LOCAL GOVERNMENT BUILDING REGULATION
2020 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Paul Ray
Senate Sponsor:
LONG TITLE
General Description:
This bill amends provisions relating to local government building regulation.
Highlighted Provisions:
This bill:
► defines terms;
• allows a building permit applicant to opt out of certain local building inspection or
plan review requirements in specified circumstances; and
 prohibits a municipality or county from regulating certain building design elements.
Money Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
10-5-132, as last amended by Laws of Utah 2019, Chapter 20
10-6-160, as last amended by Laws of Utah 2018, Chapter 236
17-36-55, as last amended by Laws of Utah 2019, Chapter 20
ENACTS:
10-9a-529, Utah Code Annotated 1953
17-27a-527 , Utah Code Annotated 1953

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 project" means the same as that term is defined in Section 38-1a-102.
(b) "Licensed building inspector" means an individual who is licensed by the Division
of Occupational and Professional Licensing under Title 58, Chapter 56, Building Inspector and
Factory Built Housing Licensing Act.
[(b)] (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 dormitory;
(iv) a hotel;
(v) an inn;
(vi) a lodging house;
(vii) a motel;
(viii) a resort; or
(ix) a rooming house.
[(c)] (d) "Planning review" means a review to verify that a town has approved the
following elements of a construction project:
(i) zoning;
(ii) lot sizes;
(iii) setbacks;
(iv) easements;
(v) curb and gutter elevations;
(vi) grades and slopes;
(vii) utilities;
(viii) street names;
(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban

59	Interface Code adopted under Section 15A-2-103; and
60	(x) subdivision.
61	[(d)] (e) (i) "Plan review" means all of the reviews and approvals of a plan that a town
62	requires to obtain a building permit from the town with a scope that may not exceed a review to
63	verify:
64	(A) that the construction project complies with the provisions of the State Construction
65	Code under Title 15A, State Construction and Fire Codes Act;
66	(B) that the construction project complies with the energy code adopted under Section
67	15A-2-103;
68	(C) that the construction project received a planning review;
69	(D) that the applicant paid any required fees;
70	(E) that the applicant obtained final approvals from any other required reviewing
71	agencies;
72	(F) that the construction project complies with federal, state, and local storm water
73	protection laws;
74	(G) that the construction project received a structural review;
75	(H) the total square footage for each building level of finished, garage, and unfinished
76	space; and
77	(I) that the plans include a printed statement indicating that the actual construction will
78	comply with applicable local ordinances and the state construction codes.
79	(ii) "Plan review" does not mean a review of a document:
80	(A) required to be re-submitted for additional modifications or substantive changes
81	identified by the plan review;
82	(B) submitted as part of a deferred submittal when requested by the applicant and
83	approved by the building official; or
84	(C) that, due to the document's technical nature or on the request of the applicant, is
85	reviewed by a third party.
86	[(c)] (f) "State Construction Code" means the same as that term is defined in Section
87	15A-1-102.
88	[(f)] (g) "State Fire Code" means the same as that term is defined in Section
89	15A-1-102.

90	[(g)] (h) "Structural review" means:
91	(i) a review that verifies that a construction project complies with the following:
92	(A) footing size and bar placement;
93	(B) foundation thickness and bar placement;
94	(C) beam and header sizes;
95	(D) nailing patterns;
96	(E) bearing points;
97	(F) structural member size and span; and
98	(G) sheathing; or
99	(ii) if the review exceeds the scope of the review described in Subsection $(1)[(e)](h)(i)$,
100	a review that a licensed engineer conducts.
101	$[\frac{h}{h}]$ (i) "Technical nature" means a characteristic that places an item outside the
102	training and expertise of an individual who regularly performs plan reviews.
103	(2) (a) If a town collects a fee for the inspection of a construction project, the town
104	shall ensure that the construction project receives a prompt inspection.
105	(b) If a town cannot provide a building inspection within a reasonable time, the town
106	shall promptly engage an independent inspector with fees collected from the applicant.
107	(c) If an inspector identifies one or more violations of the State Construction Code or
108	State Fire Code during an inspection, on the day on which the inspection occurs, the inspector
109	shall give the permit holder written notification of each violation that:
110	(i) is delivered in hardcopy or by electronic means; and
111	(ii) upon request by the permit holder, includes a reference to each applicable provision
112	of the State Construction Code or State Fire Code.
113	(3) (a) A town shall complete a plan review of a construction project for a one to two
114	family dwelling or townhome by no later than 14 business days after the day on which the plan
115	is submitted to the town.
116	(b) A town shall complete a plan review of a construction project for a residential
117	structure built under the International Building Code, not including a lodging establishment, by
118	no later than 21 business days after the day on which the plan is submitted to the town.
119	(c) (i) Subject to Subsection (3)(c)(ii), if a town does not complete a plan review before
120	the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the

121	town complete the plan review.
122	(ii) If an applicant makes a request under Subsection (3)(c)(i), the town shall perform
123	the plan review no later than:
124	(A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
125	applicant makes the request; or
126	(B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
127	applicant makes the request.
128	(d) An applicant may:
129	(i) waive the plan review time requirements described in this Subsection (3); or
130	(ii) with the town's consent, establish an alternative plan review time requirement.
131	(4) (a) A town may not enforce a requirement to have a plan review if:
132	(i) (A) the town does not complete the plan review within the time period described in
133	Subsection (3)(a) or (b); and
134	[(ii)] (B) a licensed architect or structural engineer, or both when required by law,
135	stamps the plan[-]; or
136	(ii) the applicant opts out of the plan review requirement in accordance with
137	Subsection (5)(b).
138	(b) A town may attach to a reviewed plan a list that includes:
139	(i) items with which the town is concerned and may enforce during construction; and
140	(ii) building code violations found in the plan.
141	(c) A town may not require an applicant to redraft a plan if the town requests minor
142	changes to the plan that the list described in Subsection (4)(b) identifies.
143	(5) Notwithstanding any other provision of law, an applicant may:
144	(a) opt out of an inspection requirement under this section if:
145	(i) a licensed architect or structural engineer stamps the plan;
146	(ii) a licensed contractor completes the construction project;
147	(iii) a licensed building inspector or structural engineer completes an inspection of the
148	construction project on behalf of the applicant; and
149	(iv) the applicant provides to the town written notice of:
150	(A) the name and address of the individuals described in Subsections (5)(a)(i) through
151	(iii); and

151 <u>(iii); and</u>

152	(B) the results of the inspection described in Subsection (5)(a)(iii); or
153	(b) opt out of a plan review requirement under this section if:
154	(i) the applicant engages a licensed architect or structural engineer, or both when
155	required by law, to review the plan; and
156	(ii) the licensed architect or structural engineer stamps the plan.
157	Section 2. Section 10-6-160 is amended to read:
158	10-6-160. Fees collected for construction approval Approval of plans.
159	(1) As used in this section:
160	(a) "Construction project" means the same as that term is defined in Section 38-1a-102.
161	(b) "Licensed building inspector" means an individual who is licensed by the Division
162	of Occupational and Professional Licensing under Title 58, Chapter 56, Building Inspector and
163	Factory Built Housing Licensing Act.
164	[(b)] (c) "Lodging establishment" means a place providing temporary sleeping
165	accommodations to the public, including any of the following:
166	(i) a bed and breakfast establishment;
167	(ii) a boarding house;
168	(iii) a dormitory;
169	(iv) a hotel;
170	(v) an inn;
171	(vi) a lodging house;
172	(vii) a motel;
173	(viii) a resort; or
174	(ix) a rooming house.
175	[(c)] (d) "Planning review" means a review to verify that a city has approved the
176	following elements of a construction project:
177	(i) zoning;
178	(ii) lot sizes;
179	(iii) setbacks;
180	(iv) easements;
181	(v) curb and gutter elevations;
182	(vi) grades and slopes;

183	(vii) utilities;
184	(viii) street names;
185	(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
186	Interface Code adopted under Section 15A-2-103; and
187	(x) subdivision.
188	$\left[\frac{d}{d}\right]$ (i) " Plan review" means all of the reviews and approvals of a plan that a city
189	requires to obtain a building permit from the city with a scope that may not exceed a review to
190	verify:
191	(A) that the construction project complies with the provisions of the State Construction
192	Code under Title 15A, State Construction and Fire Codes Act;
193	(B) that the construction project complies with the energy code adopted under Section
194	15A-2-103;
195	(C) that the construction project received a planning review;
196	(D) that the applicant paid any required fees;
197	(E) that the applicant obtained final approvals from any other required reviewing
198	agencies;
199	(F) that the construction project complies with federal, state, and local storm water
200	protection laws;
201	(G) that the construction project received a structural review; and
202	(H) the total square footage for each building level of finished, garage, and unfinished
203	space.
204	(ii) "Plan review" does not mean a review of a document:
205	(A) required to be re-submitted for additional modifications or substantive changes
206	identified by the plan review;
207	(B) submitted as part of a deferred submittal when requested by the applicant and
208	approved by the building official; or
209	(C) that, due to the document's technical nature or on the request of the applicant, is
210	reviewed by a third party.
211	[(e)] <u>(f)</u> "Structural review" means:
212	(i) a review that verifies that a construction project complies with the following:
213	(A) footing size and bar placement:

213 (A) footing size and bar placement;

214	(B) foundation thickness and bar placement;
215	(C) beam and header sizes;
216	(D) nailing patterns;
217	(E) bearing points;
218	(F) structural member size and span; and
219	(G) sheathing; or
220	(ii) if the review exceeds the scope of the review described in Subsection $(1)[(c)](f)(i)$,
221	a review that a licensed engineer conducts.
222	[(f)] (g) "Technical nature" means a characteristic that places an item outside the
223	training and expertise of an individual who regularly performs plan reviews.
224	(2) (a) If a city collects a fee for the inspection of a construction project, the city shall
225	ensure that the construction project receives a prompt inspection.
226	(b) If a city cannot provide a building inspection within three business days, the city
227	shall promptly engage an independent inspector with fees collected from the applicant.
228	(3) (a) A city shall complete a plan review of a construction project for a one to two
229	family dwelling or townhome by no later than 14 business days after the day on which the plan
230	is submitted to the city.
231	(b) A city shall complete a plan review of a construction project for a residential
232	structure built under the International Building Code, not including a lodging establishment, by
233	no later than 21 business days after the day on which the plan is submitted to the city.
234	(c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
235	the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
236	city complete the plan review.
237	(ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the
238	plan review no later than:
239	(A) for a plan review described in Subsection $(3)(a)$, 14 days from the day on which the
240	applicant makes the request; or
241	(B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
242	applicant makes the request.
243	(d) An applicant may:
244	(i) waive the plan review time requirements described in this Subsection (3); or

245	(ii) with the city's consent, establish an alternative plan review time requirement.
246	(4) (a) A city may not enforce a requirement to have a plan review if:
247	(i) (A) the city does not complete the plan review within the time period described in
248	Subsection (3)(a) or (b); and
249	[(ii)] (B) a licensed architect or structural engineer, or both when required by law,
250	stamps the plan[-]; or
251	(ii) the applicant opts out of the plan review requirement in accordance with
252	Subsection (6)(b).
253	(b) A city may attach to a reviewed plan a list that includes:
254	(i) items with which the city is concerned and may enforce during construction; and
255	(ii) building code violations found in the plan.
256	(c) A city may not require an applicant to redraft a plan if the city requests minor
257	changes to the plan that the list described in Subsection (4)(b) identifies.
258	(5) An applicant shall ensure that each construction project plan submitted for a plan
259	review under this section has a statement indicating that actual construction will comply with
260	applicable local ordinances and building codes.
261	(6) Notwithstanding any other provision of law, an applicant may:
262	(a) opt out of an inspection requirement under this section if:
263	(i) a licensed architect or structural engineer stamps the plan;
264	(ii) a licensed contractor completes the construction project;
265	(iii) a licensed building inspector or structural engineer completes an inspection of the
266	construction project on behalf of the applicant; and
267	(iv) the applicant provides to the city written notice of:
268	(A) the name and address of the individuals described in Subsections (6)(a)(i) through
269	(iii); and
270	(B) the results of the inspection described in Subsection (6)(a)(iii); or
271	(b) opt out of a plan review requirement under this section if:
272	(i) the applicant engages a licensed architect or structural engineer, or both when
273	required by law, to review the plan; and
274	(ii) the licensed architect or structural engineer stamps the plan.
275	Section 3. Section 10-9a-529 is enacted to read:

276	<u>10-9a-529.</u> Regulation of residential building design elements prohibited
277	Exceptions.
278	(1) (a) As used in this section, "residential building design element" means for a
279	single-family residential building:
280	(i) exterior building color;
281	(ii) type or style of exterior cladding material;
282	(iii) style or materials of a roof structure, roof pitch, or porch;
283	(iv) exterior nonstructural architectural ornamentation;
284	(v) location, design, placement or architectural styling of a window or door, including a
285	garage door;
286	(vi) the number or type of rooms;
287	(vii) the interior layout of a room; or
288	(viii) the minimum square footage of a structure.
289	(b) "Residential building design element" does not include for a single-family
290	residential building:
291	(i) the height, bulk, orientation, or location of a structure on a lot; or
292	(ii) buffering or screening used to:
293	(A) minimize visual impacts;
294	(B) mitigate the impacts of light or noise; or
295	(C) protect the privacy of neighbors.
296	(2) A municipal legislative body may not adopt an ordinance regulating a residential
297	building design element.
298	(3) This section does not apply to:
299	(a) an ordinance regulating a structure located in an area designated as a local historic
300	district;
301	(b) an ordinance regulating a structure located in an area designated as a historic
302	district on the National Register of Historic Places;
303	(c) an ordinance regulating a structure designated as a local, state, or national historic
304	landmark;
305	(d) a regulation created by a valid private covenant or other contractual agreement
306	among property owners relating to a residential building design element, including a building

307	agreement between a property owner and a municipality;
308	(e) an ordinance regulating a residential building design element directly and
309	substantially related to the requirements of an applicable state or federal building or safety
310	regulation;
311	(f) an ordinance regulating a residential building design element for a manufactured
312	home as defined in Section 15A-1-302;
313	(g) an ordinance enacted as a condition for participation in the National Flood
314	Insurance Program administered by the Federal Emergency Management Agency; or
315	(h) an ordinance regulating a residential building design element if the ordinance
316	directly relates to an established immediate public health or safety hazard.
317	Section 4. Section 17-27a-527 is enacted to read:
318	<u>17-27a-527.</u> Regulation of residential building design elements prohibited
319	Exceptions.
320	(1) As used in this section:
321	(a) "Local historic district" means a geographically definable area that:
322	(i) contains any combination of buildings, structures, sites, objects, landscape features,
323	archeological sites, or works of art that contribute to the historic preservation goals of a
324	legislative body; and
325	(ii) is subject to land use regulations to preserve the historic significance of the local
326	historic district.
327	(b) (i) "Residential building design element" means for a single-family residential
328	building:
329	(A) exterior building color;
330	(B) type or style of exterior cladding material;
331	(C) style or materials of a roof structure, roof pitch, or porch;
332	(D) exterior nonstructural architectural ornamentation;
333	(E) location, design, placement or architectural styling of a window or door, including
334	a garage door;
335	(F) the number or type of rooms;
336	(G) the interior layout of a room; or

337 (H) the minimum square footage of a structure.

338	(ii) "Residential building design element" does not include for a single-family
339	residential building:
340	(A) the height, bulk, orientation, or location of a structure on a lot; or
341	(B) buffering or screening used to minimize visual impacts, mitigate the impacts of
342	light or noise, or protect the privacy of neighbors.
343	(2) A county legislative body may not adopt an ordinance regulating a residential
344	building design element.
345	(3) This section does not apply to:
346	(a) an ordinance regulating a structure located in an area designated as a local historic
347	district;
348	(b) an ordinance regulating a structure located in an area designated as a historic
349	district on the National Register of Historic Places;
350	(c) an ordinance regulating a structure designated as a local, state, or national historic
351	landmark;
352	(d) a regulation created by a valid private covenant or other contractual agreement
353	among property owners relating to a residential building design element, including a building
354	agreement between a property owner and a county;
355	(e) an ordinance regulating a residential building design element directly and
356	substantially related to the requirements of an applicable state or federal building or safety
357	regulation;
358	(f) an ordinance regulating a residential building design element for a manufactured
359	home as defined in Section 15A-1-302;
360	(g) an ordinance enacted as a condition for participation in the National Flood
361	Insurance Program administered by the Federal Emergency Management Agency; or
362	(h) an ordinance regulating a residential building design element if the ordinance
363	directly relates to an established immediate public health or safety hazard.
364	Section 5. Section 17-36-55 is amended to read:
365	17-36-55. Fees collected for construction approval Approval of plans.
366	(1) As used in this section:
367	(a) "Construction project" means the same as that term is defined in Section 38-1a-102.
368	(b) "Licensed building inspector" means an individual who is licensed by the Division

369	of Occupational and Professional Licensing under Title 58, Chapter 56, Building Inspector and
370	Factory Built Housing Licensing Act.
371	[(b)] (c) "Lodging establishment" means a place providing temporary sleeping
372	accommodations to the public, including any of the following:
373	(i) a bed and breakfast establishment;
374	(ii) a boarding house;
375	(iii) dormitory;
376	(iv) a hotel;
377	(v) an inn;
378	(vi) a lodging house;
379	(vii) a motel;
380	(viii) a resort; or
381	(ix) a rooming house.
382	[(c)] (d) "Planning review" means a review to verify that a county has approved the
383	following elements of a construction project:
384	(i) zoning;
385	(ii) lot sizes;
386	(iii) setbacks;
387	(iv) easements;
388	(v) curb and gutter elevations;
389	(vi) grades and slopes;
390	(vii) utilities;
391	(viii) street names;
392	(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
393	Interface Code adopted under Section 15A-2-103; and
394	(x) subdivision.
395	[(d)] <u>(e)</u> (i) "Plan review" means all of the reviews and approvals of a plan that a
396	county requires to obtain a building permit from the county with a scope that may not exceed a
397	review to verify:
398	(A) that the construction project complies with the provisions of the State Construction
399	Code under Title 15A, State Construction and Fire Codes Act;

400	(B) that the construction project complies with the energy code adopted under Section
401	15A-2-103;
402	(C) that the construction project received a planning review;
403	(D) that the applicant paid any required fees;
404	(E) that the applicant obtained final approvals from any other required reviewing
405	agencies;
406	(F) that the construction project complies with federal, state, and local storm water
407	protection laws;
408	(G) that the construction project received a structural review; and
409	(H) the total square footage for each building level of finished, garage, and unfinished
410	space.
411	(ii) "Plan review" does not mean a review of a document:
412	(A) required to be re-submitted for additional modifications or substantive changes
413	identified by the plan review;
414	(B) submitted as part of a deferred submittal when requested by the applicant and
415	approved by the building official; or
416	(C) that, due to the document's technical nature or on the request of the applicant, is
417	reviewed by a third party.
418	[(e)] (f) "State Construction Code" means the same as that term is defined in Section
419	15A-1-102.
420	[(f)] (g) "State Fire Code" means the same as that term is defined in Section
421	15A-1-102.
422	[(g)] (h) "Structural review" means:
423	(i) a review that verifies that a construction project complies with the following:
424	(A) footing size and bar placement;
425	(B) foundation thickness and bar placement;
426	(C) beam and header sizes;
427	(D) nailing patterns;
428	(E) bearing points;
429	(F) structural member size and span; and
430	(G) sheathing; or

431	(ii) if the review exceeds the scope of the review described in Subsection $(1)[(g)](h)(i)$,
432	a review that a licensed engineer conducts.
433	[(h)] (i) "Technical nature" means a characteristic that places an item outside the
434	training and expertise of an individual who regularly performs plan reviews.
435	(2) (a) If a county collects a fee for the inspection of a construction project, the county
436	shall ensure that the construction project receives a prompt inspection.
437	(b) If a county cannot provide a building inspection within three business days, the
438	county shall promptly engage an independent inspector with fees collected from the applicant.
439	(c) If an inspector identifies one or more violations of the State Construction Code or
440	State Fire Code during an inspection, on the day on which the inspection occurs, the inspector
441	shall give the permit holder written notification of each violation that:
442	(i) is delivered in hardcopy or by electronic means; and
443	(ii) upon request by the permit holder, includes a reference to each applicable provision
444	of the State Construction Code or State Fire Code.
445	(3) (a) A county shall complete a plan review of a construction project for a one to two
446	family dwelling or townhome by no later than 14 business days after the day on which the plan
447	is submitted to the county.
448	(b) A county shall complete a plan review of a construction project for a residential
449	structure built under the International Building Code, not including a lodging establishment, by
450	no later than 21 business days after the day on which the plan is submitted to the county.
451	(c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
452	before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
453	that the county complete the plan review.
454	(ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
455	the plan review no later than:
456	(A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
457	applicant makes the request; or
458	(B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
459	applicant makes the request.
460	(d) An applicant may:
461	(i) waive the plan review time requirements described in this Subsection (3); or

462	(ii) with the county's consent, establish an alternative plan review time requirement.
463	(4) (a) A county may not enforce a requirement to have a plan review if:
464	(i) (A) the county does not complete the plan review within the time period described
465	in Subsection (3)(a) or (b); and
466	[(ii)] (B) a licensed architect or structural engineer, or both when required by law,
467	stamps the plan[-]; or
468	(ii) the applicant opts out of the plan review requirement in accordance with
469	Subsection (6)(b).
470	(b) A county may attach to a reviewed plan a list that includes:
471	(i) items with which the county is concerned and may enforce during construction; and
472	(ii) building code violations found in the plan.
473	(c) A county may not require an applicant to redraft a plan if the county requests minor
474	changes to the plan that the list described in Subsection (4)(b) identifies.
475	(5) An applicant shall ensure that each construction project plan submitted for a plan
476	review under this section has a statement indicating that actual construction will comply with
477	applicable local ordinances and building codes.
478	(6) Notwithstanding any other provision of law, an applicant may:
479	(a) opt out of an inspection requirement under this section if:
480	(i) a licensed architect or structural engineer stamps the plan;
481	(ii) a licensed contractor completes the construction project;
482	(iii) a licensed building inspector or structural engineer completes an inspection of the
483	construction project on behalf of the applicant; and
484	(iv) the applicant provides to the county written notice of:
485	(A) the name and address of the individuals described in Subsections (6)(a)(i) through
486	(iii); and
487	(B) the results of the inspection described in Subsection (6)(a)(iii); or
488	(b) opt out of a plan review requirement under this section if:
489	(i) the applicant engages a licensed architect or structural engineer, or both when
490	required by law, to review the plan; and
491	(ii) the licensed architect or structural engineer stamps the plan.