

1 **LOCAL GOVERNMENT PLAN REVIEW AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Mike Schultz

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses review of construction plans by local governments.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ establishes a time period within which a county, city, or town shall review certain
- 13 construction plans;
- 14 ▶ provides that if the county, city, or town does not act within the time period, under
- 15 certain circumstances the authority to review does not apply;
- 16 ▶ provides repeal dates; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-5-132**, as enacted by Laws of Utah 2014, Chapter 197

25 **10-6-160**, as enacted by Laws of Utah 2014, Chapter 197

26 **17-36-55**, as enacted by Laws of Utah 2014, Chapter 197

27 **63I-1-210**, as last amended by Laws of Utah 2016, Chapter 131

28 ENACTS:

29 **63I-1-217**, Utah Code Annotated 1953

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57

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

Section 1. Section **10-5-132** is amended to read:

10-5-132. Fees collected for construction approval -- Approval of plans.

(1) As used in this section~~[;]~~:

(a) ~~["construction"]~~ "Construction project" [is as] means the same as that term is defined
in Section 38-1a-102.

(b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are
required by a town to obtain a building permit from the town.

(ii) "Initial plan review" does not mean a review of a document:

(A) required to be re-submitted for additional modifications or changes identified by
the plan review;

(B) submitted as part of a deferred submittal when requested 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.

(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 hotel;

(iv) an inn;

(v) a lodging house;

(vi) a motel;

(vii) a resort; or

(viii) a rooming house.

(2) (a) If a town collects a fee for the inspection of a construction project, the town
shall ensure that the construction project receives a prompt inspection.

~~[(3)]~~ (b) If a town cannot provide a building inspection within a reasonable time, the

58 town shall promptly engage an independent inspector with fees collected from the applicant.

59 (3) (a) A town shall complete an initial plan review of a construction project for a one
60 to two family dwelling or townhome by no later than 14 business days after the day on which
61 the plan is submitted to the town.

62 (b) A town shall complete an initial plan review of a construction project for a
63 residential structure built under the International Building Code, not including a lodging
64 establishment, by no later than 21 business days after the day on which the plan is submitted to
65 the town.

66 (c) A town may not enforce a requirement to have an initial plan reviewed by the town
67 if:

68 (i) the town does not complete the initial plan review within the time period described
69 in Subsection (3)(a) or (b); and

70 (ii) the plan is stamped by a licensed architect or structural engineer.

71 Section 2. Section **10-6-160** is amended to read:

72 **10-6-160. Fees collected for construction approval -- Approval of plans.**

73 (1) As used in this section[;]:

74 (a) [~~"construction]~~ "Construction project" [is as] means the same as that term is defined
75 in Section 38-1a-102.

76 (b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are
77 required by a city to obtain a building permit from the city.

78 (ii) "Initial plan review" does not mean a review of a document:

79 (A) required to be re-submitted for additional modifications or changes identified by
80 the plan review;

81 (B) submitted as part of a deferred submittal when requested by the building official; or

82 (C) that, due to the document's technical nature or on the request of the applicant, is
83 reviewed by a third party.

84 (c) "Lodging establishment" means a place providing temporary sleeping
85 accommodations to the public, including any of the following:

86 (i) a bed and breakfast establishment;

87 (ii) a boarding house;

88 (iii) a hotel;

89 (iv) an inn;

90 (v) a lodging house;

91 (vi) a motel;

92 (vii) a resort; or

93 (viii) a rooming house.

94 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall
95 ensure that the construction project receives a prompt inspection.

96 ~~[(3)]~~ (b) If a city cannot provide a building inspection within three business days, the
97 city shall promptly engage an independent inspector with fees collected from the applicant.

98 (3) (a) A city shall complete an initial plan review of a construction project for a one to
99 two family dwelling or townhome by no later than 14 business days after the day on which the
100 plan is submitted to the city.

101 (b) A city shall complete an initial plan review of a construction project for a
102 residential structure built under the International Building Code, not including a lodging
103 establishment, by no later than 21 business days after the day on which the plan is submitted to
104 the city.

105 (c) A city may not enforce a requirement to have an initial plan reviewed by the city if:

106 (i) the city does not complete the initial plan review within the time period described in

107 Subsection (3)(a) or (b); and

108 (ii) the plan is stamped by a licensed architect or structural engineer.

109 Section 3. Section 17-36-55 is amended to read:

110 **17-36-55. Fees collected for construction approval -- Approval of plans.**

111 (1) As used in this section~~;~~:

112 (a) ~~["construction"]~~ "Construction project" [is as] means the same as that term is defined
113 in Section 38-1a-102.

114 (b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are
115 required by a county to obtain a building permit from the county.

116 (ii) "Initial plan review" does not mean a review of a document:

117 (A) required to be re-submitted for additional modifications or changes identified by
118 the plan review;

119 (B) submitted as part of a deferred submittal when requested by the building official; or

120 (C) that, due to the document's technical nature or on the request of the applicant, is
121 reviewed by a third party.

122 (c) "Lodging establishment" means a place providing temporary sleeping
123 accommodations to the public, including any of the following:

124 (i) a bed and breakfast establishment;

125 (ii) a boarding house;

126 (iii) a hotel;

127 (iv) an inn;

128 (v) a lodging house;

129 (vi) a motel;

130 (vii) a resort; or

131 (viii) a rooming house.

132 (2) (a) If a county collects a fee for the inspection of a construction project, the county
133 shall ensure that the construction project receives a prompt inspection.

134 [~~3~~] (b) If a county cannot provide a building inspection within three business days,
135 the county shall promptly engage an independent inspector with fees collected from the
136 applicant.

137 (3) (a) A county shall complete an initial plan review of a construction project for a one
138 to two family dwelling or townhome by no later than 14 business days after the day on which
139 the plan is submitted to the county.

140 (b) A county shall complete an initial plan review of a construction project for a
141 residential structure built under the International Building Code, not including a lodging

142 establishment, by no later than 21 business days after the day on which the plan is submitted to
143 the county.

144 (c) A county may not enforce a requirement to have an initial plan reviewed by the
145 county if:

146 (i) the county does not complete the initial plan review within the time period
147 described in Subsection (3)(a) or (b); and

148 (ii) the plan is stamped by a licensed architect or structural engineer.

149 Section 4. Section **63I-1-210** is amended to read:

150 **63I-1-210. Repeal dates, Title 10.**

151 (1) (a) Subsections [10-5-132](#)(1)(b), (1)(c), and (3) are repealed July 1, 2018.

152 (b) When repealing the subsections listed in Subsection (1)(a), the Office of Legislative
153 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3),
154 make other modifications necessary to ensure that the remaining subsections are complete
155 sentences, grammatically correct, and have correct numbering and cross references to
156 accurately reflect the office's perception of the Legislature's intent.

157 (2) (a) Subsections [10-6-160](#)(1)(b), (1)(c), and (3) are repealed July 1, 2018.

158 (b) When repealing the subsections listed in Subsection (2)(a), the Office of Legislative
159 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3),
160 make other modifications necessary to ensure that the remaining subsections are complete
161 sentences, grammatically correct, and have correct numbering and cross references to
162 accurately reflect the office's perception of the Legislature's intent.

163 (3) Section [10-9a-526](#) is repealed December 31, 2020.

164 Section 5. Section **63I-1-217** is enacted to read:

165 **63I-1-217. Repeal dates, Title 17.**

166 (1) Subsections [17-36-55](#)(1)(b), (1)(c), and (3) are repealed July 1, 2018.

167 (2) When repealing the subsections listed in Subsection (1), the Office of Legislative
168 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3),
169 make other modifications necessary to ensure that the remaining subsections are complete

170 sentences, grammatically correct, and have correct numbering and cross references to
171 accurately reflect the office's perception of the Legislature's intent.