

BOULDER TOWN, UTAH

ORDINANCE 2020-1

AN ORDINANCE AMENDING CHAPTER 11 OF THE BOULDER
TOWN ZONING ORDINANCE AND FURTHER CLARIFYING THE
NEED FOR BUILDING PERMITS AND PROJECT PERMITS

WHEREAS Boulder Town is a municipal corporation duly organized and existing under the laws of State of Utah; and

WHEREAS the Boulder Town Council has previously adopted the Boulder Town Zoning Ordinance and has amended the same from time to time; and

WHEREAS the Boulder Town Council finds that the requirement for obtaining a building permit should be clarified in certain circumstances; and

WHEREAS the Boulder Town Council has determined that certain construction projects should require a project permit, rather than the normal building permit; and

WHEREAS the Boulder Town Council finds that the public safety, health, and welfare of the Town of Boulder will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Boulder Town Council hereby ordains as follows:

1. That Chapter 11 (BUILDING CODES AND PERMITS) of the Boulder Town Zoning Ordinance is hereby amended, as set forth herein:

CHAPTER 11 BUILDING CODES AND PERMITS

Section 1101 Purpose:

The adoption and enforcement of building codes for all construction and uses located within the municipal boundaries of the Town, as adopted by the Town, serves the public interest by providing for structural stability, fire resistance, adequate ventilation and other safety and sanitary features.

Section 1102 Project Permit/Building Permit Required:

1. Construction of any building, or any part thereof, shall not be commenced until (1) a project permit has been signed by the Zoning Administrator and issued by the Town of Boulder certifying compliance with the ordinances and, excepting where said project is deemed exempt by the Zoning Administrator under Section 1106 below, (2) a building permit is obtained from the ~~Building Official~~ Garfield County Building Department, ~~and as required by~~ in compliance with the International Building Code (IBC) and all other health, building and construction Codes adopted by the State of Utah. ~~, unless exempt by state law, including agricultural buildings to the extent exempted by the provisions of §58-56-4, U.C.A.~~
2. Applicants for a building permit shall submit building plans and a site plan complying with the requirements of the International Building Code (IBC), all other Codes and this Ordinance prior to obtaining issuance of a building permit. The applicant for a building permit shall proceed only in accordance with the approved building permit.
3. Prior to issuance of a building permit, the applicant may be required to post a bond or provide other financial security in such form and sum as required by the Zoning Administrator, and approved by the Town Attorney, with sufficient surety running to the Town to offset any costs or expenses associated with construction activities on and off the site.

4. For any construction exempt from the requirement for a Building Permit, as allowed by State law or these ordinances, the Zoning Administrator Building Official shall issue a project permit and may require the submission of information and materials that may be necessary to ensure compliance with the provisions of the Town ~~this~~ Ordinances and State law.

Section 1103 Building Code Compliance:

All structures requiring a Building Permit shall comply with the requirements of all Building Codes, as adopted by the Town.

Section 1104 Issuance of Building Permits Prior to Completion and Acceptance of Required Improvements:

Building permits may be issued prior to the completion and acceptance by the Town of the required public improvements provided, however, no building permit may be issued until adequate financial assurances have been provided for completion of such improvements, as approved by the Town Council and Town Attorney. In such cases, the Building Official shall require the applicant for a building permit to sign a statement indicating the following:

1. The applicant is aware of the terms of the bond or escrow account established to guarantee completion of required improvements to the satisfaction of the Town.
2. The applicant releases the Town from all liability for the installation, maintenance, or repair of the required improvements until the same have been completed and accepted by the Town.
3. The applicant assumes all risk in connection with construction on the subject property.

Section 1105 Certificates of Occupancy:

A certificate of occupancy shall be required before any structure or premises, or part thereof, may be used or occupied, unless waived by the Zoning Administrator as part of a completed project permit. No certificate of

occupancy shall be issued permitting the use or occupation of any such structure or premises unless and until:

1. If a building permit is required, all construction has been completed, as authorized; or
2. If no building permit is required, the use conforms to this Ordinance and all other applicable statutes, ordinances and regulations; and
3. Payment of all applicable fees, charges and other requirements have been made and all conditions for the establishment of the use or structure have been met.

Section 1106 Exemptions:

The following properties, uses, and structures shall, to the extent provided by law, be exempt from the provisions of this Code requiring a building permit, however, said exempt structures and improvements shall nonetheless first obtain a project permit from the Town of Boulder as required in Section 1102. No structure shall be exempt hereunder that is a dwelling intended for human habitation. The building permit exemptions are:

1. Properties owned and operated by the State of Utah or the Federal Government. Where State or Federal law requires that the agency take steps to comply with all applicable local regulations, this exemption shall not be construed to abrogate that requirement.
2. Agricultural buildings, to the extent exempted by the provisions of §58-56-4, U.C.A and the Boulder Town ordinances, that do not require electrical, plumbing, septic or mechanical systems.
3. Structures of 200 square feet or less that do not require electrical, plumbing, septic or mechanical systems. (Examples are coops, storage sheds, playhouses and similar uses and structures.)
4. Temporary structures such as hoop houses (greenhouses), metal storage containers, yurts and similar structures not requiring permanent

foundations or support structures, electrical, plumbing, septic or mechanical systems.

5. Remodels that do not require alterations to support structures, electrical, plumbing, septic or mechanical systems.

Section 1107 Violations:

1. Violation of this ordinance, including providing false information on an application for a project permit or a building permit, is a Class C Misdemeanor punishable by a fine and/or civil penalties as authorized by UCA 10-9a-803.

Subsequently changing the use of an exempt structure to accommodate human habitation without first complying with this ordinance, by the applicant or any subsequent occupant of the property or structure, is a Class C Misdemeanor as specified above.

Effective Date

The provisions of this ordinance shall become effective upon passage, after any required posting and/or publication has been accomplished according to law.

PASSED AND APPROVED this 5 day of March, 2020.

BOULDER TOWN

By: 
STEVEN COX, Mayor

ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)

STATE OF UTAH)
 : ss.
COUNTY OF GARFIELD)

I, the undersigned, the duly qualified and acting Town Clerk of Boulder Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

[] (a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

Either

[] (b1) Causing a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

or

[] (b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this 2nd day of May, 2019.

[Seal]

/s/ Judith Davis
Judith Davis
Boulder Town Clerk