

CHAPTER 151: ~~BUILDING REGULATIONS; CONSTRUCTION~~ BUILDING ORDINANCE

Section

~~Building and Construction; Approval and Permits~~

PURPOSE:

151.01 PROJECT APPROVAL REQUIREMENT

151.05 Application and fee

151.04 Approval by Building Inspector

151.05 Violations

151.09 DUTIES OF BUILDING INSPECTOR.

151.10 Discretion to approve or reject RIGHT TO APPEAL

151.08 No material variation from permit

151.11 ADOPTION OF UNIFORM CODES.

151.12 TIME PERIODS IN WHICH PERMITEES LICENSEES MUST COMMENCE AND COMPLETE CONSTRUCTION OF APPROVED BUILDING PROJECTS.

Local Building Authority

151.25 Approval, establishment and adoption

BUILDING AND CONSTRUCTION; APPROVAL AND PERMITS

§ 151.02 PROJECT APPROVAL REQUIRED.

Any person or entity, before building, or structurally altering any dwelling or other building of any kind, including mobile homes, agricultural buildings. ~~at a cost and/or value of a certain amount,~~ within the incorporated area of the municipality, shall first apply for and submit a Project Approval application to obtain project approval. The Zoning Administrator will affirm that the project application complies the town ordinances and will determines whether the building project requires a County building permit. If the building project is exempt from building permits the approved project plan will be given to the applicate.

If the project requires a building permit, the applicator will receive an approved permit to be included with the application for county building permit. The approved permit will include confirmation of installed infrastructure:

- A. Culinary water from Boulder Farmstead or approval from Utah Division of Water Rights for developing a well.
- B. Wastewater capacity via Southwest Public Health Department,
- C. Fire Protection and mitigation plan approved by the Fire Authority,
- D. Right Way and easements records as shown on the recorded Plat map,
- E. including Irrigation Company and Boulder Farmstead Water Company sign offs.

All should be in the official Garfield County plat recording or if not provided by the owner of the lot.

(Ord. 32A, passed 6-5-1996; Ord. 32B, passed 7-7-1999)

151.04 EXEMPTIONS FROM BUILDING PERMITS

The following properties, uses and structures shall, to the extent provided by law, be exempt from the provisions of this chapter requiring a building permit, however, said exempt structures and improvements shall nonetheless first obtain a project permit from the town as required in § [153.215](#). No structure shall be exempt hereunder that is a dwelling intended for human habitation. The building permit exemptions are:

- (A) Properties owned and operated by the state 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;
- (B) Agricultural buildings to the extent exempted by the provisions of UCA § 58-56-4 and the town ordinances, that do not require electrical, plumbing, septic or mechanical systems;
- (C) 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);
- (D) 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; and
- (E) Remodels that do not require alterations to support structures, electrical, plumbing, septic or mechanical systems.

(Ord. 46, passed 8-28-2001; Ord. 21D, passed 1-7-2004; Ord. 59, passed 5-8-2008, § 1106; Ord. 2020-1, passed 3-5-2020)

§ 151.02 BUILDING PERMIT REQUIRED.

(A) 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 certifying compliance with the ordinances and, excepting where said project is deemed exempt by the Zoning Administrator under ~~§ 153.220~~; and

(2) A building permit is obtained from the Garfield County Building Department in compliance with the Boulder Town Ordinances via a Project Approval, State adopted International Building Code (IBC) and all other health, building, and construction codes followed by the State health department, State Division of Water Rights.

(B) (1) 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 chapter prior to obtaining issuance of a building permit.

(2) The applicant for a building permit shall proceed only in accordance with the approved building permit.

(C) 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.

(D) For any construction exempt from the requirement for a building permit, as allowed by state law or this chapter, the Zoning Administrator 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 this chapter and state law.

(Ord. 46, passed 8-28-2001; Ord. 21D, passed 1-7-2004; Ord. 59, passed 5-8-2008, § 1102; Ord. 2020-1, passed 3-5-2020)

§ 153.219 CERTIFICATES OF OCCUPANCY.

(A) 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.

(B) 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;

(2) If no **building** permit is required, the use conforms to this chapter 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.

(Ord. 46, passed 8-28-2001; Ord. 21D, passed 1-7-2004; Ord. 59, passed 5-8-2008, § 1105; Ord. 2020-1, passed 3-5-2020)

§ 151.03 APPLICATION AND FEE.

(A) The party applying for a building permit shall first file with the County Building Inspector an application, on a form authorized and approved by the county, together with the applicable fee, and shall fully and completely disclose all information required to complete the same.

(B) The amount of such fee shall be in accordance with the schedule, attached hereto and incorporated herein by this reference as "Exhibit A."

(Ord. 32A, passed 6-5-1996)

~~§ 151.04 APPROVAL BY BUILDING INSPECTOR.~~

~~—Upon receipt of the application, fee and preliminary approval by the town, if it appears to the County Building Inspector that the application complies with all applicable laws and regulations, it shall be approved.~~

(Ord. 32A, passed 6-5-1996)

§ 151.05 VIOLATIONS.

Any person or entity who fails to comply with the provisions of this subchapter shall be guilty of a Class B misdemeanor. Each day of non-compliance shall constitute a separate and distinct violation of this subchapter and may be punished accordingly.

(Ord. 32A, passed 6-5-1996)

151.05 DUTIES OF BUILDING INSPECTOR.

~~—The Town contracts with Garfield County to issue the actual Building Permit, conduct all building code inspections, and issue the Certificate of Occupancy. The County will not issue its Building Permit until the Town has approved the project and received this Project Approval form from the applicant.~~

~~—The County Building Inspector and/or his or her agent shall have the following powers, duties and responsibilities within the town:~~

~~1. All construction work for which your building permit has been issued shall be subject to inspection by the Garfield County Building Department and shall remain accessible and exposed until approved. Neither the Building Official or Garfield County shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.~~

~~2. It shall be the duty of the person doing the work authorized by a permit to notify the Garfield County Building Department that the work is ready for inspection. Requests for inspection shall be made to the Garfield County Building Department no less than one working day prior to the proposed date of inspection. The request may be made by telephone or in writing.~~

~~3. It shall be the duty of the person requesting the inspection to provide access to and the means for inspections of the work.~~

~~4. Applicable codes include the most current adopted: a. International Building Code d. National Electrical Code b. International Plumbing Code e. International Mechanical Code c. Model Energy Code f. Uniform Fire Code~~

(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 subchapter, 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 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; and

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

(Ord. 32A, passed 6-5-1996)

§ 151.07 DISCRETION TO APPROVE OR REJECT.

The 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 the county.

(Ord. 32A, passed 6-5-1996)

~~§ 151.08 NO MATERIAL VARIATION FROM PERMIT.~~

~~—No material variation from approved plans or the terms of the building permit approved by the County Building Inspector shall be permitted without the prior written consent of the County Building Inspector.~~

~~(Ord. 32A, passed 6-5-1996)~~

~~§ 151.09~~ 151.10 RIGHT OF APPEAL.

Any person aggrieved by a decision of the County Building Inspector may appeal such decision by filing with the Clerk of the town, a notice of appeal, no later than ten days following the date of issuance of the decision which is the subject of the appeal.

(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 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 or her decision. The County Attorney may assist the Building Inspector at the hearing. The hearing shall be informal, and the State Rules of Civil Procedure and State 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 or she may then appeal directly to the District Court of the county.

(Ord. 32A, passed 6-5-1996)

§ 151.10 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 and the Wild Land Urban Interface 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.

(Ord. 32A, passed 6-5-1996)

§ 151.11 TIME PERIODS IN WHICH LICENSEES MUST COMMENCE AND COMPLETE CONSTRUCTION OF APPROVED BUILDING PROJECTS.

(A) Each person or entity that has obtained project approval from the town for a building project governed by §§ 151.01 through 151.10 must within 60 days after obtaining project approval apply for a building permit for the project from the County Building Inspector.

(B) Each person or entity that has obtained project approval and a building permit for building projects governed by §§ 151.01 through 151.10 must commence construction of the project within 180 days after the date of issuance of the building permit. Construction will be deemed to have commenced when excavation and/or erection of building materials has commenced at the location site of the project.

(C) Each person or entity that has obtained project approval and a building permit for building projects governed by §§ 151.01 through 151.10 must complete construction of the project within 18 months after the date of issuance of the building permit. Construction will be deemed to have been completed when an occupancy or use permit has been issued by the County Building Inspector; or if the project is one for which occupancy or use permits are not required, the project has passed final inspection by the County Building Inspector.

(D) If any of the time periods established by this section expire without timely compliance by the applicant with the requirements of this section, the project approval previously issued by the town for the building project will be automatically withdrawn, which will invalidate the building permit issued by the county. In such case, all fees paid to obtain project approval will be deemed forfeited and the applicant will be required to obtain project approval, obtain a building permit and pay all applicable fees as if prior approval had never been given. In such case, each applicant will also be required to comply with all laws, ordinances, building and other codes applicable to the project, including those that have become enforceable since the original project approval was granted.

(C) The time limits established by this section may be extended by the Town Council for good cause shown upon request by the applicant made prior to the expiration of the applicable time limit.

(F) All building projects for which the town gave project approval prior to enactment of this section and for which construction has commenced but is uncompleted must be completed within 18 months of the effective date of this section or project approval will be deemed to have terminated.

(G) All building permits issued prior to the enactment of this section will be deemed to have terminated 90 days after the effective date of this section unless construction has been started prior to that date.

(Ord. 32C, passed 1-7-2002)

LOCAL BUILDING AUTHORITY

§ 151.25 APPROVAL, ESTABLISHMENT AND ADOPTION.

(A) The Town Council hereby approves the organization of the corporation to function on behalf of the town as a local building authority in accordance with the provisions of the State Local Building Authority Act as the same now exists or as it may be from time to time amended and in connection therewith approves the proposed forms of articles of incorporation and by-laws of the corporation substantially in the forms which were presented to and reviewed by the Town Council and which are attached hereto as Exhibits "B" and "C," respectively.

(B) The members of the Town Council are authorized to execute the articles of incorporation in substantially the form attached to the ordinance comprised herein; that the Town Attorney shall cause such executed articles of incorporation to be filed with the Department of Commerce of the state and that the Mayor, Town Council, Town Clerk, Town Attorney and other officers of the town are authorized and directed to take all necessary actions to cause the organization of the corporation.

(Res. passed 2010-3, passed 8-5-2010)