

ORDINANCE NO. 03-97

ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
SHERMAN E. HUFF <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Barber
I SECOND the foregoing motion: Councilmember Shaw

ORDINANCE 03-97

AN ORDINANCE MAKING MINOR CHANGES TO THE BUILDING REGULATIONS OF THE CITY

WHEREAS, it has come to the attention of the City that various conditions and requirements of building permits are routinely made in order to comply with the building code or City Ordinance; and

WHEREAS, a number of abuses have taken place whereby the requirements and conditions are not being followed; and

WHEREAS, in order to protect the health safety and welfare of the residents of the City, these conditions and requirements should be enforced; and

WHEREAS, a refundable deposit ensuring compliance has been effective in other jurisdictions; and

WHEREAS, numerous contractors are anxious to begin preliminary construction of footings and foundations prior to the time that a full review of the plan specifications can be made for the issuance of the building permit; and

WHEREAS, issuance of a partial building permit whereby the contractor proceeds at his/her own risk can be a benefit to the contractors;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

SECTION I

Spanish Fork City Municipal Code Section 14.04.030 (A) is amended to read as follows:

A. The City may issue a building permit upon application, in compliance with all laws, ordinances, rules, and regulations. A partial building permit may be issued, upon application, and in compliance with rules and regulations established by the City Building Official. A fee established by the City Council, as adopted in the annual budget, may also be charged. The fee charged is in addition to the fees charged for the issuance of a building permit. A partial building permit will allow limited commencement of construction while the entire plans and specifications are under review. The issuance of a partial building permit is no guarantee that a building permit will be issued. Any applicant for a partial building permit may proceed with those items identified in the permit, at their own risk.

1. No building permits will be issued until streets are in compliance with the Uniform Fire Code to allow access to the construction site by fire apparatus vehicles. The City engineer is hereby designated as the responsible official to determine compliance.

2. No building permit will be issued until the water transfer required by Spanish Fork Municipal Code §13.12.010 (B) has been made.

3. No building permit will be issued until all required impact fees have been collected.

4. Once all approvals have been granted, a building permit may be obtained.

SECTION II

Sub sections 14.04.030 (C), (D), and (E), of the Spanish Fork Municipal Code are hereby created to read as follows:

C. Upon issuance of a building permit a deposit in an amount to be established by the City Council in the annual budget shall also be collected. This deposit is to guarantee that all of the terms and conditions of the permit are met, site plan improvements are completed, any damage done to City facilities is repaired and all fees are paid. If all of the conditions of the permit are met, the deposit shall be refunded when a certificate of occupancy is issued. In the event that the contractor allows occupancy prior to the issuance of a certificate of occupancy, with or without his/her approval, fifty percent (50%) of the deposit shall be forfeited to the city. The city may also withhold a certificate of occupancy until all the conditions are met.

D. The city building official may charge such fees for reinspection as are established by the City Council in the annual budget. The building official may establish rules and regulations for any appeals process concerning reinspection.

E. A temporary certificate of occupancy may be granted at the discretion of the building official when there are no life threatening hazards on the property and the conditions set forth in sub-paragraph (A) are met. The final checklist of terms to be completed must be minor in nature

and must be completed in the time frame designated. The city council, in the annual budget, may establish a reasonable fee to be charged for the issuance of a temporary certificate of occupancy. In the event a temporary certificate expires and a final certificate has not been obtained, the City may disconnect all utility service to the property until the final checklist is completed and a final certificate of occupancy is obtained, and may also forfeit the deposit required in sub-paragraph (C).

SECTION III

This ordinance shall become effective immediately upon passage and publication.

DATED this 18th day of February, 1997.

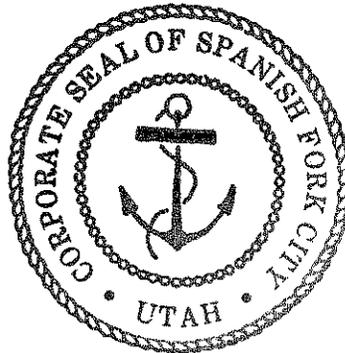
Marie W. Huff

MARIE W. HUFF, Mayor

ATTEST:

Kent R. Clark

KENT R. CLARK, City Recorder



Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

ORDINANCE 03-97

AN ORDINANCE MAKING MINOR CHANGES TO THE BUILDING REGULATIONS OF THE CITY

WHEREAS, it has come to the attention of the City that various conditions and requirements of building permits are routinely made in order to comply with the building code or City Ordinance; and

WHEREAS, a number of abuses have taken place whereby the requirements and conditions are not being followed; and

WHEREAS, in order to protect the health safety and welfare of the residents of the City, these conditions and requirements should be enforced; and

WHEREAS, a refundable deposit ensuring compliance has been effective in other jurisdictions; and

WHEREAS, numerous contractors are anxious to begin preliminary construction of footings and foundations prior to the time that a full review of the plan specifications can be made for the issuance of the building permit; and

WHEREAS, issuance of a partial building permit whereby the contractor proceeds at his/her own risk can be a benefit to the contractors; NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

SECTION I

Spanish Fork City Municipal Code Section 14.04.030 (A) is amended to read as follows:

A. The City may issue a building permit upon application, in compliance with all laws, ordinances, rules, and regulations. A partial building permit may be issued, upon application, and in compliance with rules and regulations established by the City

Building Official. A fee established by the City Council, as adopted in the annual budget, may also be charged. The fee charged is in addition to the fees charged for the issuance of a building permit. A partial building permit will allow limited commencement of construction while the entire plans and specifications are under review. The issuance of a partial building permit is no guarantee that a building permit will be issued. Any applicant for a partial building permit may proceed with those items identified in the permit, at their own risk.

1. No building permits will be issued until streets are in compliance with the Uniform Fire Code to allow access to the construction site by fire apparatus vehicles. The City engineer is hereby designated as the responsible official to determine compliance.

2. No building permit will be issued until the water transfer required by Spanish Fork Municipal Code §13.12.010 (B) has been made.

3. No building permit will be issued until all required impact fees have been collected.

4. Once all approvals have been

granted, a building permit may be obtained.

SECTION II

Sub sections 14.04.030 (C), (D), and (E), of the Spanish Fork Municipal Code are hereby created to read as follows:

C. Upon issuance of a building permit a deposit in an amount to be established by the City Council in the annual budget shall also be collected. This deposit is to guarantee that all of the terms and conditions of the permit are met, site plan improvements are completed, any damage done to City facilities is repaired and all fees are paid. If all of the conditions of the permit are met, the deposit shall be refunded when a certificate of occupancy is issued. In the event that the contractor allows occupancy prior to the issuance of a certificate of occupancy, with or without his/her approval, fifty percent (50%) of the deposit shall be forfeited to the city. The city may also withhold a certificate of occupancy until all the conditions are met.

D. The city building official may charge such fees for reinspection as are established by the City Council in the annual budget. The building official may establish rules and regulations for any appeals process concerning reinspection.

E. A temporary certificate of occupancy may be granted at the discretion of the building official when there are no life threatening hazards on the property and the conditions set forth in sub-paragraph (A) are met.

for One consecutive weeks,
the first publication on the 27th day
of February 19 97
and the last on the 27th day of
February 19 97

J. Lane Henderson

The final checklist of terms to be completed must be minor in nature and must be completed in the time frame designated. The city council, in the annual budget, may establish a reasonable fee to be charged for the issuance of a temporary certificate of occupancy. In the event a temporary certificate expires and a final certificate has not been obtained, the City may disconnect all utility service to the property until the final checklist is completed and a final certificate of occupancy is obtained, and may also forfeit the deposit required in sub-paragraph (C).

SECTION III

This ordinance shall become effective immediately upon passage and publication.

DATED this 18th day of February, 1997.

Published in the Spanish Fork Press on February 27, 1997.

Subscribed and sworn to before me this 27 day of February 19 97

Sara Withington
Notary Public

Residing at Spanish Fork, Utah

My Commission expires 3-14-99



SPANISH FORK PRESS
1000 WEST 1000 NORTH
SPANISH FORK, UT 84650
CITY OF SPANISH FORK, UT
EXPIRES 3-14-99