

**INSPECTIONS OF PUBLIC SCHOOL BUILDINGS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: R. Mont Evans**

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT A COUNTY OR MUNICIPALITY MAY PROVIDE FOR THE INSPECTION OF SCHOOL CONSTRUCTION IF A SCHOOL DISTRICT IS UNABLE TO PROVIDE ITS OWN QUALIFIED INSPECTOR; DEFINING TERMS; AND MAKING CERTAIN TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-9-106**, as last amended by Chapter 23, Laws of Utah 1992

**17-27-105**, as last amended by Chapter 23, Laws of Utah 1992

**53A-20-104**, as last amended by Chapter 142, Laws of Utah 1988

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

Section 1. Section **10-9-106** is amended to read:

**10-9-106. Property owned by other government units -- Effect of land use and development ordinances.**

(1) (a) Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality's ordinances.

(b) In addition to any other remedies provided by law, when a municipality's land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) A school district is subject to a municipality's land use regulations under this chapter, except that a municipality may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or

use of temporary classroom facilities on school property;

(b) require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless ~~[neither] the school district [nor the state superintendent has provided]~~ is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent ~~[with the approval of the state building board and state fire marshal];~~

(e) require a school district to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or

(f) impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

(3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new school with the municipality in which the school is to be located, to avoid or mitigate existing and potential traffic hazards to maximize school safety.

Section 2. Section **17-27-105** is amended to read:

**17-27-105. Property owned by other government units -- Effect of land use and development ordinances.**

(1) (a) Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any county when installing, constructing, operating, or otherwise using any area, land, or building situated within that county only in a manner or for a purpose that conforms to that county's ordinances.

(b) In addition to any other remedies provided by law, when a county's land use and development ordinances are being violated or about to be violated by another political subdivision, that county may institute injunction, mandamus, abatement, or other appropriate action or proceeding

to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) A school district is subject to a county's land use regulations under this chapter, except that a county may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

(b) require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless ~~[neither] the school district [nor the state superintendent has provided]~~ is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent ~~[with the approval of the state building board and state fire marshal];~~

(e) require a school district to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or

(f) impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

(3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new school with the county in which the school is to be located, to avoid or mitigate existing and potential traffic hazards to maximize school safety.

Section 3. Section **53A-20-104** is amended to read:

**53A-20-104. Enforcement of chapter by state superintendent -- Employment of personnel -- Certificate of occupancy.**

(1) The state superintendent of public instruction shall enforce this chapter.

(2) The superintendent may employ architects or other qualified personnel, or contract with

the State Building Board, the state fire marshal, or a local governmental entity to:

(a) examine the plans and specifications of any school building or alteration submitted under this chapter;

(b) ~~[inspect]~~ verify the inspection of any school building during or following construction; and

(c) perform other functions necessary to ensure compliance with this chapter.

(3) (a) ~~[Certificates]~~ A local school board shall file certificates of ~~[inspection shall be filed]~~ occupancy with the local governmental entity's building official and the State Office of Education for the purpose of advising ~~[that entity]~~ those entities that the school district has complied with the inspection provisions of this chapter.

(b) For purposes of Subsection (3):

(i) "local governmental entity" means either a municipality, for a school building located within a municipality, or a county, for a school building located within an unincorporated area in the county; and

(ii) "certificate of occupancy" means standard inspection forms developed by the state superintendent in consultation with local school boards to verify that inspections by qualified inspectors have occurred.