

**ORDINANCE 2024-5
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)

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.

APPROVED AND PASSED by the Boulder Town Council, State of Utah, on this 19th day of December, 2024

ATTEST:

Boulder Town Clerk *Gladys LeFevre*
Boulder Town Mayor *Judy Drain*

VOTE:

Judy Drain, Mayor Aye
Josh Ellis, Councilmember Aye
Ray Gardner, Councilmember Aye
Gladys LeFevre, Councilmember Aye
John Veranth, Councilmember Aye

**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 not requiring project approval or a building permit are listed in §151.04. Project Applications shall be submitted by the applicant on the form provided on the Town's website.

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 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) Buildings intended or designed for "Agricultural use" per UCA 15A-14-202 that do not require permanent electrical, plumbing, septic or mechanical systems.
- 3) Structures of 200 square feet or less net floor area that do not require permanent 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 permanent 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.
- 3) This section is not applicable to buildings exempt from Building Permits per Section 151.04.

151.06 RESERVED

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) The Garfield County Building Department 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 Garfield County Building Department 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 shall not issue its Building Permit until the Town has approved the Project Application.

The Garfield County Building Department 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) The Garfield County Building Department shall enforce all codes adopted under Section 151.10.
- 3) All rules, regulations, and timelines for the Town Building Permit and inspection process will be as defined by the Garfield County Building Department.

151.09 RIGHT OF APPEAL

Any person aggrieved by a decision of the Town Zoning Administrator or the Garfield County Building Department 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 Town adopts the following codes including stated amendments:
 - a. The most current editions of the construction codes adopted by the State of Utah under **UCA 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.
 - b. The most current edition of the fire codes adopted by the State of Utah under **UCA 15A-5-103**, with an amendment to include Appendices B and C and additionally Appendix D as a guide, and the Wildland Urban Interface Code adopted by the State of Utah under **UCA 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 RESERVED

151.20 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.

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