

Fraud Risk Assessment

Continued


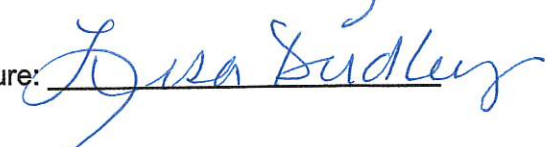
*Total Points Earned: 375/395 *Risk Level: Very Low Low Moderate High Very High
 > 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	200	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	5	5
b. Procurement?	5	5
c. Ethical behavior?	5	5
d. Reporting fraud and abuse?	5	5
e. Travel?	5	5
f. Credit/Purchasing cards (where applicable)?	5	5
g. Personal use of entity assets?	5	5
h. IT and computer security?	5	5
i. Cash receipting and deposits?	5	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	20	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	10	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	20	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?	20	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	20	20
7. Does the entity have or promote a fraud hotline?	20	20
8. Does the entity have a formal internal audit function?	0	20
9. Does the entity have a formal audit committee?	20	20

*Entity Name: Millcreek

*Completed for Fiscal Year Ending: FY 25 *Completion Date: _____

*CAO Name: Mike Winder *CFO Name: Lisa Dudley

*CAO Signature:  *CFO Signature: 

*Required

1 **Wildland Urban Interface Modifications**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses efforts to oversee wildfire risks associated with wildland urban interface
6 property.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ defines terms;

10 ▶ requires counties to take certain actions related to wildland urban interface property,

11 including assessing a fee;

12 ▶ directs the fee to be retained by a county and deposited into the Wildland-urban Interface

13 Prevention, Preparedness, and Mitigation Fund;

14 ▶ addresses insuring wildland urban interface property;

15 ▶ imposes notice requirements related to insuring wildland urban interface property;

16 ▶ requires counties and municipalities to adopt the wildland urban interface building code
17 standards;

18 ▶ permits the Division of Forestry, Fire, and State Lands (division) to choose not to cover

19 costs of local governments under certain circumstances;

20 ▶ directs the division to establish a program for wildland urban interface coordinators to

21 evaluate, using a triage scale, high risk wildland urban interface property;

22 ▶ addresses actions related to evaluating the high risk wildland urban interface property;

23 ▶ provides for a database to be accessed by certain insurers related to evaluating high risk
24 wildland urban interface property;

25 ▶ authorizes rulemaking;

26 ▶ addresses liability; and

27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **15A-5-203**, as last amended by Laws of Utah 2024, Chapters 21, 38135 **63G-7-201**, as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and
36 45637 **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 7738 **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 77

39 ENACTS:

40 **17-16-22**, Utah Code Annotated 195341 **31A-22-1310**, Utah Code Annotated 195342 **65A-8-401**, Utah Code Annotated 195343 **65A-8-402**, Utah Code Annotated 195344 **65A-8-403**, Utah Code Annotated 1953

45

46 *Be it enacted by the Legislature of the state of Utah:*47 Section 1. Section **15A-5-203** is amended to read:48 **15A-5-203 . Amendments and additions to IFC related to fire safety, building,**
49 **and site requirements.**

50 (1) For IFC, Chapter 5, Fire Service Features:

51 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as
52 follows: "An authority having jurisdiction over a structure built in accordance with
53 the requirements of the International Residential Code as adopted in the State
54 Construction Code, may require an automatic fire sprinkler system for the structure
55 only by ordinance and only if any of the following conditions exist:

56 (i) the structure:

57 (A) is located in an urban-wildland interface area as provided in the Utah
58 Wildland Urban Interface Code adopted as a construction code under the State
59 Construction Code; and60 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203
61 (4)[(a)] (f) and Utah Administrative Code, R652-122-1300, Minimum

- 62 Standards for County Wildland Fire Ordinance;
- 63 (ii) the structure is in an area where a public water distribution system with fire
64 hydrants does not exist as required in Utah Administrative Code, R309-550-5,
65 Water Main Design;
- 66 (iii) the only fire apparatus access road has a grade greater than 10% for more than
67 500 continual feet;
- 68 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit
69 exceeds 10,000 square feet; or
- 70 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit
71 is double the average of the total floor area of all floor levels of unsprinkled
72 homes in the subdivision that are no larger than 10,000 square feet.
- 73 (vi) Exception: A single family dwelling does not require a fire sprinkler system if
74 the dwelling:
- 75 (A) is located outside the wildland urban interface;
- 76 (B) is built in a one-lot subdivision; and
- 77 (C) has 50 feet of defensible space on all sides that limits the propensity of fire
78 spreading from the dwelling to another property."
- 79 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as
80 follows: "Where access to or within a structure or an area is restricted because of
81 secured openings or where immediate access is necessary for life-saving or
82 fire-fighting purposes, the fire code official, after consultation with the building
83 owner, may require a key box to be installed in an approved location. The key box
84 shall contain keys to gain necessary access as required by the fire code official. For
85 each fire jurisdiction that has at least one building with a required key box, the fire
86 jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that
87 creates a process to ensure that each key to each key box is properly accounted for
88 and secure."
- 89 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is
90 added as follows: "Fire flow may be reduced for an isolated one- and two-family
91 dwelling when the authority having jurisdiction over the dwelling determines that the
92 development of a full fire-flow requirement is impractical."
- 93 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
94 "507.1.2 Pre-existing subdivision lots.
95 The requirements for a pre-existing subdivision lot shall not exceed the requirements

96 described in Section 501.5."

97 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One
98 interior and one detached accessory dwelling unit on a single residential lot."

99 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in
100 new buildings, is amended by adding: "When required by the fire code official,
101 unless the new building is a public school as that term is defined in Section
102 53G-9-205.1 or a private school, then the fire code official shall require," at the
103 beginning of the first paragraph.

104 (2) For IFC, Chapter 6, Building Services and Systems:

105 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as
106 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key
107 box or similar box with corresponding key system that is adjacent to the elevator for
108 immediate use by the fire department. The key box shall contain one key for each
109 elevator, one key for lobby control, and any other keys necessary for emergency
110 service. The elevator key box shall be accessed using a 6049 numbered key."

111 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after
112 the word "Code", add the words "and NFPA 96".

113 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1
114 hood is not required for a cooking appliance in a microenterprise home kitchen, as
115 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains
116 a permit in accordance with Section 26B-7-416."

117 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.

118 Section 2. Section **17-16-22** is enacted to read:

119 **17-16-22 . Wildland urban interface evaluation and fees.**

120 (1) As used in this section:

121 (a) "County officer" means the same as that term is defined in Section 17-16-21.

122 (b) "High risk wildland urban interface property" means the same as that term is defined
123 in Section 65A-8-401.

124 (c) "Wildland urban interface" means the same as that term is defined in Section
125 65A-8-401.

126 (d) "Wildland urban interface coordinator" means the same as that term is defined in
127 Section 65A-8-401.

128 (2) If evaluation of high risk wildland urban interface property is assigned to a county under
129 Section 65A-8-402:

- 130 (a) the county shall enter into a cooperative agreement with the Division of Forestry,
131 Fire, and State Lands, in accordance with Subsection 65A-8-203(2)(a), which
132 agreement shall address compliance with this Subsection (2) for evaluation and
133 classification of high risk wildland urban interface property; and
- 134 (b) a county officer shall require that a wildland urban interface coordinator representing
135 the county annually evaluate high risk wildland urban interface property within the
136 county in accordance with Section 65A-8-402.
- 137 (3) Beginning January 1, 2026, a county officer shall:
- 138 (a) annually assess a fee:
- 139 (i) against the property owner of high risk wildland urban interface property within
140 the incorporated and unincorporated portions of the county; and
- 141 (ii) in the amount set by the Division of Forestry, Fire, and State Lands under Section
142 65A-8-402; and
- 143 (b)(i) after retaining a portion of the fee under Subsection (3)(b)(ii), transmit the fee
144 assessed under Subsection (3)(a) to the Division of Forestry, Fire, and State Lands
145 for deposit into the Wildland-urban Interface Prevention, Preparedness, and
146 Mitigation Fund created in Section 65A-8-215; and
- 147 (ii) retain that portion of the fee assessed under Subsection (3)(a) necessary to pay
148 costs incurred by the county in implementing this section, which the county may
149 include in the county's annual accounting of wildfire prevention, preparedness,
150 mitigation actions, and associated costs for purposes of Subsection
151 65A-8-203(4)(c).
- 152 (4) A county may hold a political subdivision lien on high risk wildland urban interface
153 property for a fee that is past due by following the procedures in Sections 17B-1-902
154 and 17B-1-902.1, as if the county is a special district.
- 155 Section 3. Section **31A-22-1310** is enacted to read:
- 156 **31A-22-1310 . Insuring wildland urban interface property.**
- 157 (1) As used in this section:
- 158 (a) "High risk wildland urban interface property" means the same as that term is defined
159 in Section 65A-8-401.
- 160 (b) "Wildland urban interface" means the same as that term is defined in Section
161 65A-8-401.
- 162 (c) "Wildland urban interface property and casualty insurer" means an insurer that issues
163 property or casualty insurance for wildland urban interface property.

- 164 (2)(a) For purposes of determining whether property is high risk wildland urban
165 interface property, a wildland urban interface property and casualty insurer may only
166 use the boundary provided in the wildfire risk assessment mapping tool maintained
167 by the Division of Forestry, Fire, and State Lands in accordance with Subsection
168 65A-8-203(8) to determine whether the property is high risk wildland urban interface
169 property.
- 170 (b) A wildland urban interface property and casualty insurer may use additional fire
171 hazard data, beyond the wildfire risk assessment mapping tool described in
172 Subsection (2)(a), in connection with setting a rate for, or the underwriting of, high
173 risk wildland urban interface property if the wildland urban interface property and
174 casualty insurer's use of additional fire hazard data is in compliance with:
- 175 (i) the boundary determination made in Subsection (2)(a); and
176 (ii) this title and department rules made in accordance with Title 63G, Chapter 3,
177 Utah Administrative Rulemaking Act.
- 178 (c) If a property is determined not to be high risk wildland urban interface in accordance
179 with Subsection (2)(a), this Subsection (2) does not apply to the use of fire hazard
180 data in connection with rate setting or underwriting of the property.
- 181 (d) This Subsection (2) does not restrict the use of data or underwriting tools in
182 determining risks that are unrelated to fire risk.
- 183 (3)(a) If an owner of property located within the wildland urban interface files a
184 complaint with the department asserting that a wildland urban interface property and
185 casualty insurer has violated, or is violating, this section, the department may
186 investigate the wildland urban interface property and casualty insurer to determine
187 whether a violation has occurred or is occurring.
- 188 (b) If after an investigation under this Subsection (3) the department finds that a
189 wildland urban interface property and casualty insurer has violated or is violating this
190 section, the department may:
- 191 (i) issue prohibitory, mandatory, and other orders as necessary to secure compliance
192 with this section; and
- 193 (ii) impose penalties against the wildland urban interface property and casualty
194 insurer in accordance with Section 31A-2-308.
- 195 (4) In addition to complying with relevant requirements of Section 31A-21-303, if due to
196 risks of wildfire a wildland urban interface property and casualty insurer:
- 197 (a) cancels or nonrenews property and casualty insurance covering wildland urban

198 interface property, the wildland urban interface property and casualty insurer shall
199 include in the notice of cancellation or nonrenewal the facts on which the wildland
200 urban interface property and casualty insurer's decision is based with reasonable
201 precision; and

202 (b) increases the premium by more than 20% of the previous term's premium for
203 property and casualty insurance covering wildland urban interface property, after
204 receipt of a request for the information by the insured the wildland urban interface
205 property and casualty insurer shall provide the insured the facts on which the
206 wildland urban interface property and casualty insurer's decision is based with
207 reasonable precision.

208 (5) Subsections (1) through (4) apply on and after January 1, 2026.

209 (6) This section does not:

210 (a) create a cause of action for an act or failure to act under this section against:

211 (i) the state;

212 (ii) the department;

213 (iii) the Division of Forestry, Fire, and State Lands;

214 (iv) an officer, consultant, or employee of the department or Division of Forestry,
215 Fire, and State Lands;

216 (v) a wildland urban interface coordinator, as defined in Section 65A-8-401; or

217 (vi) a county;

218 (b) waive governmental immunity in accordance with Subsection 63G-7-201(5); or

219 (c) create a cause of action against a wildland urban interface property and casualty
220 insurer for use in accordance with Subsection (2)(a) of the boundary provided in the
221 wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire,
222 and State Lands in accordance with Subsection 65A-8-203(8).

223 Section 4. Section **63G-7-201** is amended to read:

224 **63G-7-201 . Immunity of governmental entities and employees from suit.**

225 (1) Except as otherwise provided in this chapter, each governmental entity and each
226 employee of a governmental entity are immune from suit for any injury that results from
227 the exercise of a governmental function.

228 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
229 governmental entity, its officers, and its employees are immune from suit:

230 (a) as provided in Section 78B-4-517; and

231 (b) for any injury or damage resulting from the implementation of or the failure to

- 232 implement measures to:
- 233 (i) control the causes of epidemic and communicable diseases and other conditions
 234 significantly affecting the public health or necessary to protect the public health as
 235 set out in Title 26A, Chapter 1, Local Health Departments;
- 236 (ii) investigate and control suspected bioterrorism and disease as set out in Sections
 237 26B-7-316 through 26B-7-324;
- 238 (iii) respond to a national, state, or local emergency, a public health emergency as
 239 defined in Section 26B-7-301, or a declaration by the President of the United
 240 States or other federal official requesting public health related activities, including
 241 the use, provision, operation, and management of:
- 242 (A) an emergency shelter;
- 243 (B) housing;
- 244 (C) a staging place; or
- 245 (D) a medical facility; and
- 246 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health
 247 care providers, public health entities, and health care insurers to coordinate among
 248 themselves to verify the identity of the individuals they serve.
- 249 (3)(a) A governmental entity, its officers, and its employees are immune from suit, and
 250 immunity is not waived, for any injury if the injury arises out of or in connection
 251 with, or results from:
- 252 (i) a latent dangerous or latent defective condition of:
- 253 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,
 254 or viaduct; or
- 255 (B) another structure located on any of the items listed in this Subsection (3)(a)(i);
 256 or
- 257 (ii) a latent dangerous or latent defective condition of any public building, structure,
 258 dam, reservoir, or other public improvement.
- 259 (b)(i) As used in this Subsection (3)(b):
- 260 (A) "Contaminated land" means the same as that term is defined in Section
 261 11-58-102.
- 262 (B) "Contamination" means the condition of land that results from the placement,
 263 disposal, or release of hazardous matter on, in, or under the land, including any
 264 seeping or escaping of the hazardous matter from the land.
- 265 (C) "Damage" means any property damage, personal injury, or other injury or any

- 266 loss of any kind, however denominated.
- 267 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of
268 completion from the Department of Environmental Quality under Section
269 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter
270 8, Voluntary Cleanup Program, obtaining an administrative letter from the
271 Department of Environmental Quality for a discrete phase of a voluntary
272 cleanup that is conducted under a remedial action plan as defined in Section
273 11-58-605, or complying with the terms of an environmental covenant, as
274 defined in Section 57-25-102, signed by an agency, as defined in Section
275 57-25-102, and duly recorded in the office of the recorder of the county in
276 which the contaminated land is located.
- 277 (E) "Government owner" means a governmental entity, including an independent
278 entity, as defined in Section 63E-1-102, that acquires an ownership interest in
279 land that was contaminated land before the governmental entity or independent
280 entity acquired an ownership interest in the land.
- 281 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,
282 hazardous substances, as defined in Section 19-6-302, or landfill material, as
283 defined in Section 11-58-102.
- 284 (G) "Remediation" means the same as that term is defined in Section 11-58-102.
- 285 (ii)(A) A government owner and the government owner's officers and employees
286 are immune from suit, and immunity is not waived, for any claim for damage
287 that arises out of or in connection with, or results from, contamination of
288 contaminated land.
- 289 (B) A government owner's ownership of contaminated land may not be the basis
290 of a claim against the government owner for damage that arises out of or in
291 connection with, or results from, contamination of contaminated land.
- 292 (iii) Subsection (3)(b)(ii) does not limit or affect:
- 293 (A) the liability of a person that placed, disposed of, or released hazardous matter
294 on, in, or under the land; or
- 295 (B) a worker compensation claim of an employee of an entity that conducts work
296 on or related to contaminated land.
- 297 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's
298 remediation of contaminated land if the government owner is environmentally
299 compliant.

- 300 (4) A governmental entity, its officers, and its employees are immune from suit, and
301 immunity is not waived, for any injury proximately caused by a negligent act or
302 omission of an employee committed within the scope of employment, if the injury arises
303 out of or in connection with, or results from:
- 304 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
305 function, whether or not the discretion is abused;
 - 306 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
307 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of
308 process, libel, slander, deceit, interference with contract rights, infliction of mental
309 anguish, or violation of civil rights;
 - 310 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
311 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
312 authorization;
 - 313 (d) a failure to make an inspection or making an inadequate or negligent inspection;
 - 314 (e) the institution or prosecution of any judicial or administrative proceeding, even if
315 malicious or without probable cause;
 - 316 (f) a misrepresentation by an employee whether or not the misrepresentation is negligent
317 or intentional;
 - 318 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
 - 319 (h) the collection or assessment of taxes;
 - 320 (i) an activity of the Utah National Guard;
 - 321 (j) the incarceration of a person in a state prison, county or city jail, or other place of
322 legal confinement;
 - 323 (k) a natural condition on publicly owned or controlled land;
 - 324 (l) a condition existing in connection with an abandoned mine or mining operation;
 - 325 (m) an activity authorized by the School and Institutional Trust Lands Administration or
326 the Division of Forestry, Fire, and State Lands;
 - 327 (n) the operation or existence of a trail that is along a water facility, as defined in Section
328 73-1-8, stream, or river, regardless of ownership or operation of the water facility,
329 stream, or river, if:
 - 330 (i) the trail is designated under a general plan adopted by a municipality under
331 Section 10-9a-401 or by a county under Section 17-27a-401;
 - 332 (ii) the trail right-of-way or the right-of-way where the trail is located is open to
333 public use as evidenced by a written agreement between:

- 334 (A) the owner or operator of the trail right-of-way or of the right-of-way where the
335 trail is located; and
- 336 (B) the municipality or county where the trail is located; and
- 337 (iii) the written agreement:
- 338 (A) contains a plan for operation and maintenance of the trail; and
- 339 (B) provides that an owner or operator of the trail right-of-way or of the
340 right-of-way where the trail is located has, at a minimum, the same level of
341 immunity from suit as the governmental entity in connection with or resulting
342 from the use of the trail;
- 343 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 344 (p) the management of flood waters, earthquakes, or natural disasters;
- 345 (q) the construction, repair, or operation of flood or storm systems;
- 346 (r) the operation of an emergency vehicle, while being driven in accordance with the
347 requirements of Section 41-6a-212;
- 348 (s) the activity of:
- 349 (i) providing emergency medical assistance;
- 350 (ii) fighting fire;
- 351 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 352 (iv) an emergency evacuation;
- 353 (v) transporting or removing an injured person to a place where emergency medical
354 assistance can be rendered or where the person can be transported by a licensed
355 ambulance service; or
- 356 (vi) intervening during a dam emergency;
- 357 (t) the exercise or performance, or the failure to exercise or perform, any function
358 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water
359 Resources;
- 360 (u) an unauthorized access to government records, data, or electronic information
361 systems by any person or entity;
- 362 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of
363 a public or private road;
- 364 (w) a communication between employees of one or more law enforcement agencies
365 related to the employment, disciplinary history, character, professional competence,
366 or physical or mental health of a peace officer, or a former, current, or prospective
367 employee of a law enforcement agency, including any communication made in

- 368 accordance with Section 53-14-103; or
- 369 (x) providing or failing to provide information under Section 53-27-102 or Subsection
- 370 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).
- 371 (5) The following are immune from suit, and immunity is not waived for an action or
- 372 failure to act within the scope of duties or employment, if the injury arises out of, in
- 373 connection with, or results from the implementation of Section 17-16-22 to the extent it
- 374 addresses evaluating and classifying high risk wildland urban interface property, Section
- 375 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:
- 376 (a) the Division of Forestry, Fire, and State Lands;
- 377 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;
- 378 (c) a county;
- 379 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;
- 380 (e) the Insurance Department; or
- 381 (f) an officer, employee, or consultant of the Insurance Department.

382 Section 5. Section **65A-8-203** is amended to read:

383 **65A-8-203 . Cooperative fire protection agreements with eligible entities.**

- 384 (1) As used in this section:
- 385 (a) "Eligible entity" means:
- 386 (i) a county, a municipality, or a special service district, special district, or service
- 387 area with:
- 388 (A) wildland fire suppression responsibility as described in Section 11-7-1; and
- 389 (B) wildland fire suppression cost responsibility and taxing authority for a specific
- 390 geographic jurisdiction; or
- 391 (ii) upon approval by the director, a political subdivision established by a county,
- 392 municipality, special service district, special district, or service area that is
- 393 responsible for:
- 394 (A) providing wildland fire suppression services; and
- 395 (B) paying for the cost of wildland fire suppression services.
- 396 (b) "Fire service provider" means a public or private entity that fulfills the duties of
- 397 Subsection 11-7-1(1).
- 398 (2)(a) The governing body of any eligible entity may enter into a cooperative agreement
- 399 with the division to receive financial and wildfire management cooperation and
- 400 assistance from the division, as described in this part.
- 401 (b) A cooperative agreement shall last for a term of no more than five years and be

- 402 renewable if the eligible entity continues to meet the requirements of this chapter.
- 403 (3)(a) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire
 404 as defined in the cooperative agreement if the eligible entity has entered into, and is
 405 in full compliance with, a cooperative agreement with the division, as described in
 406 this section.
- 407 (b) A county or municipality that is not covered by a cooperative agreement with the
 408 division, as described in this section, shall be responsible for wildland fire costs
 409 within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.
- 410 (4) To enter into a cooperative agreement with the division, the eligible entity shall:
- 411 ~~[(a) if the eligible entity is a county, adopt and enforce on unincorporated land a~~
 412 ~~wildland fire ordinance based upon minimum standards established by the division or~~
 413 ~~Uniform Building Code Commission;]~~
- 414 ~~[(b)]~~ (a) require that the fire department or equivalent fire service provider under contract
 415 with, or delegated by, the eligible entity on unincorporated land meet minimum
 416 standards for wildland fire training, certification, and suppression equipment based
 417 upon nationally accepted standards as specified by the division;
- 418 ~~[(c)]~~ (b) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
 419 division, that will reduce the eligible entity's risk of catastrophic wildfire;
- 420 ~~[(d)]~~ (c)(i) file with the division an annual accounting of wildfire prevention,
 421 preparedness, mitigation actions, and associated costs;
- 422 (ii) meet the eligibility entity's participation commitment by making direct payments
 423 to the division; or
- 424 (iii) do a combination of Subsections ~~[(4)(d)(i) and (ii)]~~ (4)(c)(i) and (ii);
- 425 ~~[(e)]~~ (d) return the financial statement described in Subsection (6), signed by the chief
 426 executive of the eligible entity, to the division on or before the date set by the
 427 division;~~and]~~
- 428 ~~[(f)]~~ (e) if the eligible entity is a county, have a designated fire warden as described in
 429 Section 65A-8-209.1[-] ;
- 430 (f) subject to Subsection (9), adopt and enforce the wildland urban interface building
 431 standards, as defined in Section 65A-8-401, if the eligible entity is a:
 432 (i) county for purposes of an unincorporated area within the county; or
 433 (ii) municipality for an incorporated area within a county; and
- 434 (g) if the eligible entity is a county, comply with Section 17-16-22.
- 435 (5)(a) The state forester may execute a cooperative agreement with the eligible entity.

- 436 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
437 Administrative Rulemaking Act, governing the:
- 438 (i) cooperative agreements described in this section;
 - 439 (ii) manner in which an eligible entity shall provide proof of compliance with
440 Subsection (4);
 - 441 (iii) manner by which the division may revoke a cooperative agreement if an eligible
442 entity ceases to meet the requirements described in this section;
 - 443 (iv) accounting system for determining suppression costs;
 - 444 (v) manner in which the division shall determine the eligible entity's participation
445 commitment; and
 - 446 (vi) manner in which an eligible entity may appeal a division determination.
- 447 (6)(a) The division shall send a financial statement to each eligible entity participating in
448 a cooperative agreement that details the eligible entity's participation commitment for
449 the coming fiscal year, including the prevention, preparedness, and mitigation actions
450 agreed to under Subsection (4)~~(e)~~ (b).
- 451 (b) Each eligible entity participating in a cooperative agreement shall:
- 452 (i) have the chief executive of the eligible entity sign the financial statement, or the
453 legislative body of the eligible entity approve the financial statement by
454 resolution, confirming the eligible entity's participation for the upcoming year; and
 - 455 (ii) return the financial statement to the division, on or before a date set by the
456 division.
- 457 (c) A financial statement shall be effective for one calendar year, beginning on the date
458 set by the division, as described in Subsection (6)(b).
- 459 (7)(a) An eligible entity may revoke a cooperative agreement before the end of the
460 cooperative agreement's term by:
- 461 (i) informing the division, in writing, of the eligible entity's intention to revoke the
462 cooperative agreement; or
 - 463 (ii) failing to sign and return its annual financial statement, as described in
464 Subsection (6)(b), unless the director grants an extension.
- 465 (b) An eligible entity may not revoke a cooperative agreement before the end of the term
466 of a signed annual financial statement, as described in Subsection (6)(c).
- 467 (8)(a) The division shall develop and maintain a wildfire risk assessment mapping tool
468 that is online and publicly accessible.
- 469 (b)~~(f)~~ The division shall analyze ~~[adding an additional high-risk category]~~ and

- 470 establish by rule, made in accordance with Title 63G, Chapter 3, Utah
471 Administrative Rulemaking Act, boundaries for high risk wildland urban interface
472 property and what constitutes wildland urban interface property that is not high
473 risk within the wildfire risk assessment mapping tool described in Subsection
474 (8)(a):
- 475 ~~[(A)]~~ (i) using a scientific assessment; and
476 ~~[(B)]~~ (ii) that is focused on the risk to dwellings within the wildland[-] urban interface
477 area.
- 478 ~~[(ii) The division shall report the results of the division's analysis under this~~
479 ~~Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim~~
480 ~~Committee by no later than the 2024 November interim meeting of that committee.]~~
- 481 (c) With regard to the categories used within the wildfire risk assessment mapping tool
482 described in Subsection (8)(a), the division may adjust the assessment for
483 participation commitments if the adjustment is based on the Consumer Price Index
484 for All Urban Consumers as published by the Bureau of Labor Statistics of the
485 United States Department of Labor, in accordance with a formula established by the
486 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
487 Rulemaking Act.
- 488 (9)(a) If the state under Section 15A-2-103 adopts an edition of the Utah Wildland
489 Urban Interface Code, issued by the International Code Council, with the alternatives
490 or amendments approved by the division, as a wildland urban interface building
491 standard that may be adopted by a local compliance agency:
- 492 (i) for purposes of an unincorporated area within a county, the county shall adopt and
493 enforce the wildland urban interface building standard described in this
494 Subsection (9)(a); and
- 495 (ii) for purposes of an incorporated area within a county, the relevant municipality
496 shall adopt and enforce the wildland urban interface building standard described
497 in this Subsection (9)(a).
- 498 (b) If a county or municipality fails to comply with Subsections (4)(f) and (9)(a), the
499 division may choose to not pay costs of the county or municipality under a
500 cooperative agreement executed under this section.
- 501 (c)(i) If the state adopts a different wildland urban interface building standard than
502 was previously adopted under Section 15A-2-103, a county or municipality has
503 two years from the date the state adopts the different wildland urban interface

504 building standard to adopt the appropriate wildland urban interface building
 505 standard.

506 (ii) If a county or municipality fails to adopt the appropriate wildland urban interface
 507 building standard within the time period described in Subsection (9)(c)(i), the
 508 division may choose to not pay costs of the county or municipality under a
 509 cooperative agreement executed under this section beginning two years from the
 510 day on which the state adopts the different wildland urban interface building
 511 standard and until such time as the county or municipality adopts the appropriate
 512 wildland urban interface building standard.

513 Section 6. Section **65A-8-215** is amended to read:

514 **65A-8-215 . Wildland-urban interface fire prevention, preparedness, and**
 515 **mitigation.**

516 (1) As used in this section:

517 (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface
 518 Prevention, Preparedness, and Mitigation Fund created in this section.

519 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section
 520 65A-8-204.

521 (c) "Wildland-urban interface" means the zone where structures and other human
 522 development meets, or intermingles with, undeveloped wildland.

523 (2)(a) There is created an expendable special revenue fund known as the

524 "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."

525 (b) The prevention, preparedness, and mitigation fund shall consist of:

526 (i) interest and earnings from the investment of money from the prevention,
 527 preparedness, and mitigation fund;

528 (ii) money received as direct payment from cooperative wildfire system participation
 529 commitments;

530 (iii) money appropriated by the Legislature; ~~and~~

531 (iv) money transferred to the prevention, preparedness, and mitigation fund under
 532 Section 63J-1-314[-] ; and

533 (v) fees deposited into the prevention, preparedness, and mitigation fund under
 534 Section 17-16-22.

535 (c) The division shall administer the prevention, preparedness, and mitigation fund to:

536 (i) pay costs of prevention and preparedness efforts on wildland-urban interface

537 within the state, as defined by the division by rule made in accordance with Title

- 538 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an
539 eligible entity that has entered into a cooperative agreement, as described in
540 Section 65A-8-203;
- 541 (ii) issue fire department assistance grants, which in the aggregate may not exceed
542 10% of the money in the prevention, preparedness, and mitigation fund each fiscal
543 year; and
- 544 (iii) in cases of catastrophic need as determined by the state forester, pay costs that
545 could be paid from the suppression fund under Section 65A-8-204.
- 546 (d) Disbursements from the prevention, preparedness, and mitigation fund may only be
547 made upon written order of the state forester or the state forester's authorized
548 representative.
- 549 (3)(a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah
550 Administrative Rulemaking Act, establish criteria for community wildfire
551 preparedness plans addressing wildland-urban interface. The criteria shall require
552 action that is:
- 553 (i) qualitative and quantitative; and
554 (ii) leads to reduced wildfire risk.
- 555 (b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement
556 prevention, preparedness, and mitigation actions identified in a community wildfire
557 preparedness plan addressing wildland-urban interface that is approved by the
558 division.
- 559 Section 7. Section **65A-8-401** is enacted to read:

560 **Part 4. Wildland Urban Interface Property**

561 **65A-8-401 . Definitions.**

562 As used in this section:

- 563 (1) "High risk wildland urban interface property" means property located within the
564 boundary of high risk wildland urban interface as designated by the wildfire risk
565 assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance
566 with Subsection 65A-8-402(5)(a).
- 567 (2) "Triage scale" means a scale with three classifications adopted by the division to
568 evaluate and classify property located within the wildland urban interface as to what
569 actions are needed to prepare the property for fire.
- 570 (3) "Wildland urban interface" means the same as that term is defined in Section
571 65A-8a-102.

- 572 (4) "Wildland urban interface building standards" means the edition of the Utah Wildland
 573 Urban Interface Code adopted under Section 15A-2-103.
- 574 (5) "Wildland urban interface coordinator" means a representative of the division or a
 575 county who evaluates and classifies wildland urban interface property in accordance
 576 with Section 65A-8-402.
- 577 (6) "Wildland urban interface property and casualty insurer" means the same as that term is
 578 defined in Section 31A-22-1310.

579 Section 8. Section **65A-8-402** is enacted to read:

580 **65A-8-402 . Evaluation of wildland urban interface property -- Fee amounts --**
 581 **Rulemaking.**

- 582 (1)(a) The division shall establish a program under which a wildland urban interface
 583 coordinator evaluates and classifies high risk wildland urban interface property using
 584 a triage scale.
- 585 (b) The wildland urban interface coordinator shall be:
- 586 (i) a representative of the division; or
- 587 (ii) if the evaluation and classification is assigned to a county, a representative of the
 588 county.
- 589 (c) At the beginning of each calendar year, the division shall determine whether to
 590 assign evaluation and classification under this section of high risk wildland urban
 591 interface property to a county.
- 592 (2) After completing the evaluation and classification under this section, the wildland urban
 593 interface coordinator shall inform a property owner of property described in Subsection
 594 (1)(a) of:
- 595 (a) the classification assigned to the property described in Subsection (1)(a) under the
 596 triage scale;
- 597 (b) the fee the property owner shall pay under Section 17-16-22; and
- 598 (c) resources from the division or county that the property owner may access to bring the
 599 property described in Subsection (1)(a) to the first or second classification by
 600 applying wildland urban interface building standards.
- 601 (3) As part of the program established under this section, the division:
- 602 (a) may provide resources to a property owner described in Subsection (2)(b) to
 603 facilitate the property owner bringing the property described in Subsection (1)(a) to
 604 the first or second classification under the triage scale; and
- 605 (b) beginning on January 1, 2028, shall develop and maintain a database that may be

606 accessed by a wildland urban interface property and casualty insurer to learn the
607 classification under the triage scale for any portion of high risk wildland urban
608 interface property to be covered by the wildland urban interface property and casualty
609 insurer.

610 (4)(a) The division shall annually set a fee amount that is based on the square footage of
611 a structure within the high risk wildland urban interface to pay for the costs
612 associated with the implementation of this part to be assessed and collected by a
613 county in accordance with Section 17-16-22.

614 (b) The division may tier the fee amount to account for what level on the triage scale a
615 property is assigned by a wildland urban interface coordinator.

616 (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
617 Administrative Rulemaking Act, to:

618 (a) define high risk wildland urban interface property and wildland urban interface
619 property that is not high risk as provided in Subsection 65A-8-203(8)(b);

620 (b) establish the criteria used to evaluate and classify property located within high risk
621 wildland urban interface property;

622 (c) create a process by which the division and counties communicate classifications
623 assigned to property described in Subsection (1)(a);

624 (d) create a process for communicating to a property owner the information described in
625 Subsection (2);

626 (e) establish how the division may provide resources under Subsection (3);

627 (f) create a process for a wildland urban interface property and casualty insurer to learn
628 the classification described in Subsection (3)(b); and

629 (g) establish how the fee amount described in Subsection (4) is set.

630 Section 9. Section **65A-8-403** is enacted to read:

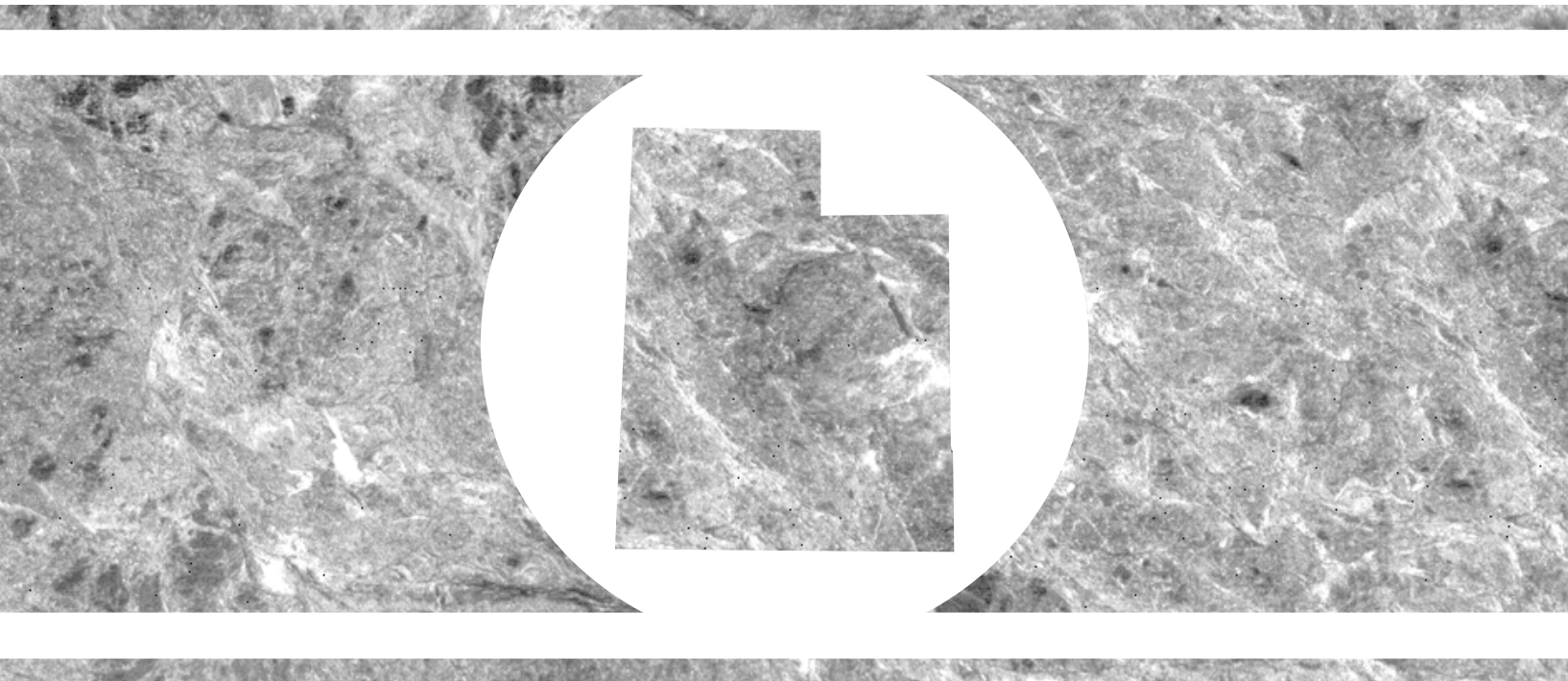
631 **65A-8-403 . Liability.**

632 This part does not create a cause of action against the state, the division, an officer,
633 employee, or consultant of the division, a county, or a wildland urban interface coordinator for
634 an act or failure to act under this part and does not waive governmental immunity in
635 accordance with Subsection 63G-7-201(5).

636 Section 10. **Effective Date.**

637 This bill takes effect on January 1, 2026.

2006 UTAH WILDLAND-URBAN INTERFACE CODE



2006 Utah Wildland-Urban Interface Code

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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.

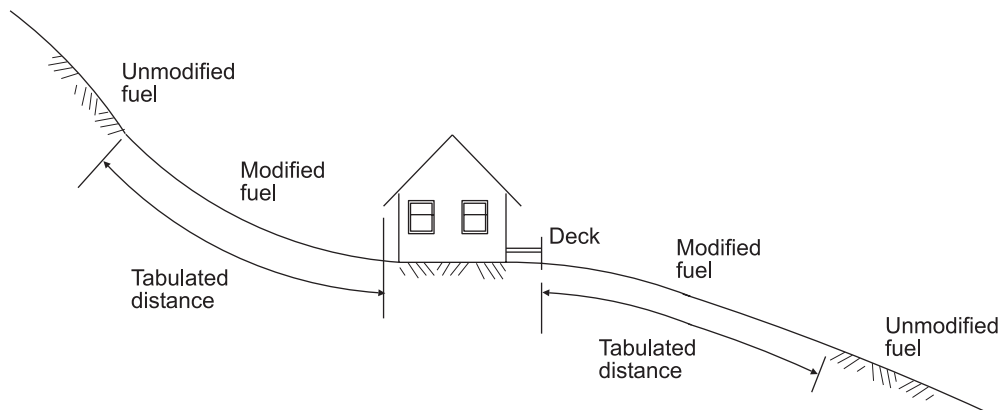
Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

**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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STRUCTURE EXPOSURE SCORES



Millcreek City Hall
1330 E Chambers Ave
Millcreek, UT 84106
(801)-214-2700
www.millcreekut.gov



This map displays generalized polygon features derived from raster data representing structure exposure scores. The polygons illustrate areas classified as exposure risks, corresponding to categories 5, 6, and 7 on a 1-10 risk scale.

While another map provides the detailed raster-based exposure data, this version simplifies those results into broader polygon zones to support easier visualization and general interpretation. These generalized areas allow users to understand spatial patterns of exposure risk across the city without focusing on pixel-level variations.

- WUI - SES - 7
- WUI - SES - 6
- WUI - SES - 5

The Structure Exposure Score (SES)

What it measures:
The Structure Exposure Score (SES) represents a structure's overall wildfire hazard by evaluating both the likelihood of a wildfire reaching that location and the expected intensity and ember exposure if a fire occurs.

How it's calculated:
The SES is generated by the Utah Division of Forestry, Fire, and State Lands (FFSL) using advanced wildfire simulation models and statewide GIS data.

- Key factors in the calculation include:**
- **Proximity to wildland vegetation** – distance to flammable fuels surrounding the structure.
 - **Wildfire likelihood** – probability of a fire starting and spreading to the site.
 - **Wildfire intensity** – modeled flame length and heat levels expected during a fire.
 - **Ember travel risk** – potential for embers to ignite structures beyond the direct flame front.
 - **Distance to other structures** – clustering of nearby homes and buildings that can increase exposure.

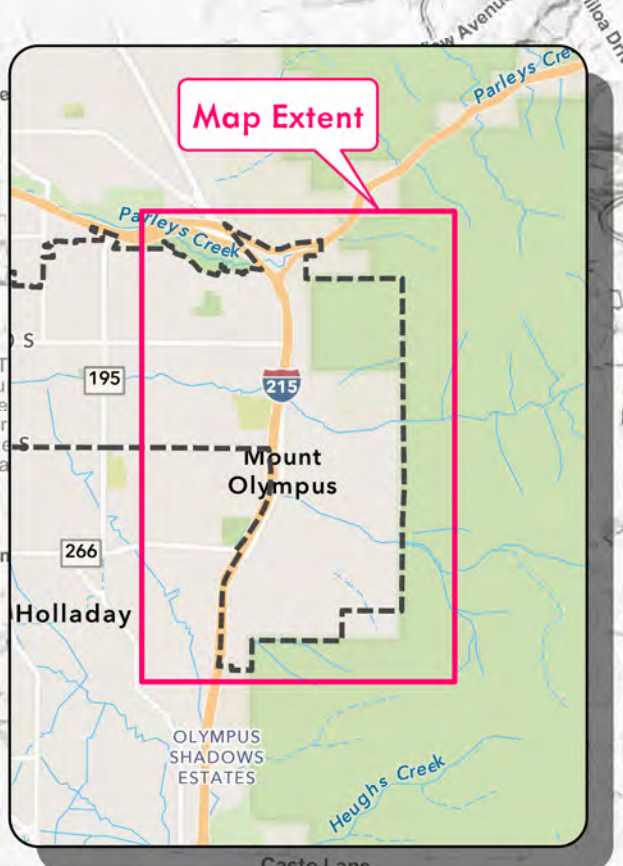
The scoring system:
Each structure receives a score within a 10-class scale, where:
Class 1 = lowest wildfire risk, minimal exposure.
Class X = highest wildfire risk, extreme exposure.

These SES values form the foundation for Utah's High-Risk Wildland Urban Interface (WUI) maps and guide wildfire preparedness, mitigation planning, and policy decisions under HB 48.

Data Sources:

Millcreek; Salt Lake County; Utah Geospatial Resource Center (UGRC); United States Forest Service (USFS); United States Geological Survey (USGS); Utah DNR - FFSL (Forestry, Fire and State Lands); Open Basemap; Esri

This map is for planning purposes only. Wildfire risk data, including the Structure Exposure Score (SES) and WUI boundaries, was developed by the Utah Division of Forestry, Fire, and State Lands (FFSL) using wildfire models and statewide data. The information shown is generalized and subject to change. No warranty is made regarding accuracy, and users must verify all information before making decisions. Neither Millcreek City nor the State of Utah assumes liability for use of this map.



Data Provided:
 TiltedMap @ Feb 24, 2025
 Author: Millcreek GIS - Brian Branch, GISP
 Spatial Reference: NAD 1983 2011 UTM Zone 12N

STRUCTURE EXPOSURE SCORES



Millcreek City Hall
1330 E Chambers Ave
Millcreek, UT 84106
(801)-214-2700
www.millcreekut.gov



Structure Exposure Score

Value (Rating)

- 1/10 - Little to No Exposure
- 2/10 - Low Exposure
- 3/10 - Low Exposure
- 4/10 - Moderate Exposure
- 5/10 - Moderate Exposure
- 6/10 - High Exposure
- 7/10 - Very High Exposure
- 8/10 - Extreme Exposure
- 9/10 - Extreme Exposure
- 10/10 - Extreme Exposure

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What it measures:

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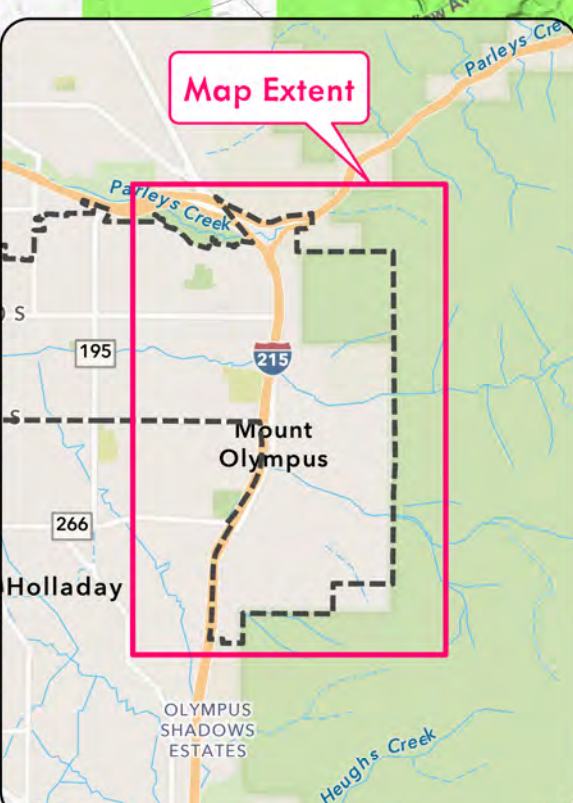
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Date Produced: Monday, September 29, 2023
Author: Millcreek GIS - Brian Beach, GIS
Spatial Reference: NAD 1983 2011 UTM Zone 12N

Code Requirements For Ignition Resistant Construction

Building Feature	Class - 1	Class - 2	Class - 3
Roof Covering	Class A Materials	Class A or B Materials	Class A, B, or C Materials
Eave Protection	1-Hour Fire Resistance Rating	Solid 3/4" Materials	None
Gutters & Downspouts	Noncombustible Materials	Noncombustible Materials	None
Exterior Walls	1-Hour Fire Resistance Rating	1-Hour Fire Resistance Rating	None
Cantilevers	1-Hour Fire Resistance Rating	1-Hour Fire Resistance Rating	1-Hour Fire Resistance Rating
Decks	1-Hour Fire Resistance Rating	1-Hour Fire Resistance Rating	None
Windows	Tempered Glass Required	Tempered Glass Required	None
Exterior Doors	Noncombustible Or Solid Materials	Noncombustible Or Solid Materials	None
Attic Vents	Prohibited In Eaves & limited to 1 sqft Each	Limited to 1 sqft Each	Limited to 1sqft Each
Accessory Structure (not habitable)	<50' From Home, 1-Hour Fire Rated Exterior Walls	<50' From Home, 1-Hour Fire Rated Exterior Walls	None

MILLCREEK, UTAH
ORDINANCE NO. 25-44

**AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$2,500
FOR THE FRIENDS OF MILLCREEK SENIOR CENTER**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on October 13, 2025, to consider, among other things approving a monetary contribution of up to \$2,500 for the Friends of Millcreek Senior Center (the “Appropriation”); and

WHEREAS, Utah Code Ann. § 10-8-2 requires, among other things, a study to support a monetary donation; and

WHEREAS, on or about September 12, 2025, a study ("Study") was completed by Bonneville Research, setting forth an analysis and demonstrating the purpose for the appropriation of up to \$2,500 for the Friends of Millcreek Senior Center. A copy of the Study is attached to this Ordinance; and

WHEREAS, on September 17, 2025, the Study was made available in Millcreek for review by interested parties; and

WHEREAS, on September 17, 2025, a notice of a public hearing was published as a Class A notice under Section 63G-30-102; and

WHEREAS, on October 13, 2025, the Council held the requisite public hearing to receive public comments concerning the Appropriation; and

WHEREAS, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

WHEREAS, the Council finds that based on the Study and comments at the public hearing, the Appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, and convenience of the inhabitants of Millcreek; and

WHEREAS, the Council finds that the Appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek. Such goals and objectives include, but are not limited to, economic development, job creation, and job preservation; and

WHEREAS, the Council finds that the net value received for the monetary contribution is equivalent and includes certain intangible benefits to Millcreek, including, but not limited to, prosperity, moral well-being, comfort, and convenience to the inhabitants of Millcreek and economic development, job creation, and job preservation in Millcreek; and

WHEREAS, the Council finds that it has satisfied all the requirements of Utah Code Ann. § 10-8-2 to make the Appropriation.

NOW, THEREFORE, BE IT ORDAINED that the Council hereby approves a monetary contribution of up to \$2,500 for the Friends of Millcreek Senior Center.

This Ordinance assigned Ordinance No. 25-44, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 13th day of October, 2025.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 25-44: AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$2,500 FOR THE FRIENDS OF MILLCREEK SENIOR CENTER was adopted the 13th day of October 2025 and that a copy of the foregoing Ordinance 25-44 was posted in accordance with Utah Code 10-3-711 this ____ day of October, 2025.

Elyse Sullivan, City Recorder



Bonneville Research

September 12, 2025

Introduction:

This analysis is intended to provide Millcreek, a Utah Municipality, and the Millcreek City Council with the information required by the Utah Code Section 10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate purpose -- Procedure.

Reason for the Study:

Utah Code § 10-8-2 and case law require a more rigorous review and approval process before the City can provide grants to nonprofit organizations. The process requires that the City completes a Study before awarding the grants.

Key Elements of the Study:

The following factors are considered in making the Study:

1

1. Completion of a study that addresses the following:
 - a. The benefit the City will receive—tangible or intangible—in return for appropriated funds.
 - b. An analysis of how the appropriation will enhance Millcreek residents' safety, health, prosperity, moral well-being, peace, order, comfort, or convenience.
 - c. Whether the appropriation is necessary and appropriate to accomplish any of the goals and objectives of the City, such as:
 - i. Removing blight or underdeveloped properties;
 - ii. Increasing the City's tax base;
 - iii. Creating jobs;
 - iv. Retaining jobs, and
 - v. Any other identified public purpose that the appropriation might serve.
 - d. Completion of a financial analysis showing projected financial returns to the City, if any, and the period over which the City will recoup the appropriate amount.
2. A finding by the Council that the development will promote the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the Millcreek residents shall be adopted by Resolution, citing the Study as evidence to support that finding.
3. The final appropriation shall be completed in accordance with the processes outlined in Utah Code Ann. § 10-8-2:

- a. If the appropriation is made as an amendment to the current year's fiscal budget, then the appropriation shall be approved according to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
- b. If the appropriation is made as part of a future fiscal year budget, then the appropriation shall be approved during the regular annual budget process.

Millcreek Agreement – Millcreek proposes to make the following monetary appropriation for the Fiscal Year 2025/2026:

- Friends of Millcreek Senior Center - \$2,500

ANALYSIS:

Chapter 2.39.010 of the "Millcreek Municipal Code" states that:

... it is the purpose of the City Council to provide for the encouragement of volunteer services and programs within the City. The City Council recognizes that volunteers are essential to the City government's productivity, efficiency, and cost-effectiveness. Therefore, effective management of volunteer programs is a matter of significant importance.

Chapter 2.04.130 of the "Millcreek Municipal Code" further states that:

- A. The (City) Council may establish additional committees as it deems appropriate. It may convene committee meetings for Study, discussion, investigation, formal hearings or inquiries, workshops, training, or presentations by or responses from citizens or other interested persons or groups.
- B. No official action may be taken in committee meetings other than adopting non-binding recommendations to the Council.

The Friends of Millcreek Senior Center, a 501(c)(3) nonprofit organization in Utah, is requesting \$2,500 from Millcreek City to support the members of the Millcreek Senior Center, which Salt Lake County operates.

Millcreek City's past donations have been instrumental in helping The Friends of Millcreek Senior Center provide essential support to our members. These contributions have enabled us to offer:

- Field trips to the Tulip Festival, the International Peace Garden, and the Living Planet Aquarium, which include transportation and lunch.
- Monthly decorations in the senior area to create a warm and inviting atmosphere for learning and socializing.
- Birthday Celebrations on the second Tuesday of each month, where we serve birthday cake to all members. Those celebrating birthdays receive a free meal ticket for that month, adding to the joy of the occasion. These celebrations are a

testament to the sense of community and inclusivity we strive to foster at the senior center.

The Friends of Millcreek Senior Center's twice-yearly Boutique Sales are a unique offering that not only showcases local artisans but also provides a unique shopping experience for the community. Since moving to Millcreek Commons and making it a two-day event, participation has increased, and more vendors are interested than we can accommodate, demonstrating the unique value of this event to the community.

CONCLUSION AND REQUIRED FINDINGS:

The municipality of Millcreek's purpose for the above-listed appropriation will be to seek presentations by or responses from citizens or other interested persons or groups regarding the Millcreek Senior Center and thereby supporting Millcreek City's efforts to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality.

The appropriation is necessary and appropriate to accomplish Millcreek, a Utah Municipal Corporation's reasonable goals and objectives in economic development, job creation, affordable housing, blight elimination, job preservation, and preservation of historic structures and property, and any other public purpose.

GENERAL LIMITING CONDITIONS

Every reasonable effort was made to ensure that the data in this study reflect accurate and timely information and is believed to be reliable.

- *The Study is based on estimates, assumptions, and other information developed by Bonneville Research from its independent research effort, general knowledge of the region, primary data sources including Millcreek, the Utah State Tax Commission, and the Utah State Auditor's Office, and consultations with the Client's representatives.*
- *No responsibility is assumed for inaccuracies in reporting by the Client, its agents, or any other data sources used in preparing or presenting this Study. This report is based on information collected during September of 2025, and Bonneville Research has not updated its research since this date. Bonneville Research makes no warranty that any of the projected values or results contained in this Study will be achieved. This report is not to be used for any public or private offering of securities or other similar purposes. This Study is qualified and should be considered considering these limitations, conditions, and considerations.*

Robert L. Springmeyer

Robert Springmeyer, the Principal of Bonneville Research, performed this 10-8-2 Appropriations Study.

Mr. Springmeyer is actively involved in the redevelopment and other economic impact projects. He has provided independent financial and redevelopment analysis for numerous urban renewal agencies within the State and completed "Fair Value Analyses" for Holladay and South Salt Lake Cities. Mr. Springmeyer is the Chairman of Bonneville Research. He has directed the Economic Analysis/Tax Studies completed for the Downtown Alliance, the Utah State Tax Review Commission, Salt Lake County, Brigham City, Salt Lake, Sandy, Bountiful, and South Jordan Cities, including the Urban Renewal Agencies of Salt Lake, Taylorsville, Holladay, South Salt Lake, Draper, West Jordan, Ogden, South Jordan, Sandy, and Murray. He is educated in Political Science, Economics, and Business Management, and has consulted with local governments for over 40 years. He has been listed in Who's Who in Finance and Who's Who in the West.

MILLCREEK, UTAH
RESOLUTION NO. 25-33

A RESOLUTION OF THE MILLCREEK COUNCIL ENCOURAGING AND PROMOTING THE MISSION OF THE STATEWIDE INITIATIVE OF “A BOLDER WAY FORWARD” TO HELP MORE UTAH WOMEN, GIRLS, AND FAMILIES THRIVE

WHEREAS, the Utah Women & Leadership Project at Utah State University developed and is serving as the backbone entity for the “A Bolder Way Forward” framework, which is intended to help more Utah women, girls, and families thrive; and

WHEREAS, Millcreek recognizes the fundamental importance of encouraging and promoting the mission and initiative of “A Bolder Way Forward” to strengthen and help more women and girls thrive in Utah; and

WHEREAS, Millcreek is aware that national and statewide studies continue to show that women and girls in Utah are held back in critical areas. Utah has high levels of domestic violence, sexual assault, child sexual abuse, and gender-based discrimination, while also ranking as the second worst state for women's equality in workplace compensation; and

WHEREAS, Millcreek recognizes that when women and girls experience good health, freedom, safety, equal representation in the community and government, access to education, and successful employment in fair and equitable workplaces, all Utahns thrive, including men and boys, and families; and

WHEREAS, Utah has the lowest levels of women’s leadership representation in nearly all domains, especially politics, government, and business; and

WHEREAS, Millcreek has a majority of its council members as women and half of its department directors are women, whose views, priorities, and needs are represented and respected; and

WHEREAS, Millcreek has demonstrated a commitment to supporting women in the workforce and fostering a workplace environment that values work-life balance and family well-being; and

WHEREAS, Millcreek embraces the “A Bolder Way Forward” mission and initiative for women, girls, and families to thrive, and supports efforts and actions that Millcreek can engage in to make this a reality for all.

NOW THEREFORE, BE IT RESOLVED by the Millcreek Council that:

1. Millcreek hereby declares its commitment to support and promote the mission of “A Bolder Way Forward” and will continue to adopt policies and practices that exemplify this commitment.

2. Millcreek will actively raise awareness about the importance of improving women's and girls' health, safety, education, community engagement, and workplace equity through public outreach, city events, and partnerships with academic and community organizations.
3. Millcreek announces its designation as A Bolder Way Forward City to focus on enhancing the well-being and quality of life for women and girls, and as a result, for all residents.

PASSED AND APPROVED this 13th day of October 2025.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

MILLCREEK, UTAH
RESOLUTION NO. 25-34

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN INTERLOCAL
COOPERATIVE AGREEMENT WITH THE
UTAH DEPARTMENT OF TRANSPORTATION (“UDOT”) FOR CONSTRUCTION
AND MAINTENANCE OF A SAFE SIDEWALK FOR 700 EAST AT VARIOUS
LOCATIONS FROM 3720 SOUTH TO 3435 SOUTH**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on October 13, 2025, to consider, among other things, approving an Interlocal Cooperative Agreement with UDOT for the construction and maintenance of a safe sidewalk for 700 East, at various locations from 3720 South to 3435 South; and

WHEREAS, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, *et seq.*) (the “*Act*”) provides that two or more entities are authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, UDOT and Millcreek are public agencies, as contemplated in the Act, and the services contemplated are joint and cooperative actions, as contemplated in the Act; and

WHEREAS, Millcreek has determined that it is in the best interests of the inhabitants of Millcreek to enter into an interlocal cooperative agreement with UDOT for the construction and maintenance of a safe sidewalk for 700 East, at various locations from 3720 South to 3435 South; and

WHEREAS, an interlocal cooperative agreement for such construction and maintenance has been prepared for approval which sets forth the purpose thereof, the extent of participation of the parties, and the rights, duties and responsibilities of the parties. A copy of the interlocal cooperative agreement for such services is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the attached interlocal cooperative agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution assigned No. 25-34, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 13th day of October 2025.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No



Cooperative Agreement UDOT Safe Sidewalk Funds for Local Agency	Project Description: NEW SIDEWALK CONSTRUCTION (SAFE SIDEWALK PROGRAM) Local Agency: City of Millcreek	Charge ID No. 75191
Pin: 22986 Job/ Project: S –R299(532)	Tracking # Agreement #	Date Executed

TA

THIS COOPERATIVE AGREEMENT, made and entered into on the executed date, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**,” and **City of Millcreek**, a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency**.”

RECITALS

WHEREAS, in the interest of the public, it is the desire of the parties hereto to construct and thereafter maintain a Pedestrian safety project described as a sidewalk located at SR-71; (Millcreek 700 East Pedestrian Access various locations from 3720S to 3435 S), and

WHEREAS, funds for the construction of the Safe Sidewalk Program (SSW) have been made available by **UDOT** and

WHEREAS, it is the intent of **UDOT** that participation in SSW projects be on a 25% Local,75% State match basis with a maximum State participation of \$400,000.00 and

THIS COOPERATIVE AGREEMENT is made to set out the terms and conditions where the work shall be performed.

AGREEMENT

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

I. The Local Agency with its regular engineering and construction forces at the standard schedule of wages and working hours and in accordance with the terms of its agreement with such employees or through qualified contractors with whom it has obtained contracts upon appropriate solicitation in accordance with the laws of the State of Utah, shall perform the necessary field and office engineering, furnish all materials and perform the construction work covered by this Agreement.

II. The Local Agency is required to pay, as part of the total project cost, 50% of the cost of any utility facility relocations required within the UDOT highway right-of-way, and the utility company is required to pay the remainder of the cost of relocation. The Local Agency will determine, as part of the project's design, those utility companies with facilities that will require relocation and the cost thereof and will execute a Utility Relocation – 50% Reimbursement Agreement with those companies before

Advertising the project for bids. Contact the Region 2 Utility and Railroad Leader, Justin Head, 801-726-4563 or Jhead@utah.gov for assistance in preparing the Reimbursement Agreement.

III. The Local Agency will comply with all applicable state and federal environmental regulations, including, but not limited to, Section 404 of the Clean Water Act and Utah Administrative Code 9-8-404. For assistance with any environmental compliance requirements, contact the Region 2 Environmental Manager, Dan Bolin, at 801-505-8214 or dbolin@utah.gov.

IV. All construction work performed by the **Local Agency** or its contractor within **UDOT** highway right-of-way shall conform to **UDOT's** standards and specifications. For work performed within **UDOT's** right-of-way, **the Local Agency** shall submit plans to UDOT for review and approval prior to starting construction. The **Local Agency** shall comply with Utah Administrative Code R930-6 if performing any work within **UDOT's** right-of-way. Any inspection by **UDOT** does not relieve the **Local Agency** of its obligation to meet the standards and specifications. **Local Agency's** construction may conform to local standards if they are equal to or greater than **UDOT's** standards and specifications.

V. All construction performed under this Agreement shall be barrier-free to wheelchairs at crosswalks and intersections according to state and local standards.

VI. The Local Agency will participate at a minimum of 25% of the total project. **Local Agencies' participation can be through financial contributions**, preliminary or construction engineering costs, donated labor or equipment, etc. Supporting documentation will be required to verify all costs.

VII. The total estimated cost of the project, including the **Local Agency's** participation, is as follows:

UDOT Funds (Allocated Amount)	\$400,000.00
Local Agency's Funds (Participation Amount)	\$200,000.00
Total Project	\$600,000.00

VIII. Upon completion of construction and final inspection by **UDOT**, and upon request of the **Local Agency**, **UDOT** will deliver to the **Local Agency** a lump sum amount of \$400,000.00 or 100% of **UDOT's** funds for the construction of the facilities covered by this Agreement. This amount is the maximum amount of **UDOT's** contribution. If the project should overrun the estimated project amount contained herein, the **Local Agency** shall be responsible to cover the additional amount. If the project is completed for an amount less than the estimated cost, the amounts in paragraph 7 will be adjusted proportionally and **UDOT** will deliver to the Local Agency a lump sum amount based on the percentages as stated in this Agreement.

IX. The **Local Agency** will furnish to **UDOT** a statement upon completion of the project for which the grant was made certifying the amount expended on the project and certification that the project was completed in accordance with the standards and specifications adopted for the project by this Agreement.

X. **UDOT** shall have the right to audit all cost records and accounts of the **Local Agency** pertaining to this project. Should the audit disclose that **UDOT's** share of the total cost should be less than the lump sum payment made to the **Local Agency** under this Agreement, the **Local Agency** will promptly refund to **UDOT** the identified overpayment. For purpose of audit, the **Local Agency** is required to keep and maintain its records of work covered herein for a minimum of 3 years after completion of the project.

XI. Upon commencement of the construction, the **Local Agency** agrees to complete the construction by 12/31/2026. If, for any reason, the Local Agency cannot complete construction by 12/31/2026, the Local Agency must request, in writing, before 10/30/2026, an extension of the grant with a full explanation of why the project cannot be completed on time and provide a new planned completion date. **UDOT** will review the request and inform the **Local Agency**, in writing, whether or not the request has been approved. Reasons for which **UDOT** will allow an extension of time include, but are not limited to, weather delays, material shortages, labor strikes, natural disasters, or other circumstances that are beyond the **Local Agency's** control. If the request is not approved, the Local Agency will relinquish the grant allocation for the project, and this Agreement shall be terminated.

XII. If the **Local Agency** modifies its project and the modification affects the work, the **Local Agency** will notify **UDOT**. In the event there are changes in the scope of the work, extra work, or changes in the planned work that require a modification of this Agreement, such modification must be approved in writing by the parties prior to the start of work on the changes or additions.

XIII. Upon completion of the work covered by this Agreement, the **Local Agency** shall be responsible for all costs associated with the ongoing care and maintenance of the resulting improvements.

XIV. **UDOT** and the **Local Agency** are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend, and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees, and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Agreement. It is expressly agreed between the parties that the obligations to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided the Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be construed as a waiver of the protections of the Governmental Immunity Act by the parties. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

XV. Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of the Agreement at the request of the other party.

XVI. The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

XVII. This Agreement does not create any type of agency relationship, joint venture, or partnership between the parties.

XVIII. Each party represents that is has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by its duly authorized officers as of the day and year first above written.

City of Millcreek				Utah Department of Transportation			
By		Date		By		Date	
Mayor				PM/ Kevon Ogden			
By		Date		By		Date	
				Region Director / Robert Stewart			
By		Date		By		Date	
				Comptroller's Office			

MILLCREEK, UTAH
RESOLUTION NO. 25-35

**A RESOLUTION OF THE MILLCREEK COUNCIL
ACCEPTING A GIFT OF A PAINTING OF MILL WHEEL ON MILLCREEK
GENEROUSLY DONATED BY REID SCHOOL**

WHEREAS, the Millcreek Council (“*Council*”) met in regular meeting on October 13, 2025, to consider, among other things, accepting a gift of a painting of Mill Wheel on Millcreek (“*Painting*”) generously donated by Reid School; and

WHEREAS, Gardner Reid is a resident of Millcreek; and

WHEREAS, the Council acknowledges that there are no restrictions on the gift of the *Painting*.

NOW THEREFORE, BE IT RESOLVED, by the Council that the City hereby accepts the gift of the *Painting*, directs the Mayor to execute and deliver a Declaration of Gift to Gardner Reid and directs that the *Painting* be accounted for as part of the City general fixed asset accounts.

This resolution, assigned no. 25-35 shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council this 13th day of October, 2025.

MILLCREEK COUNCIL

Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

Declaration of Gift IRC 170(c)(1)

Please complete this form and retain with your tax records.

Date: October 8, 2025 Donation from: Individual Organization/Company

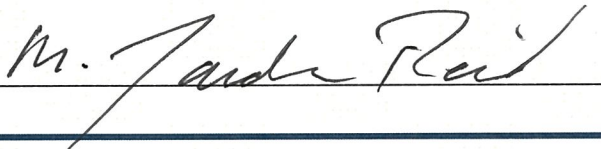
Organization/Company Name: Reid School

Name: Gardner Reid

Address: 2965 East Evergreen Ave.

City: Salt Lake City State: UT Zip: 84109

Phone: 801-486-5083 Email: g.reid@juno.com

Donor Signature: 

Donation Information

Check all applicable boxes and provide a brief description.

Gift Cards: _____ \$ _____

Tickets or Passes: _____ \$ _____

Gift Items: Painting/Mural
By Matt Madsen 1976 \$ 10,000

Cash: _____ \$ _____

Non-cash (In-kind): _____ \$ _____

Total: \$ 10,000

Thank you for your contribution!

For City Use Only:

Received by: _____ Signature: _____ Date: _____
(print name)

HR/Finance Director Signature: _____ Date: _____



**Minutes of the
Millcreek City Council
September 22, 2025
6:30 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on September 22, 2025, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director
Mike Winder, City Manager
Lisa Dudley, HR-Finance Director
Kayla Mayers, Promise Program Director
Rita Lund, Communications Director
(electronic)

Attendees: Pam Roberts, Evan Tyrell, Taryn Roch, Rick Hansen, Liz Silvestrini, Leslie Silvestrini, Nan Bassett, Shawn McGarry, Chief Petty-Brown

WORK MEETING – 6:30 p.m.

TIME COMMENCED: 6:31 p.m.

Mayor Silvestrini called the work meeting to order.

1. Introduction of Evan Tyrrell, New General Manager/CEO of Wasatch Front Waste and Recycling District; Pam Roberts, Retiring General Manager/CEO

Pam Roberts acknowledged her retirement and let Evan Tyrrell introduce himself to the council. Tyrrell earned dual graduate degrees from Indiana University and has waste management services work experience in Flagstaff, Arizona and Moab, Utah.

Mayor Silvestrini said the city was looking forward to working with Tyrrell. Council Member DeSirant noted the WFWRD Board was impressed with Tyrrell's experience and was sad to see Roberts leave. The council wished Roberts best wishes and presented her with a bouquet of flowers.

2. Promise Program Quarterly Update; Kayla Mayers, Promise Program Director

Taryn Roch from Promise Partnership Utah shared an update on ongoing collaborative efforts with Kayla Mayers and the Millcreek community. She began by providing context on the

longstanding partnership between Promise Partnership and flagship communities like Millcreek. Each year, their progress is assessed by StriveTogether, a national organization that evaluates over 70 similar partnerships. Notably, Promise Partnership was the first in the country to receive a “Systems Transformation” designation, recognizing its advanced stage in driving systemic change for communities. This status has been reaffirmed annually. Building on this success, Millcreek has been selected as one of the communities to develop an “investable plan”—a strategic roadmap designed to establish a comprehensive cradle-to-career infrastructure for local youth. While many foundational elements already exist in Millcreek, this plan aims to ensure sustained, coordinated support throughout a young person’s life. The emphasis on “investable” reflects the intent to attract resources and funding to bring the plan to life. Over the next six months, this work will involve input from community stakeholders. Roch expressed enthusiasm for their participation.

Kayla Mayers provided a summary of recent accomplishments and upcoming initiatives. Highlights from the past quarter included the successful launch of the Produce Pals program, which connects fresh garden produce with local agencies serving low-income residents. The team also facilitated a career exploration field trip to a local credit union for youth in the summer afterschool program and supported early childhood engagement through the Canyon Rim Cares Day of Service by distributing activity kits to families. A summer camp in partnership with the Community Life Department offered youth opportunities to develop skills in climbing and skating on Millcreek Common, and a new part-time staff member was hired to support the afterschool program and child supervision efforts at Bud Bailey Apartments. Millcreek was also recognized as a JustServe City for its volunteerism, launched a new Youth Council cohort, and played a key role in supporting Willow Glen fire relief, raising over \$100,000. Other efforts included hosting a well-attended back-to-school bike rodeo at Moss Elementary, supporting the 60th anniversary of Churchill Junior High, distributing UTA passes through a partnership with Granite School District, and organizing events like the 9/11 Day of Service and Welcoming Week. Digital skills and health coalition training continued as well. Data highlights included over a ton of produce collected, 17 youth engaged in job exploration (with plans to expand), 28 participants in digital skills training, and 629 kits distributed on 9/11 Day of Service.

Looking ahead, the next quarter will focus on strategic planning for the upcoming year, wrapping up the Produce Pals program by October 28, and preparing for the winter clothing drive and holiday gift distribution. A new phase of the job exploration initiative, now branded as Millcreek Futures, will launch in partnership with Utah International Charter School and Cottonwood High, connecting students to local businesses. Regular programming, including afterschool support, child supervision, and digital literacy training, will also continue. Additionally, the team will collaborate with Promise Partnership Utah during a Wallace Foundation visit, marking an opportunity for broader planning and investment.

Mayor Silvestrini asked about the English Skills Learning Center recently getting funding. Mayers acknowledged they were teaching classes at Bud Bailey Apartments. Council Member DeSirant commended the Promise team for putting together kits for the 9/11 Day of Service.

Council Member Catten asked how the afterschool programs were operating now that school was in session. Mayers said Moss Elementary and Utah International Charter Schools have started with a new agency running afterschool programs, but it is going well.

3. Housing Policy Discussion; Francis Lilly, Planning & Zoning Director

Francis Lilly provided a comprehensive update on Millcreek's housing strategy, reflecting both past accomplishments and future directions. Over the past few years, the city has taken a broad, multifaceted approach to housing policy to address critical housing shortages, particularly for residents earning below 30% of the Area Median Income (AMI). Since the 2024 housing report update and the adoption of the 2023 Moderate Income Housing Plan, Millcreek has implemented several policy changes, including rezoning for higher density, easing regulations on accessory dwelling units (ADUs), reducing parking requirements, and streamlining approval processes for multi-family and infill developments. Two major affordable housing projects with the Community Development Corporation of Utah are delivering over 200 deeply affordable units, aided by fee reductions, permit subsidies, and infrastructure support.

The city has also made meaningful tactical interventions such as rehousing efforts at Holladay Hills and Willow Glen apartments thanks in large part to collaboration with the Promise Program. Millcreek has adopted deed restrictions to promote owner occupancy, updated zoning to support naturally affordable housing, and established partnerships to deliver emergency winter overflow shelter participation countywide. A growing CRA fund, now exceeding \$1 million, positions the city to make more significant investments moving forward.

Looking ahead, the city is exploring broader systems-level strategies, including the potential use of city-owned land, partnerships for community land trusts, and leveraging federal funds for housing initiatives. A Planning Commission subcommittee on housing policy is being formed, and internal collaboration continues through a dedicated housing working group. Future efforts may include additional zoning reforms, particularly along the 900 East corridor, to support "missing middle" housing. Observations indicate that current state incentives are not enticing to developers, largely due to high land values and modest incentive levels. While interest in detached ADUs has been lower than expected, softening rents and stalled homeownership markets suggest shifting dynamics.

Lilly concluded by expressing a desire to transition from a reactive to a more systematic approach to housing policy and proposed a joint meeting with the Planning Commission to discuss long-term strategies and potential development agreements, signaling a thoughtful next phase in Millcreek's ongoing housing efforts.

Mayor Silvestrini commended Millcreek's planning department for its leadership in developing housing policy and meeting the state's reporting requirements. He emphasized that Utah requires all cities to have an approved Moderate Income Housing Plan and show measurable progress toward implementation. Compliance is critical, as access to key state funding—including Class B and C road funds used for street maintenance—is directly tied to this progress. The mayor addressed common concerns about growth in Millcreek, noting that population increases are occurring statewide, and stressed the importance of creating homeownership opportunities so younger generations can build wealth and remain rooted in the community. While renters are valued, homeownership tends to promote deeper community involvement. The conversation also touched on a recent survey from the Utah League of Cities and Towns, which was completed to help communicate local progress and

concerns to the state. Mayor Silvestrini cautioned that ongoing state mandates—particularly those that limit local control or outpace infrastructure capacity—pose real challenges, as cities are ultimately responsible for ensuring essential services like roads, sewers, and water systems keep up with development.

4. Staff Reports

There were none.

5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Uipi to adjourn the work meeting at 7:04 p.m. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:06 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and the Girl Scouts from Troop 1489 led the pledge of allegiance.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for August 2025

Chief Petty-Brown announced Officer Crystal Grady as Officer of the Month for August 2025. Officer Grady exemplifies service beyond the badge through her thorough investigations, empathetic approach, and genuine desire to help those in need. A notable example occurred on August 30, when Officer Grady responded to a call involving a suicidal woman. Demonstrating patience and empathy, she established trust over the phone, convincing the woman to wait for help. Upon arrival, she learned the woman was a single mother of two, overwhelmed by relapse and the pressures of raising her children alone. Officer Grady's compassionate intervention led the woman to seek help voluntarily, and she personally transported her to the Huntsman Crisis Center. She also ensured the children were safe and the home was secure before leaving. This act is just one example of Officer Grady's consistent efforts to treat every individual with dignity, kindness, and respect. Her integrity, dedication, and humanity make her a model officer and a true asset to the department and the Millcreek community. The mayor commended Officer Grady.

Mayor Silvestrini took a moment of personal privilege and relayed the following:

In September, I had an opportunity to take a vacation with my wife, Leslie, and some close friends. The purpose of our trip was to celebrate my friend and law school classmate Bill's retirement. Vacations are a time for rest, renewal and reflection, and I particularly did the latter.

In the past year, I celebrated my 71st birthday. I lost my 97-year-old dad, the last of his generation in my family, and I experienced some health issues. I needed two surgeries and within the past six months, I learned that I also have leukemia and a “hopefully” benign pancreatic tumor. While both conditions hopefully will turn out to be things I die with, rather than from, they have the potential to become life-threatening. They are a sobering reminder of mortality and that life can be cut shorter than we plan.

As we celebrated Bill’s imminent retirement on our trip, I recalled and reflected upon my own former goal of taking an early retirement with my wife. We postponed that when we decided I would run for mayor and enter public service. My nine-year career as mayor of the city I love has been a happy and gratifying diversion from our earlier goal, which we both worked hard through our careers to be able to realize. However, seeing my friend retire and contemplating my adverse health news, I began to see that my remaining opportunity to enjoy a robust retirement may be much more limited than I imagined. After nearly a decade in this position, I realize it is time for me to do what will make Leslie and me happiest.

Therefore, today, September 23rd, I have tendered my resignation as Millcreek’s mayor, to be effective on November 10, 2025. This allows our council adequate time under state law to advertise the position for the required time, to receive applications and to interview and appoint my successor before that date to ensure a smooth transition of the office of mayor.

It has been the honor of my life to serve as Millcreek’s first mayor and I have very much enjoyed my time in this office. I am so appreciative of Leslie’s love and support and her sacrifice agreeing to become a politician’s spouse, which is no easy thing. This is to say nothing of her volunteered hours both acting as our City Recorder during the first few months of incorporation and editing our weekly eNewsletter for the past nine years.

I thank the residents of this city for the confidence they placed in me, allowing me to serve for nine years over two and one-half terms. I have been blessed to work alongside so many wonderful, talented and dedicated people—on our city council, on our city staff, and in other city, county, state and federal government roles. It would take too long to recognize each of you here, but I want to thank you for your help, wisdom and support in this journey.

I am also very proud of what we have been able to accomplish in nine years as a new city. Starting from scratch, we assembled an incredible team, delivered road, storm water and sidewalk improvements across Millcreek, reformed outdated codes and built a marvelous civic center and gathering place to serve Millcreekers which is the envy of the state. We expanded park and open space and amenities and built new trails on both the east and west sides of Millcreek.

I am also proud to have shepherded this new city with bold action yet financial prudence, even obtaining this year the highest-possible AAA bond rating for Millcreek—in an incredibly short time for such an accomplishment.

Through our efforts, we have elevated our city on the municipal stage in our state, becoming a leader in creating much-needed housing, including affordable and owner-occupied housing; doing our part to address the needs of the unsheltered and medically vulnerable; and leading regionally through the Utah League of Cities and Towns and the Wasatch Front Regional Council. These efforts greatly benefited our city through well more than a hundred million dollars in grant funding and more than half a billion dollars in economic investment over my tenure.

We have contributed to maintaining and reorganizing the best police and fire departments in our state to serve and protect our community.

We have also worked hard to show compassion and unite our whole community through Millcreek Promise. This is probably the thing I am most proud about. We are well on our way (as I have often pledged) to bridging divides, building community and lifting all boats in this city. I do hope my successor(s) continue these efforts.

My successor will be different and need to be his or herself in this job. But if I have any advice, it would be this: Be bold and continue to cultivate and seize opportunities when they arise. We have never been limited by “the way things have always been done,” and you don’t have to view your actions through that lens. Be a “problem solver,” not a “bureaucrat” and “Play to Win!” God bless you all and God bless Millcreek. Know that I will always support you.

Council Member Uipi thanked the mayor for his leadership and active role in the incorporation of Millcreek; he will be sorely missed.

1.3 Public Comment

Pam Roberts, resident, thanked the mayor for his work and dedication to the city.

2. 2. Financial Matters

2.1 Public Hearing to Consider Amending the Fiscal Year 2025-2026 Budget

Lisa Dudley said this was the first budget amendment of the current fiscal year, reflecting several updates to revenue and expenditures driven by recent grants, donations, and operational adjustments. Notably, the city received a \$55,000 grant from the Jordan River Commission for a new playground along the Jordan River Trail, and additional funding from United Way to support block parties through the Promise Program. The community also came together in a remarkable show of support, donating over \$101,000, mostly in small individual contributions, to aid 23 families affected by a recent fire. Additionally, the budget includes \$110,000 from the Asian Association of Utah, approved by the Council on August 11, to sustain after-school programs previously funded by federal sources.

Expenditures in the amendment align with these new revenues, including Promise Program initiatives, fire relief, and software upgrades. One such upgrade aims to improve the business licensing process, allowing renewals to be emailed in bulk, easing the workload on the city's small licensing team. The grant for the Jordan River playground, although processed through the city, will ultimately fund a county-owned asset, and is thus recorded as an intergovernmental contribution rather than a city capital expense.

The amendment also addresses processing fees associated with online payments, allocating costs appropriately to departments that use payment portals, such as the building department and recreation services. Lastly, the amendment includes minor updates to the consolidated fee schedule, reflecting ongoing changes related to zoning code updates and recreation services, including a clarification that block party permits will be free of charge for residents.

Council Member DeSirant moved to open the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member Uipi moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 25-43, Amending the 2025-26 Fiscal Year Budget

Council Member Jackson moved to adopt Ordinance 25-43, Amending the 2025-26 Fiscal Year Budget. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Planning Matters

3.1 Discussion and Consideration of Ordinance 25-40, Rezoning 1.73 Acres of Real Property Known as the Woods at Rosecrest P.U.D. Subdivision Lot 1-9, Including a Certain “Open Space” Parcel, Generally Located at Approximately 2455 East 3225 South From the Single Household Residential R-1-8 Zone to the Single Household Residential R-1-6 Zone

Francis Lilly said this item pertains specifically to lots 1 through 9 of The Woods at Rosecrest Planned Unit Development (PUD) and involves a rezoning request aimed not at enabling new development, but at aligning zoning regulations with existing land use. The intent is to vacate a small, unused strip of land originally designated as open space under the PUD. This area has never functioned as public open space and has instead been privately maintained by adjacent homeowners and the developer. Since the city has moved away from the PUD model in favor of standard subdivisions, rezoning the affected lots from their current designation to R-1-6 will allow the subdivision to replat under standard zoning regulations, with lot sizes and setbacks consistent with that zone. Lot 10, which is legally part of the subdivision but located separately, will remain zoned R-1-10 and is unaffected by this change. Overall, the rezoning simply formalizes current use and enables the HOA and homeowners to bring the subdivision into compliance with current city code.

Council Member Jackson asked about the future of the HOA. Lilly said the HOA will remain intact to handle the road maintenance and shared costs/escrow issues.

Mayor Silvestrini asked for public comment. Nan Bassett, applicant, thanked the mayor for his service.

Council Member DeSirant moved to approve Ordinance 25-40, Rezoning 1.73 Acres of Real Property Known as the Woods at Rosecrest P.U.D. Subdivision Lot 1-9, Including a Certain “Open Space” Parcel, Generally Located at Approximately 2455 East 3225 South From the Single Household Residential R-1-8 Zone to the Single Household Residential R-1-6 Zone. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 25-41, Amending Section 14.20.110 of the Millcreek Code of Ordinances Regarding Vehicle Access Requirements for Four-Household Dwellings and Multiple-Household Dwellings

Francis Lilly said this item revisits a previously approved ordinance that requires a minor correction due to a clerical error. While the content of the ordinance remains unchanged, the original version mistakenly referenced the wrong section number, listing it as 14.12.110 instead of the correct 14.20.110. The ordinance pertains to vehicular access standards, which were originally located in the multifamily zoning section (Title 18) but have now been appropriately relocated to the city's roadway development standards to apply more broadly to all types of development. The correction ensures the ordinance is properly codified.

Council Member Uipi moved to approve item 3.2, Ordinance 25-41, Amending Section 14.20.110 of the Millcreek Code of Ordinances Regarding Vehicle Access Requirements for Four-Household Dwellings and Multiple-Household Dwellings. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Resolution 25-31, Adopting the First Amendment to the Millcreek Employee Handbook – Fourth Edition

Lisa Dudley reviewed the first amendment to the fourth edition of the employee policy book, along with the introduction of a new non-benefited employee handbook. The amendments to the main policy book include mostly minor updates such as grammatical corrections and clearer wording, though a few notable policy changes were highlighted. These include expanding the definition of nepotism to cover both direct and indirect supervision, allowing department heads or supervisors rather than the city manager to set employee work schedules, and clarifying overtime compensation during a declared state of emergency. The update also addresses holiday observance for employees with non-standard schedules, makes revisions to policies on personal use of social media and city property, and refines the statutory AI policy to emphasize the necessity of human

oversight. Additionally, the city's purchasing card (P-card) policy now requires that purchases be made in the cardholder's name and delivered to a city address.

The second item introduced a streamlined version of the policy book for non-benefited employees, such as part-time or seasonal staff, many of whom work in recreation roles like the Adventure Hub. This new handbook extracts only the relevant sections from the full policy, excluding information on benefits and compensation they are not eligible for (e.g., retirement plans, health insurance, paid leave). This change reduces the handbook from 94 pages to 55, making it more appropriate and accessible for those employees. The goal is to ensure clarity and relevance while maintaining consistency with the city's broader policies.

Council Member Jackson moved to adopt Resolution 25-31 and Resolution 25-32. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 25-32, Adopting the Millcreek Non-Benefited Employee Handbook – First Edition

See item 4.1 discussion and motion.

4.3 Discussion and Consideration of Ordinance 25-42, Amending Title 5 of the Millcreek Code of Ordinances by Requiring Law Enforcement Investigation for Massage Establishments

Chief Petty-Brown said investigations of illegal activity, like prostitution, with massage establishments were difficult. Other cities were avoiding these establishments starting business there by doing background checks of new establishments before business licenses were issued.

Council Member Uipi moved to approve item 4.3, Ordinance 25-42, Amending Title 5 of the Millcreek Code of Ordinances by Requiring Law Enforcement Investigation for Massage Establishments. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said there was a "Meet the Legislators" session several months prior wherein having a "civics 101" class for area residents would be a worthwhile idea. Mayor Silvestrini offered to host the class(es) at city hall.

5.2 City Council Member Reports

Council Member DeSirant said WFWRD Board is looking at building their own building on land they own in the future with a bond. He appreciated the 9/11 events. Council Member Jackson said she also recently attended the 911 Tribute and Day of Service, as well as the Welcoming Week event on Saturday, which was organized by the Promise Program to welcome new Americans and refugees. She also met with the Millcreek

Youth Council where they engaged in a lively discussion about city governance, the city's relationship with the state, and their roles on the council. The youth asked insightful questions and showed great enthusiasm, making it exciting to work with them this year. Additionally, she participated in recent UFA and UPD meetings, where a major focus was a UFA education campaign about the dangers of lithium batteries. These batteries are a leading cause of home fires due to improper charging and storage, and efforts are underway to raise awareness in the community through informational materials we can help distribute.

5.3 Treasurer's Report

Council Member Jackson reported as of September 22, 2025, the city holds \$1,037,202 in its operating account and \$36,517,711 in the state PTIF account, totaling approximately \$37 million in shared cash. Current property tax receipts stand at \$92,963, which is relatively low since property taxes are typically paid toward the end of the year; this amount may include late or early payments as well as related taxes such as motor vehicle fees. General sales tax revenue, representing two months of collections, totals \$2,713,543, and building permits issued amount to \$368,051. Overall, the general fund revenue is \$6,245,336. On the expenditure side, the city issued 181 checks totaling \$2,308,097, processed 19 bank drafts amounting to \$355,754, and completed two payroll disbursements totaling \$374,695.

5.4 Staff Reports

Mike Winder expressed appreciation for those involved with the 9/11 events and Mi Gente event.

5.5 Unified Police Department Report

Chief Petty-Brown said during the Monday UPD command staff meeting, which includes all precinct chiefs, Chief Mazuran, HR, and fiscal staff, the mayor's retirement announcement brought a somber mood, reflecting deep appreciation for the leadership and guidance provided through challenging times. Regarding department staffing for August, Millcreek currently has three vacancies in both FTO and patrol positions; however, four new officers recently graduated from the field training program and are now active on patrol, marking significant progress in filling specialty roles. The process for new officers to become fully operational typically spans about nine months due to academy and training requirements. Response times for Priority One calls increased slightly to six minutes in August, with Priority Two at five minutes and Priority Three at twelve minutes. Case trends are decreasing compared to last year, although police reports rose slightly from July to August, while calls for service declined. Notably, transient and mental health calls numbered 26 and 59, respectively. The Direct Enforcement Unit reported 35 arrests, seven search warrants, and one stolen vehicle investigation, alongside the seizure of 77 pounds of narcotics, including 5,500 fentanyl pills—a trend consistent across the valley, reflecting an uptick in drug-related activity that crosses jurisdictional lines. The department also participated in Operation Safe Streets with Salt Lake City, targeting high-crime areas near the State Fair, resulting in multiple drug busts. Collaborative efforts with Millcreek City Code Enforcement addressed a prolonged issue on Olive Drive, culminating in a search warrant that uncovered methamphetamine, paraphernalia, and stolen property, leading to a health department closure of the residence. Traffic enforcement saw 217 stops, 151 citations, 77 warnings, seven DUI

arrests, and 82 accidents, including five involving pedestrians or bicycles. Parking violations near Main Street were primarily related to car repair businesses using street parking for vehicles awaiting service. Other notable activities include no drone or crash reconstruction operations this month, continued canine unit operations, and handling of 164 violent crime cases within shared services, with the Millcreek precinct managing 32 assaults, 7 burglaries, 25 drug offenses, and various other crimes. Additionally, the department is reviewing regulations regarding electric bikes, scooters, and motorcycles to adapt to evolving technology and usage patterns.

6. Consent Agenda

6.1 Approval of September 8, 2025 Work Meeting and Regular Meeting Minutes

Council Member DeSirant moved to approve the minutes for the September 18, 2025 work meeting and regular meeting minutes. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

7. New Items for Subsequent Consideration

There was none.

8. Calendar of Upcoming Meetings

- Canyon Rim Citizens Association Mtg., 10/1/25, 7:00 p.m.
- East Mill Creek Community Council Mtg., 10/2/25, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 10/6/25, 6:00 p.m.
- Millcreek Community Council Mtg., 10/7/25, 6:30 p.m.
- Historic Preservation Commission Mtg., 10/9/25, 6:00 p.m.
- City Council Mtg. 10/13/25 7:00 p.m.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:17 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder