

**CERTIFIED PRIVATE BUILDING**

**INSPECTOR AUTHORIZED**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas C. Aagard**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies county and municipal land use provisions relating to building inspections.

**Highlighted Provisions:**

This bill:

- ▶ prohibits counties and municipalities from withholding approval of an improvement, modification, or addition to an owner's residence based on the lack of an inspection by a county or municipal building inspector if a certified building inspector, hired and paid by the owner, certifies that the improvement, modification, or addition complies with applicable standards.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-802**, as renumbered and amended by Laws of Utah 2005, Chapter 254

**17-27a-802**, as renumbered and amended by Laws of Utah 2005, Chapter 254



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

29 Section 1. Section **10-9a-802** is amended to read:

30 **10-9a-802. Enforcement.**

31 (1) (a) A municipality or any adversely affected owner of real estate within the  
32 municipality in which violations of this chapter or ordinances enacted under the authority of  
33 this chapter occur or are about to occur may, in addition to other remedies provided by law,  
34 institute:

- 35 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 36 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

37 (b) A municipality need only establish the violation to obtain the injunction.

38 (2) (a) [~~The~~] A municipality may enforce the ordinance by withholding building  
39 permits.

40 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any  
41 building or other structure within a municipality without approval of a building permit.

42 (c) [~~The~~] A municipality may not issue a building permit unless the plans of and for the  
43 proposed erection, construction, reconstruction, alteration, or use fully conform to all  
44 regulations then in effect.

45 (d) A municipality may not withhold approval of an improvement, modification, or  
46 addition to an owner's residence based on a failure to obtain approval of a municipal building  
47 inspector if an independent, certified building inspector, hired and paid by the owner, certifies  
48 that the improvement, modification, or addition complies with applicable standards.

49 Section 2. Section **17-27a-802** is amended to read:

50 **17-27a-802. Enforcement.**

51 (1) (a) A county or any adversely affected owner of real estate within the county in  
52 which violations of this chapter or ordinances enacted under the authority of this chapter occur  
53 or are about to occur may, in addition to other remedies provided by law, institute:

- 54 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 55 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

56 (b) A county need only establish the violation to obtain the injunction.

57 (2) (a) The county may enforce the ordinance by withholding building permits.

58 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any

59 building or other structure within a county without approval of a building permit.

60 (c) The county may not issue a building permit unless the plans of and for the proposed  
61 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in  
62 effect.

63 (d) A county may not withhold approval of an improvement, modification, or addition  
64 to an owner's residence based on a failure to obtain approval of a county building inspector if  
65 an independent, certified building inspector, hired and paid by the owner, certifies that the  
66 improvement, modification, or addition complies with applicable standards.

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**Legislative Review Note**  
as of 1-15-08 10:23 AM

**Office of Legislative Research and General Counsel**

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**H.B. 293 - Certified Private Building Inspector Authorized**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill could result in a potential loss of local revenue of \$50,000 annually.

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