

**ORDINANCE 2012-14**

**AN ORDINANCE AMENDING CHAPTERS 1 AND 2 OF TITLE 14, BUILDING REGULATIONS, OF THE TOOELE COUNTY CODE, MAKING TECHNICAL CORRECTIONS TO ENSURE COMPLIANCE WITH CURRENT STATE LAW**

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I - PURPOSE.** Tooele County finds it necessary to make technical corrections to Chapters 1 and 2 of Title 14, Building Regulations, of the Tooele County Code to ensure compliance with current State law.

**SECTION II - CHAPTERS AMENDED.** Chapter 1, Building Inspector, and Chapter 2, Building Regulations, of Title 14, Building Regulations, of the Tooele County Code are hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

**SECTION III - REPEALER.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION IV - EFFECTIVE DATE.** This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 17<sup>th</sup> day of July 2012.

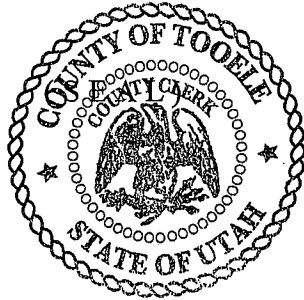
Ord. 2012-14

**ATTEST:**

  
Marilyn K. Gillette, Clerk

**TOOELE COUNTY COMMISSION:**

  
Colleen S. Johnson, Chairman



Commissioner Johnson voted aye  
Commissioner Clegg voted aye  
Commissioner Hurst voted aye

**APPROVED AS TO FORM:**

  
DOUG HOGAN  
Tooele County Attorney

## TITLE 14

### BUILDING REGULATIONS

#### CHAPTER 1

#### BUILDING OFFICIAL

##### Section

- 14-1-1. Responsibility.**
- 14-1-2. Permits.**
- 14-1-3. Powers and duties.**
- 14-1-4. Approval of off-site improvements by county engineer.**
- 14-1-5. Definition of off-site improvements.**
- 14-1-6. Reserved.**
- 14-1-7. Surveying and engineering performed by county engineer.**
- 14-1-8. Building permits required for off-site improvements.**

##### **14-1-1. Responsibility.**

Administration and enforcement of this title shall be the responsibility of the Building Official, under the direct supervision of the County Engineer, who shall direct the Building Official as to the performance of his duties as provided in this title, but the County Commission or County Engineer may from time to time entrust the administration and enforcement of some part or the whole of this title to any other officer without amendment to this section. All departments, officials and public employees who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no such permits or licenses for uses, buildings or purposes where the same would be in conflict with the provisions of this Title and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void.

##### **14-1-2. Permits.**

The construction, alteration, repair, removal or occupancy of any structure or part thereof as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Official; provided, that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the State Building Codes.

Permits are required for temporary uses incidental to construction. Such permits are limited to the duration of the construction work. The maximum time for such a permit is one year. However, another permit may be

issued if cause is shown. All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected and buildings existing on adjacent property, and such other information as may be necessary to provide for the enforcement of this code.

A careful record of such applications and plats shall be kept in the office of the Building Official or other officer charged with administration and enforcement. No yard or other open space provided about any building for the purpose of complying with the provisions of this code shall be used as a yard or open space for another building.

##### **14-1-3. Powers and duties.**

It shall be the duty of the Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. The Building Official shall enforce all of the provisions of this code, entering actions in court when necessary, and failure to do so shall not legalize any violation of such provisions. The Building Official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect.

##### **14-1-4. Approval of off-site improvements by county engineer.**

The construction of all off-site improvements within Tooele County shall not be commenced or proceeded with except after the approval of the County Engineer. All preliminary and final plats, plans and specifications for off-site improvements shall be submitted to the County Engineer for his approval prior to submission to the Planning Commission or the County Commission. A plan checking fee shall be collected by the County Engineer when said plans, plats and specifications are submitted for approval.

##### **14-1-5. Definition of off-site improvements.**

Off-site improvements include all sewer, storm and culinary water, natural gas, underground utility systems installed outside the boundaries of lots owned or to be offered to the public for private ownership, and all streets, curbs and gutters, sidewalks, alleys or other improvements considered off-site improvements in the construction trade.

**14-1-6. Reserved.**

**14-1-7. Surveying and engineering performed by county engineer.**

The County Engineer, in his discretion, may do preliminary surveying, engineering, and construction surveying of off-site improvements for minor improvements to property for curb and gutter replacements or initial installation, where none previously existed and the property owner requests the same at his own expense, or when a special improvement district is created for the purpose of providing off-site improvements within the district. When the County Engineer performs such labor, the County Engineer shall charge fees consistent with the prevailing rate for such services as may be available in the private sector as determined by the County Engineer. All such fees collected by the Engineer shall be accounted for by him and shall be remitted to the County Treasurer.

**14-1-8. Building permits required for off-site improvements.**

All off-site improvements within Tooele County, except those off-site improvements installed pursuant to the subdivision process, shall be required to be done with a building permit and fees collected therefore shall be according to the fee schedule for building permits then in effect. Such fees shall be payable prior to issuance of the permit. For purposes of this section, off-site improvements shall include the installation of sidewalk, curb and gutter, roads, water and sewer lines and the like. A separate building permit for any given structure may be obtained in connection with doing the off-site improvements, provided that the valuation of the off-site improvement shall be included in the computation of the permit fee. A failure to comply with this section shall result in the same penalties as are applicable for building permits under the currently adopted State Building Codes.

**CHAPTER 2**

**BUILDING REGULATIONS**

**Section**

**14-2-1. Utah uniform building standards.**

**14-2-2. Energy conservation construction standards.**

**14-2-3. Uniform code for the abatement of dangerous buildings.**

**14-2-4. Permit fees.**

**14-2-5. Appeals.**

**14-2-6. Repealed.**

**14-2-1. Utah uniform building standards.**

Tooele County shall adhere to and enforce the provisions of the currently adopted State Building Codes.

**14-2-2. Energy conservation construction standards.**

Tooele County shall adhere to and enforce the provisions of the currently adopted Energy Conservation Code. The Energy Conservation Code shall apply to the design, construction, and modification of any buildings requiring a building permit from Tooele County.

**14-2-3. Uniform code for the abatement of dangerous buildings.**

The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, as adopted by the International Conference of Building Officials, is hereby adopted by reference by Tooele County, for the regulation, classification and abatement of dangerous buildings. Three copies of the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings shall be filed in the office of the Tooele County Clerk upon the adoption of this section, for use and examination by the public. All subsequent amendments to the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, are hereby approved and shall take effect immediately without further action of the County Commission when not less than three copies of the new edition have been filed in the Office of the County Clerk.

**14-2-4. Permit fees.**

Building permit and other fees shall be charged and collected in accordance with Table 1-A of the 1997 Uniform Building Code as promulgated by the International Conference of Building Officials. The Building Official shall determine valuations for the purpose of calculating fees by using for each calendar

year the first Building Valuation Data publication issued during that calendar year by the International Conference of Building Officials. The Building Official shall adjust each calculated valuation by the regional modifier listed in said publication for Utah using the grade of construction determined to be applicable. The fee shall then be determined by reference to the Uniform Building Code provisions regarding the calculation of fees. The following information shall be used to calculate valuations for the listed items.

Hay Cover - \$3.00 per square foot.

Storage Shed & Ag Building - Wood Construction - \$6.00 per square foot; Steel Construction - \$8.50 per square foot; Masonry Construction - \$9.90 per square foot. (If without footer and less than 400 square foot, one-half of the above).

Patio Roof - \$2.50 per square foot.

Patio with Covered Deck - \$8.63 per square foot.

Green House Attached - Same as house.

Commercial and Industrial Construction - Contractor's price.

Siding or Re-roofing - Contractor's price or double cost of materials.

Remodeling, Electrical, Mechanical or Plumbing Work When a Building Permit is Required - Contractor's price or double cost of materials.

Factory Built Housing, Including Mobile Homes and Modular Units - 45% of the valuation listed in the applicable building valuation data publication.

In addition to the foregoing fees, Tooele County shall assess and collect a surcharge equal to one percent of the building permit fee in compliance with Utah state law. The County shall file with the Utah Division of Occupational and Professional Licensing a report of building fees and surcharges assessed for the immediately preceding calendar quarter; and, shall remit eighty percent of the amount of the surcharge to have been assessed to said Division.

#### **14-2-5. Appeals.**

Any person who disputes the application or interpretation of any of the building regulations referred to in this chapter may, within 45 days of such determination, appeal such decision by filing a written notice of appeal with the Office of the Tooele County Commission. The County Commission shall, after receiving the notice of appeal, appoint an appeals board consisting of 1 to 3 individuals who are knowledgeable regarding the issue raised by the appeal and who are not employed by the County Engineering Department. The appeals board shall conduct a hearing within 45 days of their appointment and give each party an opportunity to be heard. The decision of the appeals board shall be

final. The appeals board shall have no authority to interpret the administrative provisions of the Building Regulations nor shall the appeals board be empowered to waive requirements of these regulations.

#### **14-2-6. Repealed.**

## TITLE 14

### BUILDING REGULATIONS

#### Chapter

1. ~~Building Inspector Official.~~
2. ~~Building Regulations.~~
3. ~~Constitutional Taking Issues.~~

#### CHAPTER 1

#### ~~BUILDING INSPECTOR OFFICIAL~~

#### Section

- 14-1-1. ~~Responsibility.~~
- 14-1-2. ~~Permits.~~
- 14-1-3. ~~Powers and duties.~~
- 14-1-4. ~~Approval of off-site improvements by county engineer.~~
- 14-1-5. ~~Definition of off-site improvements.~~
- 14-1-6. ~~Reserved.~~
- 14-1-7. ~~Surveying and engineering performed by county engineer.~~
- 14-1-8. ~~Building permits required for off-site improvements.~~

#### 14-1-1. Responsibility.

Administration and enforcement of this title shall be the responsibility of the ~~Building Inspector Official~~, under the direct supervision of the County Engineer, who shall direct the ~~Building Inspector Official~~ as to the performance of his duties as provided in this title, but the County Commission or County Engineer may from time to time entrust the administration and enforcement of some part or the whole of this title to any other officer without amendment to this section. All departments, officials and public employees who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no such permits or licenses for uses, buildings or purposes where the same would be in conflict with the provisions of this Title and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### 14-1-2. Permits.

The construction, alteration, repair, removal or occupancy of any structure or part thereof as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the ~~Building Inspector Official~~; provided, that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the State Building Codes.

Permits are required for temporary uses incidental to construction. Such permits are limited to the duration of the construction work. The maximum time for such a permit is one year. However, another permit may be issued if cause is shown. All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected and buildings existing on adjacent property, and such other information as may be necessary to provide for the enforcement of this code.

A careful record of such applications and plats shall be kept in the office of the ~~Building Inspector Official~~ or other officer charged with administration and enforcement. No yard or other open space provided about any building for the purpose of complying with the provisions of this code shall be used as a yard or open space for another building. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### 14-1-3. Powers and duties.

It shall be the duty of the ~~Building Inspector Official~~ to inspect or cause to be inspected all buildings in the course of construction or repair. ~~He~~ The Building Official shall enforce all of the provisions of this code, entering actions in court when necessary, and his failure to do so shall not legalize any violation of such provisions. The ~~Building Inspector Official~~ shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

**14-1-4. Approval of off-site improvements by county engineer.**

The construction of all off-site improvements within Tooele County shall not be commenced or proceeded with except after the approval of the County Engineer. All preliminary and final plats, plans and specifications for off-site improvements shall be submitted to the County Engineer for his approval prior to submission to the Planning Commission or the County Commission. A plan checking fee shall be collected by the County Engineer when said plans, plats and specifications are submitted for approval. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

**14-1-5. Definition of off-site improvements.**

Off-site improvements include all sewer, storm and culinary water, natural gas, underground utility systems installed outside the boundaries of lots owned or to be offered to the public for private ownership, and all streets, curbs and gutters, sidewalks, alleys or other improvements considered off-site improvements in the construction trade. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

**14-1-6. Reserved.**

**14-1-7. Surveying and engineering performed by county engineer.**

The County Engineer, in his discretion, may do preliminary surveying, engineering, and construction surveying of off-site improvements for minor improvements to property for curb and gutter replacements or initial installation, where none previously existed and the property owner requests the same at his own expense, or when a special improvement district is created for the purpose of providing off-site improvements within the district. When the County Engineer performs such labor, the County Engineer shall charge fees consistent with the prevailing rate for such services as may be available in the private sector as determined by the County Engineer. All such fees collected by the Engineer shall be accounted for by him and shall be remitted to the County Treasurer. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

**14-1-8. Building permits required for off-site improvements.**

All off-site improvements within Tooele County, except those off-site improvements installed pursuant to the subdivision process, shall be required to be done with a building permit and fees collected therefore shall be according to the fee schedule for building permits then in effect. Such fees shall be payable prior to issuance of the permit. For purposes of this section, off-site improvements shall include the installation of sidewalk, curb and gutter, roads, water and sewer lines and the like. A separate building permit for any given structure may be obtained in connection with doing the off-site improvements, provided that the valuation of the off-site improvement shall be included in the computation of the permit fee. A failure to comply with this section shall result in the same penalties as are applicable for building permits under the ~~Uniform Building Code~~ currently adopted State Building Codes. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

**CHAPTER 2**

**BUILDING REGULATIONS**

**Section**

- 14-2-1. Utah uniform building standards.**
- 14-2-2. Energy conservation construction standards.**
- 14-2-3. Uniform code for the abatement of dangerous buildings.**
- 14-2-4. Permit fees.**
- 14-2-5. Appeals.**
- 14-2-6. Repealed.**

**14-2-1. Utah uniform building standards.**

Tooele County shall adhere to and enforce the provisions of the ~~Uniform Building Code, the National Electrical Code, the Uniform Plumbing Code and the Uniform Mechanical Code as adopted by Section 58-56-4 of the Utah Code. The State Division of Occupational and Professional Licensing, in collaboration with the Uniform Building Codes Commission, shall by rule adopt the specific edition of each of the foregoing uniform codes~~ currently adopted State Building Codes. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **14-2-2. Energy conservation construction standards.**

Tooele County shall adhere to and enforce the provisions of the currently adopted Energy Conservation Code as ~~adopted and promulgated by Section 63-9-45 through 63-9-52 of the Utah Code.~~ The Energy Conservation Code shall apply to the design, construction, and modification of any buildings requiring a building permit from Tooele County. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **14-2-3. Uniform code for the abatement of dangerous buildings.**

The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, as adopted by the International Conference of Building Officials, is hereby adopted by reference by Tooele County, for the regulation, classification and abatement of dangerous buildings. Three copies of the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings shall be filed in the office of the Tooele County Clerk upon the adoption of this section, for use and examination by the public. All subsequent amendments to the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, are hereby approved and shall take effect immediately without further action of the County Commission when not less than three copies of the new edition have been filed in the Office of the County Clerk. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **14-2-4. Permit fees.**

Building permit and other fees shall be charged and collected in accordance with Table 1-A of the 1997 Uniform Building Code as promulgated by the International Conference of Building Officials ~~the procedures established in the Uniform Building Code.~~ The Building Inspector Official shall determine valuations for the purpose of calculating fees by using for each calendar year the first Building Valuation Data publication issued during that calendar year by the International Conference of Building Officials. The Building Inspector Official shall adjust each calculated valuation by the regional modifier listed in said publication for Utah using the grade of construction determined to be applicable. The fee shall then be determined by reference to the Uniform Building Code provisions regarding the calculation of fees. The following information shall be used to calculate valuations for the listed items.

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Green House Attached - Same as house.

Commercial and Industrial Construction - Contractor's price.

Siding or Re-roofing - Contractor's price or double cost of materials.

Remodeling, Electrical, Mechanical or Plumbing Work When a Building Permit is Required - Contractor's price or double cost of materials.

Factory Built Housing, Including Mobile Homes and Modular Units - 45% of the valuation listed in the applicable building valuation data publication.

In addition to the foregoing fees, Tooele County shall assess and collect a surcharge equal to one percent of the building permit fee in compliance with Utah state law R153-56-11 as adopted by the Utah Uniform Building Code Commission. ~~On April 30, July 31, October 31 and January 31 of each year,~~ The County shall file with the Utah Division of Occupational and Professional Licensing a report of building fees and surcharges assessed for the immediately preceding calendar quarter; and, shall remit eighty percent of the amount of the surcharge to have been assessed to said Division. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **14-2-5. Appeals.**

Any person who disputes the application or interpretation of any of the building regulations referred to in this chapter may, within 45 days of such determination, appeal such decision by filing a written notice of appeal with the Office of the Tooele County Commission. The County Commission shall, after receiving the notice of appeal, appoint an appeals board consisting of 1 to 3 individuals who are knowledgeable regarding the issue raised by the appeal and who are not employed by the County Engineering Department. The appeals board shall conduct a hearing within 45 days of their appointment and give each party an opportunity to be heard. The decision of the appeals board shall be final. The appeals board shall have no authority to interpret the administrative provisions of the Building Regulations nor shall the appeals board be empowered to waive requirements of these regulations. (Ord. 2012-17, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **14-2-6. Repealed.** (Ord. 2012-17, 7/17/12; Ord. 95-15, 7/20/95)