

November 19, 2024

To: Mayor Drain and Boulder Town Council

cc: Jessica LeFevre, Town Clerk

From: Boulder Town Planning Commission

Subject: Recommendation to adopt the Building and Construction Regulations, Ordinance 2024-C (draft 11-19-24)

As you know, the Planning Commission has spent the last several months drafting a Subdivision ordinance in response to changes in Utah State law. In this process we have suggested repealing our current Chapter 152: Subdivision Code. Some of the language in the code being repealed is relevant to Chapter 151: Building Regulations, Construction Code. Additionally, changes being made in Chapter 153: Zoning Code have also resulted in inconsistencies in Chapter 151. We held a Special Planning Commission meeting on **Whereas** Boulder Town is adopting changes in its Subdivision Code to comply with State mandated changes; and

Whereas Boulder Town is adopting changes in its Zoning Code based on changes in the Subdivision Code; and

Whereas such changes in the Subdivision Code and Zoning Code have resulted in a need to make changes in the Boulder Town Building Regulations, Construction Code; and

Whereas after review and public input, the following changes are deemed necessary to avoid conflicts and confusion in Boulder Town Codes:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Boulder Town Council, Garfield County, State of Utah to rescind and supersede in its entirety, Chapter 151 of the Boulder Town Code governing Building Regulations and Construction and replace it with the Code contained herein. Ight to review final changes in this code and are recommending that you repeal the Boulder Town Chapter 151: Building Regulations, Construction code and replace it with the revised Chapter 151: Building and Construction Regulations contained herein. We are happy to address any questions you may have.

**ORDINANCE 2024-C
BOULDER TOWN, UTAH**

**AN ORDINANCE TO REPEAL THE BOULDER TOWN BUILDING REGULATIONS,
CONSTRUCTION CODE (CHAPTER 151) AND TO REPLACE IT WITH THE
ATTACHED CHAPTER TO ALIGN WITH RECENT CHANGES IN THE BOULDER
TOWN SUBDIVISION CODE (CHAPTER 152)**

APPROVED AND PASSED by the Boulder Town Council, State of Utah, on this ____ day of _____, 2024

ATTEST:

Boulder Town Clerk _____

Boulder Town Mayor _____

VOTE:

Judy Drain, Mayor _____

Josh Ellis, Councilmember _____

Ray Gardner, Councilmember _____

Gladys LeFevre, Councilmember _____

John Veranth, Councilmember _____

Draft: 11/19/24

**CHAPTER 151 OF THE BOULDER TOWN CODE
BUILDING AND CONSTRUCTION ORDINANCE**

CHAPTER 151: BUILDING AND CONSTRUCTION REGULATIONS

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151.01 PURPOSE

Regulations addressing building and construction located within the municipal boundaries of Boulder Town, as adopted by the Town, serve the public interest by ensuring that building construction provides safe and resilient structures. Building and construction regulations protect homeowners from hazards and risks by providing standards for fire protection and sanitary facilities, safe wiring, structural integrity, and prioritizing public health and safety.

151.02 PROJECT APPROVAL REQUIRED

Project approval is required by the Town for any building or structure that requires a county building permit. Exempt structures are defined below in 151.04. Project Applications shall be submitted by the applicant on the form provided on the Town's website. The Zoning Administrator will determine whether the building project requires a county building permit. If the project complies with all the Town ordinances and is determined to require a building permit, the applicant will receive notice of project approval that can be included with the application for a Garfield County building permit. The Project Application requires the following documentation:

- 1) Proof of property ownership.
- 2) Culinary water availability from Boulder Farmstead Water Company or approval from Utah Division of Water Rights for developing a well.
- 3) Proof of wastewater capacity via the Southwest Public Health Department,
- 4) A Fire Protection and Mitigation plan approved by the Boulder Town Fire Authority,
- 5) A site plan showing location of the property and Right-of-Way and easements as shown on the recorded plat map,
- 6) A copy of the recorded plat map of the property.
- 7) Sign off by the Boulder Irrigation Company that the project does not encroach on their easements.

151.02 LEGAL LOTS

The town's Zoning Administrator (ZA) shall not issue project approval for a proposed building or structure, on a lot within the corporate boundaries of the town unless:

- 1) The lot is within a subdivision and the lot was legally created pursuant to this chapter or prior subdivision ordinances; or
- 2) The lot is a legal lot of record, such lot being created and recorded in the office of the County Recorder prior to September 11, 1998.

(Ord. 49, passed 3-5-2003; Ord. 49A, passed 3-3-2004; Ord. 58, passed 5-8-2008, § 600-1; Ord. 2022-1, passed 6-2-2022)

151.03 APPLICATION FEES

- 1) Boulder Town fees for a Project Application are established by resolution by the Town Council and shall be paid at the time a Project Application is submitted.
- 2) Building Permit fees are part of the Garfield County Building Permit application and regulated by Garfield County.

151.04 EXEMPTIONS FROM BUILDING PERMITS

The following properties, uses and structures shall, to the extent provided by law, be exempt from a building permit. 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 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 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; and
- 5) Remodels that do not require alterations to support structures, electrical, plumbing, septic or mechanical systems.

151.05 BUILDING PERMITS REQUIRED

Construction of any building, or any part thereof, shall not commence until:

- 1) A Project Application has been approved by the Zoning Administrator and Project Approval is issued by the Town Clerk, certifying compliance with the ordinances, specifying that the project requires a building permit
- 2) A building permit is obtained from the Garfield County Building Department.

151.06 CERTIFICATES OF OCCUPANCY

A certificate of occupancy issued by Garfield County is required before any structure or premises, or part thereof, may be used or occupied.

151.07 VIOLATIONS

- 1) Violation of this chapter, including providing false information on a Project Application or a building permit, is a civil infraction punishable by fines set by the Boulder Town Council.
- 2) Subsequently changing the use of an exempt structure to accommodate human habitation without first complying with this chapter, by the applicant or any subsequent owner of the property or structure, shall be punishable by fines set by the Boulder Town Council.
- 3) The County Building inspector or the Boulder Town enforcement officer shall have the right 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 chapter and any applicable County law or regulation. Work shall not proceed on the premises, after the issuance of a stop order, without the prior written consent of the County Building Inspector or the Zoning Administrator.

151.08 DUTIES OF BUILDING INSPECTOR

The Town contracts with Garfield County to issue a 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 Application and the county is notified.

The County Building Inspector and/or his or her agent shall have the following powers, duties and responsibilities within the Town of Boulder:

- 1) All construction work for which a 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,
 - b. National Electrical Code,
 - c. International Plumbing Code,
 - d. International Mechanical Code,
 - e. Model Energy Code, and
 - f. Wildland Urban Interface Code.
- 5) All rules and regulations for the county building inspection process will be as defined in the Garfield County Building Department application.

151.09 RIGHT OF APPEAL

Any person aggrieved by a decision of the Town Zoning Administrator or the County Building Inspector may appeal such decision by filing with the Town Clerk or the Garfield County Clerk a notice of appeal. The notice of appeal shall be in writing, and shall state with specificity the reasons for the appeal. The appeal shall be submitted to:

- 1) The Town Clerk for issues relating to the Zoning Administrator's decision on Project Applications, or
- 2) The County to appeal for the interpretation of building codes.

151.10 ADOPTION OF CODES

- 1) The most current editions of the International Building Code construction codes adopted by the State of Utah section 15A-2-203 and enforced by the Garfield County Building Department, and all other codes referred to by the County Building Department as they apply to building inspections, are hereby adopted and incorporated by reference.
- 2) The most current edition of the fire codes adopted by the State of Utah section 15A-5-103, including Appendices B and C and additionally Appendix D as a guide, and

the Wildland Urban Interface Code adopted by the State of Utah section 15A-2-103 are hereby adopted and incorporated by reference. The entire area of Boulder Town is considered to be within the Wildland Urban Interface boundary.

151.11 TIME PERIODS TO BEGIN AND COMPLETE CONSTRUCTION

- 1) 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 Garfield County Building Inspector.
- 2) Each person or entity that has obtained project approval and a building permit for building projects 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.
- 3) The time limits on building permits are established by the County and enforced by the County building Department.

151.12 LOCAL BUILDING AUTHORITY

- 1) 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.
- 2) 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)