

## **Title 3 - Building and Construction**

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### **Chapter 3.1**

#### **Department of Building Safety**

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##### **3.1.1 Creation of Department of Building Safety**

There is hereby created a department of Building Safety to be under the supervision of the Building Official. The Building Official shall be under the direction of the Development Services Director.

##### **3.1.2 Definitions**

Where undefined terms are used, the definitions of Webster's Unabridged Dictionary shall apply. In addition thereto, all words and phrases defined in this Title shall be given such defined meanings wherever used in Title 3 of this code, including the following:

1. "Building Official" means and refers to the director of the Department of Building Safety, or designee.
2. "Department" means and refers to the Department of Building Safety.

##### **3.1.3 Application of Provisions**

This Title 3 applies to the construction, alteration, moving, demolition, repair and use of any building or structure and the equipment therein within the jurisdiction of Payson City, including portable

dwelling, modular structures, mobile homes, trailers, and mobile home parks.

##### **3.1.4 Technical Construction Codes Adoption**

This Title 3 provides for the adoption, administration, and enforcement of the technical construction codes. Referenced technical codes bear a legal influence over details of the design, construction, alteration, occupancy, use, repair and maintenance of buildings, structures, and certain equipment therein. Each of the referenced technical codes provides minimum standards and practical safeguards and provisions against threats to life, limb, health, safety, property, and public welfare. Wherever in these codes reference is made to appendix, the provisions of the appendix shall apply.

##### **3.1.5 Equipment Installation Specifications**

This Title 3 establishes minimum requirements for the installation and maintenance of electrical conductors, fittings, devices and fixtures, herein referred to as "electrical equipment," the installation and maintenance of plumbing, heating, cooling, ventilation and refrigeration systems, the installation and maintenance of fuel piping and energy-using equipment, fire protection or fire prevention piping within the corporate limits of the City, and to provide for the enforcement thereof.

##### **3.1.6 Resolution of Conflicting Provisions**

Wherever conflicting provisions or requirements occur, the most restrictive provisions or requirements shall govern.

##### **3.1.7 Liability Limitations**

Nothing in this Title 3 shall be construed to relieve or lessen the responsibility of any contractor, owner, or any other persons involved for apparatus, construction or equipment installed by or for them, for damages to anyone injured or damaged either in person or property by any defect therein, nor shall the City or any employee thereof be held to assume any liability by reason of the inspections authorized herein, or the certificate of occupancy issued by the Building Official.

## **3.2 Duties of Department**

- 3.2.1 Duties of Department
- 3.2.2 Building Official - Employment
- 3.2.3 Building Official - Powers and Duties
- 3.2.4 Collection of Fees

**3.2.1 Duties of Department**

Title 3 of the Payson City Code shall establish the duties of the Department of Building Safety. The functions of the department shall be:

- A. To enforce the zoning laws of Payson City and to inspect, or cause to be inspected, all buildings and structures erected, or proposed be erected in the City.
- B. To carry out, enforce and perform all duties, provisions and mandates designated, made and set forth in the ordinances of the city concerning zoning, building, plumbing, electrical and mechanical construction, and repair, including Uniform Housing Code regulations.
- C. To examine and approve all plans and specifications before permits shall be issued, and to execute all permits, certificates and notices required to be issued.
- D. To verify that all applicants have a valid contractor's license or are exempt under this Title.
- E. To verify that all structures meet the minimum requirements of this Title.
- F. To perform all of the functions and have all of the powers required of and conferred on the Building Official by the ordinances of the City.

**3.2.2 Building Official - Employment**

The City Manager with the consent of the City Council, and in coordination with the Development Services Director shall employ a qualified Building Official, construction official, housing official, zoning enforcement officer, plans examiner, inspector, and such other assistants and clerks as the exigencies of the work of the division may from time to time require, at such compensation and for such periods of time as recommended by the City Manager and approved by the City Council.

**3.2.3 Building Official - Powers and Duties**

The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this chapter and related chapters and amendments thereto, and shall perform the following duties:

- A. Issue permits to properly licensed contractors and persons, firms or corporations for work to be done within the scope of this Title as regulated under Title 58, Chapter 56, Utah Code Annotated (1953) as amended.
- B. Administer and enforce the provisions of this Title in a manner consistent with the intent thereof, and inspect all work authorized by any permit, to assure compliance with provisions of this Title or amendments thereto, approving or condemning such work in whole or in part, as conditions require.

- C. Issue a certificate of approval or certificate of occupancy for all work approved.
- D. Condemn and reject all work done or being done, or materials used or being used that do not in all respects comply with the provisions of this Title and amendments thereto.
- E. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Title.
- F. Investigate any construction or work regulated by this Title and issue such notice and orders that are necessary to prevent or to correct dangerous or unsanitary conditions.
- G. Recommend revocation of licenses to the State Department of Business Regulation for cause.
- H. Authorize any utility to make necessary connections for power, water or gas to all applicants for such power, water, or gas in the City, when the installation and all facets of the construction or remodel project conform to this Title.
- I. Administer and enforce the provisions of Title 19, Zoning Ordinance of the Payson City Code.

**3.2.3.1 Delegation of Authority**

The Building Official may delegate any of his/her powers to a construction official, housing official, plans examiner, inspectors and assistants, who shall enforce all of the provisions of this Title.

**3.2.3.2 Utility Disconnection Authority**

The Building Official shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures or equipment therein regulated by this Title, in cases of emergency or where necessary for safety to life and property. The utility service shall be discontinued until the equipment, appliances, devices, piping or wiring found to be defective, or deceptively installed, are removed or restored to a safe condition.

**3.2.3.3 Deviation from Regulations**

Where conditions are extremely adverse to full compliance with the regulations of this Title, the Building Official may grant special permission in writing to deviate from the regulations, provided that in judgment of the Building Official such deviation does not create an unsanitary or unsafe condition, and further provided the request for deviation is submitted for approval in writing in advance of the construction or installation.

**3.2.3.4 Books, Papers and Equipment**

The City shall provide such instruments, books, papers and equipment as shall be necessary for the proper performance of the duties of the members of the department. The Building Official shall have charge and control of the books, instruments, papers and equipment used and employed in the department, and shall deliver the same to his/her successor in office.

**3.2.3.5 Liability, Limitations**

The Building Official, or designee, when acting for the city in good faith and without malice in discharge of their duties, shall not be rendered liable personally, and the Building Official is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such duties.

**3.2.3.6 Right of Entry for Inspection**

The Building Official, or authorized designee, shall have the right of entry, within reasonable hours, to any building or premises for the purpose of inspection, or to investigate any work or conditions governed by this Title.

**3.2.3.7 Conflict of Interest Prohibited**

The Building Official, or designee, shall not in any way engage in the sale or installation of equipment or supplies upon which they are required to make inspection under this Title.

**3.2.4 Collection of Fees**

The Building Department of Payson City will assess connection fees for all City utilities at the time of the issuance of a building permit, including the collection of all impact fees. The collection of fees shall be consistent with Ordinances #6-18-97 C and #6-18-97 D and the adopted fee resolution of Payson City. Connection to any City utility shall be consistent with the Design Guidelines and Standard Specifications of Payson City.

**3.3 Board of Appeals****3.3.1 Board of Appeals Created****3.3.2 Membership and Appointment****3.3.1 Board of Appeals Created**

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Title, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and

training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex-officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Title nor shall the Board be empowered to waive requirements of this Title.

**3.3.2 Membership and Appointment**

Members of the Board shall be appointed by the Mayor and confirmed by the City Council, and shall hold office for five years. The Building Official shall be an ex-officio member of the Board, and shall act as secretary. The Chair of the Board will be elected by the members each year.

**3.4 Supplemental Regulations****3.4.1 Work Requiring Permit****3.4.2 Exempt Work Designated****3.4.3 Application - Form and Filing****3.4.4 Plans and Specifications****3.4.5 Construction Inspection****3.4.6 Information, Plans and Specifications****3.4.7 Application Review, Permit Issuance****3.4.8 Temporary Certificates of Occupancy****3.4.9 Working Without a Permit****3.4.10 Denial of Permit****3.4.11 Expiration and Renewal****3.4.12 Permits Non-Transferable****3.4.13 Suspension or Revocation****3.4.14 Inspection of Work****3.4.15 Final Inspection, Certificate of Occupancy****3.4.16 Re-Inspection and Fees****3.4.17 Clean-up, Public Right-Of-Way****3.4.18 Waiver or Deferral of Permit Fees****3.4.19 Utility Easements****3.4.20 Sanitation Facilities****3.4.1 Work Requiring Permit**

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, structure or premises, or make any installation, alteration to improvement to the electrical,

plumbing or mechanical system in a building, structure or premises, or cause the same to be done, without first obtaining the prescribed permits for each such building or structure or premises from the Building Official.

#### **3.4.2 Exempt Work Designated**

A building permit shall not be required for the following:

- A. Structures exempted by section 106.2 of the Uniform Building Code or its successor;
- B. The replacement of existing switches and receptacles and the installation of not more than one outlet or switch;
- C. The replacement of faucets, plumbing fixtures, traps, and trap arms as long as the waste lines are not altered.

#### **3.4.3 Application - Form and Filing**

To obtain a permit, the applicant shall first file an application in writing, on a form furnished for that purpose.

#### **3.4.4 Plans and Specifications**

Two sets of plans, engineering calculations, diagrams and other data shall be submitted with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even not required by the law. Submittals shall include construction inspection requirements as defined in Section 302 (c).

Exception: The Building Official may waive the submission of plans, calculations, construction requirements and other data if it is found that the nature of the work applied is such that reviewing plans is not necessary to obtain compliance with this Title.

#### **3.4.5 Construction Inspection**

The engineer or architect responsible for the structural design work shall include in the construction documents the following:

- A. Special inspections required by Chapter 17 of the Uniform Building Code.
- B. Other structural inspections required by the engineer or architect in responsible charge of the structural design work.

#### **3.4.6 Information, Plans and Specifications**

Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Title and all relevant laws, ordinances, rules and regulations of this Title and state and local laws.

#### **3.4.7 Application Review, Permit Issuance**

The application, plans, and data filed by an applicant for a building permit shall be reviewed by the Building Official. The application may be reviewed by other government agencies or departments to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for a building permit and the plans filed therewith conform to the requirements of this Title and other pertinent ordinances and laws and that the required fees have been paid, the Building Official shall issue a permit to the applicant. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Title. The holder of this permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure will be granted.

##### ***3.4.7.1 Issued to Licensed Contractors Only***

It is unlawful to issue a permit to any person other than a contractor duly licensed to do business by the State Department of Business Regulation, except those exempted under Utah State Law.

##### ***3.4.7.2 Effect of Issuance***

The issuance of a permit or approval of plans and other data shall not be construed to be a permit for an approval of any violation of any of the provisions of this Title. The issuance of this permit based upon plans and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and data or from stopping building operations being carried on thereunder when in violation of this Title or any other ordinance.

#### **3.4.8 Temporary Certificates of Occupancy**

When a temporary certificate of occupancy is applied for and issued pursuant to the provisions of section 109.4 of the Uniform Building Code, a \$500.00 cash guarantee may be required at the

discretion of the Building Inspector to be held by the City until a permanent certificate of occupancy is issued.

### **3.4.9 Working without a Permit**

- A. Fee increase. Whenever any construction or work for which a permit is required by this Title is started or commenced without obtaining the prescribed permit, the fees specified in this Title may be increased by the Building Official up to double fee, but the payment of such increased fees shall not relieve any persons from fully complying with the requirements of this Title in the execution of the work nor from any other penalties prescribed herein.
- B. Exception: Emergency Work. This provision shall not apply to emergency work when it shall be proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining a permit, a double fee, as herein provided, shall be charged.

### **3.4.10 Denial of Permit**

The Building Official may refuse to issue any permit for work governed by this Title to any person who has a permit revoked in accordance with this Title, or during such time as such person fails to comply with any provisions of this Title.

### **3.4.11 Expiration and Renewal**

Every permit issued by the Building Official under the provisions of this Title shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, the permit shall first be renewed by the Building Official and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans or scope of such work, and provided no changes have occurred relative to other municipal regulations impacting the use, size, yard, space or other requirements concerning the proposed structure or development. Whenever a construction permit is taken out in order to resolve the violation(s) specified in a notice and order, the expiration date for the permit shall

coincide with the time limit for resolution of the violation(s) contained in the notice and order.

### **3.4.12 Permits Non-Transferable**

When any work regulated by this Title is not completed by the permittee under the permit issued for the work and the work in question is added to or completed by one or more contractors, each contractor shall procure a permit to cover the work performed.

### **3.4.13 Suspension or Revocation**

The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Title whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any of the provisions of this Title or in violation of state law.

#### ***3.4.13.1 Hearing on Denial or Revocation of Permit***

Any person adversely affected by the action of the Building Official in accordance with the preceding sections may appeal to the Board of Appeals and examiners for a hearing upon such revocation or denial.

### **3.4.14 Inspection of Work**

- A. All construction, work, and equipment for which a permit is required shall be subject to inspections by the Building Official. The Building Official may make or require any inspection of any construction work to ascertain compliance with the provisions of this Title and other laws that are enforced by the department.
- B. No construction, work or equipment regulated by this Title shall be connected to any energy, fuel or power supply or water system or sewer system until authorized by the Building Official.
- C. A survey of any lot may be required by the Building Official to verify compliance of structure with approved plans.
- D. The Building Official shall not be liable for any expense entailed in the removal or replacement of any material required to allow an inspection.

#### ***3.4.14.1 Approvals Required for Ongoing Construction***

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the

written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required by the Building Official.

#### **3.4.14.2 Requests for Inspections**

The Building Official may require that every request for an inspection be filed at least twenty-four (24) hours before such inspection is desired. All inspection requests shall be made when the work for which the inspection is requested is complete and ready for inspection. Such request may be in writing or by telephone. It shall be the duty of the person requesting any inspections required by this Title to provide access to and means for proper inspection of such work. The Building Official shall post a notice twenty-four (24) hours in advance as conditions will permit, when the Building Official is unable to perform inspections because of other duties, holidays, vacations, or similar causes. The provisions of this section do not relieve the owner or contractor from complying with section 3.04.160 of this Title.

#### **3.4.14.3 Inspection Record Card**

Work requiring a permit shall not be commenced until the permit holder, or authorized agent, has posted an inspection record card in a conspicuous place on the front of the premises, or on an electrical service panel, and in such position as to allow the Building Official conveniently to make the required entries thereon regarding inspection of this work. This card shall be maintained in such position by the permit holder until the building or structure is completed and ready for occupancy.

#### **3.4.15 Final Inspection, Certificate of Occupancy**

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. A final inspection approval may, upon notice, be revoked by the Building Official if the Building Official finds that any construction, work or equipment fails in any respect to comply with the requirements of this Title, or that the installation is unsafe, dangerous, or a hazard to life or property. A certificate of occupancy shall be issued as specified in the adopted Uniform Building Code for all occupancies.

#### **3.4.16 Re-Inspection and Fees**

A re-inspection fee may be assessed:

1. When the approved plans are not readily available to the inspector.
2. For failure to provide access on the date for which the inspection is requested.

3. For deviating from plans requiring the approval of the Building Official.
4. When corrections have not been made as noted on a previous inspection.
5. When work for which the inspection is requested is not ready for inspection or required tests have not been provided.

In instances where re-inspection fees have been assessed or re-inspection is necessary, no additional inspection of the work will be performed until the required fees have been paid and the permittee calls for a re-inspection. The re-inspection charge shall be in accordance with the Uniform Building Code as adopted by the State of Utah for each additional inspection required.

#### **3.4.17 Cleanup, Public Rights-of-Way**

- A. Each permit holder shall be responsible to see that vehicles used in the process of carrying out the work authorized by the permit shall not track any mud, dirt or debris of any kind upon any streets or sidewalks within the corporate limits of Payson City Corporation unless a permit has been obtained from the street superintendent for use of a designated portion of the right-of-way with provisions made to keep that portion of the right-a-way and adjacent areas cleared of mud, dirt or debris of any kind. The permittee shall install a suitable process to clean the wheels of the equipment prior to its leaving the job site and entering the streets of Payson City Corporation.
- B. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and/or covered in such a manner as to prevent dropping of materials on city streets or sidewalks.
- C. Ramps constructed over curbs and gutters shall not interfere with or block passage of water along the gutter and shall be constructed of asphalt material that will not erode or deteriorate under adverse weather conditions.
- D. The permit holder shall install erosion and water runoff controls sufficient to insure that no storm water, surface water, sediments or debris from the construction site shall drain or wash or be tracked into any public right-of-way or other adjacent properties, including curb and gutter, unless permission has been granted through the erosion control plan. These controls shall be sufficient to cover any contingency, including but not limited to seasonal storms, unseasonable storms, or methods of construction. The Building Official

or the City Engineer may require, when deemed necessary, an erosion control plan to be submitted for approval. Such plan may be required any time during construction and must be submitted within five days of the request. The Building Official or the city engineer may suspend all work until the plan requested is approved. The permit holder will maintain all erosion control facilities throughout the life of the construction project. The Building Official or the City Engineer will monitor their effectiveness after storms and make the necessary adjustments to ensure they function correctly.

- E. The curb, gutter, and sidewalk shall not be used for storage of debris, dirt or excavated materials. In addition, the sidewalks shall not be removed, blocked or otherwise rendered unusable by either the storage of construction equipment or materials or the construction procedures used, unless a safe, usable alternate walkway along the same side of the street is provided by the contractor unless a permit has been issued by the city streets Department. All alternate walkways shall be rammed in accordance with handicap ramp requirements and so constructed as to provide an all weather walking surface four feet wide as sound and smooth as the normal concrete sidewalk and in compliance with Title 44 of the building code.
- F. The permit holder shall be responsible for the immediate removal of mud, dirt or debris deposited on city streets, curb, gutter and sidewalks by equipment leaving the site or by the permit holder's construction procedures. Any curb, gutter or sidewalks that are broken shall be replaced before an occupancy permit is issued or final inspection approved.
- G. If it becomes necessary for the city street crews to remove any mud, dirt, or debris which has been deposited upon a street or sidewalk of Payson City Corporation, the total cost to the city of such removal will be charged to the property owner or contractor (permit holder), including legal fees, if any. Payment of such charges will be made to the city prior to certification of final inspections, utility clearances, and issuance of a certificate of occupancy.
- H. The Building Official or City Engineer is empowered to suspend a permit until the permit holder installs necessary cleaning equipment or erosion control facilities to ensure that no dust or debris is deposited upon the streets and sidewalks of Payson City Corporation. Such device shall operate in a manner satisfactory to the Building Official or the City Engineer.
- I. Each permit holder shall be responsible to see that all construction sites are kept free of construction

waste that would be subject to being blown onto adjoining properties.

- J. All construction waste shall be removed from the property and disposed of in an approved manner.

#### **3.4.18 Waiver or Deferral of Permit Fees**

Nonprofit organizations may petition the city for the waiver or deferral of any or all fees required by this Title on an annual or project - by - project basis as provided below.

1. Petitions shall be filed with the Building Official.
2. Waivers less than five hundred (500) dollars may be granted by the City Manager.
3. Waivers over five hundred dollars and City Manager denials of waivers less than five hundred (500) dollars shall be heard informally before the City Council.
4. The City Council and the City Manager may grant the waiver or deferral if it finds that the project or projects, and the sponsoring nonprofit organization furthers the City's established low income housing goals to provide housing for persons or families under eighty percent of the City's median income, as defined by the United States Department of Housing and Urban Development, and also meets an applicable guidelines established for any such programs by the United States Department of Housing and Urban Development. The City Council and City Manager waivers for remodeling or construction of offices for nonprofit housing corporations may be granted if it finds that such remodeling or construction will save the corporation money and that such savings will be applied to a specific housing project.
5. The City Council and City Manager may not grant a waiver or deferral to any organization that owns, operates, manages or is related by common ownership or management to any such organization which owns, operates or manages buildings for which existing notices of code violations have not been cured.

Qualified multi-family apartment projects may apply to, and receive from the Building Official an abatement of the normal building permit fee. In order for the Building Official to approve the discount, the applicant must submit necessary documentation in order for the Building Official to certify that the apartment project qualifies under the following criteria:

1. The project is owned and/or operated as a bona fide organization for providing housing for senior citizens;
2. The project operators and/or property owners stipulate that all units shall be occupied by persons over age sixty-two.

#### **3.4.19 Utility Easements**

No permit for new construction or for remodeling with a valuation of \$20,000 or more shall be issued unless a five (5) foot utility easement along all property lines has been recorded with the County Recorder's office.

No permit shall be issued for any structure that will encroach upon a recorded easement unless permission from the easement holder is submitted in writing to the Building Official.

#### **3.4.20 Sanitation Facilities**

Provisions for a water closet, chemical toilet, or other approved facility shall be provided on or within three hundred (300) feet of any construction project that requires a building permit before work is started. The permit holder must supply the sanitation facility or have written permission to use a sanitation facility within three hundred (300) feet of the construction project. (6-2-04)

### **3.5 Enforcement and Penalties**

#### **3.5.1 Nature of Provisions**

#### **3.5.2 Continuing Offenses**

##### **3.5.1 Nature of Provisions**

- A. It is unlawful for any person, firm or corporation to perform any act prohibited by this Title, or to fail or to refuse to perform any act required by this Title and said Titles, or to aid or abet therein, or to fail or refuse to comply with any valid order issued by the Building Official or his or her designate pursuant to the provisions of this Title.
- B. No permits shall be issued to any applicant during this time such applicant fails to correct any defective work or non complying installation of equipment after written notice by the Building Official.
- C. Any person, firm or corporation violating any of the provisions of this Title shall be guilty of a Class B misdemeanor.

##### **3.5.2 Continuing Offenses**

Each day that any violation of this Title is permitted to continue shall constitute a separate offense.

### **3.6 Uniform Building Code Adoption**

- A. The Uniform Building Code (as amended) adopted by the State of Utah, and appendices 15, 29, 30, 33 are adopted by the City as the ordinances, rules and regulations of the City subject to the amendments and exceptions as therein set forth; three copies of which codes shall be filed for use and examination with the office of the city recorder.
- B. The codes designated in subsection A of this section deal with and establish rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area and maintenance of buildings and/or structures in the City. They provide for the issuance of permits and the collection of fees therefore, and provide penalties for the violation of the provisions thereof. Hereafter, all references in the Payson City Code to the Uniform Building Code and the Uniform Building Code Standards adopted by Section 3.06.010, or its successor, are amended to read the Uniform Building Code as amended by the State of Utah.
- C. When a plan or other data is required to be submitted by Section 106.4 of the Uniform Building Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 50% of the building permit fee for R-3 +U occupancies and 65% for all other plans as shown in Table # 1- A.

### **3.7 Uniform Mechanical Code Adoption**

The Uniform Mechanical Code as adopted and amended by the State of Utah and appendices "A" are adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

### **3.8 International Plumbing Code Adoption**

The International Plumbing Code as adopted and amended by the State of Utah and appendices A, B, C, D, E, H, I and Part I are adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as set forth in this Title, three copies of which

codes shall be filed for use and examination with the office of the city recorder.

### 3.9 National Electric Code Adoption

The National Electrical Code as adopted and amended by the State of Utah and the Uniform Administrative Code Provisions for the National Electrical Code, are adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

Any approval granted by the Building Official may be revoked by the Building Official if the electrical materials, devices or appliances are found to be hazardous to life and property for the purpose used or intended, or do not conform with the standards under which they were approved for use. Notice of the revocation of approval shall be given in writing to the person to whom approval was granted by the Building Official.

- A. Electrical Permit fees shall be as set forth in Table No. 3-A of the Uniform Administrative Code Provisions for the National Electrical Code, as may be amended from time to time, and shall be paid prior to work deign started.
- B. Alternate Fee Schedule. When a fee cannot be computed on the preceding schedules, it shall be computed as set per resolution.

### 3.10 Building Conservation Code

The Uniform Code for Building Conservation and appendices Title 1, as may be amended from time to time, are adopted by the City as the ordinances, rules and regulations of the City, three copies of which codes shall be filed for use and examination with the office of the city recorder.

### 3.11 Model Energy Code

The Model Energy Code as adopted and amended by the State of Utah is adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as hereinafter set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

### 3.12 Uniform Code for the Abatement of Dangerous Buildings Adopted

The Uniform Code for the Abatement of Dangerous Buildings, as may be amended from time to time, hereinafter referred to as "UCADB", is hereby adopted by Payson City as the ordinances, rules, and regulations of the City; three copies of said codes shall be filed for use and examination by the public with the office of the city recorder. The purpose of these codes is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of buildings within the City, and providing for correction of violations thereof.

### 3.13 Demolition

- 3.13.1 Permit Required
- 3.13.2 Application for Permit
- 3.13.3 Fees and Signature
- 3.13.4 Salvage Permits
- 3.13.5 Expiration
- 3.13.6 Qualifications to do Work
- 3.13.7 Demolition Permit Requirements

#### 3.13.1 Permit Required

It is unlawful to demolish any building or structure in the City, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the Building Official.

#### 3.13.2 Application for Permit

To obtain a permit for demolition, an applicant must submit in writing on a form furnished by the Building Official for that purpose. Each application shall:

- A. Identify and describe the type of work to be performed under the permit.
- B. State the address of the structure or building to be demolished.
- C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories and number of residential dwelling units (if applicable).
- D. Indicate the method and location of demolished material disposal.
- E. Identify the approximate date of commencement and completion of demolition.
- F. Indicate if fences, barricades, scaffolds or other protection are required by any City code for the demolition and if so, the proposed location and compliance.

- G. State whether fill material will be required to restore the site to level grade after demolition and if required, the approximate amount of fill material.
- H. If the building to be demolished contains any dwelling units, the application should state whether any of the dwelling units are presently occupied.

### 3.13.3 Fees and Signature

- A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. Signature on the permit application constitutes a certification by the signer that the information contained in the application is true and correct.
- B. Demolition Fee. The fee for a demolition permit application shall be based on the building floor area as set per resolution.

### 3.13.4 Salvage Permits

- A. A pre-demolition salvage permit for other than structural demolition shall be required for the removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, brick, marble, or similar materials on the exterior or interior of the building when this work is started before a demolition permit is issued.
- B. A pre-demolition salvage permit fee shall be paid in the amount of twenty (20) percent of the demolition fee.

### 3.13.5 Expiration

Permits shall expire forty-five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the Building Official at the time of application. Demolition permits may be renewable upon request prior to expiration with approval of the Building Official for one-half of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without the prior renewal any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

### 3.13.6 Qualifications to do Work

It shall be unlawful for demolition work permitted under this Title to be performed except by:

- A. A general contractor or subcontractor currently holding a license in good standing with the state of Utah to do wrecking and/or demolition work.
- B. A licensed general contractor currently holding a license in good standing with the state of Utah qualified as a general contractor, but only when the demolition is incidental and supplemental to the

construction by the general contractor of a new structure on the demolition site.

- C. Salvage work under a pre-demolition salvage permit may be done without a contractor's license provided all other conditions of this Title are met.

### 3.13.7 Demolition Permit Requirement

- A. Prior to the commencement of any demolition or moving the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the city engineer. No excavation shall be covered until such plugging is approved by the department whose line is being plugged or by the Building Official. The permittee shall insure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.
- B. When the applicant indicates the demolition will require more than thirty days to complete, and where required by the Building Official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the Building Official. The Building Official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.
- C. A permit for demolition requires that all materials comprising part of the existing structure(s), including the foundation and footings be removed from the site. The depression caused by the removal of such debris must be filled back and compacted to the original grade, as approved by the Building Official, with fill material excluding detrimental amounts of organic material or large dimension non-organic material.
- D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, must be completed within the permit period unless the Building Official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the Building Official. In such event, the Building Official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a guarantee, erection of fences, securing, or

similar prevention s to insure the site does not create a hazard after the demolition is completed.

### **Chapter 3.14 Debris and Waste**

Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street during the construction process. Removal of these types of materials shall be required prior to issuance of any Certificate of Occupancy. No such items shall be left or deposited in any area of construction at the time of expiration of the performance guarantee or dedication of public improvements, whichever is sooner.

### **Chapter 3.15 Public Improvement and Repair Guarantee**

#### **3.15.1 Guarantee Required**

Each building permit recipient shall post a public improvement and repair guarantee with the City. The guarantee shall be posted before the City issues the building permit.

#### **3.15.2 Waiver of Guarantee**

The Building Official may waive all or a portion of the required public improvement and repair guarantee under the following circumstances:

- A. The Building Official may waive all or a portion of the public improvement and repair guarantee if 1) the building permit recipient proposes to construct improvements that do not require the use of heavy equipment, 2) the building permit site already has all required public improvements (e.g. curb, gutter, sidewalk, and water and sewer connections), and 3) the Building Official finds that the project creates little risk for cracking or damaging existing sidewalks or other public improvements, and that the project is unlikely to lead to the tracking of mud, dirt or debris into the street.
- B. The Building Official may waive all or a portion of the public improvement and repair guarantee to the extent that the required public improvements are adequately covered by an existing subdivision guarantee and the developer of the subdivision proceeds to build on one or more of the lots located in the subdivision. If a subdivision guarantee is used to meet the requirements of the public improvement and repair guarantee, then the retainage requirements of Title 20, Subdivision

Ordinance of the Payson City Code shall be applicable.

- C. The Building Official may waive all or a portion of the public improvement and repair guarantee to the extent that the required public improvements are adequately covered by an existing site plan guarantee. If a site plan guarantee is used to meet the requirements of the public improvement and repair guarantee, then the retainage requirements of Title 19, Zoning Ordinance of the Payson City Code shall be applicable.

The public improvement and repair guarantee may be aggregated with other required guarantees (e.g. a building permit recipient may submit one guarantee meeting the requirements of multiple ordinances.) If a building permit recipient submits an aggregate guarantee, the City may make draws on the aggregate guarantee in the same manner that it would make draws on a public improvement and repair guarantee.

#### **3.15.3 Purpose of Guarantee**

The purpose of the public improvement and repair guarantee is to guarantee the construction, repair and/or replacement of required public improvements, to guarantee the completion of street cleaning necessitated by construction activity associated with the building permit, and to provide funds necessary to mediate a site left in a dangerous condition. For purposes of this section, "required public improvements" include the following improvements associated with a particular building permit:

- A. Curb, gutter and sidewalk
- B. Storm sumps
- C. Asphalt paving
- D. Fire hydrants
- E. Fencing
- F. Landscaping and sprinkling systems
- G. Water and sewer lines
- H. Driveway approaches
- I. Removal of mud, dirt and debris from the public rights-of-way (sidewalks, curbs, gutter and streets)
- J. Mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.
- K. Any other public improvements required by ordinance or required as part of a site plan, conditional use permit, subdivision plat, or building permit approval.

If, for any reason, the funds or guarantees set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall still be liable to complete the improvements. The guarantees required by this section are for the sole benefit of the City. The guarantees are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots within a subdivision. The guarantees are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the guarantee for providing labor or materials.

#### **3.15.4 Guarantee Amount**

The amount of the public improvement and repair guarantee shall be calculated as follows:

- A. If the project includes the construction of required public improvements, the amount of the public improvement and repair guarantee shall be one hundred twenty (120) percent of the estimated cost of the required public improvements, as determined by the Building Official. In calculating the estimated cost of the required public improvements, the Building Official may accept the amount specified in a construction bid as the reasonable cost of the improvements.
- B. The minimum amount of the public improvement and repair guarantee, regardless of the estimated cost of the required public improvements, shall be one thousand (1,000) dollars.

#### **3.15.5 Guarantee Depletion - Stop Work Orders**

If the City makes a draw on a public improvement and repair guarantee covering construction that causes the guarantee to fall below seventy-five (75) percent of the required guarantee amount, then the City may issue a stop work order for the project until the building permit recipient has replenished the guarantee to one hundred (100) percent of the required guarantee amount.

- A. If an applicant submits an aggregate guarantee (e.g. one guarantee meeting the requirements of both the site plan guarantee and the public improvement and repair guarantee), the City may red tag the site if the portion of the aggregate guarantee attributable to public improvement and repair guarantee requirements falls below seventy five (75) percent of the required guarantee amount.

#### **3.15.6 Form of Guarantee**

The public improvement and repair guarantee shall be in cash or in the form of an irrevocable letter of credit. The form of the public improvement and repair guarantee must be approved by the City. The City reserves the right to reject any guarantee if it has a rational basis for doing so.

#### **3.15.7 Use of Guarantee**

The City may use some or all of the proceeds from the public improvement and repair guarantee for the following purposes:

- A. To complete required public improvements that remain uncompleted more than one hundred eighty (180) days after expiration or cancellation of a building permit.
- B. To repair or replace any required public improvements damaged by the contractor or owner or their agents during construction. The City shall notify the owner and/or contractor of any such damage and shall require repair or replacement of the damaged public improvements within a reasonable time. Upon the failure of the owner or contractor to make the specified repairs, the City may take whatever legal action it deems appropriate, including making draws on the guarantee, to secure the repairs.
- C. To perform public right-of-way cleaning in accordance with Section 3.4.17 herein.
- D. To reimburse the City for mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.

#### **3.15.8 Release of Guarantee**

The City shall hold the public improvement and repair guarantee until 1) the contractor has completed all required public improvements, 2) the City has accepted the required public improvements, 3) the City issues a final certificate of occupancy for the site, and 4) the Building Official gives written consent to the release of the guarantee. The amount of guarantee money released shall be equal to the amount of the guarantee less any draws on the guarantee. A building permit recipient may request that a public improvement and repair guarantee be rolled over from one project to another, provided that the terms of the guarantee would permit the rollover. (6-2-04)