

ORDINANCE 10-03

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 15 of the Hyrum City Municipal Code sets forth regulations governing buildings and construction within the municipal limits, including the issuance of building permits; and

WHEREAS, the Hyrum City Council desires to update Title 15 to reflect changes in state laws and federal regulations.

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE REPEALING AND REENACTING TITLE 15 (BUILDING AND CONSTRUCTION) OF THE HYRUM CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Title 15 of the Hyrum City Municipal Code is hereby repealed and reenacted as follows:

Chapter 15.04

BUILDING INSPECTOR

Sections:

15.04.010 Position created.

15.04.020 Duties.

15.04.030 Inspection authority.

15.04.040 Stop order-Authority to issue-Form.

15.04.010 Position Created.

There is created the position of building official who shall also be known as the municipal building inspector. (Prior code § 9-511)

15.04.020 Duties.

The building official (inspector) shall in addition to all other duties imposed on him by this municipality:

- A. Enforce the provisions of the Uniform International Building Code;
- B. Inspect all buildings, structures, ditches, signs, fences and objects to determine their

safety and effect on the persons who are within this municipality;

- C. Until such time as a plumbing inspector is appointed or designated, the building inspector shall be responsible for enforcing Chapter 15.24 of this title;
- D. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
 - 1. Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure,
 - 2. Use construction materials and utility equipment that are resistant to flood damage, and
 - 3. Use construction methods and practices that will minimize flood damage;
- ~~E. Review subdivision proposals and other proposed new developments to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage,
 - 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and
 - 3. Adequate drainage is provide so as to reduce exposure to flood hazards;~~
- ~~F. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Prior code § 9-514)~~

15.04.030 Inspection Authority.

The building inspector shall have the power to enter into any building or the premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of this code. (Prior code § 9-513)

15.04.040 Stop order-Authority to issue-Form.

The building inspector shall have the power to order all work stopped on construction, alteration or repairs of

buildings in the municipality when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision or zoning ordinances. Work shall not be resumed after the issuance of such order except on the written permission of the inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer or other authorized person. (Prior code § 9-512)

Chapter 15.08

BUILDING PERMITS

Sections:

- 15.08.010 Permit-Required.
- 15.08.020 Permit-Application-Form-Submission of plans and specifications required.
- 15.08.030 Permit-Application-Fee.
- 15.08.040 Permit-Review of application, plans and specifications-Determination.
- 15.08.060 Compliance with zoning regulations required.
- 15.08.070 Construction to be located between mapped lines of any street.
- 15.08.080 Permit-Fees.
- 15.08.095 Construction deposit - lot identification.
- 15.08.100 Permit-Revocation.
- 15.08.110 Variations from approved plan prohibited.

15.08.010 Permit-Required.

- A. It shall be a class C misdemeanor for any homeowner and a class B misdemeanor for any person who receives payment or anything of value to construct or alter any building or structure, except a fence and detached accessory buildings smaller than 120 square feet allowed by current adopted Codes of the State of Utah, without first securing the permit required herein.
- B. This section shall apply in all cases where the construction or alteration results in an enlarged structure or affects the walls of the building or structure. (Ord. 96-04: Prior code § 9-521)

15.08.020 Permit-Application-Form-Submission of plans and specifications required.

A building permit shall be secured from the building inspector on written application accompanied by plans and specifications in duplicate which must state the specific nature of the construction or alteration to be made. The plan must be verified by the person who will perform or be in charge of the construction or alteration. (Prior code § 9-522)

15.08.030 Permit-Application-Plan Review Fee.

Applicants requesting a building permit for a sign, residential building, or commercial building must pay a plan review fee as set by resolution of the City Council. (Ord. 08-06; Ord. 96-04)

15.08.040 Permit-Review of application, plans and specifications-Determination.

The building inspector shall review the application, plans and specifications to determine whether they conform to the building codes and ordinances of this municipality. The building inspector shall return the plans within ten days with the statement "approved" if the plans do conform or "disapprove" if the plans do not conform. If the plans are disapproved, the reasons therefore shall be annexed to the plans. On receipt of an approved plan, the building inspector shall issue a permit to the applicant together with one set of the approved plans. One set of the plans shall be retained by the building inspector. (Prior code § 9-523 (part))

15.08.060 Compliance with zoning regulations required.

The building inspector shall not issue any building permit for any building, construction or repair of any building unless such fully conforms to all zoning regulations or ordinances of this municipality in effect at the time of application. (Prior code § 12-130 (A))

15.08.070 Construction to be located between mapped lines of any street.

No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the governing body. ~~However, the board of adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the board of adjustment upon the evidence finds: 1) that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or 2) that balancing the interest of the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment shall hold a public hearing thereon. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of~~

~~extent and character and also the duration of the building, structure, or part thereof to be permitted. (Prior code § 12-130 (B))~~

15.08.080 Permit-Fees.

As set by resolution by the City Council.

~~The building permit fees applicable in this municipality for use under the "Uniform Building Code," shall be the amount set forth in Exhibit 15.08.080. (Ord. 96-04; Ord. 84-08 § 1; Ord. 84-01 § 3, 4; prior code § 9-532 and Appendix 9-532)~~

Exhibit 15.08.080

~~Building valuation shall be determined using the current building valuation data for most buildings in the Building Standards Magazine as published by I.C.B.O. with an applicable modifier for Utah area construction.~~

Building permit fees	
Total Valuation	Fee
————— \$1.00 to \$500.00	\$15.00
————— \$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00;
————— \$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00;
————— \$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00;
————— \$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00;
————— \$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00;

—\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00;
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees	
1. Inspections outside of normal business hours (minimum charge: two hours)	\$30.00 per hour;
2. Reinspection fee assessed under provisions of Section 305(g)	\$30.00 each;
3. Inspections for which no fee is specifically indicated (minimum charge: one half hour)	\$30.00 per hour;
4. Additional plan review required by charges, additions or revisions to approved plans (minimum charge: one half hour)	\$35.00 per hour.

15.08.095 Construction deposits - Lot identification.

- A. To ensure repair of any and all damage to city property, including but not limited to, damage to sidewalks, curb and gutters, roadways, utility systems, etc., Hyrum City requires a construction deposit for new residential or new commercial construction and residential and commercial remodel ~~where said remodel is on property fronted by curb, gutter, and sidewalk.~~ The Hyrum City Council sets the Construction Deposit fee by resolution and such deposit will be refunded in whole or in part following final inspection and completion of landscaping requirements as required in the landscaping ordinance. All or part of the deposit may be forfeited to repair damage to city infrastructure occurring during construction in addition to failure to supply waste containment and/or occupation of building prior to receiving certificate of occupancy.

- B. Before a building is occupied a final inspection must be made and a Certificate of Occupancy given. Violation of this item will result in the forfeiture of the Contractor Deposit. All subdivision improvements must be completed, or approval given by the City Engineer, before occupancy permits will be issued for any dwellings.
- C. A garbage dumpster is required at each construction site. Violation of this requirement will result in the forfeiture of all or a portion of the Contractors Deposit.
- D. The street address and lot number must be prominently posted on construction site. Construction may not begin and utility services will not be provided until address is posted. (Ord. 08-06; Ord. 05-16)

15.08.100 Permit-Revocation.

The building inspector may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in a violation of any ordinance of this municipality. (Prior code § 9-523 (part))

15.08.110 Variations from approved plan prohibited.

No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the building inspector. (Prior code § 9-524)

Chapter 15.12

BUILDING CODE

Sections:

15.12.010 Adopted.

15.12.020 Conflicting provisions.

15.12.010 Adopted.

The current edition of the ~~Uniform~~ International Building Code, including all appendix chapters, and the current edition of the ~~Uniform~~ International Building Code Standards, as ~~amended~~ adopted by the State of Utah, each published as a code in book form by the International ~~Conference of Building Officials~~ Code Council, are approved and adopted as the building code for Hyrum City. This code will regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in Hyrum City, and provide for issuance of permits ~~therefor, except that~~

~~Table No. 3-A Building Permit Fees, of the current edition of the Uniform Building Code, and Appendix Chapters 7, 10 and 51 are not approved nor adopted as part of this code. (Ord. 00-03; Ord. 92-03 § 1; Ord. 88-06 § 1; prior code § 9-531)~~

15.12.020 Conflicting provisions.

Should any section, clause, table or provision of the current edition of the Uniform International Building Code, or the current edition of the Uniform International Building Code Standards, adopted hereby, be found to conflict directly with any section, clause, table or provision of the Code of Revised Ordinances of Hyrum City, the regulations and provisions of ~~the Code of Revised Ordinances of Hyrum City~~ current adopted Building Codes of the State of Utah shall prevail ~~over those found in the Uniform Building Code and the Uniform Building Code Standards.~~ (Ord. 96-16; Ord. 92-03 § 2; Ord. 88-06 § 3)

Chapter 15.16

ELECTRICAL CODE

Sections:

15.16.010 Adopted.

~~15.16.020 Administrative provisions.~~

15.16.030 Conflicting provisions.

15.16.040 Electrical disturbances.

15.16.010 Adopted.

The current edition of the National Electrical Code, published by the National Fire Protection Association, Inc., ~~and approved by the American National Standards Institute,~~ printed as a code in loose-leaf book form, is approved and adopted as the electrical code of Hyrum City. This code will regulate the installation of electric conductors and equipment installed on or within public and private buildings or other structures for the practical safeguarding of persons and property from hazards arising from the use of electricity within Hyrum City; ~~except that the Uniform Administrative Code Provisions for the National Electrical Code supplement is not approved nor adopted as part of this code. (Ord. 96-16; Ord. 92-02 § 2; prior code § 9-540)~~

~~**15.16.020 Administrative provisions.**~~

~~The administrative provisions of Chapters 2.24, 2.52 and 13.16 of this code may be substituted whenever the current edition of the National Electrical Code, refers to the Uniform Administrative Code Provisions for the National Electrical Code. (Ord. 96-16; Ord. 92-02 § 3)~~

15.16.030 Conflicting provisions.

Should any section, clause, table or provision of the current National Electrical Code, 1990 Edition, be found to conflict directly with any section, clause, table or provision of the Code of Revised Ordinances of Hyrum City, the regulations and provisions of the ~~Code of Revised Ordinances of Hyrum City~~ current adopted Codes of the State of Utah, shall prevail ~~over those found in the current edition of the National Electrical Code.~~ (Ord. 96-16; Ord. 92-02 § 5)

15.16.040 Electrical disturbances.

- A. Electrical installations for signs, equipment, or other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are declared to be a nuisance. The owners or operators thereof shall so install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors and live chokes.
- B. The building official shall withhold or withdraw approval of any electrical installation causing the disturbance described in subsection A of this section, and is authorized to take all steps necessary for the abatement of such conditions.
(Prior code § 9-544)

Chapter 15.20

MECHANICAL CODE

Sections:

- 15.20.010 Adopted.
- 15.20.020 Permit fees.
- 15.20.030 Conflicting provisions.

15.20.010 Adopted.

The current edition of the International Mechanical Code, as ~~amended~~ adopted by the State of Utah and published as a code in book form by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, Code Council, is approved and adopted as the mechanical code for Hyrum City. This code will regulate the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances, to safeguard life,

limb, health, property and public welfare within Hyrum City, and provide for the issuance of permits therefor. (Ord. 00-03; Ord. 96-16; Ord. 92-07 § 2: prior code § 9-680)

15.20.020 Permit fees.

The mechanical permit fees applicable to Hyrum City for use under the International Mechanical Code shall be ~~the amount set forth in Appendix C which is located in the Tables section of this code. (Ord. 00 03; Ord. 92 07 § 3: prior code § 9 681)~~ set by resolution by the City Council.

15.20.030 Conflicting provisions.

Should any section, clause, table or provision of the current edition of the International Mechanical Code, adopted herein, be found to conflict directly with any section, clause, table or provision of the Code of Revised Ordinances of Hyrum City, the regulations and provisions of the Code of Revised Ordinances of Hyrum City current adopted Codes of the State of Utah shall prevail over those found in the International Mechanical Code. (Ord. 00-03; Ord. 96-16; Ord. 92-07 § 4)

Chapter 15.24

PLUMBING CODE AND REGULATIONS

Sections:

- 15.24.010 Adopted.
- 15.24.020 Conflicting provisions.
- 15.24.030 Applicability of provisions.
- 15.24.040 Permission to deviate from regulations.
- 15.24.050 Plumbing inspector-Position created.
- 15.24.060 Plumbing inspector-Duties.
- 15.24.070 Plumbing inspector-Right of entry.
- 15.24.080 Plumbing inspector-Power to condemn and order repaired, removed, replaced or changed.
- 15.24.090 Plumbing inspector and assistants-Interest in sale or installation of equipment prohibited.
- 15.24.100 Permit-Required-Application.
- 15.24.110 Home owner's permit.
- 15.24.120 Permit required-When not.
- 15.24.130 Permit-Fees.
- 15.24.140 Permit-Denial.
- 15.24.150 Permit-Expiration.
- 15.24.160 Permit-Revocation.
- 15.24.170 Incomplete work-Reinspection charge.
- 15.24.180 Refusal to comply with order of inspector.
- 15.24.190 Violation- Penalty.

15.24.010 Adopted.

The current edition of the International Plumbing Code, as ~~amended~~ adopted by the State of Utah and published as a code in book form by the International ~~Association of Plumbing and Mechanical Officials,~~ Code Council, is approved and adopted as the plumbing code for Hyrum City. This code will regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system in order to provide minimum requirements and standards for the protection of the public health, safety and welfare within Hyrum City, and provide for the issuance of permits therefore. (Ord. 00-03; Ord. 96-16; Ord. 92-04 § 2: prior code § 9-561)

15.24.020 Conflicting provisions.

Should any section, clause, table or provision of the current edition of the International Plumbing Code, adopted herein, be found to conflict directly with any section, clause, table or provision of the Code of Revised Ordinances of Hyrum City, the regulations and provisions of ~~the Code of Revised Ordinances of Hyrum City~~ current adopted Codes of the State of Utah shall prevail ~~over those found in the International Plumbing Code.~~ (Ord. 00-03; Ord. 96-16; Ord. 92-04 § 3)

15.24.030 Applicability of provisions.

The provisions of this chapter shall apply to, but not be limited to, all new construction, relocated buildings, and to any installation, alteration, repair or reconstruction of a plumbing system within the municipality except as otherwise provided for in this chapter. (Prior code § 9-562)

15.24.040 Permission to deviate from regulations.

Where structural conditions impose extreme difficulty in fully complying with the plumbing regulations of this chapter, any aggrieved party may apply in writing to the plumbing inspector for special permission to deviate from the regulations. If in the judgment of the plumbing inspector such deviation is reasonable and does not create an unsanitary or unsafe condition, he shall recommend to the governing body that the request for deviation be approved or disapproved, or that approval is subject to such conditions as the governing body may require. The governing body, on review, may approve or disapprove the application or vary the conditions on which approval is granted. (Prior code § 9-564)

15.24.050 Plumbing inspector-Position created.

There is created the position of plumbing inspector. (Prior code § 9-563 (A))

15.24.060 Plumbing inspector-Duties.

The plumbing inspector shall issue permits to properly licensed, bonded and registered persons. Licensing should be for work to be done within the scope of this chapter. The plumbing inspector:

- A. Shall order changes in workmanship and/or materials essential to enforce compliance with all provisions of the plumbing code;
- B. Shall investigate any construction or work regulated by this chapter and issue such notices and orders as necessary to prevent or correct dangerous or unsanitary conditions;
- C. May recommend the revocation of any license to the State Department of Business Regulation for cause, and report to the Department of Business Regulation all violations of this chapter by journeymen, apprentices or contractors. (Prior code § 9-563 (B))

15.24.070 Plumbing inspector-Right of entry.

The plumbing inspector 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 chapter. (Prior code § 9-565)

15.24.080 Plumbing inspector-Power to condemn and order repaired, removed, replaced or changed.

The plumbing inspector is empowered to condemn and order repaired, removed, replaced or changed any plumbing found in any unsanitary condition or not in accordance with this chapter. Failure to comply with the order within a reasonable time is an infraction. (Prior code § 9-566)

15.24.090 Plumbing inspector and assistants-Interest in sale or installation of equipment prohibited.

The plumbing inspector and his assistants shall not in any way engage in the sale or installation of plumbing equipment upon which they are required to make inspection hereunder. (Prior code § 9-567)

15.24.100 Permit-Required-Application.

No plumbing shall be installed, nor additions or alterations made in existing plumbing, except as provided in Section 15.24.120 without first obtaining a permit. Application for such permits shall be in writing to the ~~recorder/clerk~~ County Building Inspector and shall describe the nature of the work to be done and affirm that the plumbing will conform to the plumbing code. No permit shall be issued to any applicant during the time that he shall fail to correct any defective plumbing installed by him

after he has been notified in writing by the plumbing inspector of the defective work. (Prior code § 9-568)

15.24.110 Home owner's permit.

Any permit required by this chapter may be issued to any person to do any plumbing or drainage work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters and that the same are occupied by or designed to be occupied by the owner; and further provided, that the owner shall furnish the plumbing inspector with a complete layout drawing of the proposed work, satisfies the plumbing inspector that he has a working knowledge of the requirements contained in this chapter, pays the necessary fees, and calls for all inspections required by this chapter. (Prior code § 9-573)

15.24.120 Permit required-When not.

- A. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit; provided, that the permits shall be procured to replace fixtures, traps, soil, waste and vent pipes unless waived by the plumbing inspector.
- B. Any person regularly employed by an owner or lessee of property, or his agents, for the sole purpose of operating and maintaining such property and to make minor repairs thereof, and any owner or lessee of property shall be exempt from the provisions of this chapter when doing work for which permits are not required. (Prior code § 9-572)

15.24.130 Permit-Fees.

Before a permit shall be issued, the current permit fees ~~in the amount set forth in the appropriate Exhibit 5.16.090~~ shall be paid ~~to the treasurer~~. (Prior code § 9-574)

15.24.140 Permit-Denial.

The plumbing inspector may refuse to issue permits for any plumbing work to any person who has had a permit revoked in accordance with this chapter during such time as such person fails to perform plumbing work in conformance with this chapter. (Prior code § 9-571)

15.24.150 Permit-Expiration.

Every permit issued by the plumbing inspector shall expire and become null and void if the work authorized by such permit is not commenced within sixty days from the date such permit is issued, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred and twenty days or more. (Prior code § 9-570)

15.24.160 Permit-Revocation.

The plumbing inspector may revoke any permit when the person to whom the permit is issued fails, neglects, or refuses to do the work hereunder in conformance with this chapter or when the permit is issued in error. (Prior code § 9-569)

15.24.170 Incomplete work-Reinspection charge.

After notice that any plumbing work is ready for inspection if the plumbing inspector calls at the place designated to make such inspection and finds the work not ready for inspection, he ~~shall~~ may charge an additional fee ~~of seven and a half dollars~~ for each additional inspection required, except that the governing body may from time to time change the inspection fee required ~~in this chapter~~ by resolution. (Prior code § 9-575)

15.24.180 Refusal to comply with order of inspector.

It is unlawful for any owner, agent or occupant of any building or premises to fail, neglect or refuse to repair, remove, replace or change within ten days after written notice to do so from the plumbing inspector, any plumbing condemned by such inspector; provided, that this section shall not apply to any occupant not responsible for the installation or repair of the condemned plumbing. (Prior code § 9-576)

15.24.190 Violation-Penalty.

- A. The violation of any provision of this chapter by any homeowner, building owner or manager of any building, apartment, hotel, motel or other structure shall be an infraction.
- B. The violation of any provision of this chapter by any person who receives payment or anything of value for performing such work shall be a class B misdemeanor. (Prior code § 9-577)

Chapter 15.28

FIRE CODE AND REGULATIONS

Sections:

- 15.28.010 Adopted.
- 15.28.020 Definitions.
- 15.28.030 Conflicting provisions.
- 15.28.040 Amendments.
- 15.28.050 Storage of flammable or combustible liquids in outside aboveground tanks.
- 15.28.060 Bulk storage of liquefied petroleum gases.
- 15.28.070 Storage of explosives and blasting agents.
- 15.28.080 New materials, processes or occupancies requiring a permit.
- 15.28.090 Appeals.
- 15.28.100 Enforcement.
- 15.28.110 Violation-Penalty.

15.28.010 Adopted.

There is adopted as the fire code of Hyrum City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, the whole thereof of that certain code and standards known as the current edition of the Uniform International Fire Code, including all appendix chapters, and the current edition of the Uniform International Fire Code Standards, each published as a code in book form by the International Conference of Building Officials and the Western Fire Chiefs' Association, Code Council, three copies of which have been filed with the city recorder for use and examination by the public, save and except such portions as are hereinafter deleted, modified or amended by Section 15.28.040. (Ord. 96-16; Ord. 92-06 § 2: prior code § 10-151)

15.28.020 Definitions.

As used in the Uniform Fire Code:

"Corporation counsel" means the attorney of the municipality.

"Jurisdiction" means the boundaries of the municipality.

(Prior code § 10-153)

15.28.030 Conflicting provisions.

Should any section, clause, table or provision of the current edition of the Uniform International Fire Code, or the current edition of the Uniform International Fire Code Standards, adopted herein, be found to conflict directly with any section, clause, table or provision of the Code of Revised Ordinances of Hyrum City, the regulations and provisions of the Code of Revised Ordinances of Hyrum City current adopted codes of the State of Utah shall prevail over those found in the Uniform Fire Code and the Uniform Fire Code Standards. (Ord. 96-16; Ord. 92-06 § 7)

15.28.040 Amendments.

Any amendments to the Uniform Fire Code shall be set forth in Appendix 15.28 of this chapter. (Prior code § 10-157)

15.28.050 Storage of flammable or combustible liquids in outside aboveground tanks.

The limits referred to in ~~Sections 79.501 and 70.1001~~ of the ~~Uniform~~ International Fire Code, in which storage of flammable or combustible liquids in outside aboveground tanks is restricted, are established in Appendix 15.28 of this chapter. (Ord. 92-06 § 3: Ord. 83-09 § 2: prior code § 10-154)

15.28.060 Bulk storage of liquefied petroleum gases.

The limits referred to in ~~Section 82.104 (a)~~ of the ~~Uniform~~ International Fire Code, in which the bulk storage of liquefied petroleum gas is restricted, are established in Appendix 15.28 of this chapter. (Ord. 92-06 § 4: prior code § 10-155)

15.28.070 Storage of explosives and blasting agents.

The limits referred to in ~~Section 77.106~~ of the ~~Uniform~~ International Fire Code, in which the storage of explosives and blasting agents is prohibited, are established in Appendix 15.28 of this chapter. (Ord. 92-06 § 5: prior code 10-156)

15.28.080 New materials, processes or occupancies requiring a permit.

The building inspector and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the fire code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons. (Prior code § 10-159)

15.28.090 Appeals.

Whenever the chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the governing body within thirty days from the date of such decision. (Prior code § 10-158)

15.28.100 Enforcement.

- A. The ~~Uniform~~ International Fire Code shall be enforced by the bureau of fire prevention in the fire department of the municipality which is established and which shall be

operated under the supervision of the chief of the fire department.

- B. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examinations shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause. (Prior code § 10-152)

15.28.110 Violation-Penalty.

- A. Any person who violates any of the provisions of the ~~Uniform~~ International Fire Code or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor punishable by a fine of not less than twenty dollars nor more than two hundred ninety-nine dollars or by imprisonment of not less than zero days nor more than thirty days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the preceding penalty shall not be held to prevent the enforced removal of the prohibited conditions. (Prior code § 10-160)

Appendix 15.28

APPENDIX ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS AND STORAGE OF EXPLOSIVES ARE PROHIBITED, AND IN WHICH BULK

STORAGE OF LIQUEFIED PETROLEUM GAS IS RESTRICTED, AND AMENDMENTS TO THE FIRE CODE.

SECTION 1. APPENDIX IDENTIFIED. This appendix is the appendix referred to in Sections 15.28.040, 15.28.050, 15.28.060 and 15.28.070 of the Code of Revised Ordinances of Hyrum City which relate to the ~~Uniform~~ International Fire Code.

SECTION 2. PROHIBITED STORAGE ABOVE GROUND. The limits referred to in ~~Sections 79.501 and 70.1001~~ of the ~~Uniform~~ International Fire Code, in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are as follows:

The entire city, except where permitted ~~as a conditional use~~ by the Zoning Ordinance of Hyrum City, subject to the provisions of those sections ~~regulating conditional uses~~.

SECTION 3. BULK STORAGE OF LIQUEFIED PETROLEUM GASES. The limits referred to in ~~Section 82.104(a)~~ of the ~~Uniform~~ International Fire Code, in which storage of liquefied petroleum gas is prohibited, are as follows:

The entire city, except where permitted ~~as a conditional use~~ by the Zoning Ordinance of Hyrum City, subject to the provisions of those sections ~~regulating conditional uses~~.

SECTION 4. EXPLOSIVES RESTRICT-ED. The limits referred to in ~~Section 77.106~~ of the ~~Uniform~~ International Fire Code, in which storage of explosives and blasting agents is prohibited, are as follows: The entire city.

~~**SECTION 5. AMENDMENTS.** The amendments to the Uniform Fire Code, referred to in Section 15.28.040 of the Code of Revised Ordinances of Hyrum City, are as follows: Appendix I B, Appendix II C, Appendix III D, Appendix IV B, and Appendix VI C, including Figures VI C-1 through 5; and Article 78C Fireworks, in the Uniform Fire Code are not approved nor adopted as part of this code and as such are considered to be deleted from the Uniform Fire Code.~~

**NOTE OF EXPLANATION TO THIS
APPENDIX**

1. STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS (Section 15.28.050 of the Code of Revised Ordinances of Hyrum City ~~Sections 79.501 and 79.1001~~ of the ~~Uniform Fire Code~~) should be prohibited in the mercantile and other congested or heavily populated areas.

2. BULK STORAGE OF LIQUEFIED PETROLEUM GASES (Section 15.28.060 of the Code of Revised Ordinances of Hyrum City ~~Section~~

~~82.104(a) of the Uniform Fire Code) should be restricted in areas of heavy population and in the congested commercial areas. (Ord. 92-06 § 6; Ord. 83-09 § 3; Appendix to prior code § 10-154, 10-155, 10-156, 10-157)~~

Chapter 15.32

GAS CODE

Sections:

15.32.010 Adopted.

15.32.020 Interpretation of the word should.

~~15.32.030 Gas code Section I not adopted.~~

15.32.040 Violations declared a nuisance-Abatement.

15.32.010 Adopted.

~~Recommended Good Practices for Gas Piping, Appliance Installation and Venting, 1979 Revision, published by Mountain Fuel Supply in book form, three copies of which have been filed for use and examination by the public in the office of the recorder, is adopted by this municipality. (Prior code § 9-631) The current editions of the International Mechanical Code and International Fuel Gas Code, as adopted by the State of Utah, are approved and adopted as the Gas Code for Hyrum City.~~

15.32.020 Interpretation of the word should.

The practices recommended, suggested or described by the word "should" are made mandatory unless the building inspector or the gas company determine that it is in the best interests of and safe for the gas user and municipality to vary the requirements of the gas code; provided, that such variation shall be in accordance with generally accepted gas use standards. (Prior code § 9-633)

~~**15.32.030 Gas code Section I not adopted.**~~

~~Section I of the gas code is not adopted. (Prior code § 9-632)~~

15.32.040 Violations declared a nuisance-Abatement.

Violation of this chapter is made a nuisance and shall be abated in the manner provided in Chapter 8.24 of this code; provided, that conditions which present an immediate danger to life may be abated by causing gas to be immediately turned off. (Prior code § 9-634)

Chapter 15.40

CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

15.40.010 Adopted.

15.40.020 Applicability.

15.40.030 Conflicting provisions.

15.40.040 Abatement of dangerous buildings.

15.40.050 Dangerous buildings declared a nuisance.

~~15.40.060 Buildings requiring repairs Applicable building code provisions.~~

15.40.010 Adopted.

The current edition of the ~~Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, published as a code in book form by the International Conference of Building Officials, International Building Code, as adopted by the State of Utah, and the Regulations of the Local Health Department,~~ is approved and adopted as the code for the abatement of dangerous buildings within Hyrum City. This code will provide a just, equitable and practicable method whereby buildings or structures within Hyrum City, which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished. (Ord. 96-16; Ord. 92-08 § 2: prior code § 10-341)

15.40.020 Applicability.

The provisions of the Code for the Abatement of Dangerous Buildings shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in this municipality. (Prior code § 10-342)

15.40.030 Conflicting provisions.

Should any section, clause or provision of the current edition of the ~~Code for the Abatement of Dangerous Buildings, adopted herein,~~ International Building Code be found to conflict directly with any section, clause, or provision of the Code of Revised Ordinances of Hyrum City, the regulations and provisions of the ~~Code of Revised Ordinances of Hyrum City~~ current adopted Codes of the State of Utah shall prevail ~~over those found in the Code for the Abatement of Dangerous Buildings.~~ (Ord. 96-16; Ord. 92-08 § 4)

15.40.040 Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the building official to be dangerous, ~~as defined in the Code for the Abatement of Dangerous Buildings~~ are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in ~~Section 401 of the Code for the Abatement of Dangerous Buildings.~~

~~(Prior code § 10-344)~~ the International Building Code and the Regulations of the Local Health Department.

15.40.050 Dangerous buildings declared a nuisance.

All dangerous buildings within the terms of this chapter are declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided. (Prior code § 10-346)

~~15.40.060 Buildings requiring repairs-Applicable building code provisions.~~

~~All buildings or structures which are required to be repaired under the provisions of the Code for the Abatement of Dangerous Buildings shall be subject to the provisions of subsections (a), (b), (c), (d), (e) and (f) of Section 104 of the Uniform Building Code. (Ord. 92-08 § 3: prior code § 10-343)~~

Chapter 15.44

ENERGY CONSERVATION CODE

Sections:

15.44.010 Adopted.

15.44.020 Violation-Penalty.

15.44.010 Adopted.

The "Model Energy Code" 1995 current edition of the International Energy Conservation Code, as adopted by the State of Utah, approved by the Council of American Building Officials, is adopted as the energy conservation code of this municipality, three copies of which have been filed for use and examination by the public in the office of the recorder. (Ord. 96-17 § Prior code § 9-671) Hyrum City.

15.44.020 Violation-Penalty.

It is unlawful for any person, firm or corporation to perform any act prohibited by this chapter or to fail or refuse to perform any act commanded in this chapter or to aid or abet therein or to fail or refuse to comply with any valid order issued by the building inspector or his agents pursuant to the provisions of this chapter. No permits shall be issued to any applicant during the time he shall fail to correct any defective work or noncomplying installation of equipment after written notice by the building inspector or his agents. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and any such person convicted of violating any provision of this chapter shall be punished by a fine in a sum not exceeding two hundred ninety-nine dollars, or by imprisonment for

a period of not longer than six months, or by both such fine and imprisonment, and each day that any violation of this chapter is permitted to continue shall constitute a separate offense. (Prior code § 9-672)

Chapter 15.48

INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS

Sections:

15.48.010 Provisions.

15.48.010 Provisions.

~~Part IV, "Individual Wastewater Disposal Systems," of the Code of Waste Disposal Regulations, adopted by the Utah Division of Health and the Utah State Committee on water pollution in May 1965, as revised by action of the Board in June 1967, and issued and published as code in book form, three copies of which have been filed for use and examination by the public in the office of the clerk, and which establish rules and regulations relating to the disposal of domestic wastewater discharge from single homes, multiple dwellings containing not more than four individual units, and commercial installations serving not more than fifty persons per day, is adopted by the municipality as the ordinance relating to individual wastewater disposal systems within the municipality except as such code may be altered or modified by the provisions of this chapter. (Prior code § 9-610)~~

Permits for Small and Individual Wastewater Disposal Systems are issued and regulated by the Local health Department.

Chapter 15.52

~~SMALL UNDERGROUND WASTEWATER DISPOSAL SYSTEMS CODE~~

~~Sections:~~

~~15.52.010 Adopted.~~

~~15.52.010 Adopted.~~

~~Part V, "Small Underground Wastewater Disposal Systems" of the Code of Waste Disposal Regulations, adopted by the Utah Division of Health and the Utah State Committee on Water Pollution in May 1965, as revised by the action of the Board June 2, 1967, and June 21, 1967, and issued and published as a code in book form, three copies of which have been filed for use and examination by the public in the office of the clerk, is adopted by the municipality as the small underground wastewater disposal systems code within the municipality, except as it may be altered or modified by the provisions of this chapter or Chapter 15.48 of~~

~~this code. Occupancies in existing buildings may be continued as provided in Section 104(g) of the Uniform Building Code, except as to those structures which are found to be substandard as defined in the housing code. (Prior code § 9-620)~~

Chapter 15.56

FLOOD DAMAGE PREVENTION

Sections:

- 15.56.010 Statutory authorization.
- 15.56.020 Findings.
- 15.56.030 Purpose.
- 15.56.040 Methods of reducing flood losses.
- 15.56.050 Definitions.
- 15.56.060 Applicability.
- 15.56.070 Basis for establishing areas of special flood hazard.
- 15.56.080 Compliance.
- 15.56.090 Abrogation and conflicting restrictions.
- 15.56.100 Interpretation.
- 15.56.110 Warning and disclaimer of liability.
- 15.56.120 Development permit - Required - Application - Content.
- 15.56.130 Administration and implementation of provisions.
- 15.56.140 Building inspector-Duties.
- 15.56.150 Provisions for flood hazard reduction-Applicability.
- 15.56.160 Provisions for flood hazard reduction-Anchoring.
- 15.56.170 Provisions for flood hazard reduction-Manufactured homes.
- 15.56.180 Construction materials and methods.
- 15.56.190 Utilities.
- 15.56.200 Subdivisions.
- 15.56.210 Encroachments.
- 15.56.220 Specific standards for residential and nonresidential construction.

15.56.010 Statutory authorization.

The Legislature of the state has in UCA 10-8-84, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 89-04 § 1 (part): prior code § 9-711)

15.56.020 Findings.

- A. The flood hazard areas of Hyrum City are subject to periodic inundation which results in loss of life and

property, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to flood loss. (Ord. 89-04 § 1 (part): prior code § 9-712)

15.56.030 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To insure that those who occupy the areas of special flood hazards assume responsibility for their actions. (Ord. 89-04 § 1 (part): prior code § 9-713)

15.56.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 89-04 § 1 (part): prior code § 9-714)

15.56.050 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The definitions stated are for purpose of this chapter only.

"Areas of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or

exceeds fifty percent of the market value of the structure either:

- A. Before improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- 2. Any alteration of a structure listed on the national register of historic places or a state inventory of historic places. (Ord. 89-04 § 1 (part): prior code § 9-715)

15.56.060 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Hyrum City. (Ord. 89-04 § 1 (part): prior code § 9-716)

15.56.070 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its current effective flood insurance rate map (FIRM), dated April 8, 1980, is adopted by reference and declared to be a part of this chapter. The FIRM is on file at 83 West Main, Hyrum, Utah. (Ord. 89-04 § 1 (part): prior code § 9-717)

15.56.080 Compliance.

No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 89-04 § 1 (part): prior code § 9-718)

15.56.090 Abrogation and conflicting restrictions.

This chapter is not intending to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 89-04 § 1 (part): prior code § 9-719)

15.56.100 Interpretation.

In the interpretation of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 89-04 § 1 (part): prior code § 9-720)

15.56.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazard will be free from flooding or flood damages. This ordinance shall not create liability on the part of Hyrum City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 89-04 § 1 (part): prior code § 9-721)

15.56.120 Development permit-Required-Application-Content.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.56.070. Application for a development permit shall be made on forms furnished by Hyrum City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the flood-proofing criteria in Section 15.56.220(B); and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 89-04 § 1 (part): prior code § 9-731)

15.56.130 Administration and implementation of provisions.

The building inspector is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 89-04 § 1 (part): prior code § 9-732)

15.56.140 Building inspector-Duties.

Duties of the building inspector shall include, but not be limited to:

- A. Permit Review. In the course of permit review, the building inspector shall:
 - 1. Review all development permits to determine the permit requirements of this chapter have been satisfied;
 - 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - 3. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and adjacent overbank areas:
 - a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration,
 - b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required,
 - c. If the proposed development is a building, then the provisions of this chapter shall apply.
- B. Obtain Other Base Flood Data. When base flood data has not been provided in accordance with Section 15.56.070. Basis for establishing the areas of special flood hazard, the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements, or other developments zone A are administered in accordance with Section 15.56.220, Specific standards.

- C. Obtain and Maintain Information. The building inspector shall:
 - 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
 - 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed,
 - b. Maintain the floodproofing certification required in Section 15.56.120(C);
 - 3. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- D. Notify Prior to Alteration of Watercourse. The building inspector shall:
 - 1. Notify adjacent communities and Utah Office of Comprehensive Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
 - 2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- E. Interpretation of FIRM Boundaries. The building inspector shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). (Ord. 89-04 § 1 (part): prior code § 9-733)

15.56.150 Provisions for flood hazard reduction- Applicability.

In all areas of special flood hazards, the following standards are required. (Ord. 89-04 § 1 (part): prior code § 9-741 (part))

15.56.160 Provisions for flood hazard reduction-Anchoring.

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. (Ord. 89-04 § 1 (part): prior code § 9-741 (A))

15.56.170 Provisions for flood hazard reduction-Manufactured homes.

All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. The requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

- A. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
- B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
- C. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

Any additions to the manufactured home be similarly anchored.
(Ord. 89-04 § 1 (part): prior code § 9-741 (B))

15.56.180 Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 89-04 § 1 (part): prior code § 9-741 (C))

15.56.190 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 89-04 § 1 (part): prior code § 9-741 (D))

15.56.200 Subdivisions.

- A. All new subdivisions proposed under this chapter shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less). (Ord. 89-04 § 1 (part): prior code § 9-741 (E))

15.56.210 Encroachments.

Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of base flood discharge. (Ord. 89-04 § 1 (part): prior code § 9-741 (F))

15.56.220 Specific standards for residential and nonresidential construction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.56.140(B) (Obtain Other Base Flood Data), the following standards are required:

- A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - 1. Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the official as set forth in Section 15.56.140(C)(2). (Ord. 89-04 § 1 (part): prior code § 9-742)

~~CHAPTER 15.60~~

~~GUIDELINES FOR MANUFACTURED HOUSING INSTALLATION.~~

~~Sections:~~

~~15.60.010 Adopted.~~

~~15.60.020 Violation penalty.~~

~~15.60.010 Adopted.~~

~~The Guidelines For Manufactured Housing Installation 1991 edition, approved by the International Conference of Building Officials, three copies of which have been filed for use and examination by the public in the office of the recorder, is adopted as the guidelines for installation of manufactured housing on private (non rental) lots within Hyrum City. The purpose of these guidelines is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, and quality of materials for foundation systems and building service equipment connections which are necessary to provide for the permanent installation of manufactured homes on privately owned lots and to provide for alterations, additions, and repairs to such manufactured homes. (Ord. 96-18)~~

~~15.60.020 Violation penalty.~~

~~It is unlawful for any person, firm or corporation to perform any act prohibited by this chapter or to fail or refuse to perform any act commanded in this chapter or to aid or abet therein or to fail or refuse to comply with any valid order issued by the building inspector or his agents pursuant to the provisions of this chapter. No permits shall be issued to any applicant during the time he shall fail to correct any defective work or non complying installation of equipment after written notice by the building inspector or his agents. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and any such person convicted of violating any provi-~~

~~sion of this chapter shall be punished by a fine in a sum not exceeding two hundred ninety-nine dollars, or by imprisonment for a period of not longer than six months, or by both such fine and imprisonment, and each day that any violation of this chapter is permitted to continue shall constitute a separate offense. (Ord. 96-18)~~

Chapter 15.70

HISTORIC BUILDINGS

Sections:

15.70.010 Purpose

15.70.020 Historic Preservation Commission

15.70.030 Commission Duties

15.70.040 Hyrum Historic Sites List

15.70.050 Hyrum Historic Landmark Register

15.70.060 Standards of Rehabilitation

15.70.010 Purpose.

Hyrum City recognizes that the historical heritage of the community is among its most valued and important assets. It is, therefore, the intent of Hyrum City to identify, preserve, protect, and enhance historic areas and sites lying within the municipal limits of Hyrum City.

15.70.020 Historic Preservation Commission.

There is hereby created an Historic Preservation Commission with the following provisions:

- A. The Commission shall consist of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the City Council for terms of not less than two years.
- B. To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archeology, planning, architecture, or architectural history.
- C. The Commission shall meet in at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time, and agenda items.
- D. Written minutes of each Commission meeting shall be prepared and made available for public inspection.

15.70.030 Commission Duties.

The Historic Preservation Commission shall have the following duties:

- A. Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic architectural and archeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.
- B. Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the boundaries of Hyrum City. When the Historic Preservation Commission considers a National Register nomination, which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.
- C. Provide Advice and Information.
 - 1. The Historic Preservation Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archeological resources.
 - 2. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community history.
- D. Enforcement of State Historic Preservation Laws. The Commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: Sections 17A-3-1301 through 17A-3-1306, Utah Code Annotated, 1953, as amended (UCA), "The Historic District Act"; Sections 9-8-305 through 9-8-307, UCA, regarding the protection of Utah antiquities; and Section 9-8-404, UCA, regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or effect a site, building, or object owned by the State of Utah and included on or eligible for the State or National Registers.

15.70.040 Hyrum Historic Sites List.

The Historic Preservation Commission may designate historic properties to the Historic Sites List as a means of providing

recognition to and encouraging the preservation of historic properties in the community.

A. Criteria for Designating Properties to the Hyrum Historic Sites List. Any district, buildings, structure, object, or site may be designated to the Historic Sites List if it meets all the criteria outlined below:

1. It is located within the official boundaries of the City.
2. It is at least 50 years old.
3.
 - a. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, and additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
 - b. If the property does not meet the integrity requirements outlined in 3(a), it may still qualify for designation if it meets one of the following requirements for exceptional significance:
 - (1) It is directly associated with events of historic significance in the community.
 - (2) It is closely associated with the lives of persons who were of historic importance to the community.
 - (3) Exhibits significant methods of construction or materials that were used within the historic period.
4. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (October 1991 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.

- B. Designation Procedures. Any person, group, or government agency may nominate a property for listing on the Hyrum Historic Sites List. The nomination and listing procedures are as follows:
1. Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Commission.
 2. The commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate last-minute submittals, although no nomination will be reviewed if it is submitted to the commission less than 48 hours prior to the meeting.
 3. The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the Hyrum Historic Sites List" and will make its decision accordingly.
- C. Results of Designation of the Historic Sites List.
1. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic names of the property, the date of designation, and signatures of the mayor and the Historic Preservation Commission.
 2. If an historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before the action takes place.
 - a. The City will delay issuing a demolition permit for a maximum of one week and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.
 - b. Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.

- c. The demolition permit will be issued after one week of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the one-week deadline.
 - d. The documentation will be kept in the Commission's historic site files, which are open to the public.
- D. Removal of Properties from the Historic sites List. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic sites List after review and consideration by the committee.

15.70.050 Hyrum Historic Landmark Register.

Significant historic properties may be designated to the Historic Landmark Register for the purpose of recognizing their significance and providing incentives and guidelines for their preservation.

- A. Criteria for Designating Properties to the Hyrum Historic Landmark Register. Any district, building, structure, object, or site may be designated to the Historic Landmark Register if it meets all of the following criteria:
- 1. It is located within the official boundaries of the city.
 - 2. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provision of 36 CFR 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
 - a. Associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. Associated with the lives of persons significant in our past; or
 - c. Embody the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

- d. Have yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).
 3. The owner of the property approves of the action to designate his/her property to the Historic Landmark Register and has submitted to the Commission a written statement to that effect.
- B. Designation Procedures.
1. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the Commission chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the National Register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by Commission members, private citizens, local officials, or others regarding designation of the property.
 2. Upon receipt of the written request for designation, the Commission chairperson shall arrange for the nomination to be considered at the next Commission meeting, which shall be held at a time not to exceed 30 days from the date the request was received.
 3. The decision by the Commission shall be based on the eligibility of the property in terms of meeting the "Criteria for Designating Properties to the Anytown Historic Landmark Register". The Commission shall forward its recommendation in writing to the City Council within fourteen (14) days.
 4. The City Council may, by approval and passage of an appropriate resolution, designate properties to the Historic Landmark Register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance.
- C. Notification and Recording of Designation.
- When historic properties have been officially designated to the Anytown Historic Landmark Register by the City Council, the Commission shall promptly notify the owners of those properties. The Commission shall record the Historic Landmark Register status designation with the County Recorder's Office.

- D. Results of Designation to the Historic Landmark Register.
1. Properties designated to the Historic Landmark Register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
 2. In the even of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with Chapter 34 of the Uniform Building Code, (1994 Edition), which deals with historic buildings, or the Uniform Code for Building Conservation, a special code for existing buildings.
 3. Owners of Historic Landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.
 4. Proposed repairs, alterations, or additions to Historic Landmarks are subject to the review of the Historic Preservation Commission and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.
 - a. Applications for permits pertaining to Historic Landmark properties shall be forwarded by the Building Inspector to the Historic Preservation Commission prior to their issuance.
 - b. At its next scheduled meeting, the Commission shall review the applications and proposed work for compliance with the Secretary of the Interior's "Standards for Rehabilitation," hereafter referred to as the "Standards" (see Section 9).
 - c. The Commission's recommendation shall be forwarded within three (3) days to the City Council for its consideration. The recommendation must indicate upon which "Standard" the Commission's decision was based and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the Building Inspector and the property owner at the same time.
 - d. The City Council shall schedule the matter for its next City Council Meeting and, upon review of the Historic Preservation Commission's recommendation and other comments given at the

meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "Certificate of Historical Appropriateness" which authorizes the building permit to be issued.

- E. Removal of Properties from the Historic Landmark Register. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility, may be removed from the Historic Landmark Register after review and consideration by the Commission. The property owner shall be advised by mail of the Historic Preservation Commission meeting during which the removal will be considered. The owner will be notified of the decision of the Commission and will have thirty (30) days to appeal the decision of the Commission to the City Council. However, nothing in this ordinance shall be construed to prevent an owner from removing his/her property from the Historic Landmark Register as the owner of his/her sole discretion shall deem appropriate. Further, the City shall not accept any liability whatsoever for an owner's decision to remove property from the Historic Register.
- F. Enforcement. The provisions of this section are subject to the enforcement provisions established in the Uniform Building Code, Uniform Code for Building Conservation, or in the Uniform Housing Code as adopted by Hyrum City.

15.70.060 Standards for Rehabilitation.

The following "Standards for Rehabilitation" shall be used by the Historic Preservation Commission and City Council when determining the historic appropriateness of any application pertaining to Historic Landmark Properties:

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Charges that create false sense of historical development, such as adding conjectural features of architectural elements from other buildings, shall not be undertaken.

- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigating measures shall be undertaken.
 - I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (Ord. 97-06)

2. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these

amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 6th day of May, 2010.

HYRUM CITY

BY: _____

W. Dean Howard

Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: