

Proposed **ORDINANCE NO. 22-03**

AN ORDINANCE AMENDING THE CITY OF ELK RIDGE BUILDING REGULATION CODE 9-1-4 REGARDING **FINES AND CONFLICTING CODES**, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Elk Ridge has adopted the Elk Ridge City Building Regulations Title 9 –Chapter 1 – Section 4 Supplementary Provisions to Codes describing the fine process for violations of the City of Elk Ridge; and

**WHEREAS**, the City of Elk Ridge desires to amend the how fines on building regulation violations are given; and

**WHEREAS**, the a amendment was posted in at least three (3) public places, the Utah Public Notice Site, The City Website and The City Office; and

**WHEREAS**, the notice of hearing, which was posted and published, by the City Council, contains specific advance notice that the proposed ordinance amendment, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS:**

(Underlined text is added text, ~~Strikeout~~ text is deleted text)

TITLE 9

BUILDING REGULATIONS

CHAPTER 1

BUILDING AND RELATED CODES; REGULATIONS

SECTION:

9-1-1: Purpose And Intent

9-1-2: Codes Adopted

9-1-3: Successor Codes

9-1-4: Supplementary Provisions To Codes

9-1-4: SUPPLEMENTARY PROVISIONS TO CODES:

The following provisions shall become the adopted and established policy of the City in addition to the codes and provisions established herein and/or in replacement of conflicting provisions within said codes:

A. Temporary Certificates Of Occupancy: A temporary certificate of occupancy may be issued for weather related circumstances only where the completion of work, such as concrete, on a residence is made impossible or reasonably impractical. Under no circumstances may a temporary certificate of occupancy be issued if any safety related improvements (i.e., handrails, guardrails, electrical work, etc.) exist in an incomplete state.

1. Bonding: In the case that a temporary certificate of occupancy may be issued, a bond shall be placed with the City in the amount of one hundred twenty five percent (125%) of the estimated cost of the work to be completed, as determined by the building

official. Bonds may be cash bonds from the property owner or the lending institution or bank funding the construction of the residence.

2. Issuance: A temporary certificate of occupancy may only be issued by the building official under review and advisement from the Mayor.

3. Release: Under no circumstance shall any bond, or portion thereof, be released until such time as all remaining work necessitating the temporary certificate of occupancy is completed, inspected and approved by the building official, and a permanent certificate of occupancy is issued by the City.

4. Maintenance: In the event that a temporary certificate of occupancy is issued, the property and adjacent areas shall be kept in a clean and orderly state at all times. Should the property or the adjacent areas become disorderly or unclean, including, but not limited to, vehicles tracking dirt and/or mud onto City streets, the City is hereby authorized to take whatever action necessary to clean the site or bring the site back into an orderly state, with the costs of doing so to be charged against the posted bond. Should these costs total an amount greater than the amount bonded, the property owner shall be responsible to pay the difference.

5. Mitigation: It shall be the sole discretion of the building official to place requirements upon a structure, in combination with a temporary certificate of occupancy, in order to eliminate any potential health, safety, and/or general welfare risk to any resident or occupant of the structure. Any violation of the mitigation measures placed onto a structure in combination with a temporary certificate of occupancy shall be the sole responsibility of the property owner and may result in the revocation of the temporary certificate of occupancy.

6. Termination Of Temporary Certificate Of Occupancy: All incomplete construction associated with a properly issued temporary certificate of occupancy shall be constructed and inspected at the earliest reasonable point following the removal, expiration or termination of the conditions necessitating or permitting the temporary certificate of occupancy.

7. Revocation: A temporary certificate of occupancy may be revoked by the Mayor only if evidence shows that clear violations of the building codes or the mitigation terms of the temporary certificate of occupancy.

B. Trash Receptacles: All properties on which construction is being done shall have a fully functional trash receptacle on the property and all garbage and construction waste shall be contained within said receptacle. All trash receptacles shall be placed on the site and shall not be located on a street or public right-of-way. All such receptacles shall be of sufficient size and nature to adequately contain all garbage and construction waste on the site at all times, including lids or covers in the event of winds. Construction sites which are disorderly or which contain loose garbage may be passed over for a scheduled inspection and the cost of conducting said inspection being charged as a penalty.

C. Cleated Or Track Equipment: Any equipment or vehicles used for the construction of a residence, or other building, which has track mobility or cleated tires of any kind,

shall be kept off City rights-of-way at all times in order to avoid damage to the right-of-way. The loading or unloading of such vehicles and equipment to or from a truck or trailer shall be done directly onto the property in order to avoid travel and damage to the right-of-way. Any damage to the improvements of a City right-of-way from a vehicle or equipment of this type shall be the sole responsibility of the contractor or agent responsible for the equipment causing the damage. Said contractor shall also be responsible for the proper replacement, including inspection costs, of any damaged infrastructure in this regard. The City shall also have the ability to repair any such damage with the party for the damage being responsible for reimbursement for the costs incurred to make the necessary repairs. In addition to the penalties associated with a violation of this subsection, any travel of track or cleated vehicles or equipment upon any part of a City right-of-way shall result in an immediate fine of one thousand dollars (\$1,000.00) from the City to the responsible party. Payment of said fine shall be made to the City office within seventy two (72) hours of notification of said fine being incurred. Failure to make payment of said fine within the allotted time frame may result in a stop work order being issued by the building official for the nonpayment of the fine, and such an order shall be immediately rescinded by the building official upon payment of the fine.

D. Temporary Water: Each residence being constructed shall be charged one hundred dollars (\$100.00) for the setting of a temporary water meter for the purpose of construction. Said charge shall not include the setting of a permanent water meter following final inspection approval or the payment of the water hookup fee. Any water usage with a temporary meter shall be charged to the contractor according to the current rate of culinary water utilities within the City.

E. Road Maintenance: During the time of construction on a residence, or other building, the contractor shall be responsible for the maintenance of all adjacent streets or public rights-of-way, including, but not limited to, trash collection, ensuring gutters are clean, ensuring any and all storm drain facilities are kept free of garbage, debris and unnecessary dirt and mud. Streets shall be kept free of dirt and mud tracked from the construction site and shall be cleaned regularly, as needed. Any violation of this subsection may result, at the building official's discretion, in the passing over of scheduled inspections for the site and/or structure under construction. In such an event, the normal costs of conducting the inspection scheduled shall be charged as a penalty.

F. Mitigation Powers: In the event that mitigation becomes necessary to correct problems not otherwise outlined herein, the building official shall have the ability, under the direction of the Mayor, to take the necessary action to eliminate or minimize any such problem. Any costs incurred by the City in the effort to mitigate any such problem may be charged to the party responsible for the problem.

G. Fast Tracking: Under no circumstances shall any construction activities commence, including, but not limited to, building, earthwork, digging and/or grading, on a structure or construction site prior to the applicant, or their agent, receiving an approved building permit from the City office or the building official. No building permit shall be issued by the City, or the building official, until all requirements for reviewing and approving building permits, according

to the City approved process for achieving a building permit, are satisfied in full, including, but not limited to, the payment of any and all fees associated with said building permit. ~~Any applicant violation of this subsection shall constitute a five hundred dollar (\$500) fine from the city to the applicant in addition to the penalties occurred fir the violation of this chapter.~~ Any person found in violation of any subsection of this section of code may receive a notice and possible stop work order from authorized city administration. The notice shall state the violation and may include the course and timeframe for correction. The notice may include a fine of up to \$500.00 as accessed by the authorized city administrator. The person found in violation may be subject to additional penalties as provided in section “Chapter 4” of this code.

H. Conflict in Adopted Codes: Where a conflict may be found in adopted code as listed above in Chapter 9 or any part thereof, interpretation shall be at the discretion of the Fire Marshall, Building Official or Enforcement Officer based on the nature of the conflict and individual situation. Generally, the more stringent of the conflicting codes shall apply.

**SECTION II. Codification, Inclusion in the Code, and Scrivener’s Errors.** It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filling a corrected or re-codified copy of the same with the City Recorder.

**SECTION III. Severability.** If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION II. Posting.** A copy of this Ordinance shall be deposited in the office of the Elk Ridge City Recorder, and on \_\_\_\_\_, 2022, the Elk Ridge City Recorder shall certify that this Ordinance has been posted in three public places within the municipality on that date, as provided in Utah State Code Annotated § 10-3-711(1).

**SECTION III. EFFECTIVE DATE.** This ordinance shall become effective immediately upon passage.

Passed and duly adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rob Haddock, MAYOR

Councilmember Nelson Abbott	Voted ____
Councilmember Tricia Thomas	Voted ____
Councilmember Jared Peterson	Voted ____
Councilmember Cory Thompson	Voted ____
Councilmember Tanya Willis	Voted ____

ATTEST:

STATE OF UTAH )

) ss.

COUNTY OF UTAH )

\_\_\_\_ day of \_\_\_\_\_, 2022, entitled:

**“AN ORDINANCE AMENDING THE CITY OF ELK RIDGE BUILDING REGULATION CODE 9-1-4 REGARDING FINES AND CONFLICTING CODES,, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City  
Utah this \_\_\_\_ day of \_\_\_\_\_, 2022.

Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH )

ss.

COUNTY OF UTAH )

I, ROYCE SWENSEN , City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance # 22-03, which is attached hereto on the \_\_\_\_ day of \_\_\_\_\_, 2022.

The three places are as follows:

1. Elk Ridge City website [elkridgecity.org](http://elkridgecity.org)
2. Utah Public Notice Website <https://www.utah.gov/pmn/>
3. 80 E Park Dr. Elk Ridge City, UT 84651

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

\_\_\_\_\_  
ROYCE SWENSEN

Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by ROYCE SWENSEN.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Residing at: Utah County