

## CHAPTER 151: BUILDING and CONSTRUCTION REGULATIONS

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### 151.01 PURPOSE

The adoption and enforcement of codes related to construction and uses located within the municipal boundaries of the Town serve the public interest by ensuring that buildings comply with the Town ordinances, are accessible by the fire department, are structurally stable, fire resistant, have adequate ventilation and meet all other safety and sanitary requirements.

### § 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, and agricultural buildings within the incorporated area of Boulder Utah shall first apply for and submit a Project Application

to obtain project approval. The Zoning Administrator will affirm that the Project Application complies with all the Town ordinances, including zoning.

The Zoning Administrator will determine whether the building project requires a County building permit. If the building project meets all zoning requirements and is exempt from a building permit, project approval will be given to the applicant and building can start..

If the project complies with all of the Town ordinances and is determined to require a building permit, the applicant will receive a notice of project approval that can be included with the application for a Garfield county building permit. Project approval application will include confirmation of ~~installed~~ infrastructure as follows:

- A. Culinary water availability 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 Boulder Town Fire Authority,
- D. A site plan showing location of of the property and Right-of-Way and easements as shown on the recorded Plat map,
- E. Copy of the recorded plat of the property requesting the Project Approval.
- F. Sign off from the Irrigation Company. .

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

The town's Zoning Administrator (ZA) shall not issue a project approval for a proposed building or structure, excluding agricultural buildings, 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.

#### 151.03 APPLICATION FEES:

Boulder Town fees for a Project Application shall be established by resolution by the Town Council and paid ~~prior to~~ at the time the Project Application ~~consideration~~ is submitted.

Building Permit Application fees are part of the Garfield County Building Permit 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 the provisions of this chapter requiring a building permit, however, said exempt structures and improvements shall nonetheless first submit a Project Application to the town as required.. 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)

#### 151.05 BUILDING PERMITS REQUIRED.

(A) 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 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 and 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.~~

~~C) Construction shall proceed only in accordance with the approved 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.~~

#### ~~151.06 INSURANCE OF BUILDING PERMIT PRIOR TO COMPLETION AND ACCEPTANCE OF REQUIRED IMPROVEMENTS.~~

#### ~~§ 153.218 ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION AND ACCEPTANCE OF REQUIRED IMPROVEMENTS.~~

~~(A) 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.~~

~~(B) 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; and~~

~~(3) The applicant assumes all risk in connection with construction on the subject property.~~

~~(Ord. 46, passed 8-28-2001; Ord. 21D, passed 1-7-2004; Ord. 59, passed 5-8-2008, § 1104)~~

~~(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)~~

151.06 CERTIFICATE 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.

~~—(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:~~

~~If a building permit is required, all construction has been completed, as authorized by the County Building Inspector;~~

~~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.~~

~~—(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)

#### ~~§ 151.07 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.~~

#### 151.07 VIOLATIONS.

(A) 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.

(B) Subsequently changing the use of an exempt structure to accommodate human habitation without first complying with this chapter, by the applicant or any subsequent occupant of the property or structure, shall be punishable by fines set by the Boulder Town Council.

(C) 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 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 Town.

~~—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)~~

~~—(A) Violation of this subchapter, including providing false information on a Project Application or a building permit, is a Class C misdemeanor punishable by a fine and/or civil penalties as authorized by UCA § 10-9a-803. [\(10-9a-802\)](#)~~

~~—(B) Subsequently changing the use of an exempt structure to accommodate human habitation without first complying with this chapter, by the applicant or any subsequent occupant of the property or structure, is a Class C misdemeanor as specified above.~~

~~(Ord. 2020-1, passed 3-5-2020) § 153.221 VIOLATIONS:~~

## 151.08 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 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:

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.

~~—(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)~~

All rules and regulations for the county building inspection process will be as defined in the Garfield County Building Department applications..

#### ~~§ 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 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, ~~no later than ten days following the date of issuance of the decision which is the subject of the appeal.~~

The notice of appeal shall be in writing, and shall state with specificity the reasons for the appeal. The appeal should be submitted to:

- A. The Town Clerk for issues relating to the Zoning Administrators decision on Project Applications, or
- B. The County Building Office to appeal decisions on or interpretation of building codes ~~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.~~

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

§ 151.10 ADOPTION OF ~~UNIFORM~~ CODES.

(A) The most current edition of the ~~Uniform~~ International Building Code adopted by the State of Utah, 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. ~~with the exception of its suggested fee schedule,~~ are hereby adopted and incorporated by reference.

(B) The most current edition of the International Fire Code and the Wildland Urban Interface Code are 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 PERMITEES 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 Garfield County Building Inspector.

~~(B) (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.~~

(B) 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 on building permits are established by the County and enforced by the County building Department.

~~(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)

#### 151.12 BUILDING AUTHORITY

(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)