

Effective 11/6/2025

10-20-909 Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

- (a) "Automated review" means a computerized process used to conduct a plan review, including through the use of software and algorithms to assess compliance with an applicable building code, regulation, or ordinance to ensure that a plan meets all of a municipality's required criteria for approval.
- (b) "Business day" means the same as that term is defined in Section 10-20-908.
- (c) "Construction project" means:
 - (i) the same as that term is defined in Section 38-1a-102; or
 - (ii) any work requiring a permit for construction of or on a one- or two-family dwelling, a townhome, or other residential structure built under the State Construction Code and State Fire Code.
- (d) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:
 - (i) a bed and breakfast establishment;
 - (ii) a boarding house;
 - (iii) a dormitory;
 - (iv) a hotel;
 - (v) an inn;
 - (vi) a lodging house;
 - (vii) a motel;
 - (viii) a resort; or
 - (ix) a rooming house.
- (e)
 - (i) "Plan review" means all of the reviews and approvals of a plan that a municipality, including all relevant divisions or departments within a municipality, requires before issuing a building permit, with a scope that may not exceed a review to verify:
 - (A) that the construction project complies with the provisions of the State Construction Code;
 - (B) that the construction project complies with the energy code adopted under Section 15A-2-103;
 - (C) that the construction project complies with local ordinances;
 - (D) that the applicant paid any required fees;
 - (E) that the applicant obtained final approvals from any other required reviewing agencies;
 - (F) that the construction project received a structural review;
 - (G) the total square footage for each building level of finished, garage, and unfinished space; and
 - (H) that the plans include a printed statement indicating that, before the disturbance of land and during the actual construction, the applicant will comply with applicable federal, state, and local laws and ordinances, including any storm water protection laws and ordinances.
 - (ii) "Plan review" does not mean a review of:
 - (A) a document required to be re-submitted for a construction project other than a construction project for a one- or two-family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;
 - (B) a document submitted as part of a deferred submittal when requested by the applicant and approved by the building official;
 - (C) a document that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party; or

- (D) a storm water permit.
 - (f) "Screening period" means the three business days following the day on which an applicant submits an application.
 - (g) "State Construction Code" means the same as that term is defined in Section 15A-1-102.
 - (h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
 - (i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.
 - (j) "Structural review" means:
 - (i) a review that verifies that a construction project complies with the following:
 - (A) footing size and bar placement;
 - (B) foundation thickness and bar placement;
 - (C) beam and header sizes;
 - (D) nailing patterns;
 - (E) bearing points;
 - (F) structural member size and span; and
 - (G) sheathing; or
 - (ii) if the review exceeds the scope of the review described in Subsection (1)(j)(i), a review that a licensed engineer conducts.
 - (k) "Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.
- (2)
- (a) If a municipality collects a fee for the inspection of a construction project, the municipality shall ensure that the construction project receives a prompt inspection as described in Subsection (2)(b).
 - (b) If a municipality cannot provide a building inspection within three business days after the day on which the municipality receives the request for the inspection, the building permit applicant may engage a third-party inspection firm from the third-party inspection firm list described in Section 15A-1-105.
 - (c) Notwithstanding Subsection (2)(b), if an applicant requests that an inspection take place on a date that is more than three days from the day on which the applicant requests the inspection, the municipality shall conduct the inspection on the date requested.
 - (d) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:
 - (i) identifies each violation;
 - (ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and
 - (iii) is delivered:
 - (A) in hardcopy or by electronic means; and
 - (B) the day on which the inspection occurs.
- (3)
- (a)
 - (i) A municipality that receives an application for a plan review shall determine if the application is complete, as described in Subsection (12), within the screening period.
 - (ii) If the municipality determines an application for a plan review is complete as described in Subsection (12) within the screening period, the municipality shall begin the plan review process described in Subsection (4).
 - (b) If the municipality determines that an application for a plan review is not complete as described in Subsection (12), and if the municipality notifies the applicant of the municipality's determination:

- (i) before 5 p.m. on the last day of the screening period, the municipality may:
 - (A) pause the screening period until the applicant ensures the application meets the requirements of Subsection (12); or
 - (B) reject the incomplete application; or
- (ii) after 5 p.m. on the last day of the screening period, the municipality may not pause the screening period and shall begin the plan review process described in Subsection (4).
- (c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant resubmits the application, the resubmission begins a new screening period in which the municipality shall review the resubmitted application to determine if the application is complete as described in Subsection (12).
- (d) If the municipality gives notice of an incomplete application after 5 p.m. on the last day of the screening period, the municipality:
 - (i) shall immediately notify the applicant that the municipality has determined the application is not complete and the basis for the determination;
 - (ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time period described in Subsection (4); and
 - (iii) may pause the relevant time period described in Subsection (4)(a) or (b) as described in Subsection (4)(c).
- (4)
 - (a) Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a one- or two-family dwelling or townhome by no later than 14 business days after the day on which the screening period for the application ends.
 - (b) Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a residential structure built under the State Construction Code that is not a one- or two-family dwelling, townhome, or a lodging establishment, by no later than 21 business days after the day on which the screening period for the application ends.
 - (c) If a municipality gives notice of an incomplete application as described in Subsection (3)(d), the municipality:
 - (i) may pause the time period described in Subsection (4)(a) or (b):
 - (A) within the last five days of the relevant time period; and
 - (B) until the applicant provides the municipality with the information necessary to consider the application complete under Subsection (12); and
 - (ii) shall resume the relevant time period upon receipt of the information necessary to consider the application complete; and
 - (iii) may, if necessary, use five additional days beginning the day on which the municipality receives the information described in Subsection (4)(c)(ii) to consider whether the application meets the requirements for a building permit, even if the five additional days extend beyond the relevant time period described in Subsection 4(a) or (b).
 - (d) If, at the conclusion of plan review, the municipality determines the application meets the requirements for a building permit, the municipality shall approve the application and, subject to Subsection (10)(b), issue the building permit to the applicant.
- (5)
 - (a) A municipality may utilize another government entity to determine if an application is complete or perform a plan review, in whole or in part.

- (b) A municipality that utilizes another government entity to determine if an application is complete or perform a plan review, as described in Subsection (5)(a), shall:
 - (i) notify any other government entities, including water providers, within 24 hours of receiving any building permit application; and
 - (ii) provide the government entity all documents necessary to determine if an application is complete or perform a plan review, in whole or in part, as requested by the municipality.
- (6) A government entity determining if an application is complete or performing a plan review, in whole or in part, as requested by a municipality, shall:
 - (a) comply with the requirements of this chapter; and
 - (b) notify the municipality within the screening period whether the application, or a portion of the application, is complete.
- (7) An applicant may:
 - (a) waive the plan review time requirements described in Subsection (4); or
 - (b) with the municipality's written consent, establish an alternative plan review time requirement.
- (8)
 - (a) A municipality may not enforce a requirement to have a plan review if:
 - (i) the municipality does not complete the plan review within the relevant time period described in Subsection (4); and
 - (ii) a licensed architect or structural engineer, or both when required by law, stamps the plan.
 - (b) If a municipality is prohibited from enforcing a requirement to have a plan review under Subsection (8)(a), the municipality shall return to the applicant the plan review fee.
- (9)
 - (a) A municipality may attach to a reviewed plan a list that includes:
 - (i) items with which the municipality is concerned and may enforce during construction; and
 - (ii) building code violations found in the plan.
 - (b) A municipality may not require an applicant to redraft a plan if the city requests minor changes to the plan that the list described in Subsection (9)(a) identifies.
 - (c) A municipality may only require a single resubmittal of plans for a one- or two-family dwelling or townhome if deficiencies in the plan would affect the site plan interaction or footprint of the design.
- (10)
 - (a) If a municipality charges a fee for a building permit, the municipality may not refuse payment of the fee at the time the applicant submits an application under Subsection (3).
 - (b) If a municipality charges a fee for a building permit and does not require the fee for a building permit be included in an application for plan review, upon approval of an application for plan review under Subsection (4)(d), the municipality may require the applicant to pay the fee for the building permit before the municipality issues the building permit.
- (11) A municipality may not limit the number of applications submitted under Subsection (3).
- (12) For purposes of Subsection (3), an application for plan review is complete if the application contains:
 - (a) the name, address, and contact information of:
 - (i) the applicant; and
 - (ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;
 - (b) a site plan for the construction project that:
 - (i) is drawn to scale;
 - (ii) includes a north arrow and legend; and
 - (iii) provides specifications for the following:

- (A) lot size and dimensions;
 - (B) setbacks and overhangs for setbacks;
 - (C) easements;
 - (D) property lines;
 - (E) topographical details, if the slope of the lot is greater than 10%;
 - (F) retaining walls;
 - (G) hard surface areas;
 - (H) curb and gutter elevations as indicated in the subdivision documents;
 - (I) existing and proposed utilities, including water, sewer, and subsurface drainage facilities;
 - (J) street names;
 - (K) driveway locations;
 - (L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and
 - (M) the location of the nearest hydrant;
 - (c) construction plans and drawings, including:
 - (i) elevations, only if the construction project is new construction;
 - (ii) floor plans for each level, including the location and size of doors, windows, and egress;
 - (iii) foundation, structural, and framing detail;
 - (iv) electrical, mechanical, and plumbing design;
 - (v) a licensed architect's or structural engineer's stamp, when required by law; and
 - (vi) fire suppression details, when required by fire code;
 - (d) documentation of energy code compliance;
 - (e) structural calculations, except for trusses;
 - (f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:
 - (i) the slope of the lot is greater than 15%; and
 - (ii) required by the city;
 - (g) a statement indicating:
 - (i) before land disturbance occurs on the subject property, the applicant will obtain a storm water permit; and
 - (ii) during actual construction, the applicant shall comply with applicable local ordinances and building codes; and
 - (h) the fees, if any, established by ordinance for the municipality to perform a plan review.
- (13) A municipality may, at the municipality's discretion, utilize automated review to fulfill, in whole or in part, the municipality's obligation to conduct a plan review described in this section.

Renumbered and Amended by Chapter 15, 2025 Special Session 1