TITLE 10

BUILDING REGULATIONS

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CHAPTER 1: BUILDING DIVISION

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10-1-010. Building Division.

There is hereby created a Building Division within the Community Development Department of the City of Farmington. The Building Division shall be responsible for the administration and enforcement of the codes and ordinances pertaining to construction, alteration, moving, demolition, repair and use of all buildings and structures within the City as more particularly set forth in this Title.

10-1-020. Building Official.

There is hereby created the position of Building Official to act as the City's Building Official. Any person hired by the City as the Building Official of Farmington City shall meet the qualifications set forth in *Utah Code Ann.* § 58-56-9, as amended, and any other requirements imposed by the City.

10-1-030. Powers and Duties.

Subject to the direct supervision of the Community Development Director, the Building Official shall perform all the duties set forth in the Construction Codes and any other duties as the City Council may from time to time provide. The Building Official is hereby authorized and directed to perform the following duties and responsibilities in accordance with applicable provisions of this Title and the Construction Codes:

(a) Enforce and render interpretations of the provisions of this Title and the Construction Codes;

(b) Receive applications, review construction documents, issue permits, inspect premises for which permits have been issued, and enforce compliance with the terms of this Title and the Construction Codes;

(c) Issue all necessary notices or orders to ensure compliance with this Title and the Construction Codes;

(d) Make all required inspections or review reports of inspections by authorized agencies or persons, including expert opinions deemed necessary to report upon unusual technical issues; and

(e) Keep official records of applications, permits, certificates, interpretations, notices, orders, inspections, fees and other official records regarding building issues.

10-1-040. Building Inspectors and Examiners.

Any number of building inspectors may be retained or hired by the City to assist the Building Official in the performance of his or her duties. Any person contracted or retained as a building inspector of Farmington City shall meet the qualifications set forth in *Utah Code Ann.* § 58-56-9, as amended, and any other requirements imposed by the City. The City may also retain or hire any technical officers, plans examiners or other employees to assist the Building Official. Building inspectors, plans examiners and other technical officers or employees shall be under the direct supervision and control of the Building Official and the Community Development Director and shall have the authority to perform delegated duties and such other powers and duties as designated by the City Council.

10-1-050. Conflicts of Interest.

As employees or agents of the City, the Building Official and any building inspectors, technical officers, plans examiners or other employees of the City shall adhere to the requirements and restrictions of the Utah Municipal Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann.* §§ 10-3-1301, *et seq.*, as amended.

CHAPTER 2: CONSTRUCTION CODES

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10-2-040. Plumbing Code.
10-2-050. Mechanical Code.
10-2-060. Fuel Gas Code.
10-2-070. Electrical Code.
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10-2-090. Manufactured Housing Code.
10-2-100. Abatement of Dangerous Buildings Code.
10-2-110. Property Maintenance Code.
10-2-112. Fire Code.
10-2-114. Local Amendments.
10-2-120. Conformance with Other Ordinances.

10-2-010. Defined.

The Codes adopted in this Chapter shall be referred to collectively as the "Construction Codes" for Farmington City.

10-2-020. Building Code.

The International Building Code (IBC), 2012 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, including Appendix J, is hereby adopted and incorporated herein by reference as the Building Code of Farmington City.

10-2-030. Residential Code.

The International Residential Code (IRC), 2012 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, including Appendix E (subject to the provisions of Section 10-2-090), is hereby adopted and incorporated herein by reference as the Residential Code of Farmington City.

10-2-040. Plumbing Code.

The International Plumbing Code (IPC), 2012 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, is hereby adopted and incorporated herein by reference as the Plumbing Code of Farmington City.

10-2-050. Mechanical Code.

The International Mechanical Code (IMC), 2012 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, is hereby adopted and incorporated herein by reference as the Mechanical Code of Farmington City.

10-2-060. Fuel Gas Code.

The International Fuel Gas Code (IFGC), 2012 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, is hereby adopted and incorporated herein by reference as the Fuel Gas Code of Farmington City.

10-2-070. Electrical Code.

The National Electrical Code (NEC), 2011 Edition, issued by the National Fire Protection Association, as amended and adopted by the State of Utah, is hereby adopted and incorporated herein by reference as the Electrical Code of Farmington City.

10-2-080. Energy Conservation Code.

The International Energy Conservation Code (IECC), 2009 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, subject to Subsection 15A-2-102(2), the HUD Code, and subject to Utah Code §15A-4-102(1), Appendix E of the 2012 Edition of the International Residential Code, is hereby adopted and incorporated herein by reference as the Energy Conservation Code of Farmington City.

10-2-090. Manufactured Housing Codes.

Subject to the provisions of *Utah Code Ann.* § 15A-2-104, as amended, the following codes and standards are hereby adopted by Farmington City and incorporated herein by reference: the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code), issued by the Department of Housing and Urban Development and published in 24 CFR Parts 3280 and 3282, as revised April 1, 1990 and as adopted by the State of Utah; Appendix E of the 2009 Edition of the International Residential Code as adopted herein in Section 10-2-030 and adopted by the State of Utah; the 2005 Edition of the NFPA 225 Model Manufactured Home Installation Standard issued by the National fire Protection Association, as adopted by the State of Utah.

10-2-100. Abatement of Dangerous Buildings Code.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, issued by the International Conference of Building Officials, is hereby adopted and incorporated herein by reference as the Abatement of Dangerous Buildings Code of Farmington City.

10-2-110. Property Maintenance Code.

The International Property Maintenance Code, 2012 Edition, as issued by the International Conference of Building Officials, is hereby adopted and incorporated herein by reference as the Property Maintenance Code of Farmington City.

10-2-112. Fire Code.

The International Fire Code (IFC) 2012 Edition, issued by the International Code Council, as adopted and amended by the State of Utah, including Appendices B, F, I, and J and the National Fire Protection Association (NFPA), NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2012 Edition, as adopted and amended by the State of Utah, are hereby adopted and incorporated herein by reference as the Fire Code of Farmington City. Local amendments adopted by Farmington City that are in effect on June 30, 2013, imposing requirements relating to automatic sprinkler systems for structures built in accordance with the IRC shall remain in full force and effect and are hereby grandfathered pursuant to Section 301 of the State Fire Code Adoption Act.

10-2-114. Local Amendments.

The Construction Codes adopted herein shall include any and all local amendments adopted by Farmington City and approved by the State in accordance with applicable local amendment procedures.

10-2-120. Conformance with Other Ordinances.

Any construction, alteration or improvement of any building or structure within the City shall also comply with other relevant City ordinances and regulations, including but not limited to subdivision, zoning and fire provisions. The provisions of this Title and the Construction Codes adopted herein are intended to be interpreted and administered in conformance with such other ordinances. Whenever a conflict exists between any provisions, the more restrictive standard or provision shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

Amended Chapter 2, Ord. 2010-29, June 15, 2010
Amended Chapter 2, Ord 2013-16, July 2, 2013

CHAPTER 3: PERMITS

10-3-010. Permit Required.
10-3-020. Application for Permit.
10-3-030. Expiration of Application.
10-3-040. Issuance of Permit.
10-3-050. Approved Plans.
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10-3-070. Validity of Permit.
10-3-080. Expiration of Permit.
10-3-090. Suspension or Revocation of Permit.
10-3-100. Fees Required.
10-3-110. Work Commencing before Permit Issued.
10-3-120. Fee Refunds.
10-3-130. Public Improvements Required.
10-3-140. Bond Required.
10-3-150. Connection of Utilities.

10-3-010. Permit Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Title or the Construction Codes, or to cause any such work to be done, shall first apply for and obtain the required permit from the City.

10-3-020. Application for Permit.

To obtain a permit, the applicant shall file an application on a form furnished by the City for the purpose. Each permit application shall include supporting construction documents, site plans, specifications, plans and data required by the Construction Codes and applicable City Ordinances, rules and regulations (hereinafter "Construction Documents@) and in accordance with applicable provisions of Section 106 (Construction Documents) of the International Building Code. All permit applications shall be filed with the Community Development Director and shall comply with the standardized building permit forms approved by the State of Utah, in accordance with *Utah Code Ann.* ' 58-56-20, as amended. Pursuant to Section 58-56-20, as amended, single-family residential building permit applications shall also include in the application, or attached to the building permit the following notice prominently placed in at least 14-point font: "Decisions relative to this application are subject to review by the chief executive officer of the municipal entity issuing the single-family residential building permit, or his or her designee, and appeal under the International Residential Code." The Building Official or Community Development Director may require additional construction drawings, data, studies and reports, such as, but not limited to, soils studies or geotechnical hazards studies, when deemed necessary.

10-3-030. Expiration of Application.

An application for a permit for any proposed work shall be deemed abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; provided, the Building Official is authorized to grant one or more extensions of time for additional periods not to exceed 90 days each. Any extension shall be requested in writing by the applicant or authorized agent prior to the expiration of the application and justifiable cause demonstrated.

10-3-040. Issuance of Permit.

Applications for permits and supporting Construction Documents shall be reviewed by the Building Official, the Community Development Director, and any other appropriate officials or departments, within a reasonable time after filing. If the Building Official and the Community Development Director are satisfied that the proposed work, application and Construction Documents conform to the requirements of the Construction Codes and other pertinent laws and ordinances, and that the fees and bonds required herein have been paid to the City, a permit shall be issued to the applicant, signed by both the Building Official and the Community Development Director. The applicant or authorized agent shall keep the permit or copy of the permit on the site of the work until the completion of the project. If the proposed work, application or Construction Documents do not conform to the requirements of the Construction Codes or pertinent laws and ordinances, the Building Official and/or Community Development Director, shall reject such application in writing, stating the reasons therefor. All building permits issued by the City shall utilize the standardized numbering system required by the State of Utah, in accordance with *Utah Code Ann.* § 58-56-19, as amended.

10-3-050. Approved Plans.

When the Building Official issues a permit, any and all applicable Construction Drawings shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." Such approved Construction Drawings shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by the Construction Codes shall be done in accordance with the approved Construction Documents.

10-3-060. Retention of Plans.

One (1) set of approved Construction Documents shall be retained by the City for a period of not less than 180 days from the date of completion of the permitted work, and thereafter in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as amended. One (1) set of approved Construction Documents shall be returned to the applicant and kept at the site of work open for inspection by the Building Official or duly authorized representative until the completion of the project.

10-3-070. Validity of Permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Construction Codes or of any other pertinent law or ordinance. Permits presuming to give such authority to violate or cancel the provisions of the Construction Codes or other pertinent law or ordinance shall not be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official or the City from thereafter requiring the correction of errors in such documents. The Building Official is also authorized to prevent occupancy or use of a structure in violation of the Construction Codes or any other applicable law, ordinance, rule or regulation.

10-3-080. Expiration of Permit.

Every permit issued by the City shall expire by limitation and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. Any extension shall be requested in writing prior to the expiration of the permit and justifiable cause demonstrated. After expiration of a permit, a new permit must be obtained prior to recommencing work.

10-3-090. Suspension or Revocation of Permit.

The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Title and the Construction Codes wherever the permit is issued in error or on the basis of

incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any provisions of the Construction Codes.

10-3-100. Fees Required.

Except as otherwise provided, all fees for permits shall be assessed in accordance with the Fee Schedule adopted by Resolution the City. A permit shall not be issued or valid until the fees prescribed herein have been paid, nor shall an amendment to a permit be released until the additional fees, if any, have been paid. All applications for permit shall provide an estimated permit value at the time of application in accordance with applicable provisions of Section 108 (Fees) of the International Building Code.

10-3-110. Work Commencing before Permit Issued.

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a special investigation as required by the City before a permit may be issued for such work. An investigation fee may be collected for any such investigation whether or not a permit is then or subsequently issued equal to the amount of the permit fee required. In addition, any person who commences work before obtaining the necessary permits shall be subject to additional permit fees over and above the standard permit fees, as set forth in the fee schedule adopted by the City.

10-3-120. Fee Refunds.

The City may authorize the refunding of a fee paid hereunder which was erroneously paid or collected when written request for such refund is filed by the original permittee within 180 days after the date of fee payment. The City may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit. In addition, the City may authorize refunding of not more than eighty percent (80%) of the plan review fee paid when application for a permit is withdrawn or canceled before any examination time has been expended.

10-3-130. Public Improvements Required.

(a) Duty to Install. Any person obtaining a permit hereunder to build or alter any structure upon a lot which is not improved by public improvements, such as asphalt, curbs, gutters, sidewalks, and sewage, storm, flood and fire control facilities, shall be required to install all such improvements along the street frontage of said lot in accordance with the requirements set forth in Title 11 and all construction standards, regulations and applicable ordinances of the City. No Certificate of Occupancy or Final Inspection shall be issued until all such required improvements are complete and operable.

(1) Duty to Repair. Any person obtaining a permit hereunder to build or alter any structure upon a lot which is improved by public improvements, such as asphalt, curbs, gutters, sidewalks, and sewage, storm, flood and fire control facilities, shall be required to repair any damage to such improvements pursuant to the requirements set forth in Title 11 and in accordance with all construction standards, regulations and applicable ordinances of the City. No Certificate of Occupancy or Final Inspection shall be issued until all such improvements are repaired.

(2) Security. Applicants shall be required to enter into a Bond Agreement acceptable to the City providing sufficient security to insure installation, completion and/or repair of public improvements required herein in Subsections (a) and (b) and as more particularly set forth in Section 10-3-140.

(3) Deferral. Prior to the issuance of a permit, the City may defer or waive the installation of any or all required public improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of the inadequacy or lack of

connecting facilities. Whenever it is deemed appropriate to defer the construction of required improvements, the applicant shall pay his or her share of the costs of such future improvements according to the reasonable estimate of the City Engineer, or may enter into an Extension Agreement satisfactory to the City assuring completion of said improvements upon the demand of the City. No permit shall be issued until the appropriate costs required herein are deposited with the City or an Extension Agreement has been executed between the parties assuring the completion of such improvements upon demand of the City. No Temporary Certificate of Occupancy shall be required when the appropriate costs required herein are deposited with the City or an Extension Agreement has been executed between the parties.

10-3-140. Bond Required.

Prior to obtaining a permit hereunder, the applicant shall be required to enter into a Bond Agreement acceptable to the City providing sufficient security to insure completion of the permitted work and the installation and/or repair of public improvements required to be installed and compliance with all Construction Code requirements and other applicable laws. If the public improvements for the lot or parcel are not yet installed, the Bond Agreement shall be in substantially the same form and subject to the same conditions as set forth in Chapter 4 of the Farmington City Subdivision Ordinance regarding security for public improvements within subdivisions. In the event the applicant fails to timely and fully complete, repair and/or replace said improvements, work or other Construction Code requirements in a satisfactory manner, the City may thereafter use the funds comprising the bond to cause the improvements, work or Construction Code requirements to be completed, repaired and/or replaced. Any unexpended portion of the bond retained by the City, less fifteen percent (15%) of the total cost to complete, repair and/or replace the improvements or work to cover overhead and administrative costs of the City, shall be refunded to the applicant upon timely and satisfactory completion, repair and/or replacement of said improvements and work, and compliance with all other Construction Code requirements and applicable laws. If the funds received from the bond are not sufficient to pay the total cost of completion, repair and/or replacement of the improvements, work and the fifteen percent (15%) overhead fee, the applicant shall be obligated to pay to the City all deficiency amounts. If the public improvements are already installed on the lot or parcel, a bond shall be provided for any potential damage to the installed public facilities in an amount and form to be set by the City. The City may pursue all civil and criminal legal remedies to ensure payment and/or reimbursement for deficiency amounts. Permit fees and any other fees or bonds required herein shall be paid to the City before a permit may be issued.

10-3-150. Connection of Utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Title and the Construction Codes for which a permit is required until released by the Building Official. The Building Official shall have the authority to authorize the temporary connection of the building or system. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Title or the Construction Codes in case of emergency where necessary to eliminate an immediate hazard to life or property in accordance with procedures set forth in applicable Construction Codes, including, but not limited to Section 111 (Service Utilities) of the International Building Code.

CHAPTER 4: INSPECTIONS

10-4-010. Inspections Required.
10-4-020. Inspection Requests.
10-4-030. Duty to Keep Work Accessible and Exposed.
10-4-040. Approval Required.
10-4-050. Reinspection.
10-4-060. Structural Observance.
10-4-070. Surveys.
10-4-080. Validity of Inspection.
10-4-090. Review of Building Inspections for Single-Family Residential Permits.

10-4-010. Inspections Required.

All construction or work for which a permit is required shall be subject to inspection by the Building Official as specified in the Construction Codes. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed. The Building Official may also make or require other inspections of any construction or work to ascertain compliance with the Construction Codes and other pertinent laws or ordinances.

10-4-020. Inspection Requests.

It shall be the duty of the holder of the permit or their duly authorized agent to notify the Building Official when work is ready for inspection. Such notification shall be provided to the Building Official in writing or by telephone at least one (1) business day before inspection is desired.

10-4-030. Duty to Keep Work Accessible and Exposed.

The permit holder shall cause the construction or work to remain accessible and exposed for inspection purposes until approved by the Building Official. Neither the Building Official, building inspectors, nor Farmington City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

10-4-040. Approval Required.

The Building Official, upon notification, shall make the requested inspection within a reasonable time and shall either indicate that the construction, or portion thereof, is satisfactory as completed, or notify the permit holder or agent that the construction, or portion thereof, fails to comply with the Construction Codes or pertinent laws. Any portions which do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the Building Official. No construction or work shall be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official.

10-4-050. Reinspection.

If reinspection is required, the applicant must present a request for reinspection to the Building Official and pay any applicable reinspection fees assessed by the City.

10-4-060. Structural Observance.

Structural observance shall be performed as required by the Construction Codes.

10-4-070. Surveys.

A survey of any lot or parcel may be required by the Building Official to verify that the structure is located in accordance with approved plans.

10-4-080. Validity of Inspection.

An inspection approval shall not be construed to be an approval of a violation of any of the provisions of the Construction Codes or other pertinent law or ordinance. Inspections presuming to give such authority or to cancel the provisions of the Construction Codes or other pertinent law or ordinance shall not be valid.

10-4-090. Review of Building Inspections for Single-Family Residential Permits.

(a) Pursuant to *Utah Code Ann.* 58-56-21, as amended, an applicant for a single-family residential building permit from Farmington City may request an administrative review of an inspection conducted by the City's building inspector(s) for such single-family residential building permit. The City Manager is hereby designated by the Mayor as the Mayor's designee to hear and determine all requests for review of an inspection under the provisions of this Section. Any such request for review shall be in writing and filed with the City Recorder within ten (10) days from the date of the inspection. The request for review shall specifically state the grounds for review and how or why the inspection fails to constitute a fair administration of the building code. The person requesting the review of an inspection under this Section shall bear the burden of proving that the inspection fails to constitute a fair administration of the building code. Upon receipt of the request for review, the City Manager shall, with reasonable diligence, review the inspection to determine whether the inspection constitutes a fair administration of the building code.

(b) An inspection review, as provided herein, is subject to the following restrictions and limitations:

(1) An inspection review is separate and unrelated to an appeal under the IRC;

(2) An inspection review may not be used to review a matter that may be brought by appeal under the IRC;

(3) An inspection review may not result in the waiver or modification of an IRC requirement or standard;

(4) An inspection review may not conflict with an appeal, or the result of an appeal, under the IRC; and

(5) An inspection review does not prohibit a person from bringing an appeal under the IRC.

(c) The applicant for an inspection review request may appeal the City Manager's determination regarding the same by filing a written appeal with the City Recorder within ten (10) days from the date of the City Manager's determination. The appeal of the request for review determination shall be on the record and shall merely be a review to determine if the City Manager erred in his or her determination. The appeal shall specifically state the grounds for review and how or why the City Manager erred in his or her determination. The person filing the appeal under this Section shall bear the burden of proving that the City Manager erred in his or her determination. Upon receipt of the appeal, the Mayor shall, with reasonable diligence, review the appeal and the record to determine whether the City

Manager erred in his or her determination. The Mayor's review of the appeal shall be subject to the same restrictions and limitations as set forth in this Section regarding an inspection review.

CHAPTER 5: CERTIFICATES

10-5-010. Certificate Required.
10-5-020. Improvements and Repairs.
10-5-030. Issuance of Certificate.
10-5-040. Notice of Disapproval.
10-5-050. Temporary Certificates.
10-5-060. Posting of Certificate.
10-5-070. Revocation of Certificate.
10-5-080. Violation of Certificate Requirement.
10-5-090. Validity of Certificate.

10-5-010. Certificate Required.

No building or structure shall be used or occupied, in whole or in part, for any purpose, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the City has issued a Final Inspection Certificate, Certificate of Occupancy or Temporary Certificate of Occupancy as provided herein.

10-5-020. Improvements and Repairs.

No Certificate of Occupancy or Final Inspection shall be issued for any building or structure until all public improvements, such as asphalt, curbs, gutters, water meter boxes and sidewalks, sewage, storm, flood and fire control facilities, and any other required improvements, are completed and operable. If any public or other required improvements are damaged during construction, no Certificate of Occupancy or Final Inspection Certificate shall be issued until such improvements are repaired.

10-5-030. Issuance of Certificate.

After the Building Official performs the final inspection of a building or structure and finds that all improvements have been completed or repaired as required herein, and finds no violations of the Construction Codes or any other applicable laws or ordinances, the Building Official shall, with the approval from the Community Development Director, issue a Certificate of Occupancy or Final Inspection Certificate containing such information as required by the Construction Codes.

10-5-040. Notice of Disapproval.

After the Building Official performs the final inspection of a building or structure and finds that such building or structure does not conform to the Construction Codes or other pertinent laws or ordinances or that all improvements have not been completed or repaired as required herein, the Building Official, with the approval of the Community Development Director, shall issue a written Notice of Disapproval to the applicant stating the reasons for such disapproval.

10-5-050. Temporary Certificates.

(1) Generally. The Building Official, with the approval of the Community Development Director, is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the Temporary Certificate is valid.

(2) Limitations. No Temporary Certificate shall be issued for any incomplete Code requirements which would result in substantial hazard or be injurious to the health, safety or welfare of any person.

(3) Procedure. In order to obtain a Temporary Certificate, the applicant must execute a written agreement to fully complete, repair and/or replace improvements or work within the time prescribed, not to exceed thirty (30) days from the date of issuance of the Certificate, and pay any required fees and bonds. A bond shall be required providing sufficient security to insure completion of the required work. The bond amount shall be set by the Building Official based upon the work to be completed, provided, in no event shall the bond amount be less than $5,000.

(4) Extension. An applicant holding an unexpired Temporary Certificate may apply in writing for an extension of time within which work may be completed showing that circumstances beyond the control of the applicant have prevented action from being taken within the time required. Upon sufficient showing, and payment by the applicant of an extension fee, the City may extend the time for completion. Such extension shall only be permitted once and shall not exceed a period of ninety (90) days.

(5) Breach. In the event the applicant fails to timely and fully complete, repair and/or replace said improvements in a satisfactory manner, the City may thereafter use the funds comprising any bond retained to cause the improvement to be completed, repaired and/or replaced. If the funds received from the bond are not sufficient to pay the total cost of completion, repair and/or replacement of the improvements and the fifteen percent (15%) overhead fee, or if a bond was not retained, the applicant shall be obligated to pay to the City all deficiency amounts. The City shall pursue all civil and criminal legal remedies to ensure payment and/or reimbursement for deficiency amounts, including, but not limited to, the lien provisions set forth in Subsection (g).

(6) Compliance. Upon timely and satisfactory completion, repair and/or replacement of said improvements, and compliance with all other Construction Code provisions and applicable laws, the Building Official shall issue a Certificate of Occupancy or Final Inspection Certificate and release any unexpended portion of any bond retained by the City to the applicant less fifteen percent (15%) of the total cost to complete, repair and/or replace the improvements to cover overhead and administrative costs of the City.

(g) Lien. In addition to the breach provisions set forth in Subsection (e), in the event the terms and conditions of the Temporary Certificate of Occupancy are not complied with, the City may file a Certificate of Non-Compliance with the Davis County Recorder's Office constituting a lien on the property, and/or pursue any other legal remedy available by law to ensure the necessary completion of any and all deficiencies.

10-5-060. Posting of Certificate.

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

10-5-070. Revocation of Certificate.

The Building Official is authorized to, in writing, suspend or revoke any Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate issued under the provisions of this Title and the Construction Codes wherever the Certificate is issued in error, on the basis of incorrect information supplied, where conditions or requirements contained within the Certificate have not been met, or when it is determined that the building or structure or portion thereof is in violation of any provision of the Construction Codes or any other applicable law or ordinance.

10-5-080. Violation of Certificate Requirement.

(1) Use or Occupation. Any person, firm or corporation using or occupying any building or structure prior to obtaining a Certificate of Occupancy, Final Inspection Certificate or

Temporary Certificate shall be guilty of a class B misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.

(2) Permitting Use or Occupation. Any person, firm or corporation permitting any person to use or occupy a building or structure prior to the issuance of a Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate shall be guilty of a class B misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.

10-5-090. Validity of Certificate.

Issuance of any Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate shall not be construed as an approval of a violation of any of the provisions of the Construction Codes or other pertinent law or ordinance. Certificates presuming to give such authority shall not be valid.

CHAPTER 6: UNSAFE BUILDINGS AND STRUCTURES

10-6-010. Unsafe Buildings or Structures.
10-6-020. Abatement of Unsafe Buildings or Structures.

10-6-010. Unsafe Buildings or Structures.

Buildings, structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.

10-6-020. Abatement of Unsafe Buildings or Structures.

Unsafe buildings, structures or equipment shall be taken down and removed or made safe, as the Building Official deems necessary, in accordance with procedures set forth in the applicable Construction Codes, including, but not limited to, the Abatement of Dangerous Buildings Code, the International Property Maintenance Code, and applicable provisions of the International Building Code, as adopted by the City.

Amended 10-6-020, Ord. 2010-29, June 15, 2010

CHAPTER 7: VIOLATIONS AND ENFORCEMENT

10-7-010. Enforcement Authority.
10-7-020. Violation of Construction Codes.
10-7-030. Right of Entry.
10-7-040. Stop Work Order.
10-7-050. Failure to Comply with Order.
10-7-060. Notice of Violation.
10-7-070. Prosecution of Violation.
10-7-080. Criminal Penalties.
10-7-090. Civil Penalties.
10-7-100. Continuing Violation.
10-7-110. Cumulative Remedies and Other Relief.

10-7-010. Enforcement Authority.

The Building Official is authorized to enforce the provisions of this Title and the Construction Codes.

10-7-020. Violation of Construction Codes.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure or equipment regulated by this Title and the Construction Codes, or cause the same to be done, in conflict with or in violation of any of the provisions of this Title or the Construction Codes.

10-7-030. Right of Entry.

Where it is necessary to make an inspection to enforce the provisions of this Title or the Construction Codes, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Title or the Construction Codes which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Title or the Construction Codes. If the structure or premises are occupied the Building Official shall present his or her credentials and request entry. If the structure or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persona having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have the remedies provided by law to secure entry.

10-7-040. Stop Work Order.

Whenever the Building Official finds any work regulated by this Title or the Construction Codes being performed in a manner either contrary to the provisions of this Title or the Construction Codes or dangerous or unsafe, the Building Official is authorized to issue a stop work order. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. It shall be unlawful for any person to continue work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or dangerous or unsafe condition.

10-7-050. Failure to Comply with Order.

It shall be unlawful for any person, firm or corporation to fail to comply with a lawful order of the Building Official or building inspector.

10-7-060. Notice of Violation.

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Title or the Construction Codes, or in violation of a permit or certificate issued under the provisions of this Title or the Construction Codes. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

10-7-070. Prosecution of Violation.

If the notice of violation or order as provided in Section 10-7-060 is not complied with promptly, the Building Official is authorized to request the City Prosecutor to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Title or the Construction Codes or of the notice, order or direction made pursuant thereto.

10-7-080. Criminal Penalties.

Unless otherwise specifically provided by law, any person who violates any provisions of this Title or the Construction Codes, fails to comply with any of the requirements thereof, who erects, constructs, alters or repairs a building or structure in violation of the approved Construction Drawings or directive of the Building Official, or of a permit or certificate issued under the provisions of this Title or the Construction Codes, shall be guilty of a Class B misdemeanor. Persons found guilty of a Class B misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provided by law for Class B misdemeanors, including, but not limited to, *Utah Code Ann.* §§ 76-3-204 and -301, as amended. Corporations, associations, partnerships or governmental instrumentalities shall be subject to fines and sanctions for violations as set forth in *Utah Code Ann.* §§ 76-3-302 and -303, as amended.

10-7-090. Civil Penalties.

The City may establish and impose civil penalties for various violations of City Ordinances to the extent permitted by and in accordance with applicable provisions of State law, including, but not limited to *Utah Code Ann.* §§ 10-3-703 and -703.7, as amended. In accordance with such provisions, the City has adopted a civil enforcement program including civil penalties for ordinance violations, as more particularly set forth in Title 1, Chapter 15, as amended.

10-7-100. Continuing Violation.

In instances where the violation of this Title or the Construction Codes is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs or continues to occur.

10-7-110. Cumulative Remedies and Other Relief.

To the extent permitted by law, the enforcement provisions and remedies set forth in this Chapter shall be cumulative and nonexclusive. This Chapter shall not limit the authority of the City or any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

Amended 10-7-090, Ord. 10-7-090, June 15, 2010

CHAPTER 8: BOARD OF APPEALS

10-8-010. Board of Appeals Established.
10-8-020. Members.
10-8-030. Organization and Procedure.
10-8-040. Filing Appeal.
10-8-050. Notice and Hearing.
10-8-060. Decision.
10-8-070. Limitation.

10-8-010. Board of Appeals Established.

There is hereby created a Building Board of Appeals in Farmington City to hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of the Construction Codes and this Title ("Board of Appeals").

10-8-020. Members.

(1) Number and Qualification. The Board of Appeals shall consist of five (5) members who are qualified by experience or training to pass on matters pertaining to building construction and who are not employees of Farmington City.

(2) Alternates. At least two (2) alternate members shall be appointed to the Board of Appeals. All alternate members shall meet the qualification requirements for regular Members. Alternate members may be called by the Board chairperson to hear appeals during the absence or disqualification of a member.

(3) Appointment and Term. Members of the Board of Appeals shall be appointed by the Mayor with the advice and consent of the City Council to staggered terms of four (4) years, provided that members may be appointed to terms shorter than four (4) years when necessary to provide for staggered terms. All terms should be set to expire in December.

(4) Compensation. Members of the Board of Appeals may receive a per diem allowance for each day or portion of a day spent performing Board duties, and all necessary travel and accommodation expenses incurred in the discharge of such duties, as the City Council may approve.

(5) Removal. Members of the Board of Appeals shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council.

10-8-030. Organization and Procedure.

(1) Chairperson. The Board of Appeals shall elect a chairperson who shall administer oaths, compel the attendance of witnesses, and oversee the proceedings of the Board. In the event the Chairperson is absent from any proceeding, a chairperson pro tempore may be appointed by a majority vote of the members present.

(2) Building Official. The Building Official of Farmington City shall be an ex officio member of the Board of Appeals. As such, the Building Official shall attend all proceedings of the Board, but shall not vote upon any matter before the Board.

(3) Rules of Procedure. The Board of Appeals may adopt rules of procedure for conducting its business. Any such rules of procedure shall be reviewed and approved by resolution of the City Council.

(4) Meetings. The Board of Appeals shall hold meetings at such times as the Board determines is necessary and as called by the Chairperson or the City Manager. Except as otherwise provided by law, all meetings of the Board of Appeals shall be open to the public.

(5) Records. The Board of Appeals shall keep minutes of its proceedings, including the vote of each member on each question, or the member's absence or failure to vote, and records of its examinations or other official actions. Such records shall be filed with the City Recorder and shall be open to the public pursuant to the Government Records Access and Management Act.

(6) Quorum. A majority of the Members of the Board of Appeals shall constitute a quorum and may act in behalf of the Board.

10-8-040. Filing Appeal.

Unless otherwise provided in the applicable Construction Code, any order, decision or determination of the Building Official relative to application and interpretation of the Construction Codes may be appealed to the Board of Appeals by filing within fifteen (15) days from the date of said decision an original and three (3) copies of a written statement of the grounds for the appeal and a request for a hearing on said decision, if desired, with the City Recorder during regular business hours. An application for appeal shall be based on a claim that the true intent of the Construction Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Construction Codes do not fully apply or an equally good or better form of construction is proposed.

10-8-050. Notice and Hearing.

The Board of Appeals shall fix a reasonable time for a hearing of the appeal, give any required public notice thereof as well as due notice to the parties in interest. Any party may appear in person or by authorized agent at the hearing. The appellant, the Building Official, and any person whose interests are affected shall be given the opportunity to be heard at the appeal hearing.

10-8-060. Decision.

After the hearing, the Board of Appeals shall make a decision on the matter. Except as provided in Section 10-8-070, the Board of Appeals may, by majority vote, affirm, reverse, or modify the appealed order, decision or determination of the Building Official, provided that any decision granting an appeal shall require votes from at least (3) three Members of the Board in support of such decision. The Board of Appeals shall render its decision and findings in writing to the appellant with duplicate copies to the Building Official and the City Manager.

10-8-070. Limitation.

The Board of Appeals shall have no authority to waive requirements of the Construction Codes or this Title.

Amended 10-3-020 & Enacted 10-4-090 May 5, 2009, Ord. 2009-19