

# Chapter 1

## BUILDING CODES AND REGULATIONS

### 9-1-1: INTERNATIONAL BUILDING CODES:

- A. Codes Adopted: The international building code, the international electrical code, the international plumbing code, the international mechanical code, and the adopted code for the abatement of dangerous buildings, as modified and amended from time to time by the Utah building code commission in compliance with the international building standards act are enacted and adopted by reference for use in the city, and shall be enforced by the city for all construction under the jurisdiction of the city. (1995 Code § 15-1-1; amd. 2003 Code)
- B. Successor Editions Adopted: All successor editions of the international building code, the international electrical code, the international mechanical code and the code for the abatement of dangerous buildings, which may be adopted by the Utah building code commission are enacted and adopted by reference for use in the city, and shall be enforced by the city for all construction under the jurisdiction of the city. (1995 Code § 15-1-2; amd. 2003 Code)
- C. Fees Adopted: The schedule of fees and charges provided in the building code are also hereby adopted by the city, and shall be paid by each building permit applicant to the city; provided, however, that the city reserves the right to require payment of such additional fees and charges as may be necessary to reimburse the city for specialized construction inspection where such inspection must be completed by personnel who are not employed by the city and who must be contracted for their service. In each such case, the city shall collect from the owner of the project inspected the amount required to fully reimburse the city for all costs of inspection and/or engineering services in connection with the review of plans and other professional services deemed by the city to be reasonable and necessary to comply with the provisions of the uniform building standards act. (1995 Code § 15-1-4)
- D. Availability For Public Use: Current editions of the international building code, the international electrical code, the international plumbing code, and the international mechanical code will be kept on file at the city offices for public reference. (1995 Code § 15-1-5; amd. 2003 Code)

## **9-1-2: PERMIT PROCEDURE:**

- A. **Permit Required:** It shall be unlawful for any person to construct, alter, repair, move, remove or occupy any construction within the city without first taking out or procuring the permit required for such construction, alteration, repair, movement, removal or occupancy, or for any person to continue with any such action when the permit pertaining thereto has been suspended or stop order has been issued.
- B. **Application For Permit:** All applications for a building permit shall be made to the building inspector on a form prescribed by the city, and shall be accompanied by plans which have been drawn to scale showing the dimensions of the planned construction, actual dimension of the lot to be built upon, the size and location of existing buildings and, as required, the location and layout of off street parking and a landscaping plan. Applications will be signed by the owner of the property to be built upon or altered, and also by any contractor who will be involved in the building or alteration, giving his Utah state contractor's license number. (1995 Code § 15-2-2)
- C. **Valuation Chart And Fees:** The fee for a building permit shall be set according to a valuation table to be developed and reviewed on a regular basis by the building inspector, and approved by the city council at a regularly scheduled meeting. The valuation table shall be based upon the current Utah state building costs as derived from the International Conference of Building Officials building standards table published yearly. Current building valuations for our area shall be available upon request from the city recorder. (1995 Code § 15-2-3)
- D. **Permits To Comply:** No permit shall be granted for the construction or alteration of any building or structure, for the moving of a building or structure onto a lot, or for the change in use of any land, building or structure, if such construction, alteration, moving or change in use would be a violation of any of the provisions of title 10 of this code, nor shall any sewer or water service line or electric or gas utilities be installed to serve the premises if such use would be in violation of said ordinance. (1995 Code § 15-2-4)
- E. **Issuance Of Permit:** Upon approval of the application for building permit by the building inspector and payment of the required fee, a building permit shall be issued in duplicate by the city recorder on a form prescribed by the city. Each permit shall be numbered consecutively. (1995 Code § 15-2-5)

- F. Index Of Permits: The city recorder shall keep an index of all permits issued in numerical order, stating the permit number, name of applicant, date issued and amount paid. (1995 Code § 15-2-6)
- G. Records Maintained: A careful record of said application, plans and completed building permit shall be kept in the office of the city recorder for a period of two (2) years from the date of receipt thereof. The application and completed building permit shall thereafter be kept in perpetuity, or in the case of commercial construction, all plans and papers pertaining to the permit application in addition to the completed building permit, will be kept in perpetuity. (1995 Code § 15-2-7)
- H. Responsibility For Obtaining Permit: It shall be the sole responsibility of the owner of the property to be built upon or altered to make application for and obtain a building permit. Should it be necessary that a person be required by the building inspector to make application for a permit, the city will have the right to charge an additional one hundred percent (100%) double permit fee. (1995 Code § 15-2-8)
- I. Separate Permit Required For Each Location; Changes: A separate permit shall be required for each building site. In addition, a separate permit shall be required for any construction or alteration which was not included and approved on the original building permit application for which the current building permit was issued. (1995 Code § 15-2-9)
- J. Display Of Permit: It shall be the responsibility of the owner of the property to be built upon or altered to display a duplicate copy of the building permit in a conspicuous place on the construction site. Failure to do so may result in a stop order. (1995 Code § 15-2-10)
- K. Inspections: Inspections by the building inspector of each phase of the construction project shall be required, and shall include, but not be limited to, zoning plan check, rough and final. Upon completion and acceptance of each phase, both the owner's and the city's copies of the building permit shall be signed by the building inspector. (1995 Code § 15-2-11)
- L. Occupancy: No building shall be occupied or used for any purpose until a final inspection has been made and approved by the building inspector. Whenever any building or structure or equipment therein regulated by this chapter is being used contrary to the provisions of this chapter, the building inspector may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such

use to be continued. Such person shall discontinue use within the time prescribed by the building inspector after receipt of such notice. (1995 Code § 15-2-12)

### **9-1-3: BUILDING INSPECTOR:**

- A. Powers And Duties, Generally: The building inspector is hereby authorized and directed to enforce all the provisions of this chapter and of the building codes heretofore mentioned. For such purposes:
1. The building inspector shall have the powers of a law enforcement officer;
  2. The building inspector shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to enforce and clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter. (1995 Code § 15-3-1)
- B. Right Of Entry: When it is necessary to make an inspection to enforce the provisions of this chapter, or when the building inspector has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, the building inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter; provided, that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building inspector shall have recourse to the remedies provided by law to secure entry. (1995 Code § 15-3-2)
- C. Nonliability: The building inspector charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. (1995 Code § 15-3-3)

### **9-1-4: LIABILITY OF INSPECTIONS:**

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure from any damage to persons or property caused by defects, nor shall the city be held as assuming any such liability by

reason of the inspections authorized by this chapter or any permits issued under this chapter. (1995 Code § 15-2-17)

### **9-1-5: LEGAL RIGHTS RESERVED:**

The city reserves all of its legal rights to collect the underpayment of building permit fees, penalties and interest, and to seek appropriate equitable relief against a permittee, including an injunction from any construction or alteration within the city limits. (1995 Code § 15-2-16)

### **9-1-6: DISCRETION IN GRANTING PERMITS:**

Nothing in this chapter shall in any way limit the right of the city council or the building inspector to act upon an application for a building permit as they shall deem fair, just and proper in regard to granting or denying said application. (1995 Code § 15-2-15)

### **9-1-7: PENALTY:**

- A. Misdemeanor: Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (1995 Code § 15-2-13; amd. 2003 Code)
  
- B. Effect Of Conviction; Prosecution Not Barred: The conviction and punishment of any person for violation of this chapter shall not excuse or exempt such person from the payment of any of the building permit fees due or unpaid at the time of such conviction, and nothing herein shall prevent a criminal prosecution for any violations of the provisions of this chapter. (1995 Code § 15-2-14)