

BOULDER TOWN ORDINANCE NO. 324

AN ORDINANCE ESTABLISHING RULES CONCERNING BUILDING AND CONSTRUCTION; REQUIRING PROJECT APPROVAL AND BUILDING PERMITS; ESTABLISHING A BUILDING PERMIT AND INSPECTION PROCESS; AND ADOPTING UNIFORM CODES.

WHEREAS, Boulder Town desires to join with other municipalities in Garfield County and participate in the county-wide building inspection program, and

WHEREAS, it is necessary to standardize the building ordinances of each municipality participating in the county-wide program in order to foster uniform enforcement.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF BOULDER TOWN, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

1. **PROJECT APPROVAL REQUIRED:** Any person or entity, before building, remodeling, or otherwise structurally altering any dwelling or other building of any kind, including mobile homes, at a cost of \$1,000.00 or more, within the incorporated area of the municipality, shall first obtain project approval from BOULDER TOWN, verifying that there is sufficient water, sewer and wastewater capacity, and that the project complies with the zoning ordinance and flood plain ordinance and all other adopted ordinances for the municipality.

2. **BUILDING PERMIT REQUIRED:** After obtaining project approval from the municipality, the party shall then obtain a building permit from the Garfield County Building Inspector.

3. **APPLICATION AND FEE:** The party applying for a building permit shall first file with the Garfield County Building Inspector an application, on a form authorized and approved by Garfield County, together with the applicable fee, and shall fully and completely disclose all information required to complete the same. The amount of such fee shall be in accordance with the schedule, attached hereto and incorporated herein by this reference as "Exhibit A."

4. **APPROVAL BY BUILDING INSPECTOR:** Upon receipt of the application, fee, and preliminary approval by BOULDER TOWN, if it appears to the Garfield County Building Inspector that the application complies with all applicable laws and regulations, it shall be approved.

5. **PENALTIES FOR NON-COMPLIANCE:** Any person or entity who fails to comply with the provisions of this Ordinance shall be

A. The notice of appeal shall be in writing, and shall state with specificity the reasons for the appeal. The Town Clerk shall then refer the appeal to the appropriate body, either the Board of Adjustment, or if there is no Board of Adjustment, to the Town Council for review. The appropriate municipal body shall then hold a public hearing, not less than thirty (30) days after receipt of the notice of appeal.

B. At the public hearing, the aggrieved person, shall appear and show cause why the decision of the Building Inspector was in error, and why said decision should be reversed. The Building Inspector shall also appear to defend his/her decision. The Garfield County Attorney may assist the Building Inspector at the hearing. The hearing shall be informal, and the Utah Rules of Civil Procedure and Utah Rules of Evidence shall not apply. The hearing shall be recorded.

C. At the hearing, the aggrieved person shall bear the burden of proof, and unless the decision of the Building Inspector shall be found, by a preponderance of the evidence, to be arbitrary, capricious, or a clear abuse of discretion, the decision of the Building Inspector shall be affirmed.

D. If the aggrieved person wishes to appeal the decision of the Board of Adjustment or Town Council, he/she may then appeal directly to the District Court of Garfield County, State of Utah.

10. ADOPTION OF UNIFORM CODES:

A. The most current edition of the Uniform Building Code, with the exception of its suggested fee schedule, is hereby adopted and incorporated by this reference.

B. The most current edition of the Uniform Fire Code is hereby adopted and incorporated by this reference.

C. The most current edition of the National Electric Code is hereby adopted and incorporated by this reference.

D. The most current edition of the Uniform Plumbing Code is hereby adopted and incorporated by this reference.

E. The most current edition of the Model Energy Code is hereby adopted and incorporated by this reference.

F. The most current edition of the Uniform Mechanical Code is hereby adopted and incorporated by this reference.

11. GENERAL REPEALER: Any prior building or construction Ordinance, Policy or Resolution which is in conflict with this Ordinance is hereby expressly repealed.

guilty of a Class B Misdemeanor. Each day of non-compliance shall constitute a separate and distinct violation of this Ordinance and may be punished accordingly.

6. **DUTIES OF BUILDING INSPECTOR:** The Garfield County Building Inspector and/or his agent shall have the following powers, duties and responsibilities within BOULDER TOWN:

A. To enter, at any reasonable time, and without prior notice, upon the premises of any building where construction, remodeling or other structural alteration is taking place, or upon any premises deemed to be unsafe, for purposes of inspecting the same in accordance with the Uniform Building Code.

B. To order all work to be stopped on the construction, remodeling, or structural alteration of any building, when such work is being done in violation of any of the provisions of this Ordinance, and any applicable law or regulation. Work shall not proceed on such premises, after the issuance of a stop order, without the prior written consent of the Garfield County Building Inspector.

C. To inspect all buildings being constructed, remodeled, or structurally altered, to determine compliance with all applicable building construction and safety codes, and to enforce the provisions of the same.

D. To examine all applications for building permits, to determine their compliance with applicable law, and to review the same.

7. **DISCRETION TO APPROVE OR REJECT:** The Garfield County Building Inspector shall have the power to either approve or reject a building permit application. If the application is rejected, the reason for the rejection shall be specified, in writing, by the Building Inspector. If the application is approved, the building permit may be issued upon payment of the appropriate fee according to the authorized fee schedule established by Garfield County.

8. **NO MATERIAL VARIATION FROM PERMIT:** No material variation from approved plans or the terms of the building permit approved by the Garfield County Building Inspector shall be permitted without the prior written consent of the Garfield County Building Inspector.

9. **RIGHT OF APPEAL:** Any person aggrieved by a decision of the Garfield County Building Inspector may appeal such decision by filing with the Clerk of Boulder Town, a notice of appeal, no later than ten (10) days following the date of issuance of the decision which is the subject of the appeal.

12. **EFFECTIVE DATE:** In the opinion of the Mayor and Town Council, it is necessary for the preservation of the health, safety and welfare of the residents of BOULDER TOWN that this Ordinance take effect immediately.

THEREFORE, this ordinance shall take effect immediately upon passage and posting.

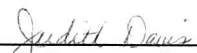
PASSED, APPROVED, ADOPTED AND ORDERED POSTED this 5th
day of June, 1996.

BOULDER TOWN

By:


MAYOR

ATTEST:


Clerk/Recorder

Posted in the following three public places within Boulder Town on
the 7th day of June, 1996.

Post Office
Firehouse
Town Hall