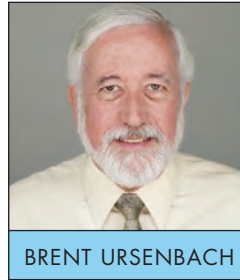


MECHANICAL CODE DISCUSSION

Utah Code — Our Responsibilities as Contractors and Inspectors



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THE UTAH CODE is the compilation of the laws of the state passed by the legislature, arranged by subject, published each year, to incorporate any changes resulting from the annual legislative session and any subsequent special sessions. The Utah Code includes laws, rules and regulations detailed in approximately one hundred different Titles. A few of the regulated areas/titles include financial institutions, cemeteries, collection agencies, bonds, corporations, elections, health, insurance, alcoholic beverages, labor, construction codes, professional licensing, and education. A complete list of and access to all Titles of the



Utah Code may be found at:

<https://le.utah.gov/xcode/code.html>

Several titles of special interest to each of us involved in building construction include Title 15A - State Construction and Fire Codes Act and Title 58 Occupations and Professions. We are generally more familiar with Title 15A as adopted building codes including state amendments are found in 15A; however, Title 58 is critical as professional licensing regulations are found in 58, including licensing for contractors, code officials, engineers, and architects. I'll focus on inspectors and contractors in this discussion. The following are selected and abbreviated sections from Utah Code Title 58:

58-56-9. Qualifications of inspectors.

(1) An inspector employed by a local regulator, state regulator, or compliance agency to enforce the codes shall:

... (c) be subject to revocation or suspension of the inspector's

license or being placed on probation if found guilty of unlawful or unprofessional conduct.

58-56-9.3 Unprofessional conduct

Unprofessional conduct is as defined in Subsection 58-1-501(2) and includes:

... (3) gross negligence in the performance of official duties as a building inspector.

58-55-501. Contractors - Unlawful conduct.

... (16) if licensed under this chapter, willfully or deliberately disregarding, or violating:

(a) the building or construction laws of this state or any political subdivision.

58-55-502 Unprofessional conduct.

... (2) disregarding or violating through gross negligence or a pattern of negligence:

(a) the building or construction laws of this state or any political subdivision.

☛ (Continues top of next page)

While I typically focus on the requirements found in the adopted building codes, it is equally important that we understand our responsibilities as contractors and code officials. Have you or others around you made one of these or similar statements?

- It passed inspection, it must be compliant.
- The owner didn't want me to take out a permit – it doesn't have to comply.
- The builder wanted it done this way.

- My bid didn't include it.
- It's too expensive to comply with the code.
- No one will catch it, or it will be covered with sheet rock.
- I've done it that way for 20 years.

Unfortunately, failure to understand our responsibilities as holders of professional licenses does not absolve us of our responsibilities. It is our duty to comply with the adopted codes and the requirements of our licenses.

The excuses above are not acceptable or reasonable. Contractors, please understand negligent non-compliance with the code is considered unprofessional conduct; likewise, inspectors, negligence in enforcing the adopted codes is also considered unprofessional conduct.

My goal in each of these discussions is to increase your success. Feel free to reach out with your continued comments and questions. Happy New Year — Brent ■



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