

Effective 5/1/2024

17-36-55 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 county 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 county requires to obtain a building permit from the county 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 county collects a fee for the inspection of a construction project, the county shall ensure that the construction project receives a prompt inspection.
 - (b) If a county cannot provide a building inspection within three business days after the day on which the county receives the request for the inspection, the applicant may engage an inspection with a third-party inspection firm from the third-party inspection firm list, as described in Section 15A-1-105.
 - (c) 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 county 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 county.
 - (b) A county 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 county.
 - (c)

- (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review before the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the county complete the plan review.
- (ii) If an applicant makes a request under Subsection (3)(c)(i), the county 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 county's consent, establish an alternative plan review time requirement.
- (4) A county may not enforce a requirement to have a plan review if:
 - (a) the county 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 county may attach to a reviewed plan a list that includes:
 - (i) items with which the county is concerned and may enforce during construction; and
 - (ii) building code violations found in the plan.
 - (b) A county may not require an applicant to redraft a plan if the county requests minor changes to the plan that the list described in Subsection (5)(a) identifies.
 - (c) A county may 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 county charges a fee for a building permit, the county may not refuse payment of the fee at the time the applicant submits a building permit application under Subsection (3).
- (7) A county 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 county; and
- (g) a statement indicating that actual construction will comply with applicable local ordinances and building codes.

Amended by Chapter 375, 2024 General Session