

Senator J. Stuart Adams proposes the following substitute bill:

LOCAL GOVERNMENT INSPECTION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill enacts language related to construction inspections by local government.

Highlighted Provisions:

This bill:

- ▶ addresses fees collected for construction inspections;
- ▶ prohibits a compliance agency from denying a permit or withdrawing a certificate of occupancy in certain circumstances; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-5-132, Utah Code Annotated 1953

10-6-160, Utah Code Annotated 1953

15A-1-104, Utah Code Annotated 1953

17-36-55, Utah Code Annotated 1953



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27 *Be it enacted by the Legislature of the state of Utah:*28 Section 1. Section **10-5-132** is enacted to read:29 **10-5-132. Fees collected for construction or land use approval.**30 (1) As used in this section, "construction project" is as defined in Section [38-1a-102](#).

31 (2) ~~Ŝ → [A fee collected by a town]~~ If a town collects a fee ←Ŝ for the inspection of a
 31a1 construction project ~~Ĥ → [] ←Ĥ~~
 31a ~~Ŝ → , the town ←Ŝ~~ shall ensure
 32 that the construction project receives a prompt inspection.

33 (3) If a town cannot provide a building inspection within a reasonable time, the town
 34 shall promptly engage an independent inspector with fees collected from the applicant.

35 Section 2. Section **10-6-160** is enacted to read:36 **10-6-160. Fees collected for construction or land use approval.**37 (1) As used in this section, "construction project" is as defined in Section [38-1a-102](#).

38 (2) ~~Ŝ → [A fee collected by a city]~~ If a city collects a fee ←Ŝ for the inspection of a
 38a1 construction project ~~Ĥ → [] ←Ĥ~~
 38a ~~Ŝ → , the city ←Ŝ~~ shall ensure
 39 that the construction project receives a prompt inspection.

40 (3) If a city cannot provide a building inspection within three business days, the city
 41 shall promptly engage an independent inspector with fees collected from the applicant.

42 Section 3. Section **15A-1-104** is enacted to read:43 **15A-1-104. Permit approval required -- Certificate of occupancy valid.**44 (1) As used in this section:45 (a) "Compliance agency" is as defined in Section [15A-1-202](#).46 (b) "Project" is as defined in Section [15A-1-209](#).

47 (2) A compliance agency for a political subdivision may not reject a permit ~~Ĥ → , ←Ĥ~~ or
 48 otherwise withhold approval of a project whenever approval is required ~~Ĥ → , ←Ĥ~~ for
 48a failure to comply
 49 with the applicable provisions of this title unless the compliance agency:

50 (a) cites with specificity the applicable provision with which the project has failed to
 51 comply; and

52 (b) describes how the project has failed to comply.

53 (3) If a compliance agency or a representative of a compliance agency issues a
 54 certificate of occupancy, the compliance agency may not withdraw the certificate of occupancy
 55 or exert additional jurisdiction over the elements of the project for which the certificate was
 56 issued unless additional changes or modifications requiring a building permit are made to

57 elements of the project after the certificate was issued.

58 Section 4. Section 17-36-55 is enacted to read:

59 **17-36-55. Fees collected for construction or land use approval.**

60 (1) As used in this section, "construction project" is as defined in Section [38-1a-102](#).

61 (2) ~~§~~ ~~[A fee collected by a county]~~ If a county collects a fee ~~←§~~ for the inspection of a
61a1 construction project ~~§~~ ~~[§]~~ ~~←§~~ ~~§~~ ~~→~~ , the county ~~←§~~ shall
61a ensure
62 that the construction project receives a prompt inspection.

63 (3) If a county cannot provide a building inspection within three business days, the
64 county shall promptly engage an independent inspector with fees collected from the applicant.