

1 **INSPECTIONS OF PUBLIC SCHOOL**

2 **BUILDINGS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: R. Mont Evans**

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

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

11 AMENDS:

12 **10-9-106**, as last amended by Chapter 23, Laws of Utah 1992

13 **17-27-105**, as last amended by Chapter 23, Laws of Utah 1992

14 **53A-20-104**, as last amended by Chapter 142, Laws of Utah 1988

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

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

17 **10-9-106. Property owned by other government units -- Effect of land use and**
18 **development ordinances.**

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

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

27 (2) A school district is subject to a municipality's land use regulations under this chapter,

28 except that a municipality may not:

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

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

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

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

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

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

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

48 **17-27-105. Property owned by other government units -- Effect of land use and**
49 **development ordinances.**

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

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

58 (2) A school district is subject to a county's land use regulations under this chapter, except

59 that a county may not:

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

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

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

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

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

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

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

79 **53A-20-104. Enforcement of chapter by state superintendent -- Employment of**
80 **personnel -- Certificate of inspection.**

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

82 (2) The superintendent may employ architects or other qualified personnel, or contract with
83 the State Building Board, the state fire marshal, or a local governmental entity to:

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

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

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

89 (3) ~~(a)~~ [Certificates] A local school board shall file certificates of ~~[inspection shall be filed]~~

90 occupancy with the local governmental entity's building official and the State Office of Education
91 for the purpose of advising [that entity] those entities that the school district has complied with the
92 inspection provisions of this chapter.

93 (b) For purposes of Subsection (3):

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

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

Legislative Review Note
as of 11-19-98 12:56 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Political Subdivisions Interim Committee recommended this bill.