

**Effective 5/1/2024**

**10-6-160 Fees collected for construction approval -- Approval of plans.**

(1) As used in this section:

- (a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.
- (b) "Construction project" means the same as that term is defined in Section 38-1a-102.
- (c) "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.
- (d) "Planning review" means a review to verify that a city has approved the following elements of a construction project:
  - (i) zoning;
  - (ii) lot sizes;
  - (iii) setbacks;
  - (iv) easements;
  - (v) curb and gutter elevations;
  - (vi) grades and slopes;
  - (vii) utilities;
  - (viii) street names;
  - (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and
  - (x) subdivision.
- (e)
  - (i) "Plan review" means all of the reviews and approvals of a plan that a city requires to obtain a building permit from the city 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 under Title 15A, State Construction and Fire Codes Act;
    - (B) that the construction project complies with the energy code adopted under Section 15A-2-103;
    - (C) that the construction project received a planning review;
    - (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 complies with federal, state, and local storm water protection laws;
    - (G) that the construction project received a structural review;
    - (H) the total square footage for each building level of finished, garage, and unfinished space; and
    - (I) that the plans include a printed statement indicating that the actual construction will comply with applicable local ordinances and the state construction codes.
  - (ii) "Plan review" does not mean a review of a document:

- (A) required to be re-submitted for a construction project other than a construction project for a one to two family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;
  - (B) submitted as part of a deferred submittal when requested by the applicant and approved by the building official; or
  - (C) that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party.
- (f) "State Construction Code" means the same as that term is defined in Section 15A-1-102.
  - (g) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
  - (h) "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)(h)(i), a review that a licensed engineer conducts.
  - (i) "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 city collects a fee for the inspection of a construction project, the city shall ensure that the construction project receives a prompt inspection as described in Subsection (2)(b).
  - (b) If a city cannot provide a building inspection within three business days after the day on which the city 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 city 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) A city shall complete a plan review of a construction project for a one to two family dwelling or townhome by no later than 14 business days after the day on which the applicant submits a complete building permit application to the city.
  - (b) A city shall complete a plan review of a construction project for a residential structure built under the International Building Code, not including a lodging establishment, by no later than 21 business days after the day on which the applicant submits a complete building permit application to the city.

- (c)
  - (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the city complete the plan review.
  - (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the plan review no later than:
    - (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the applicant makes the request; or
    - (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the applicant makes the request.
- (d) An applicant may:
  - (i) waive the plan review time requirements described in this Subsection (3); or
  - (ii) with the city's consent, establish an alternative plan review time requirement.
- (4) A city may not enforce a requirement to have a plan review if:
  - (a) the city does not complete the plan review within the time period described in Subsection (3)(a) or (b); and
  - (b) a licensed architect or structural engineer, or both when required by law, stamps the plan.
- (5)
  - (a) A city may attach to a reviewed plan a list that includes:
    - (i) items with which the city is concerned and may enforce during construction; and
    - (ii) building code violations found in the plan.
  - (b) A city may not require an applicant to redraft a plan if the city requests minor changes to the plan that the list described in Subsection (5)(a) identifies.
  - (c) A city may only require a single resubmittal of plans for a one or two family dwelling or townhome if the resubmission is required to address deficiencies identified by a third-party review of a geotechnical report or geological report.
- (6) If a city charges a fee for a building permit, the city may not refuse payment of the fee at the time the applicant submits a building permit application under Subsection (3).
- (7) A city may not limit the number of building permit applications submitted under Subsection (3).
- (8) For purposes of Subsection (3), a building permit application 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) utilities, including water meter and sewer lateral location;

- (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 and windows;
  - (iii) foundation, structural, and framing detail; and
  - (iv) electrical, mechanical, and plumbing design;
- (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; and
- (g) a statement indicating that actual construction will comply with applicable local ordinances and building codes.

Amended by Chapter 375, 2024 General Session