

ORDINANCE NO. 23-13

AN ORDINANCE AMENDING WASATCH COUNTY CODE CHAPTERS 14.01 AND 14.02 ON BUILDING PERMITS, AND UPDATES TO TITLE 16 TO ADD A SECTION THAT REQUIRES CERTIFICATES FOR A BUILDING THAT MEETS CERTAIN CRITERIA.

RECITALS

WHEREAS, the Wasatch County Code limits building heights to 35' above natural grade; and

WHEREAS, Wasatch county is a rapidly developing and urbanizing county; and

WHEREAS, due to topography and other abnormalities typical in the County it can be difficult to ensure heights and setbacks are compliant with the code; and

WHEREAS, requiring applicants to demonstrate compliance with setbacks and building heights will help ensure compliance with limits on height from natural grade and setbacks; and

WHEREAS, buildings that violate the code are difficult and costly to bring into compliance after construction has commenced, and become more costly as the construction continues; and

WHEREAS, requiring verifications when a permit is applied for, early in the construction process with the footing inspection, and late in the process for a roof inspection will help ensure compliance while minimizing the cost to remedy a violation; and

WHEREAS, the Wasatch County legislative body affirms that building height limits and setback limits are an important part of the land use controls the County regulates as part of its land use and development code pursuant to UCA 17-27a-102; and

WHEREAS, codifying additional tools for the Building Official to utilize to enforce the building codes will be helpful to enforce the building codes; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body, having considered all of the evidence provided to be in the best interest of the health, general welfare, and safety of the inhabitants of Wasatch County;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Code be amended as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to the Wasatch County Code, are hereby enacted:

14.01.02: RESPONSIBILITIES OF DEPARTMENT

The building department shall be responsible for the following functions and duties:

- A. Provide technical expertise in the inspection of all phases of residential and commercial construction.
- B. Conduct investigations of alleged building code violations and make final decisions related to code compliance and sanctions for noncompliance.
- C. Exercise judgment related to continuance or discontinuance of projects for reasons related to safety, standards or project objectives.
- D. Act as liaison between county and state agencies, federal agencies and private contractors.
- E. Create and distribute building permit application forms, policies, and procedures in accordance with Utah Code, Wasatch County Code, and adopted international building, fire and construction codes. Receive and examine building plans for compliance with the uniform building codes standards act as to construction, building type, occupancy and fire protection, and verify that plans conform to uniform building codes standard act.
- F. Detail corrections necessary for plans to conform to state and uniform building codes standards act; interpret regulations and codes to builders and property owners to assist them in altering construction plans to meet established standards.
- G. Determine building permit fees following established procedures for building type and size.
- H. Issue permits and certificates for building, plumbing, electrical, heating, cooling and other construction phases as required by law, and only in a manner ensuring a reasonable level of life, safety, health, general welfare, and property protection from the hazards of fire, explosion, dangerous conditions, inadequate structural strength, inadequate egress, inadequate stability, inadequate sanitation, inadequate light, or other hazards in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations as intended by the International Fire Code, International Building Code, and the purposes of other International Codes administered by the building department. In no event shall the County be responsible for damages associated with defective or incomplete infrastructure, buildings, grading, or landscaping, or related development improvements, even if the County has inspected or received bonding for such improvements. A permit shall not be valid or deemed issued until all required fees have been paid by the applicant, nor shall an amendment be valid until additional fees have been paid.
- I. Discuss and explain the uniform building codes standard act to concerned homeowners and contractors.
 1. Visit building sites or existing buildings to perform inspections, including zoning, yard, location, footing, foundation, frame, wiring, plumbing, heating, insulation and drywall to assure compliance to state and county codes and ordinances. If the building official has a reasonable basis to believe the permitted improvements do not comply with the plans or applicable law, the building inspector may require the applicant to obtain a certification from the engineer of record in order to continue inspections.
- J. Inspection of Modular Units
 1. A MODULAR UNIT is a structure built from sections manufactured in accordance with the construction standards adopted pursuant to Utah Code Title 15A as amended, and transported to a building site, the purpose of which is for human habitation, occupancy or use. Manufactured homes and mobile homes, as defined in Utah Code 15A-1-302 as amended, are not modular units.
 2. Any modular unit, or any portion thereof, shall be subject to inspections by the director of the department of building safety, or someone authorized by the director to perform inspections for Wasatch County ("inspector"). These inspections may include, without limitation, shear nail inspections, roof nailing inspections, weather barrier inspection, lath

inspections-Rock, lath inspections-Plaster, framing inspections, rough electrical inspections, rough mechanical inspections, rough plumbing inspections, rough fire sprinkler inspections, hydronic tubing inspections, WUI rough inspections, insulation inspections, drywall inspections, shower pan inspections, power to panel inspections, party wall inspections (townhomes), roof penetration and fireproof roof sheathing inspections (townhome), final building inspections, final electrical inspections, final plumbing inspections, final mechanical inspections, final insulation inspections, and final sprinkler and flow test inspections. It is the responsibility of the applicant to ensure that any modular units, or any portions thereof, are open and observable for inspection. If a Wasatch County inspector cannot inspect any part of the building due to construction work, being covered up or obscured, the inspector shall refuse to pass the inspection, or issue a certificate of occupancy, until the applicant removes any materials that interfere with the subject of the inspection, and allows the inspector to inspect the modular unit, or any portion thereof.

3. The director of the building department is authorized to allow inspectors to perform inspections of modular units, or any portion thereof, outside of Wasatch County for modular units that will be placed in Wasatch County. However, the director is required to ensure that any additional costs of out of county inspections, including, without limitation, mileage, reimbursements for airfare, and per diem costs at current county rates, are all paid by the applicant. Known expenses shall be paid in advance by the applicant. Additionally, the director of the building department is directed to prioritize requests for inspections inside the county, and if an inspection outside of the county will unreasonably interfere with the building department's ability or availability to perform in county inspections, the director of the building department shall refuse to perform out of county requests for inspection.

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14.01.05: EXPIRATION OF BUILDING PERMITS

A building permit shall expire if construction is not begun within one hundred eighty (180) days from the date the building permit was issued, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced, or if an inspection is not requested within one hundred eighty (180) days from the previous inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated. A building permit shall expire if construction is not completed and a certificate of occupancy and land use compliance is not obtained within five (5) years from the date the building permit was issued. The building department may, for good cause shown, extend the expiration date for a period of time not to exceed one additional year.

14.01.06: BUILDING PERMIT APPLICATIONS

- A. A building permit application shall be made in accordance with the Utah Code, the Wasatch County Code, the international codes administered by the building department, and the policies and applications of the building official.
- B. Building permits, including footing and foundation permits for lots in new developments, shall not be issued until all required improvements have been completed or provided for as required in Section 14.02.04(F).
- C. A building permit application is required to contain:
 1. The name, address, and contact information of:

- a. the applicant, including a statement of whether the applicant is the owner or the owner's authorized agent (IRC 105.1);
 - b. the person submitting an application shall be the property owner, or the application shall include a signed and notarized writing by the property owner authorizing the applicant to submit the building permit application on their property;
 - c. the owner name and contact information, if an authorized agent is used; and
 - d. the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;
2. A site plan for the construction project that:
- a. is drawn to scale;
 - b. includes a north arrow and legend; and
 - c. provides specifications for the following:
 - (1) lot size and dimensions;
 - (2) setbacks and overhangs for setbacks, including a statement that the applicant will verify in the field that the structure complies with the setback;
 - (3) easements;
 - (4) property lines;
 - (5) topographical details, if the slope of the lot is greater than 10%;
 - (A) include building area of 5000 square feet with less than 30% slope;
 - (6) retaining walls, with dimensions;
 - (7) hard surface areas;
 - (8) curb and gutter elevations as indicated in the subdivision documents;
 - (9) utilities, including water meter and sewer lateral location;
 - (10) street names;
 - (11) driveway locations, (if in Wildland urban interface, include width and slopes of driveway);
 - (12) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
 - (13) landscaping plan for any property that will be common area, or for non-residential uses;
 - (14) Fire hazard severity form;
 - (15) the location of the nearest hydrant; and
 - (16) Floodplain information, if applicable;
3. 'Unsecured' construction plans and drawings, stamped and signed by engineer, including:
- a. elevations, only if the construction project is new construction, or if the elevation or height of an existing structure is changing;
 - (1) Natural grade line and height from that line to the highest point of the roof required on elevation drawings, including a statement that the applicant will verify the height of the structure from natural grade (as defined in Section 16.04.02) in the field;
 - b. floor plans for each level, including the location and size of doors and windows;
 - (1) Room uses must be labeled with the proposed use; 'flex' or 'bonus' are not acceptable labels;
 - c. foundation, structural, and framing detail;
 - d. electrical, mechanical, gas, and plumbing design;
 - (1) If a generator is reflected on either the electrical plan or the gas schematic, a separate, additional permit for the generator is required, and the plans should note that a Certificate of Occupancy for the

- structure will not be issued until the generator permit is obtained and the generator installation has passed inspections;
- (2) Propane Permit Application;
 - (3) Electrical Agreement with utility;
 - e. architectural plans reference to the currently applicable international code; and
4. Documentation of energy code compliance;
 - a. Manual J & D/Heat loss using Logan or Vernal as location;
 - b. Signed REScheck;
 5. Structural calculations, except for trusses, which reference compliance with the currently applicable international code;
 - a. Complete Truss Package Reviewed file (including review letter from engineer of record, truss layout, and all truss sheets stamped by the truss manufacturer) required to be submitted, reviewed and approved prior to requesting a roof nailing inspection;
 6. A geotechnical report, including a slope stability evaluation and retaining wall design, if:
 - a. the slope of the lot is greater than 15%; and
 - b. required by the county; or
 - c. If required on the plat; and
 7. A statement indicating that actual construction will comply with applicable local ordinances and building codes; and
 8. Additional Information as necessary for the County to complete a plan review and verify compliance with Utah Code, applicable International codes, and Wasatch County Codes, including:
 - a. Proof that the applicant obtained final approvals from any other required reviewing agencies, such as:
 - (1) Health department for culinary water and septic;
 - (2) Special Service Districts applicable;
 - (3) Fire District; and
 9. Plan check deposit and other permit fees besides the actual building permit fee must be paid to building department to cover the plan review fees in order for the application to be deemed complete, and the amount will be sent to the applicant with the initial review for completeness (because the fee cannot be calculated without an application); and
 10. The Building permit fee is paid after building permit has been reviewed, as is required to calculate and verify the correct fee; and
 11. Building permit applications for parcels over 1 acre shall include the total disturbed area, including the footprint of the structures being applied for, and the area of areas improved for motor vehicles, such as driveways and parking areas.
- D. Changes: Any changes requested to an approved building permit, including to the contractor, shall only be processed or issued after required fees have been paid. If the ownership of the property changes in any way, and a change to a building permit is requested, a new application is required, and required fees shall be paid.
- E. Duplicate Plans. If an applicant makes applications using identical floor plans, the applicant may not be required to pay for the full plan review fees if the applicant informs the building department in advance, and coordinates having the plan set reviewed initially for one permit, and then after the approval of the first permit, follows up with the other permits that have identical plans, noting the previous approval. Applicable building permit fees are still required.
- F. Unless requested by the building official, the engineering coordinator, or the planning director, an issued building permit makes it so a grading permit or a driveway and construction permit are not needed on a property for improvements included in the building permit. The county may require an engineering permit due to the unique issues on a property or if the improvements included in the building permit include designs that require plan review or inspections. An engineering permit is

always required if the total disturbed area is 1 acre or more. When required, the engineering permit shall be included in the building permit application.

- G. No excavation or other site work that requires a building permit may be done until a building permit is issued.

14.01.07: CERTIFICATES OF OCCUPANCY

Certificates of Occupancy shall be issued in accordance with the policies, procedures, and standards of the building department, applicable international code, Utah Code, Wasatch County Code, and the development approvals. Without limiting other requirements, a certificate of occupancy may not be issued until the sidewalks which front the structure or are on the same lot as the structure are in good repair. Any infrastructure or common landscaping which was damaged by the construction activity authorized by the building permit shall be repaired prior to a certificate of occupancy being issued.

14.01.08: ENFORCEMENT ACTIONS AND APPEALS

A. Failure to Comply:

1. It shall be unlawful to engage in activities regulated by this chapter without obtaining the required permit(s), or to engage in activities regulated by this chapter that exceed the scope of the activities authorized in the required permit.
2. Law enforcement authorities of Wasatch County, including law enforcement officers, the Building Official, or persons authorized by the Building Official, may:
 - a. Forfeit any bonds associated with the project or permit.
 - b. Initiate criminal action by citation or information.
 - c. Work with the Wasatch County Attorney to initiate a criminal action.
 - d. Install or repair erosion control or sediment control measures as needed, and recover all costs, fees, and expenses, including enforcement costs and attorney's fees, from any responsible persons, jointly and severally. The county shall have the right to utilize performance bonds, warranty bonds, or other bonds held by the County associated with a project or property to recover costs the County incurs in installing or repairing erosion control measures on the project or property. Additionally, the County may attach market value of the cost of this maintenance, which shall constitute a valid lien on the Property and its lots on a parity with and collected at the same time and in the same manner as general County taxes that are a lien on the Property. In no event shall the County be required to install or repair erosion or sediment control for another.
 - e. Issue a stop work order on the entire construction site. A stop work order may be personally served, may be mailed to responsible person by certified mail, or may be posted in a prominent location upon the property where the violation exists. If a stop work order has been issued, it shall be a separate violation for any work to continue on the property directing no further work shall be performed or approved until authorized by the Building Official. The stop work order shall include:
 - i. The activity or action that must stop immediately.
 - ii. The name of the responsible person(s).
 - iii. The location of the violation.
 - iv. Date(s) the violation occurred.
 - v. Explanation of the violation, including Wasatch County Code, Utah Code or applicable international code sections violated.
 - vi. Obligation to bring the violation into compliance, including the date by which the project or property must be brought into compliance.

- vii. Notice of the appeals process.
- f. Notice of Violation. The Building Official may serve upon a responsible person a written notice of the violation whenever the Building Official finds that there has been a violation of this title. A notice of violation may be personally served, may be mailed to responsible person by certified mail, or may be posted in a prominent location upon the property where the violation exists. A notice of violation under this title must include:
 - i. Name of responsible person(s).
 - ii. The location of violation.
 - iii. Date(s) the violation occurred.
 - iv. Explanation of the violation, including Wasatch County Code, Utah Code or applicable international code sections violated.
 - v. Obligation to bring the violation into compliance, including the date by which the project must be brought into compliance.
 - vi. Notice of the appeals process.
- g. Civil Penalties. Any responsible person found in violation of the provisions of this chapter may be fined \$750 per violation per day for each provision violated, in addition to other penalties provided herein. The Building Official, in his or her discretion, may waive all or a portion of the civil penalty for good cause.
- h. The Building Official may issue further notices of the violation as needed. After penalties begin accruing, remediation of the violation will not relieve the responsible person from payment of any accrued penalty, nor will payment of a civil penalty relieve the responsible person from the obligation to correct the violation.
- i. The Building Official and the responsible person may enter into correction agreements wherein the responsible person agrees to correct violations, and the Building Official agrees to waive all or part of the penalties, subject to the correction agreement being executed and completed within the timeframes provided for therein. In no event shall the Building Official be required to enter into a correction agreement.
- j. Recordation of notices of violation.
 - i. If the Building Official issues a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an appeal has been filed, the Building Official has authority to record a notice of violation with the Recorder's Office of Wasatch County.
 - ii. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation or order, and other information deemed necessary by the Building Official.
 - iii. The recordation does not: (i) place a lien on the property; (ii) encumber the property, or (iii) serve as a notice of interest in the property, but merely places future interested parties on notice of any continuing violation found upon the property.
 - iv. A notice of the recordation shall be served on the property owner by personal service or U.S. mail to the best address known to the Building Official, which may include the last address on file with the Wasatch County Recorder.
 - v. Compliance. When the violation has been corrected, the responsible person will request an inspection by the Building Official. If, after inspection, all violations have been corrected, necessary permits issued and finalized, and civil penalties and administrative fees paid, the Building

Official shall issue a notice of correction of violation to the responsible person and shall record such notice of compliance with the Recorder's Office of Wasatch County.

3. A violation of any provision of this chapter shall constitute a class C misdemeanor punishable by a fine not to exceed seven hundred fifty dollars (\$750.00), or a jail term of up to ninety (90) days, or by both such a fine and jail term. Each day each violation of this chapter persists shall constitute a separate offense.
- B. Appeals of Stop Work Orders, Notices of Violation, and Civil Fines, and Permit Denials, decisions of a Building Official: A responsible person may appeal a stop work order, a notice of violation, a civil fine, a permit denial, or a decision of a Building Official. The recordation of notices of violation cannot be appealed, because the notice of violation must instead be appealed prior to the notice of violation being recorded.
1. Appeal: The notice of appeal shall be in writing and filed with the Wasatch County Building Department. It shall state: "Appeal", and shall include applicable fees, the name of the appellant, a description of the property or project at issue, the stop work order, notice of violation, fine, or permit denial that is being appealed, the basis for which the appellant claims the building department has wrongfully or incorrectly applied the code, and shall provide all supporting evidence and arguments the appellant has supporting their claim. Upon receipt of an appeal, an appeal will be conducted in the same manner as an appeal of a land use decision under Wasatch County Code. If the applicant fully prevails on the appeal, and the appeal final determination is not appealed, the applicant will be returned their appeal fee.
 - a. Time. Appeals must be mailed or hand delivered to the County Building Department no later than ten calendar days after notice of the stop work order, notice of violation, permit denial, or decision of the Building Official was provided to the appellant in the manner provided for herein, or upon actual receipt of the notice, whichever is first.

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14.02.04: EXCAVATION, FILL, CONSTRUCTION, SWPPP, AND EROSION CONTROL

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- F. Completion of Site Improvements Before Building Permits: Building permits, including footing and foundation permits for lots in new developments, shall not be issued until all required improvements in the development are installed or completed by the developer and are accepted in writing by Wasatch County.
 1. Exception: In accordance with Utah Code 17-27a-604.5(2023, as amended), the property owner may request building permits be issued without all the required improvements in the development being completed. The property owner shall file a Pre-Subdivision Completion Building Permit Waiver with the engineering department. The applicant will be required to demonstrate that all of the requirements under the international codes are met and will continue to be met using standard maintenance practices and frequency in the Wasatch Back. The County, including the engineering, planning, building, fire and other related departments, shall maintain a Pre-Subdivision Completion Building Permit Waiver form, and may make other information requests reasonably necessary to evaluate compliance with international code requirements. A building permit may not be issued until either the infrastructure is approved or accepted by the County, or the Pre-Subdivision Completion Building Permit Waiver is approved by the County. Only the property owner of the subject property may appeal approval or denial of a Pre-Subdivision Completion Building Permit

Waiver. Appeal shall be made to the same manner as an appeal of a land use decision under Wasatch County Code within 10 days of the approval or denial.

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16.04.02: DEFINITIONS OF TERMS AND WORDS

The following words shall have the described meaning when used in this title, unless a contrary meaning is apparent from the context of the word:

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GRADE, NATURAL: The grade of land existing prior to any man-made alterations, such as grading, filing or excavating. When man made land disturbance has occurred, the natural grade will be estimated by interpolation between natural areas, by historic records, or by a geologist, to the maximum reliable extent practicable.

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16.21.12: PROCEDURES FOR BUILDING PERMITS WITH REGARD TO MAXIMUM HEIGHT AND SETBACKS

Compliance Statement: A statement on a building permit application or other form provided by the County that *actual construction will comply with applicable local ordinances and building codes*, or a statement substantially similar to that required under UCA 17-36-55 (2021, as amended), will be interpreted as an affirmative statement that the structures applied for will comply with the height restrictions under this title, and the setback restrictions under this title, in addition to other local ordinances and building codes. It shall be signed by the responsible party as part of the building permit application. The responsible party is responsible to make any changes to the improvements necessary to correct violations of the compliance statement.

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16.27.20: RESERVED

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 18 day of October, 2023.

Attest:



Joey Granger
 Joey Granger
 Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

Spencer Park
 Spencer Park, Chair
 Wasatch County Council

	VOTE
Spencer Park, Chairman	Y
Mark Nelson, Vice-Chair	Y
Eric Rowland	—
Karl McMillan	Y
Luke Searle	Y
Kendall Crittenden	Y
Steve Farrell	—Y

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 18 day of October, 2023.

Joey D. Granger

Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 18 day of October, 2023.

Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2026

