

Effective 7/1/2024

15A-1-104 Permit approval required -- Certificate of occupancy valid.

- (1) As used in this section:
 - (a) "Completed noncompliant structure" means a structure that was constructed and completed without:
 - (i) obtaining a building permit;
 - (ii) passing inspections; or
 - (iii) obtaining a certificate of occupancy as required by Section 15A-1-204.
 - (b) "Compliance agency" means the same as that term is defined in Section 15A-1-202.
 - (c) "Project" means the same as that term is defined in Section 15A-1-209.
- (2) A compliance agency for a political subdivision may not reject a permit, or withhold approval of a project whenever approval is required, for failure to comply with the applicable provisions of this title unless the compliance agency:
 - (a) cites with specificity the applicable provision with which the project has failed to comply; and
 - (b) describes how the project has failed to comply.
- (3) A municipality may not withhold a permit or project approval for a project because of a completed noncompliant structure on the same property provided that the completed noncompliant structure:
 - (a) has been completed for five years or more;
 - (b) does not pose a health, life, or safety concern;
 - (c) is unrelated to, independent from, and not affected by the project; and
 - (d) is outside the scope of work under the permit for the project.
- (4) A municipality may require additional permitting, engineering, or inspections for a completed noncompliant structure if it:
 - (a) has been completed for ten years or less; or
 - (b) poses a health, life, or safety concern.
- (5) If a compliance agency or a representative of a compliance agency issues a certificate of occupancy, the compliance agency may not withdraw the certificate of occupancy or exert additional jurisdiction over the elements of the project for which the certificate was issued unless additional changes or modifications requiring a building permit are made to elements of the project after the certificate was issued.

Amended by Chapter 505, 2024 General Session