

**BUILDING PERMIT AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Schultz**

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

---

---

**LONG TITLE**

**General Description:**

This bill establishes requirements and conditions for a land use authority to authorize an applicant to post an improvement completion assurance.

**Highlighted Provisions:**

This bill:

▶ establishes requirements and conditions for a municipal or county land use authority to authorize an applicant to post an improvement completion assurance.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**10-9a-604.5**, as repealed and reenacted by Laws of Utah 2013, Chapter 309

**17-27a-604.5**, as repealed and reenacted by Laws of Utah 2013, Chapter 309

---

---

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

Section 1. Section **10-9a-604.5** is amended to read:

**10-9a-604.5. Subdivision plat recording or development activity before required infrastructure is completed -- Infrastructure completion assurance -- Infrastructure**



28 **warranty.**

29 (1) A land use authority shall establish objective inspection standards for acceptance of  
30 a landscaping or infrastructure improvement required by the land use authority as a condition  
31 of:

32 (a) subdivision; or

33 (b) development activity.

34 (2) (a) [~~A~~] Except as provided in Subsection (2)(b), a land use authority shall require  
35 an applicant to complete a required landscaping or infrastructure improvement prior to any plat  
36 recordation or development activity.

37 (b) [~~Subsection (2)(a) does not apply if~~] A land use authority shall:

38 (i) upon the applicant's request, [~~the land use authority has authorized~~] authorize the  
39 applicant to post an improvement completion assurance in a manner that is consistent with  
40 local ordinance and Subsection (2)(c); and

41 (ii) [~~the land use authority has established~~] establish a system for the partial release of  
42 the improvement completion assurance as portions of required improvements are completed  
43 and accepted.

44 (c) As a condition for authorizing an applicant to post an improvement completion  
45 assurance under Subsection (2)(b), a land use authority:

46 (i) may require the applicant to make improvements to meet basic safety standards; and

47 (ii) may not require the applicant to complete all landscaping or infrastructure  
48 improvements.

49 (3) At any time up to the land use authority's acceptance of a landscaping or  
50 infrastructure improvement, and for the duration of each improvement warranty period, the  
51 land use authority may require the developer to:

52 (a) execute an improvement warranty for the improvement warranty period; and

53 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as  
54 required by the municipality, in the amount of up to 10% of the lesser of the:

55 (i) engineer's original estimated cost of completion; or

56 (ii) applicant's reasonable proven cost of completion.

57 Section 2. Section **17-27a-604.5** is amended to read:

58 **17-27a-604.5. Subdivision plat recording or development activity before required**

59 **infrastructure is completed -- Infrastructure completion assurance -- Infrastructure**  
 60 **warranty.**

61 (1) A land use authority shall establish objective inspection standards for acceptance of  
 62 a landscaping or infrastructure improvement required by the land use authority as a condition  
 63 of:

64 (a) subdivision; or

65 (b) development activity.

66 (2) (a) ~~[A]~~ Except as provided in Subsection (2)(b), a land use authority shall require  
 67 an applicant to complete a required landscaping or infrastructure improvement prior to any plat  
 68 recordation or development activity.

69 (b) ~~[Subsection (2)(a) does not apply if]~~ A land use authority shall:

70 (i) upon the applicant's request, ~~[the land use authority has authorized]~~ authorize the  
 71 applicant to post an improvement completion assurance in a manner that is consistent with  
 72 local ordinance and Subsection (2)(c); and

73 (ii) ~~[the land use authority has established]~~ establish a system for the partial release of  
 74 the improvement completion assurance as portions of required improvements are completed  
 75 and accepted.

76 (c) As a condition for authorizing an applicant to post an improvement completion  
 77 assurance under Subsection (2)(b), a land use authority:

78 (i) may require the applicant to make improvements to meet basic safety standards; and

79 (ii) may not require the applicant to complete all landscaping or infrastructure  
 80 improvements.

81 (3) At any time up to the land use authority's acceptance of a landscaping or  
 82 infrastructure improvement, and for the duration of each improvement warranty period, the  
 83 land use authority may require the developer to:

84 (a) execute an improvement warranty for the improvement warranty period; and

85 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as  
 86 required by the county, in the amount of up to 10% of the lesser of the:

87 (i) engineer's original estimated cost of completion; or

88 (ii) applicant's reasonable proven cost of completion.

89 Section 3. **Effective date.**

This bill takes effect on January 1, 2016.

---

---

**Legislative Review Note**  
**as of 2-10-15 5:14 PM**

**Office of Legislative Research and General Counsel**