

1 **LOCAL GOVERNMENT INSPECTION AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: J. Stuart Adams**

5 House Sponsor: Daniel McCay

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

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

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **10-5-132**, Utah Code Annotated 1953

23 **10-6-160**, Utah Code Annotated 1953

24 **15A-1-104**, Utah Code Annotated 1953

25 **17-36-55**, Utah Code Annotated 1953

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 approval.**

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

31 (2) If a town collects a fee for the inspection of a construction project, the town shall
32 ensure 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 approval.**

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

38 (2) If a city collects a fee for the inspection of a construction project, the city shall
39 ensure 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, or
48 otherwise withhold approval of a project whenever approval is required, for 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 approval.**

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

61 (2) If a county collects a fee for the inspection of a construction project, the county
62 shall ensure 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.