordance with this section.

404.2 Water sources. The point at which a water source is available for use shall be located not more than 1,000 feet (305 m) from the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by a tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access maintenance of man-made water sources shall be approved by the code official.
2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with Section 404.5. This wa-

ter level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

404.3 Draft sites. Approved draft sites shall be provided at all natural water sources intended for use as fire protection for compliance with this code. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

The pumper access point shall be either an emergency vehicle access area alongside a conforming access road or an approved driveway no longer than 150 feet (45 720 mm). Pumper access points and access driveways shall be designed and constructed in accordance with all codes and ordinances enforced by this jurisdiction. Pumper access points shall not require the pumper apparatus to obstruct a road or driveway.

404.4 Hydrants. All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

404.5 Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control by the local jurisdiction. NFPA 1142 may be used as a reference.

404.6 Fire department. The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction (see Table 503.1).

404.7 Obstructions. Access to all water sources required by this code shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

404.8 Identification. Water sources, draft sites, hydrants and fire protection equipment shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

404.9 Testing and maintenance. Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the code official. Code official shall establish a periodic testing schedule. Costs are to be covered by the water provider. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards. Mains and appurtenances shall be installed in accordance with NFPA 24. Water tanks for private fire protection shall be installed in accordance with NFPA 22. The costs are to be covered by the water provider.

404.10 Reliability.

404.10.1 Objective. The objective of this section is to increase the reliability of water supplies by reducing the exposure of vegetative fuels to electrically powered systems.

404.10.2 Clearance of fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 603.

404.10.3 Standby power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power supplied by power grid to meet adequate water supply demands shall provide functional standby power systems in accordance with the ICC *Electrical Code* to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions: When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or there is an on-site generator.

SECTION 405 FIRE PROTECTION PLAN

405.1 Purpose. The plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative materials and methods.

405.2 General. When required by the code official, a fire protection plan shall be prepared and approved prior to the first building permit issuance or subdivision approval.

405.3 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

405.4 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

405.5 Plan retention. The fire protection plan shall be retained by the code official.

CHAPTER 5

SPECIAL BUILDING CONSTRUCTION REGULATIONS

SECTION 501 GENERAL

501.1 Scope. Buildings and structures shall be constructed in accordance with the *International Building Code* and this code.

Exceptions:

1. Accessory structures not exceeding 120 square feet (11 m²) in floor area when located at least 50 feet (15 240 mm) from buildings containing habitable spaces.
2. Agricultural buildings at least 50 feet (15 240 mm) from buildings containing habitable spaces.

501.2 Objective. The objective of this chapter is to establish minimum standards to locate, design and construct buildings and structures or portions thereof for the protection of life and property, to resist damage from wildfires, and to mitigate building and structure fires from spreading to wildland fuels. The minimum standards set forth in this chapter vary with the critical fire weather, slope and fuel type to provide increased protection, above the requirements set forth in the *International Building Code*, from the various levels of hazards.

SECTION 502 FIRE HAZARD SEVERITY

The fire hazard severity of building sites for all buildings hereafter constructed, modified or relocated into wildland-urban

interface areas shall be established in accordance with Appendix C.

The fire hazard severity is allowed to be reduced by implementing a vegetation management plan in accordance with Appendix B.

SECTION 503 IGNITION-RESISTANT CONSTRUCTION

503.1 General. Buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. Class 1, Class 2 or Class 3 ignition-resistant construction shall be in accordance with Sections 504, 505 and 506, respectively.

SECTION 504 CLASS 1 IGNITION-RESISTANT CONSTRUCTION

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Section 504.

504.2 Roof covering. Roofs shall have a Class A roof covering or a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

**TABLE 503.1
IGNITION-RESISTANT CONSTRUCTION^a**

| DEFENSIBLE SPACE ^c | FIRE HAZARD SEVERITY | | | | | |
|-------------------------------|---------------------------|----------------------------|---------------------------|----------------------------|---------------------------|----------------------------|
| | Moderate Hazard | | High Hazard | | Extreme Hazard | |
| | Water Supply ^b | | Water Supply ^b | | Water Supply ^b | |
| | Conforming ^d | Nonconforming ^e | Conforming ^d | Nonconforming ^e | Conforming ^d | Nonconforming ^e |
| Nonconforming | IR 2 | IR 1 | IR 1 | IR 1 N.C. | IR 1 N.C. | Not Permitted |
| Conforming | IR 3 | IR 2 | IR 2 | IR 1 | IR 1 | IR 1 N.C. |
| 1.5 x Conforming | Not Required | IR 3 | IR 3 | IR 2 | IR 2 | IR 1 |

a. Access shall be in accordance with Section 402.

b. Subdivisions shall have a conforming water supply in accordance with Section 402.1.

IR 1 = Ignition-resistant construction in accordance with Section 504.

IR 2 = Ignition-resistant construction in accordance with Section 505.

IR 3 = Ignition-resistant construction in accordance with Section 506.

N.C. = Exterior walls shall have a fire-resistance rating of not less than 1-hour and the exterior surfaces of such walls shall be noncombustible. Usage of log wall construction is allowed.

c. Conformance based on Section 603.

d. Conformance based on Section 404.

e. A nonconforming water supply is any water system or source that does not comply with Section 404, including situations where there is no water supply for structure protection or fire suppression.

504.3 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction. Fascias are required and must be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or 2-inch (51 mm) nominal dimension lumber.

504.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

504.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

504.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section 504.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

504.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5.

504.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

504.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1³/₄ inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8.

Exception: Vehicle access doors.

504.10 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm).

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

504.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction or constructed with approved noncombustible materials on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5 or underfloor protection in accordance with Section 504.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 504.2 for roof requirements.

SECTION 505

CLASS 2 IGNITION-RESISTANT CONSTRUCTION

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Section 505.

505.2 Roof covering. Roofs shall have at least a Class A roof covering, Class B roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

505.3 Protection of eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of 3/4 inch (19 mm). No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

505.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

505.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

505.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground, with exterior walls in accordance with Section 505.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

505.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-re-

sistance-rated construction, heavy timber construction or constructed with approved noncombustible materials.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5.

505.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire-protection rating of not less than 20 minutes.

505.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1³/₄-inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

Exception: Vehicle access doors.

505.10 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm).

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction, or constructed with approved noncombustible material on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5 or underfloor protection in accordance with Section 505.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 505.2 for roof requirements.

SECTION 506

CLASS 3 IGNITION-RESISTANT CONSTRUCTION

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Section 506.

506.2 Roof covering. Roofs shall have at least a Class A roof covering, Class C roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

506.3 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

506.4 Vents. Attic ventilation openings, soffit vents, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm).

SECTION 507

REPLACEMENT OR REPAIR OF ROOF COVERINGS

The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with Section 503.

CHAPTER 6

FIRE PROTECTION REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter establish general requirements for new and existing buildings, structures and premises located within wildland-urban interface areas.

601.2 Objective. The objective of this chapter is to establish minimum requirements to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

SECTION 602 AUTOMATIC FIRE SPRINKLER SYSTEMS DELETED

SECTION 603 DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space.

603.2 Fuel modification. In order to qualify as a conforming defensible space for individual buildings or structures on a property, fuel modification shall be provided within a distance from buildings or structures as specified in Table 603.2. For all other purposes, the fuel modification distance shall not be less than 30 feet (9144 mm) or to the property line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 may be modified by the code official because of a

site-specific analysis based on local conditions and the fire protection plan.

Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by said person.

Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). Deadwood and litter shall be regularly removed from trees.

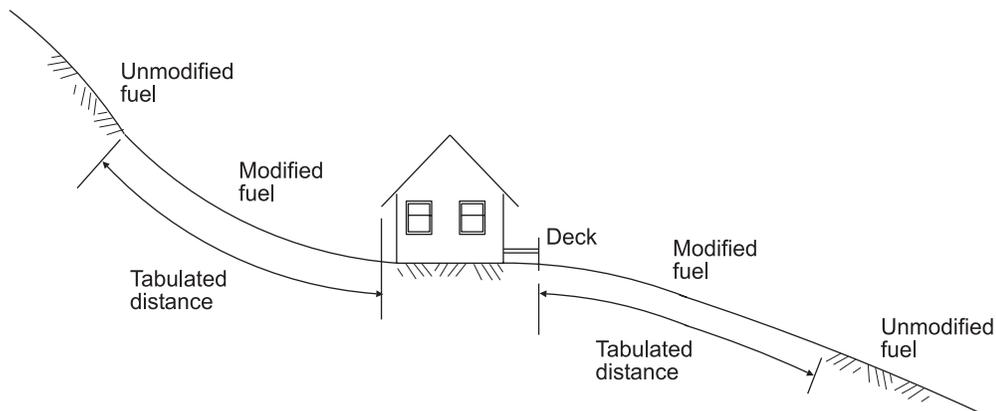
Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

**TABLE 603.2
REQUIRED DEFENSIBLE SPACE**

| WILDLAND-URBAN INTERFACE AREA | FUEL MODIFICATION DISTANCE (feet) |
|-------------------------------|-----------------------------------|
| Moderate hazard | 30 |
| High hazard | 50 |
| Extreme hazard | 100 |

For SI: 1 foot = 304.8 mm.

603.3 Community fuel modification zones. Fuel modification zones to protect new communities shall be provided when required by the code official in accordance with Section 603, in order to reduce fuel loads adjacent to communities and structures.



**FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE**

603.3.1 Land ownership. Fuel modification zone land used to protect a community shall be under the control of an association or other common ownership instrument for the life of the community to be protected.

603.3.2 Fuel modification zone plans. Fuel modification zone plans shall be approved prior to fuel modification work and shall be placed on a site grading plan shown in plan view. An elevation plan shall also be provided to indicate the length of the fuel modification zone on the slope. Fuel modification zone plans shall include, but not be limited to the following:

1. Plan showing existing vegetation.
2. Photographs showing natural conditions prior to work being performed.
3. Grading plan showing location of proposed buildings and structures, and set backs from top of slope to all buildings or structures.

SECTION 604 MAINTENANCE OF DEFENSIBLE SPACE

604.1 General. Defensible spaces required by Section 603 shall be maintained annually, or as necessary in accordance with Section 604.

604.2 Modified area. Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations.

604.3 Responsibility. Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.

604.4 Trees. Individual trees and/or small clumps of trees or brush crowns, extending to within 10 feet (3048 mm) of any structure, shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm). Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.

Portions of tree crowns that extend within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).

Deadwood and litter shall be regularly removed from trees.

SECTION 605 SPARK ARRESTERS

Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) (2.66 mm) having openings not exceeding 1/2 inch (12.7 mm).

The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

SECTION 606 LIQUEFIED PETROLEUM GAS INSTALLATIONS

606.1 General. The storage of LP-gas and the installation and maintenance of pertinent equipment shall be in accordance with the *International Fire Code* or, in the absence thereof, recognized standards.

606.2 Location of containers. LP-gas containers shall be located within the defensible space in accordance with the *International Fire Code*.

SECTION 607 STORAGE OF FIREWOOD AND COMBUSTIBLE MATERIALS

Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 30 feet (9144 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard. See Appendix A.

APPENDIX A

GENERAL REQUIREMENTS (optional)

SECTION A101 GENERAL

A101.1 Scope. The provisions of this appendix establish general requirements applicable to new and existing properties located within urban-wildland interface areas.

A101.2 Objective. The objective of this appendix is to provide necessary fire-protection measures to reduce the threat of wild-fire in an urban-wildland interface area and improve the capability of controlling such fires.

SECTION A102 VEGETATION CONTROL

A102.1 General. Vegetation control shall comply with this section.

A102.2 Clearance of brush or vegetative growth from roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of nonfire-resistive vegetative growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

A102.3.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section A102.3.

Exception: Section A102.3 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

A102.3.2 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

A102.3.3 Electrical distribution and transmission line clearances.

A102.3.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section A102.3.3.

A102.3.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table A102.3.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

**TABLE A102.3.3.2
MINIMUM CLEARANCES BETWEEN VEGETATION
AND ELECTRICAL LINES AT TIME OF TRIMMING**

| LINE VOLTAGE | MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet) |
|-----------------|--|
| 2,400-72,000 | 4 |
| 72,001-110,000 | 6 |
| 110,001-300,000 | 10 |
| 300,001 or more | 15 |

For SI: 1 foot = 304.8 mm.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

A102.3.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table A102.3.3.3 shall be maintained during such periods of time as designated by the code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.3 when evidence substantiating such other clearances is submitted to and approved by the code official.

**TABLE A102.3.3.3
MINIMUM CLEARANCES BETWEEN VEGETATION AND
ELECTRICAL LINES TO BE MAINTAINED**

| LINE VOLTAGE | MINIMUM CLEARANCE (inches) |
|-----------------|----------------------------|
| 750-35,000 | 6 |
| 35,001-60,000 | 12 |
| 60,001-115,000 | 19 |
| 115,001-230,000 | 30.5 |
| 230,001-500,000 | 115 |

For SI: 1 inch = 25.4 mm.

A102.3.3.4 Electrical power line emergencies. During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency

can include situations such as trees falling into power lines, or trees in violation of Table A102.3.3.3.

A102.4 Correction of condition. The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

SECTION A103 ACCESS RESTRICTIONS

A103.1 Restricted entry to public lands. The code official is authorized to determine and publicly announce when urban-wildland interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of urban-wildland interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the urban-wildland interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within urban-wildland interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

A103.2 Trespassing on posted private property.

A103.2.1 General. When the code official determines that a specific area within an urban-wildland interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.2.

A103.2.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

A103.2.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

A103.3 Use of fire roads and defensible space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within urban-wildland interface areas, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

A103.5 Tampering with locks, barricades, signs and address markers. Locks, barricades, seals, cables, signs and address markers installed within urban-wildland interface areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

SECTION A104 IGNITION SOURCE CONTROL

A104.1 General. Ignition sources shall be in accordance with Section A104.

A104.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

A104.3 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

A104.4 Smoking. When required by the code official, signs shall be posted stating NO SMOKING. No person shall smoke within 15 feet (4572 mm) of combustible materials or nonfire-resistant vegetation.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

A104.5 Equipment and devices generating heat, sparks or open flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in urban-wildland interface areas without a permit from the code official.

Exception: Use of approved equipment in habitated premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

A104.6 Fireworks. Fireworks shall not be used or possessed in urban-wildland interface areas.

Exception: Fireworks allowed by the code official under permit in accordance with the *International Fire Code* when not prohibited by applicable local or state laws, ordinances and regulations.

The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

A104.7 Outdoor fires.

A104.7.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any urban-wildland interface area, except by the authority of a written permit from the code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

A104.7.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

A104.7.3 Restrictions. No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

A104.8 Incinerators, outdoor fireplaces, permanent barbecues and grills. Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in urban-wildland interface areas without approval of the code official.

Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

Exception: When approved by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

A104.9 Reckless behavior. The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

A104.10 Planting vegetation under or adjacent to energized electrical lines. No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within 10 feet (3048 mm) of the energized conductors.

SECTION A105 CONTROL OF STORAGE

A105.1 General. In addition to the requirements of the *International Fire Code*, storage and use of the materials shall be in accordance with Section A105.

A105.2 Hazardous materials. Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m³) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

A105.3 Explosives. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within urban-wildland interface areas, except by permit from the code official.

A105.4 Combustible materials.

A105.4.1 General. Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

A105.4.2 Individual piles. Individual piles shall not exceed 5,000 square feet (465 m²) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m³) in volume or 10 feet (3048 mm) in height.

A105.4.3 Separation. A clear space of at least 40 feet (12192 mm) shall be provided between piles. The clear space shall not contain combustible material or nonfire-resistive vegetation.

SECTION A106 DUMPING

A106.1 Waste material. Waste material shall not be placed, deposited or dumped in urban-wildland interface areas, or in, on or along trails, roadways or highways or against structures in urban-wildland interface areas.

Exception: Approved public and approved private dumping areas.

A106.2 Ashes and coals. Ashes and coals shall not be placed, deposited or dumped in or on urban-wildland interface areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

SECTION A107 PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

A107.1 General. The reliability of the water supply shall be in accordance with Section A107.

A107.2 Objective. The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

A107.3 Fuel modification area. Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible

space are responsible for clearing and removing nonfire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

A107.4 Trees. Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

A107.5 Protection of electrical power supplies. When electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for a minimum of two hours in accordance with the ICC *Electrical Code*.

Exception: A standby power source is not required where the primary power service to pumps are underground as approved by the code official.

SECTION A108 LAND USE LIMITATIONS

A108.1 General. Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

A108.2 Objective. The increased public use of land or structures in urban-wildland interface areas also increases the potential threat to life safety. The provisions of this section are intended to reduce that threat.

A108.3 Permits. Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated urban-wildland interface area, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

A108.4 Access roadways. In addition to the requirements in Section 403, access roadways shall be a minimum of 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

When required by the code official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

APPENDIX B

VEGETATION MANAGEMENT PLAN

Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit. Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall in-

clude removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.

3. A plan for maintaining the proposed fuel-reduction measures.

To be considered a fuel modification for purposes of this code, continuous maintenance of the clearance is required.

UTAH FIRE RESISTIVE SPECIES

*Adapted from "Utah Forest Facts: Firewise Plants for Utah Landscapes"
Utah State University Extension, 2002*

Grasses

Agropyron cristatum (Crested Wheatgrass)
Agropyron smithii (Western Wheatgrass)
Buchloe dactyloides (Buffalograss)
Dactylis glomerata (Orchardgrass)
Festuca cinerea and other species (Blue Fescue)
Lolium species (Rye Grass)
Poa pratensis (Kentucky Bluegrass)
Poa secunda (Sandberg Bluegrass)

Herbaceous Perennials

Achillea clavennae (Silvery Yarrow)
Achillea filipendulina (Fernleaf Yarrow)
Achillea - other species & hybrids (Yarrow)*
Aquilegia - species & hybrids (Columbine)
Armeria maritime (Sea Pink, Sea Thrift)
Artemisia stelleriana (Beach Wormwood, Dusty Miller)
Artemisia - other species & hybrids (Various names)*
Bergenia – species & hybrids (Bergenia)
Centranthus ruber (Red Valerian, Jupiter's Beard)
Cerastium tomentosum (Snow-in-summer)
Coreopsis auriculata var. *Nana* (Dwarf Mouse Ear Coreopsis)
Coreopsis – other perennial species (Coreopsis)
Delosperma nubigenum (Hardy Ice Plant)
Dianthus plumarius & others (Pinks)
Erigeron hybrids (Fleabane)*
Gaillardia X grandiflora (Blanket Flower)
Geranium cinereum (Hardy Geranium)
Geranium sanguineum (Bloody Cranesbill, Bloodred Geranium)

Geranium species (Geranium)
Hemerocallis species (Daylily)
Heuchera sanguinea (Coral Bells, Alum Root)
Iberis sempervirens (Evergreen Candytuft)
Iris species & hybrids (Iris)
Kniphofia species & hybrids (Red-hot Poker)
Lavandula species (Lavender)
Leucanthemum X superbum (Shasta Daisy)
Limonium latifolium (Sea-lavender, Statice)
Linum species (Flax)
Liriope spicata (Lily-turf)
Lupinus species & hybrids (Lupine)*
Medicago sativus (Alfalfa)
Oenothera species (Primrose)
Papaver species (Poppy)
Penstemon species & hybrids (Penstemon)
Perovskia atriplicifolia (Russian Sage, Azure Sage)
Potentilla nepalensis (Nepal Cinquefoil)
Potentilla tridentata (Wineleaf Cinquefoil)
Potentilla verna (tabernaemontani) (Spring Cinquefoil; Creeping Potentilla)
Potentilla – other non-shrubby species & hybrids (Cinquefoil, Potentilla)*
Salvia species & hybrids (Salvia, Sage)*
Sedum species (Stonecrop, Sedum)
Sempervivum tectorum (Hen and Chicks)
Stachys byzantina (Lamb's Ear)
Yucca filamentosa (Yucca)

continued

APPENDIX B

Shrubs and Woody Vines

Atriplex species (Saltbush)
Ceanothus americanus (New Jersey Tea)
Ceanothus ovatus & others (Ceanothus)
Cistus species (Rock-rose)
Cotoneaster dammeri (Bearberry Cotoneaster)
Cotoneaster horizontalis (Rockspray or Rock Cotoneaster)
Cotoneaster – other compact species (Cotoneaster)
Hedera helix (English Ivy)
Lonicera species & hybrids (Honeysuckle)
Mahonia repens (Creeping Oregon Grape)
Parthenocissus quinquefolia (Virginia Creeper)
Prunus besseyi (Sand Cherry)
Purshia tridentata (Bitterbrush, Antelope Bitterbrush)
Pyracantha species (Firethorn, Pyracantha)
Rhamnus species (Buckthorn)
Rhus trilobata (Skunkbush Sumac)
Rhus – other species (Sumac)
Ribes species (Currant, Gooseberry)
Rosa rugosa & other hedge roses (Rugosa Rose)
Shepherdia canadensis (Russet Buffaloberry)
Syringa vulgare (Lilac)
Vinca major (Large Periwinkle)
Vinca minor (Dwarf Periwinkle, Common Periwinkle)

Trees

Acer species (Maple)
Betula species (Birch)
Cercis canadensis (Eastern Redbud)
Populus tremuloides (Quaking Aspen)
Populus – other species (Poplar, Cottonwood)
Salix species (Willow)

**** Plants or groups of plants marked with an asterisk (*) can become weedy in certain circumstances, and may even be noxious weeds with legal restrictions against their planting and cultivation. Check with your local Extension office or State Department of Agriculture for information on noxious weeds in your area.***

Note: Some of the listed plants may not be considered “water-wise” or drought-tolerant for arid climates.

APPENDIX C

FIRE HAZARD SEVERITY FORM

This appendix is to be used to determine the fire hazard severity.

| | | | |
|--|--------|--|--------|
| A. Subdivision Design | Points | | |
| 1. Ingress/Egress | | C. Topography | |
| Two or more primary roads | 1__ | Located on flat, base of hill, or setback at crest of hill | 1__ |
| One road | 10__ | On slope with 0-20% grade | 5__ |
| One-lane road in, one-lane road out | 15__ | On slope with 21-30% grade | 10__ |
| | | On slope with 31% grade or greater | 15__ |
| 2. Width of Primary Road | | At crest of hill with unmitigated vegetation below | 20__ |
| 20 feet or more | 1__ | | |
| Less than 20 feet | 5__ | | |
| | | D. Roofing Material | |
| 3. Accessibility | | Class A Fire Rated | 1__ |
| Road grade 5% or less | 1__ | Class B Fire Rated | 5__ |
| Road grade 5-10% | 5__ | Class C Fire Rated | 10__ |
| Road grade greater than 10% | 10__ | Nonrated | 20__ |
| | | E. Fire Protection—Water Source | |
| 4. Secondary Road Terminus | | 500 GPM hydrant within 1,000 feet | 1__ |
| Loop roads, cul-de-sacs with an outside turning radius of 45 feet or greater | 1__ | Hydrant farther than 1,000 feet or draft site | 5__ |
| Cul-de-sac turnaround | 5__ | Water source 20 min. or less, round trip | 10__ |
| Dead-end roads 200 feet or less in length | 8__ | Water source farther than 20 min., and 45 min. or less, round trip | 15__ |
| Dead-end roads greater than 200 feet in length | 10__ | Water source farther than 45 min., round trip | 20__ |
| | | F. Siding and Decking | |
| 5. Street Signs | | Noncombustible siding/deck | 1__ |
| Present but unapproved | 3__ | Combustible siding/no deck | 5__ |
| Not present | 5__ | Noncombustible siding/combustible deck | 10__ |
| | | Combustible siding and deck | 15__ |
| B. Vegetation (IUWIC Definitions) | | G. Utilities (gas and/or electric) | |
| 1. Fuel Types | | All underground utilities | 1__ |
| Surface | | One underground, one aboveground | 3__ |
| Lawn/noncombustible | 1__ | All aboveground | 5__ |
| Grass/short brush | 5__ | | |
| Scattered dead/down woody material | 10__ | Total for Subdivision | |
| Abundant dead/down woody material | 15__ | Moderate Hazard | 50–75 |
| Overstory | | High Hazard | 76–100 |
| Deciduous trees (except tall brush) | 3__ | Extreme Hazard | 101+ |
| Mixed deciduous trees and tall brush | 10__ | | |
| Clumped/scattered conifers and/or tall brush | 15__ | | |
| Contiguous conifer and/or tall brush | 20__ | | |
| | | | |
| 2. Defensible Space | | | |
| 70% or more of lots completed | 1__ | | |
| 30% to 70% of lots completed | 10__ | | |
| Less than 30% of lots completed | 20__ | | |

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Midway

ORDINANCE

2026-06 _____

AN ORDINANCE TO AMEND MIDWAY CITY CODE SECTION 12.03 TO ADD SECTION 12.03.110

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Utah House Bill 48 (2025) requires municipalities like Midway to adopt the High-Risk Wildland Urban Interface Map (2025) created by the Utah Division of Forestry, Fire & State Lands (FFSL); adopt the current Utah Wildland-Urban Interface (Building) Code; and create and adopt a local Wildland-Urban Interface Map delineating the boundaries in which the aforementioned building code shall apply and be subject to enforcement, and

WHEREAS, Chapter 12.03 of the Midway City Code, entitled Code Adopted, provides a mechanism for adoption of relevant codes, including state and international building codes, and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Chapter 12.03 of the Midway City Code shall be amended by adding a new section 12.03.110 in accordance with the following:

12.03.110 Wildland Urban Interface Code and Maps

Pursuant to Utah H.B. 48 “Wildland Urban Interface Modifications” (2025), Midway City adopts the following by reference:

1. The current High-Risk Wildland Urban Interface (WUI) Map created and published by the Utah Division of Forestry, Fire and State Lands (FFSL), which establishes the high-risk WUI boundary identifying areas that present an elevated risk of wildfire and identifies where properties with structures will be classified and assessed a fee;

2. The current Utah Wildland-Urban Interface Code as published by the International Code Council and adopted and amended by the State of Utah, along with all appendices; and
3. The Midway Wildland Urban Interface Map, and any amendments to said map which may be adopted by the City by resolution from time to time in accordance with this provision. The Utah Wildland-Urban Interface Code referenced above shall apply and be enforceable within those areas designated as the Wildland Urban Interface (WUI) on the Midway Wildland Urban Interface Map.

Commencing on the date of adoption of this ordinance and continuing, the adopted Codes and Maps referenced in Chapter 12.03 of the Midway City Code above shall be automatically updated and superseded by any more recently published editions of the same Codes and/or Maps, which shall be effective immediately unless the City formally acts to amend or delay such update(s) through a separate ordinance.

This ordinance shall take effect upon publication as required by law.

///

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah,
this 17th day of February, 2026.

| | AYE | NAY |
|-------------------------------|-------|-------|
| Council Member Andrew Garland | _____ | _____ |
| Council Member Lisa Orme | _____ | _____ |
| Council Member Kevin Payne | _____ | _____ |
| Council Member JC Simonsen | _____ | _____ |
| Council Member Andrew Osborne | _____ | _____ |

APPROVED:

Craig Simons, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

H.B. 48 “Wildland Urban Interface Modifications”

Summary for Counties & Municipalities



H.B. 48's primary intent is to reduce the risk of wildfire spreading to and from structures in the wildland urban interface (WUI). The bulk of the bill targets individual lot assessments in the High-Risk WUI area that provide homeowner education to reduce risk and set triage levels for properties.

LOT ASSESSMENTS

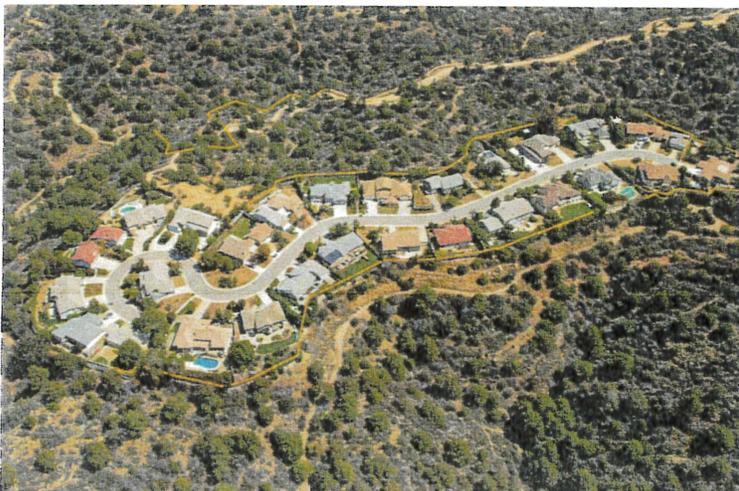
- FFSL is tasked with creating a program that “evaluates and classifies high risk wildland urban interface property using a triage scale” (65A-8-402).
- This work will be coordinated by FFSL and may be assigned to a county by agreement.
- All structures in the High-Risk WUI will initially be set at the highest classification level, until a lot assessment determines they qualify for a lower classification level.
- Property owners in lower classification levels must annually certify that they still meet the requirements.
- At least every five years, homeowners must submit evidence of compliance to stay at their classification level.
- Lot assessments will be prioritized at the county level
- *This bill does not mandate county, municipal or fire district involvement in lot assessments, but FFSL or the county may request support via agreement.*

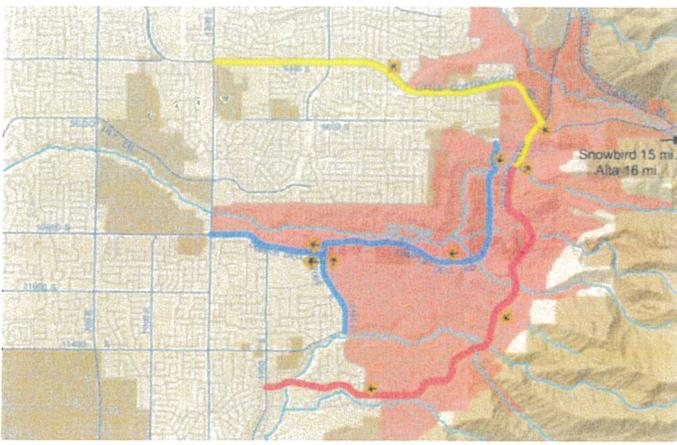
FEES

- Property owners within the High-Risk WUI boundary will be assessed a fee based on the square footage of the structure.
- Fee amounts will be determined annually by FFSL, based on the costs of implementing the program.
- The fee will be collected by the county.
- The fees will vary by classification level, e.g. a property owner who's met the requirements for defensible space and home hardening will be assigned a lower classification level and pay a reduced fee amount.
- The county will keep a portion of the fees needed to cover their implementation costs, determined by agreement, with the remainder passed on to FFSL to cover their implementation costs.
- *The bill does not allow for municipal or fire district fee collection.*

WUI COORDINATORS (assessors)

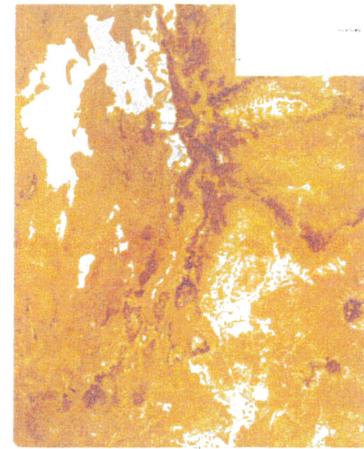
- FFSL is creating uniform guidelines for certifying lot assessors throughout Utah.
- Assessments performed under this program will all use the same software tools and methodology.
- Any assessments completed prior to this program will not qualify.
- Due to the vast amount of assessments needed, FFSL seeks to leverage technology and AI as a means to streamline the process.





WUI Mapping

- Counties and Municipalities are required to adopt and enforce Utah's WUI code by **January 1, 2026**.
- The WUI code are local construction and property regulations intended to reduce the risk of wildfire by prevention wildfire spreading to structures and vice versa.
- Like all codes, the local jurisdiction must specify where the WUI code will apply by creating a boundary map.
- The WUI boundary map is developed by the local jurisdiction, in consultation with FFSL, relying on local knowledge of wildfire risk to the community.
- This map should encompass any area at risk for wildfire threatening structures, including potential new development areas.



VS. High-Risk WUI Mapping

- FFSL is required to create a High-Risk WUI boundary map.
- Structures within this boundary will be assessed a fee, based on their classification level.
- The High-Risk WUI map is created utilizing advanced wildfire risk modeling software, and is not directly associated with the local broader WUI map.
- FFSL is creating brand new more accurate maps to with updated fuelscape modeling.
- Once the draft mapping is complete (expected October 2025), FFSL will collaborate with local wildfire partners to ensure the highest degree of accuracy.
- Property insurance carriers must use this High-Risk WUI Map when evaluating wildfire risk.

Municipal Responsibility

- Adopt and enforce the WUI Code (requires creating a WUI boundary map)
- May perform lot assessments per agreement

FFSL Responsibility

- Create a High-Risk WUI boundary map
- Assess fees for property owners within the high risk WUI
- Set lot assessment standards, provide training, and certify lot assessors statewide
- Write administrative rules
- Hire staff to support and perform lot assessments
- Build software tools that integrate:
 - Lot assessment surveys on the ground
 - Database of assessment results
 - Sharing the correct data with property owners, insurance carriers, and the counties

County Responsibility

- Adopt and enforce the WUI Code (requires creating a WUI boundary map)
- Collect the High-Risk WUI fees
- May perform lot assessments per agreement

1

Water Modifications
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Bridger Bolinder
 Senate Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill addresses regulation of the provision of water.

6

Highlighted Provisions:

7

This bill:

8

- exempts a water fee from certain rate setting requirements for municipalities and public

9

water systems;

10

- defines terms;

11

- makes legislative findings;

12

- directs modification of contracts that do not comply with metering and usage-based

13

billing requirements;

14

- requires certain notices to secondary water suppliers regarding transfer of real property;

15

- allows for the imposition of penalties;

16

- requires the collection of certain local contribution amounts for water infrastructure as a

17

condition of receiving state money;

18

- requires local entities to collect certain local contribution amounts for drinking water and

19

wastewater by a date certain;

20

- addresses the exemption of secondary water from certain fees;

21

- modifies a reporting requirement; and

22

- makes technical and conforming changes.

23

Money Appropriated in this Bill:

24

None

25

Other Special Clauses:

26

This bill provides a special effective date.

27

Utah Code Sections Affected:

28

AMENDS:

29

10-8-22 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 102

30

73-10-32.5 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 102

31 **73-10-34 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 102
 32 **73-10g-607 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 124

33 ENACTS:

34 **73-10g-801 (Effective 05/06/26)**, Utah Code Annotated 1953

35 **73-10g-802 (Effective 05/06/26)**, Utah Code Annotated 1953

36 **73-10g-803 (Effective 05/06/26)**, Utah Code Annotated 1953

37

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

39 Section 1. Section **10-8-22** is amended to read:

40 **10-8-22 (Effective 05/06/26). Water rates.**

41 (1) As used in this section:

- 42 (a) "Designated water service area" means the area defined by a municipality in
 43 accordance with the Utah Constitution, Article XI, Section 6, Subsection (1)(c).
 44 (b) "Large municipal drinking water system" means a municipally owned and operated
 45 drinking water system serving a population of 10,000 or more.
 46 (c) "Retail customer" means an end user:
 47 (i) who receives culinary water directly from a municipality's waterworks system; and
 48 (ii) whom the municipality described in Subsection (1)(c)(i) bills for water service.

49 (2) A municipality shall fix the rates to be paid for the use of water furnished by the
 50 municipality.

51 (3) The setting of municipal water rates is a legislative act.

52 (4) Within the municipality's designated water service area, a municipality shall:

- 53 (a) establish, by ordinance, reasonable rates for the services provided to the
 54 municipality's retail customers;
 55 (b) use the same method of providing notice to all retail customers of proposed rate
 56 changes; and
 57 (c) allow all retail customers the same opportunity to appear and participate in a public
 58 meeting addressing water rates.

59 (5)(a) A municipality may establish different rates for different classifications of retail
 60 customers within the municipality's designated water service area, if the rates and
 61 classifications have a reasonable basis.

62 (b) A reasonable basis for charging different rates for different classifications may
 63 include, among other things, a situation in which:

64 (i) there is a difference in the cost of providing service to a particular classification;

- 65 (ii) one classification bears more risk in relation to a system operation or obligation;
- 66 (iii) retail customers in one classification invested or contributed to acquire a water
- 67 source or supply or build or maintain a system differently than retail customers in
- 68 another classification;
- 69 (iv) the needs or conditions of one classification:
- 70 (A) are distinguishable from the needs or conditions of another classification; and
- 71 (B) based on economic, public policy, or other identifiable elements, support a
- 72 different rate;
- 73 (v) there is a differential between the classifications based on a cost of service
- 74 standard or a generally accepted rate setting method, including a standard or
- 75 method the American Water Works Association establishes; or
- 76 (vi) water conservation is used as an element in determining the rate charged for a
- 77 block unit of water as provided in Section 73-10-32.5.
- 78 (c) An adjustment based solely on the fact that a particular classification of retail
- 79 customers is located either inside or outside of the municipality's corporate boundary
- 80 is not a reasonable basis.
- 81 (d) Beginning July 1, 2026, Subsection (5)(b) does not apply to a rate or rate increase
- 82 that is for the amount needed to pay a fee imposed on a municipality under Section
- 83 73-10g-607.
- 84 (6)(a) If more than 10% of the retail customers within a large municipal drinking water
- 85 system's designated water service area are located outside of the municipality's
- 86 corporate boundary, the municipality shall:
- 87 (i) post on the municipality's website the rates assessed to retail customers within the
- 88 designated water service area; and
- 89 (ii) establish an advisory board to make recommendations to the municipal legislative
- 90 body regarding water rates, capital projects, and other water service standards.
- 91 (b) In establishing an advisory board described in Subsection (6)(a)(ii), a municipality
- 92 shall:
- 93 (i) if more than 10% but no more than 30% of the municipality's retail customers
- 94 receive service outside the municipality's municipal boundary, ensure that at least
- 95 20% of the advisory board's members represent the municipality's retail customers
- 96 receiving service outside the municipality's municipal boundary;
- 97 (ii) if more than 30% of the municipality's retail customers receive service outside of
- 98 the municipality's municipal boundary, ensure that at least 40% of the advisory

99 board's members represent the municipality's retail customers receiving service
100 outside of the municipality's municipal boundary; and

101 (iii) in appointing board members who represent retail customers receiving service
102 outside of the municipality's municipal boundary, as required in Subsections
103 (6)(b)(i) and (ii), solicit recommendations from each municipality and county
104 outside of the municipality's municipal boundary whose residents are retail
105 customers within the municipality's designated water service area.

106 (7) A municipality that supplies water outside of the municipality's designated water service
107 area shall supply the water only by contract and shall include in the contract the terms
108 and conditions under which the contract can be terminated.

109 (8) A municipality shall:

- 110 (a) notify the director of the Division of Drinking Water of a contract the municipality
111 enters into with a person outside of the municipality's designated water service area,
112 including the name and contact information of the person named in each contract; and
113 (b) each year, provide to the director of the Division of Drinking Water any
114 supplementing or new information regarding a contract described in Subsection (8)(a),
115 including whether there is no new information to provide at that time.

116 Section 2. Section **73-10-32.5** is amended to read:

117 **73-10-32.5 (Effective 05/06/26). Culinary water pricing structure.**

118 (1) As used in this section:

- 119 (a) "Public water system" means the same as that term is defined in Section 19-4-102.
120 (b) "Retail water supplier" means the same as that term is defined in Section 19-4-102.
121 (c)(i) "Water conservation effort" means a program that is designed to incentivize,
122 encourage, or result in reduced water usage or more efficient use of water.
123 (ii) "Water conservation effort" includes the costs associated with designing,
124 implementing, and operating a program described in Subsection (1)(c)(i).
125 (d) "Wholesale water supplier" means the same as that term is defined in Section
126 19-4-102.

127 (2)(a) A retail water supplier shall:

- 128 [~~(a)~~] (i) consider water conservation, including at least one water conservation effort,
129 in setting water rates with the goal of encouraging efficient water use and
130 eliminating wasteful or excessive water use;
131 [~~(b)~~] (ii) establish a culinary water rate structure that:
132 [~~(i)~~] (A) incorporates increasing block units of water used;

- 133 ~~[(ii)]~~ (B) provides for an increase in the rate charged for additional block units of
 134 water used as usage increases from one block unit to the next;
- 135 ~~[(iii)]~~ (C) by July 1, 2027, includes one or more water conservation efforts as an
 136 element in determining the rate charged for at least the highest usage block unit
 137 of water for a customer classification that primarily serves residential
 138 customers; and
- 139 ~~[(iv)]~~ (D) is based on a generally accepted rate setting method, including a
 140 standard or method established by the American Water Works Association;
- 141 ~~[(e)]~~ (iii) provide in customer billing notices, or in a notice that is distributed to
 142 customers at least annually, block unit rates and the customer's billing cycle;
- 143 ~~[(f)]~~ (iv) include individual customer water usage in customer billing notices; and
- 144 ~~[(e)]~~ (v) consider urban farming that improves food security, reduces pollution, and
 145 creates green spaces in setting rates.
- 146 (b) Beginning July 1, 2026, Subsection (2)(a)(ii)(D) does not apply to a rate or rate
 147 increase that is for the amount needed to pay a fee imposed on a public water system
 148 under Section 73-10g-607.
- 149 (3) This section does not prohibit:
- 150 (a) a public water system with 500 or fewer service connections from taking an action or
 151 adopting a culinary water rate structure described in Subsection (2); or
- 152 (b) a retail water supplier from including water conservation and a water conservation
 153 effort as an element in setting rates for customer classifications that do not primarily
 154 serve residential customers.
- 155 (4) A public water system:
- 156 (a) is not required to establish or show that the portion of the rate designed to encourage
 157 water conservation, and fund a water conservation effort, within the highest usage
 158 block unit of water for a customer classification:
- 159 (i) is based on the public water system's actual cost of service;
- 160 (ii) has a reasonable basis when compared to rates the public water system charges:
- 161 (A) for other block units of water within a customer classification; or
- 162 (B) for block units of water in other customer classifications; or
- 163 (iii) is limited to a reasonable profit or return on investment;
- 164 (b) may include in a customer billing a fee, surcharge, penalty, or other charge that is
 165 collected pursuant to an agreement between the public water system and the
 166 wholesale water supplier from whom the public water system purchases water; and

167 (c) if the public water system is a for-profit entity, may not use revenue from the highest
 168 usage block unit of water designed to encourage water conservation to pay profits or
 169 dividends to the public water system's investors or owners.

170 (5) The use of revenue collected from the portion of any block unit of water designed to
 171 encourage water conservation may include funding water conservation efforts that are
 172 shared with or administered by another public water system or a wholesale water
 173 supplier.

174 (6) The adoption and implementation of that portion of a public water system's water rate
 175 that includes water conservation as an element in determining the rate charged for the
 176 highest usage block unit of water, as provided in this section, is conclusively presumed:

177 (a) to be reasonable; and

178 (b) to reflect the reasonable estimated cost of delivering the service for which the fee
 179 was paid.

180 Section 3. Section **73-10-34** is amended to read:

181 **73-10-34 (Effective 05/06/26). Secondary water metering -- Loans and grants --**
 182 **Contract terms.**

183 (1) As used in this section:

184 (a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part 5,
 185 Farmland Assessment Act.

186 (b)(i) "Commercial user" means a secondary water user that is a place of business.

187 (ii) "Commercial user" does not include a multi-family residence, an agricultural
 188 user, or a customer that falls within the industrial or institutional classification.

189 (c) "Critical area" means an area:

190 (i) serviced by one of the four largest water conservancy districts, as defined in
 191 Section 17B-1-102, measured by operating budgets; or

192 (ii) within the Great Salt Lake basin, which includes:

193 (A) the surveyed meander line of the Great Salt Lake;

194 (B) the drainage areas of the Bear River or the Bear River's tributaries;

195 (C) the drainage areas of Bear Lake or Bear Lake's tributaries;

196 (D) the drainage areas of the Weber River or the Weber River's tributaries;

197 (E) the drainage areas of the Jordan River or the Jordan River's tributaries;

198 (F) the drainage areas of Utah Lake or Utah Lake's tributaries;

199 (G) other water drainages lying between the Bear River and the Jordan River that
 200 are tributary to the Great Salt Lake and not included in the drainage areas

- 201 described in Subsections (1)(c)(ii)(B) through (F); and
202 (H) the drainage area of Tooele Valley.
- 203 (d) "Full metering" means that use of secondary water is accurately metered by a meter
204 that is installed and maintained on every secondary water connection of a secondary
205 water supplier.
- 206 (e)(i) "Industrial user" means a secondary water user that manufactures or produces
207 materials.
208 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a
209 mining company.
- 210 (f)(i) "Institutional user" means a secondary water user that is dedicated to public
211 service, regardless of ownership.
212 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and
213 government facility.
- 214 (g) "Power generation use" means water used in the production of energy, such as use in
215 an electric generation facility, natural gas refinery, or coal processing plant.
- 216 (h)(i) "Residential user" means a secondary water user in a residence.
217 (ii) "Residential user" includes a single-family or multi-family home, apartment,
218 duplex, twin home, condominium, or planned community.
- 219 (i) "Secondary water" means water that is:
220 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,
221 Farmland Assessment Act; and
222 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.
- 223 (j) "Secondary water connection" means the location at which the water leaves the
224 secondary water supplier's pipeline and enters into the remainder of the pipes that are
225 owned by another person to supply water to an end user.
- 226 (k) "Secondary water supplier" means an entity that supplies pressurized secondary
227 water.
- 228 (l) "Small secondary water retail supplier" means an entity that:
229 (i) supplies pressurized secondary water only to the end user of the secondary water;
230 and
231 (ii)(A) is a city or town; or
232 (B) supplies 5,000 or fewer secondary water connections.
- 233 (m) "Title agent" means a title insurance producer licensed as an organization under
234 Title 31A, Chapter 23a, Part 2, Producers and Consultants.

- 235 (2)(a)(i) A secondary water supplier that supplies secondary water within a county of
236 the first or second class and begins design work for new service on or after April
237 1, 2020, to a commercial, industrial, institutional, or residential user shall meter
238 the use of pressurized secondary water by the users receiving that new service.
- 239 (ii) A secondary water supplier that supplies secondary water within a county of the
240 third, fourth, fifth, or sixth class and begins design work for new service on or
241 after May 4, 2022, to a commercial, industrial, institutional, or residential user
242 shall meter the use of pressurized secondary water by the users receiving that new
243 service.
- 244 (b) By no later than January 1, 2030, a secondary water supplier shall install and
245 maintain a meter of the use of pressurized secondary water by each user receiving
246 secondary water service from the secondary water supplier.
- 247 (c) Beginning January 1, 2022, a secondary water supplier shall establish a meter
248 installation reserve for metering installation and replacement projects.
- 249 (d) A secondary water supplier, including a small secondary water retail supplier, may
250 not raise the rates charged for secondary water:
- 251 (i) by more than 10% in a calendar year for costs associated with metering secondary
252 water unless the rise in rates is necessary because the secondary water supplier
253 experiences a catastrophic failure or other similar event; or
- 254 (ii) unless, before raising the rates on the end user, the entity charging the end user
255 provides a statement explaining the basis for why the needs of the secondary
256 water supplier required an increase in rates.
- 257 (e)(i) A secondary water supplier that provides pressurized secondary water to a
258 commercial, industrial, institutional, or residential user shall develop a plan, or if
259 the secondary water supplier previously filed a similar plan, update the plan for
260 metering the use of the pressurized water.
- 261 (ii) The plan required by this Subsection (2)(e) shall be filed or updated with the
262 Division of Water Resources by no later than December 31, 2025, and address the
263 process the secondary water supplier will follow to implement metering, including:
- 264 (A) the costs of full metering by the secondary water supplier;
- 265 (B) how long it would take the secondary water supplier to complete full
266 metering, including an anticipated beginning date and completion date, except
267 a secondary water supplier shall achieve full metering by no later than January
268 1, 2030; and

- 269 (C) how the secondary water supplier will finance metering.
- 270 (3) A secondary water supplier shall on or before March 31 of each year, report to the
271 Division of Water Rights:
- 272 (a) for commercial, industrial, institutional, and residential users whose pressurized
273 secondary water use is metered, the number of acre feet of pressurized secondary
274 water the secondary water supplier supplied to the commercial, industrial,
275 institutional, and residential users during the preceding 12-month period;
- 276 (b) the number of secondary water meters within the secondary water supplier's service
277 boundary;
- 278 (c) a description of the secondary water supplier's service boundary;
- 279 (d) the number of secondary water connections in each of the following categories
280 through which the secondary water supplier supplies pressurized secondary water:
- 281 (i) commercial;
- 282 (ii) industrial;
- 283 (iii) institutional; and
- 284 (iv) residential;
- 285 (e) the total volume of water that the secondary water supplier receives from the
286 secondary water supplier's sources; and
- 287 (f) the dates of service during the preceding 12-month period in which the secondary
288 water supplier supplied pressurized secondary water.
- 289 (4)(a) Beginning July 1, 2019, the Board of Water Resources may make up to
290 \$10,000,000 in low-interest loans available each year:
- 291 (i) from the Water Resources Conservation and Development Fund, created in
292 Section 73-10-24; and
- 293 (ii) for financing the cost of secondary water metering.
- 294 (b) The Division of Water Resources and the Board of Water Resources shall make rules
295 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
296 establishing the criteria and process for receiving a loan described in this Subsection
297 (4), except the rules may not include prepayment penalties.
- 298 (5)(a) Beginning July 1, 2021, subject to appropriation, the Division of Water Resources
299 may make matching grants each year for financing the cost of secondary water
300 metering for a commercial, industrial, institutional, or residential user by a small
301 secondary water retail supplier that:
- 302 (i) is not for new service described in Subsection (2)(a); and

- 303 (ii) matches the amount of the grant.
- 304 (b) For purposes of issuing grants under this section, the division shall prioritize the
305 small secondary water retail suppliers that can demonstrate the greatest need or
306 greatest inability to pay the entire cost of installing secondary water meters.
- 307 (c) The amount of a grant under this Subsection (5) may not:
- 308 (i) exceed 50% of the small secondary water retail supplier's cost of installing
309 secondary water meters; or
- 310 (ii) supplant federal, state, or local money previously allocated to pay the small
311 secondary water retail supplier's cost of installing secondary water meters.
- 312 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
313 Board of Water Resources shall make rules establishing:
- 314 (i) the procedure for applying for a grant under this Subsection (5); and
315 (ii) how a small secondary water retail supplier can establish that the small secondary
316 water retail supplier meets the eligibility requirements of this Subsection (5).
- 317 (6) Nothing in this section affects a water right holder's obligation to measure and report
318 water usage as described in Sections 73-5-4 and 73-5-8.
- 319 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary
320 water supplier:
- 321 (a) beginning January 1, 2030, may not receive state money for water related purposes
322 until the secondary water supplier completes full metering; and
- 323 (b) is subject to an enforcement action of the state engineer in accordance with
324 Subsection (8).
- 325 (8)(a)(i) The state engineer shall commence an enforcement action under this
326 Subsection (8) if the state engineer receives a referral from the director of the
327 Division of Water Resources.
- 328 (ii) The director of the Division of Water Resources shall submit a referral to the state
329 engineer if the director:
- 330 (A) finds that a secondary water supplier fails to fully meter secondary water as
331 required by this section; and
- 332 (B) determines an enforcement action is necessary to conserve or protect a water
333 resource in the state.
- 334 (b) To commence an enforcement action under this Subsection (8), the state engineer
335 shall issue a notice of violation that includes notice of the administrative fine to
336 which a secondary water supplier is subject.

- 337 (c) The state engineer's issuance and enforcement of a notice of violation is exempt from
338 Title 63G, Chapter 4, Administrative Procedures Act.
- 339 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
340 state engineer shall make rules necessary to enforce a notice of violation, that
341 includes:
- 342 (i) provisions consistent with this Subsection (8) for enforcement of the notice if a
343 secondary water supplier to whom a notice is issued fails to respond to the notice
344 or abate the violation;
- 345 (ii) the right to a hearing, upon request by a secondary water supplier against whom
346 the notice is issued; and
- 347 (iii) provisions for timely issuance of a final order after the secondary water supplier
348 to whom the notice is issued fails to respond to the notice or abate the violation, or
349 after a hearing held under Subsection (8)(d)(ii).
- 350 (e) A person may not intervene in an enforcement action commenced under this section.
- 351 (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the
352 state engineer shall serve a copy of the final order on the secondary water supplier
353 against whom the order is issued by:
- 354 (i) personal service under Utah Rules of Civil Procedure, Rule 5; or
355 (ii) certified mail.
- 356 (g)(i) The state engineer's final order may be reviewed by trial de novo by the court
357 with jurisdiction in Salt Lake County or the county where the violation occurred.
- 358 (ii) A secondary water supplier shall file a petition for judicial review of the state
359 engineer's final order issued under this section within 20 days from the day on
360 which the final order was served on the secondary water supplier.
- 361 (h) The state engineer may bring suit in a court of competent jurisdiction to enforce a
362 final order issued under this Subsection (8).
- 363 (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the
364 state may recover court costs and a reasonable attorney fee.
- 365 (j) As part of a final order issued under this Subsection (8), the state engineer shall order
366 that a secondary water supplier to whom an order is issued pay an administrative fine
367 equal to:
- 368 (i) \$10 for each non-metered secondary water connection of the secondary water
369 supplier for failure to comply with full metering by January 1, 2030;
- 370 (ii) \$20 for each non-metered secondary water connection of the secondary water

- 371 supplier for failure to comply with full metering by January 1, 2031;
- 372 (iii) \$30 for each non-metered secondary water connection of the secondary water
373 supplier for failure to comply with full metering by January 1, 2032;
- 374 (iv) \$40 for each non-metered secondary water connection of the secondary water
375 supplier for failure to comply with full metering by January 1, 2033; and
- 376 (v) \$50 for each non-metered secondary water connection of the secondary water
377 supplier for failure to comply with full metering by January 1, 2034, and for each
378 subsequent year the secondary water supplier fails to comply with full metering.
- 379 (k) Money collected under this Subsection (8) shall be deposited into the Water
380 Resources Conservation and Development Fund, created in Section 73-10-24.
- 381 (9) A secondary water supplier located within a county of the fifth or sixth class is exempt
382 from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:
- 383 (a) the owner or operator of the secondary water supplier seeks an exemption under this
384 Subsection (9) by establishing with the Division of Water Resources that the cost of
385 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the
386 total operating budget of the owner or operator of the secondary water supplier;
- 387 (b) the secondary water supplier agrees to not add a new secondary water connection to
388 the secondary water supplier's system on or after May 4, 2022;
- 389 (c) within six months of when the secondary water supplier seeks an exemption under
390 Subsection (9)(a), the secondary water supplier provides to the Division of Water
391 Resources a plan for conservation within the secondary water supplier's service area
392 that does not require metering;
- 393 (d) the secondary water supplier annually reports to the Division of Water Resources on
394 the results of the plan described in Subsection (9)(c); and
- 395 (e) the secondary water supplier submits to evaluations by the Division of Water
396 Resources of the effectiveness of the plan described in Subsection (9)(c).
- 397 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e),
398 (7), and (8) to the extent that the secondary water supplier:
- 399 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the
400 water quality within a specific location served by the secondary water supplier;
- 401 (b) submits reasonable proof to the Division of Water Resources that the secondary
402 water supplier is unable to obtain a meter as described in Subsection (10)(a);
- 403 (c) within six months of when the secondary water supplier submits reasonable proof
404 under Subsection (10)(b), provides to the Division of Water Resources a plan for

- 405 conservation within the secondary water supplier's service area that does not require
406 metering;
- 407 (d) annually reports to the Division of Water Resources on the results of the plan
408 described in Subsection (10)(c); and
- 409 (e) submits to evaluations by the Division of Water Resources of the effectiveness of the
410 plan described in Subsection (10)(c).
- 411 (11) A secondary water supplier that is located within a critical management area that is
412 subject to a groundwater management plan adopted or amended under Section 73-5-15
413 on or after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and
414 (8).
- 415 (12) If a secondary water supplier is required to have a water conservation plan under
416 Section 73-10-32, that water conservation plan satisfies the requirements of Subsection
417 (9)(c) or (10)(c).
- 418 (13)(a) Notwithstanding the other provisions of this section and unless exempt under
419 Subsection (9), (10), or (11), to comply with this section, a secondary water supplier
420 is not required to meter every secondary water connection of the secondary water
421 supplier's system, but shall meter at strategic points of the system as approved by the
422 state engineer under this Subsection (13) if:
- 423 (i) the system has no or minimal storage and relies primarily on stream flow;
- 424 (ii)(A) the majority of secondary water users on the system are associated with
425 agriculture use or power generation use; and
- 426 (B) less than 50% of the secondary water is used by residential secondary water
427 users; or
- 428 (iii) the system has a mix of pressurized lines and open ditches and:
- 429 (A) 1,000 or fewer users if any part of the system is within a critical area; or
430 (B) 2,500 or fewer users for a system not described in Subsection (13)(a)(iii)(A).
- 431 (b)(i) A secondary water supplier may obtain the approval by the state engineer of
432 strategic points where metering is to occur as required under this Subsection (13)
433 by filing an application with the state engineer in the form established by the state
434 engineer.
- 435 (ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3,
436 Utah Administrative Rulemaking Act, establish procedures for approving strategic
437 points for metering under this Subsection (13).
- 438 (14)(a) A contract entered into or renewed on or after July 1, 2025, between a secondary

- 439 water supplier and an end user shall allow for billing by tiered conservation rates.
- 440 (b) Except as provided in Subsection (14)(f), by no later than July 1, 2030, regardless of
441 whether the secondary water supplier is fully metered or has modified existing
442 contracts with end users, a secondary water supplier shall begin billing an end user
443 using a tiered conservation rate that considers:
- 444 (i) revenue stability;
 - 445 (ii) water conservation; and
 - 446 (iii) cost of service.
- 447 (c) A secondary water supplier may comply with Subsection (14)(b) by entering into a
448 contract with a third-party, including the public water system that serves an end user
449 of the secondary water supplier, to bill the end user according to end user's usage of
450 secondary water and the secondary water supplier's tiered conservation rate.
- 451 (d) By no later than April 1, 2030, a secondary water supplier shall provide an
452 educational component for end users as determined by the division by rule made in
453 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, either
454 on a monthly statement or by an end user specific Internet portal that provides
455 information on the end user's usage more frequently than monthly.
- 456 (e) A public water system:
- 457 (i) shall enter into a contract with a secondary water supplier described in Subsection
458 (14)(c) upon request from the secondary water supplier if the secondary water
459 supplier agrees to provide water use and other data necessary for accurate billing
460 in a file format compatible with the public water supplier's billing system;
 - 461 (ii) may collect the costs associated with billing on behalf of a secondary water
462 supplier under this section from the secondary water end users, including
463 reasonable administrative and overhead expenses; and
 - 464 (iii) shall, as the public water supplier and the secondary water supplier find
465 necessary or convenient, exchange with the secondary water supplier, for the
466 purpose of maintaining accurate records, relevant information with regard to an
467 end user of the secondary water supplier, such as:
 - 468 (A) a billing address;
 - 469 (B) an address where the secondary water is delivered;
 - 470 (C) a parcel identification number; and
 - 471 (D) ownership information.
- 472 (f)(i) A secondary water supplier is not required to bill an end user a tiered

- 473 conservation rate if the secondary water supplier is:
- 474 (A) exempt from metering under Subsection (9), (10), or (11); or
- 475 (B) authorized to meter at strategic points of the system under Subsection (13).
- 476 (ii) Notwithstanding the other provisions of this section, on or after July 1, 2030, a
- 477 secondary water supplier with a tiered conservation rate under this Subsection (14)
- 478 shall charge an end user at the lowest rate of the tiered conservation rate if the end
- 479 user is using a portion of the water to grow food, including growing a garden, fruit
- 480 trees, or pasture for grazing.
- 481 (g)(i) If a secondary water supplier violates this Subsection (14) on or after April 1,
- 482 2030, the secondary water supplier:
- 483 (A) may not receive state money for water related purposes until the secondary
- 484 water supplier complies with this Subsection (14); and
- 485 (B) is subject to an enforcement action of the state engineer in accordance with
- 486 this Subsection (14)(g).
- 487 (ii) The state engineer shall commence an enforcement action under this Subsection
- 488 (14)(g) if the state engineer receives a referral from the director of the Division of
- 489 Water Resources.
- 490 (iii) The director of the Division of Water Resources shall submit a referral to the
- 491 state engineer if the director:
- 492 (A) finds that a secondary water supplier fails to comply with this Subsection (14);
- 493 and
- 494 (B) determines an enforcement action is necessary to conserve or protect a water
- 495 resource in the state.
- 496 (iv) To commence an enforcement action under this Subsection (14)(g), the state
- 497 engineer shall issue a notice of violation that includes notice of the administrative
- 498 fine described in Subsection (14)(g)(xiii) to which a secondary water supplier is
- 499 subject.
- 500 (v) The state engineer's issuance and enforcement of a notice of violation is exempt
- 501 from Title 63G, Chapter 4, Administrative Procedures Act.
- 502 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 503 the state engineer shall make rules necessary to enforce a notice of violation, that
- 504 includes:
- 505 (A) provisions consistent with this Subsection (14)(g) for enforcement of the
- 506 notice if a secondary water supplier to whom a notice is issued fails to respond

- 507 to the notice or abate the violation;
- 508 (B) the right to a hearing, upon request by a secondary water supplier against
- 509 whom the notice is issued; and
- 510 (C) provisions for timely issuance of a final order after the secondary water
- 511 supplier to whom the notice is issued fails to respond to the notice or abate the
- 512 violation, or after a hearing held under Subsection (14)(g)(vi)(B).
- 513 (vii) A person may not intervene in an enforcement action commenced under this
- 514 Subsection (14)(g).
- 515 (viii) After issuance of a final order under rules made pursuant to Subsection
- 516 (14)(g)(vi), the state engineer shall serve a copy of the final order on the
- 517 secondary water supplier against whom the order is issued by:
- 518 (A) personal service under Utah Rules of Civil Procedure, Rule 5; or
- 519 (B) certified mail.
- 520 (ix) The state engineer's final order may be reviewed by trial de novo by a court with
- 521 jurisdiction in Salt Lake County or the county where the violation occurred.
- 522 (x) A secondary water supplier shall file a petition for judicial review of the state
- 523 engineer's final order issued under this Subsection (14)(g) within 20 days from the
- 524 day on which the final order was served on the secondary water supplier.
- 525 (xi) The state engineer may bring suit in a court to enforce a final order issued under
- 526 this Subsection (14)(g).
- 527 (xii) If the state engineer prevails in an action brought under Subsection (14)(g)(x) or
- 528 (xi), the state may recover court costs and reasonable attorney fees.
- 529 (xiii) The administrative fine imposed under this section shall be an amount not to
- 530 exceed the sum of any money received by the secondary water supplier under this
- 531 section or Section 73-10-34.5 to fund costs related to metering.
- 532 (xiv) Money collected under this Subsection (14) shall be deposited into the Water
- 533 Resources Conservation and Development Fund, created in Section 73-10-24.
- 534 (15)(a) The Legislature finds that requiring a secondary water supplier to modify a
- 535 contract to allow for compliance with metering and usage-based billing requirements
- 536 under this chapter is in the public interest and reasonably necessary to achieve needed
- 537 water conservation.
- 538 (b) If necessary to comply with the usage-based billing requirements under this chapter,
- 539 a secondary water supplier shall modify a contract that:
- 540 (i) existed before July 1, 2025; and

- 541 (ii) does not comply with metering and usage-based billing requirements under this
542 chapter.
- 543 (c) Upon modification of a contract described in Subsection (15)(b), a secondary water
544 supplier:
- 545 (i) shall execute contract terms that:
- 546 (A) authorize metering and volumetric billing; and
- 547 (B) apply a secondary water rate, which includes a tiered conservation rate set in
548 accordance with Subsection (14); and
- 549 (ii) may execute contract terms that:
- 550 (A) bind a real property owner to delivery obligations; and
- 551 (B) mandate a subsequent real property owner to execute a successor contract
552 upon transfer of the real property.
- 553 (d) A covenant ensuring compliance with this Subsection (15) runs with the real
554 property and is enforceable against a successor in interest.
- 555 (16)(a)(i) To facilitate the execution of a successor contract described in Subsection
556 (15)(c) upon the transfer of real property as described in this Subsection (16)(a), a
557 title agent involved in a real property transaction that affects secondary water shall
558 notify the applicable secondary water supplier of a change in ownership of
559 property receiving secondary water services within 10 business days of the closing
560 of the real property transaction.
- 561 (ii) If a title agent is not involved in a transaction affecting secondary water, the seller
562 is responsible for making the notification described in Subsection (16)(a)(i) in
563 accordance with this Subsection (16).
- 564 (b) A notification described in Subsection (16)(a) shall include:
- 565 (i) the new owner's name and contact information;
- 566 (ii) the effective date of the transfer; and
- 567 (iii) relevant parcel identification information.
- 568 (c) A secondary water supplier shall maintain a publicly accessible database of serviced
569 real properties to enable a title agent described in Subsection (16)(a) to identify the
570 applicable secondary water supplier during a real property transaction.
- 571 (d) The Division of Water Resources may impose an administrative penalty not to
572 exceed \$500 per violation for the failure to provide notification under Subsection
573 (16)(a).
- 574 Section 4. Section **73-10g-607** is amended to read:

609 **73-10g-802 (Effective 05/06/26). Local contribution amount requirements to**
610 **receive state money.**

611 (1)(a) Beginning January 1, 2027, to qualify for receipt of state money for water
612 infrastructure or water development, a public water system shall establish that as of
613 the day on which the public water system receives the state money the public water
614 system collects an amount that equals or exceeds the local contribution amount.

615 (b) The state council shall by no later than July 1, 2026, determine for each public water
616 system a local contribution amount that is calculated by:

617 (i) determining the median adjusted gross income for the service area within which
618 the public water system provides services;

619 (ii) multiplying the number determined under Subsection (1)(b)(i) by:

620 (A) 1.5% if the public water system bills a customer for drinking water

621 independent of services provided by a wastewater service provider; or

622 (B) 3% if the public water system bills a customer for both drinking water and
623 services provided by a wastewater service provider; and

624 (iii) multiplying the number determined under Subsection (1)(b)(ii) by the number of
625 connections of the public water system.

626 (2)(a) Beginning January 1, 2027, to qualify for receipt of state money for water

627 infrastructure or water development, a wastewater service provider shall establish

628 that as of the day on which the wastewater service provider receives the state money

629 the wastewater service provider collects, either directly or through a public water
630 system, an amount that equals or exceeds the local contribution amount.

631 (b) The state council shall by no later than July 1, 2026, determine for each wastewater
632 service provider a local contribution amount that is calculated by:

633 (i) determining the median adjusted gross income for the service area within which
634 the wastewater service provider provides services;

635 (ii) multiplying the number determined under Subsection (2)(b)(i) by:

636 (A) 1.5% if the wastewater service provider bills customers independent of a
637 public water system; and

638 (B) 3% if the waste service provider bills through a public water system that bills
639 for drinking water and services provided by a wastewater service provider; and

640 (iii) multiplying the number determined under Subsection (2)(b)(ii) by the number of
641 connections of the wastewater service provider.

642 (3) At least every five years the state council shall:

- 643 (a) update the local contribution amount for a public water system or wastewater service
644 provider; and
- 645 (b) recommend to the Natural Resources, Agriculture, and Environment Interim
646 Committee whether the Legislature should adjust the multiplier under Subsection
647 (1)(b)(ii) or (2)(b)(ii) to reflect the financial capability of a household to pay
648 expenses for drinking water or services of a wastewater service provider, inclusive of
649 applicable property taxes, without undue hardship.
- 650 (4) The state council may make rules, in accordance with Title 63G, Chapter 3, Utah
651 Administrative Rulemaking Act, to establish procedures for calculating a local
652 contribution amount.

653 Section 7. Section **73-10g-803** is enacted to read:

654 **73-10g-803 (Effective 05/06/26). Local contribution amount general**
655 **requirements.**

- 656 (1) Notwithstanding whether a public water system or wastewater service provider seeks to
657 qualify for receipt of state money under Section 73-10g-802, beginning on January 1,
658 2031:
- 659 (a) the public water system shall collect from the public water system's customers an
660 amount that equals or exceeds the local contribution amount for the public water
661 system; and
- 662 (b) the wastewater service provider, either directly or through a public water system,
663 shall collect from the wastewater service provider's customers an amount that equals
664 or exceeds the local contribution amount for the wastewater service provider.
- 665 (2) For the purpose of complying with this section, before January 1, 2031, a public water
666 system or wastewater service provider shall plan for and implement regular incremental
667 increases to rates of the public water system or wastewater service provider.

668 Section 8. **Effective Date.**

- 669 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.
- 670 (2) The actions affecting Section 73-10g-607 (Effective 07/01/26) take effect on July 1,
671 2026.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

| | | |
|-------------------|--|--|
| Section 65A-8-203 | | |
|-------------------|--|--|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

| | |
|--|------------|
| A. Comments will be accepted until: | 02/17/2026 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 02/24/2026 |
|--|------------|

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

| | | | |
|---|------------------------------|--------------|------------|
| Agency head or designee and title: | Jamie Barnes, State Forester | Date: | 12/22/2025 |
|---|------------------------------|--------------|------------|

R652. Natural Resources, Forestry, Fire and State Lands.

R652-126. Wildland Urban Interface Property.

R652-126-100. Purpose and Authority.

Rule R652-126 implements Article XVIII of the Utah Constitution and Section 65A-8-203 and establishes guidelines for the evaluation and classification of property within the wildland urban interface.

R652-126-200. Definitions.

- (1) "County" is a political subdivision organized under Subsection 17-50-101(1) that contains High Risk Wildland Urban Interface.
- (2) "Division" is the Division of Forestry, Fire, and State Lands.
- (3) "High Risk Wildland Urban Interface" is identified within the Utah Wildfire Risk Assessment Portal (UWRAP) as seven and above on the Wildfire Structure Exposure Score combined with a structure density as determined by the division.
- (4) "Individual" a natural person, government agency, municipality, corporation, limited liability company, or business association including but not limited to a partnership.
- (5) "Lot Assessment" is an assessment performed by the Wildland Urban Interface Coordinator to analyze the wildfire risk of the property and structure according to the Wildland Urban Interface Building Standards pursuant to Section 65A-8-402.
- (6) "Lot Assessment Results" means the results and recommendations as determined by the lot assessment.
- (7) "Non High Risk Wildland Urban Interface" means Wildland Urban Interface that is not identified within UWRAP as High Risk Wildland Urban Interface.
- (8) "Property" means real property that contains one or more structures.
- (9) "Property Owner" means an individual who owns property in the High Risk Wildland Urban Interface.
- (10) "Required Lot Assessment Improvements" means the lot assessment results that must be performed to comply with the Utah WUI Code.
- (11) "Structure" means a "building" or "accessory structure" as defined in the Utah WUI Code and that also satisfies the definition of "property" in Subsection 59-2-102(30)(a).
- (12) "Triage Scale" A lot assessment metric that classifies the wildfire risk to structures into three categories:
 - (a) "Classification III" means there is extreme risk of wildfire damage to structures.
 - (b) "Classification II" means there is very high risk of wildfire damage to structures.
 - (c) "Classification I" means there is high risk of wildfire damage to structures.
- (13) "Wildland Urban Interface (WUI) means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.
- (14) "Wildland Urban Interface Coordinator" means a representative of the division or a county who evaluates and classifies wildland urban interface property pursuant to Section 65A-8-402.
- (15) "Wildland Urban Interface Property and Casualty Insurer" means an insurer that issues property or casualty insurance for wildland urban interface property.
- (16) "Wildland Urban Interface Building Standards" means the Utah WUI Code adopted under Section 15A-2-103.

R652-126-300. Requirement for Wildland Urban Interface Property and Casualty Insurers to Use the High Risk Wildland Urban Interface Boundary Map.

- (1) The high risk wildland urban interface boundary map identifies the high risk wildland urban interface.
- (2) Only property within this high risk wildland urban interface boundary are subject to this rules.
- (3) Wildland urban interface property and casualty insurers shall only use the high risk wildland urban interface boundary map provided by the division to determine whether the property is high risk wildland urban interface property.
- (4) The division shall make the boundary map available to wildland urban interface property and casualty insurers as state technology allows, including but not limited to an application programming interface or similar data transfer protocol.

(5) Any data collected by the division that is not otherwise public shall be considered a private record.

(6) Wildland urban interface property and casualty insurers may use additional fire hazard data, beyond the high risk wildland urban interface boundary map, when setting a rate for, or the underwriting of, high risk wildland urban interface property.

(7) This rule does not restrict the use of data or underwriting tools in determining risks that are unrelated to wildfire risk.

R652-126-400. Criteria Used to Determine Triage Scale Classification.

Within the high risk wildland urban interface:

(1) Structures that do not meet the defensible space requirements nor the ignition resistant construction requirements in Chapters 5 and 6 of the current Utah WUI Code are rated as classification III;

(2) Structures that meet either the defensible space requirements in Chapter 6 or the ignition resistant construction requirements in Chapter 5 of the current Utah WUI Code, but not both, are rated as classification II;

(3) Structures that meet both the requirements of defensible space and ignition resistant construction in Chapters 5 and 6 of the current Utah WUI Code are rated as classification I;

(4) Triage scale classifications are classified as public records.

R652-126-500. Process for Certification of Wildland Urban Interface Coordinators.

(1) Wildland urban interface coordinators performing lot assessments must be certified by the division.

(2) The division shall maintain a database of individuals who are currently certified to perform lot assessments.

(3) To attain wildland urban interface coordinator certification individuals shall demonstrate completion of all education and safety requirements and standards set by the division.

(4) The division shall perform quality control checks and may terminate the certification of individuals at any time if the division identifies lot assessments performed contrary to division rules, policy, or guidance.

R652-126-600. Process Used for a Property Owner to Move Into a Different Triage Scale Classification of Risk.

(1) All property within the high risk wildland urban interface boundary that has not been assessed by the 1st of January 2028 shall be assigned classification III on the triage scale until a lot assessment is completed.

(2) To obtain a triage scale classification, the property owner must first obtain a lot assessment from a certified wildland urban interface coordinator.

(3) If the lot assessment identifies required lot assessment improvements, the improvements must be implemented prior to requesting a change in triage scale classification.

(4) Upon completion of the required lot assessment improvements, the property owner may request that the division update the triage scale classification for the property. Any request shall be accompanied by proof of work completed in a manner specified by the division.

(5) After making the request and providing the proof of work contemplated in Subsection (4), a wildland urban interface coordinator shall verify that the required lot assessment improvements have been completed to warrant a change in triage scale classification.

(6) To verify completion of the required lot assessment improvements, the wildland urban interface coordinator shall:

(a) If the proof of work is completed according to the required lot assessment improvements, update the triage scale classification accordingly; or

(b) If the proof of work completed fails to demonstrate completion of required lot assessment improvements, request additional information from the property owner for proof of work completed; or

(c) Perform an additional lot assessment to verify completed improvements.

(7) For a property owner to maintain the property's current triage scale classification, the property owner shall:

(a) Annually, verify that the property is still in compliance with the previous lot assessment; and

(b) Every five years, receive a new lot assessment by a wildland urban interface coordinator.

(8) Property owners that do not comply with Subsection (7) will be assessed at classification III on the triage scale.

R652-126-700. Process by Which Lot Assessment Results and Triage Scale Classification Results Assigned to Property Are Communicated Between the Division, Counties, Insurers, and Property Owners.

(1) The division shall develop and maintain a database of lot assessment results and triage scale classification results.

(2) The database created in Subsection (1) is a private record.

(3) When a lot assessment leads to a change of triage scale classification, that information shall be accessible by the county in the database.

(4) Certified wildland urban interface coordinators must utilize the software tool specified by the division to perform lot assessments.

(5) The database of lot assessment results and triage scale classification results will be made available to all counties with high risk WUI properties. The division shall limit access to the database of lot assessment results to county personnel as specified in agreement with the county.

(6) The lot assessment results will be made available to property owners.

(7) The database of triage scale classification results shall be made available to property and casualty insurers within specified limitations.

(a) Property and casualty insurers shall be limited to view only the triage scale classification of properties.

(b) Insurance personnel must request limited access to the database from the division.

R652-126-800. How the High Risk Wildland Urban Interface Fee Amount is Set.

(1) The county will annually assess a fee against the property owner of structures identified in the wildland urban interface boundary map as high risk wildland urban interface.

(2) Any portion of a structure that falls within the high risk wildland urban interface shall be assessed as if the entire structure falls within the high risk wildland urban interface. High risk to part of a structure is high risk to all of the structure.

(3) Prior to the 1st of January 2028, the fee amounts assessed to property owners within the high risk wildland urban interface shall be based on the square footage of structures on property.

(4) To determine the square footage of a structure, counties shall refer to the county assessor database, identified in Subsection 59-2-301.1(5), or the statewide web portal for uniform access to property characteristics and features, identified in Subsection 59-2-1606(5) through (6) or any database the county utilizes for assessment purposes.

(5) After the 1st of January 2028, the fee amounts shall be set by the division according to the determined triage scale classification of the property and square footage of structures.

(a) Classification III will be assessed at the highest fee level.

(b) Classification II will be assessed at the medium fee level.

(c) Classification I will be assessed at the lowest fee level.

(6) The county officer shall collect the fees annually based on the current square footage rate or triage scale classification, as applicable.

(7) The division may update fee amounts annually to align with current costs associated with implementation of the high risk wildland urban interface property assessments and fee collection as per Section 65A-8-402.

(8) The county may retain a portion of the fees in a manner specified by agreement with the division.

(9) The county shall transmit the remainder of the fees to the division in a manner specified by agreement with the division.

(10) The county may only use retained fees for costs associated with implementation of the high risk wildland urban interface fee implementation as specified in agreement with the division.

(11) If the division chooses to delegate lot assessments to the county, the county may retain a portion of fees for lot assessment implementation as specified in agreement with the division.

(12) The county may include retained fees in their annual reporting of participation commitment fulfillment where allowed in the cooperative wildfire system policy, as specified in agreement with the division.

R652-126-900. Appeal of Lot Assessment Results and Triage Scale Classification.

(1) A property owner may appeal to the division the result of a lot assessment or triage scale classification following the procedure outlined in subsection.

(2) Any appeal shall:

(a) be submitted to the division within 45 days of receipt of the result of the lot assessment; and

(b) be in writing and contain the following:

(i) The alleged discrepancy between the triage scale classification and the compliance with the current Utah WUI Code.

(ii) The effect of that discrepancy on the classification.

(iii) Evidence to support the property owner's assertion that the triage scale classification is inaccurate.

(c) Follow the procedures outlined in Section R652-8-300.

(3) The division director or the director's designee shall be the presiding officer of any appeal hearing.

R652-126-1000. Appeal of Fee Amount.

A property owner may appeal to the division the fee amount as it relates to the square footage of the structure.

(1) Any appeal to the fee amount shall be submitted to the division.

(2) The appeal time runs concurrent with the property valuation appeal time as identified by the county.

R652-126-1100. Appeal of Structure Location.

A property owner may appeal the structure's location within the High Risk Wildland Urban Interface Boundary. Any appeal of the structure location shall be submitted to the division by March 1 following the release of the High Risk Wildland Urban Interface Boundary Map.

R652-126-1200. Items included in WUI Addendum.

The division and county shall enter into a cooperative agreement. The cooperative agreement shall include terms that identify how the division and the county shall cooperate in the execution of state code and administrative rules related to the High Risk Wildland Urban Interface.

KEY: WUI, Risk Assessment, property classification

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 65A-8-203