

ORDINANCE NO. 06-09

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Leifson
I SECOND the foregoing motion Councilman Dart

ORDINANCE No. 06-09

**AN ORDINANCE IMPLEMENTING AN ADMINISTRATIVE REVIEW
OF SINGLE FAMILY BUILDING PERMITS**

WHEREAS, Spanish Fork City, is a Municipal entity that issues building permits in accordance with a nationally recognized building code authorized by the State of Utah; and

WHEREAS, Spanish Fork City is a municipal entity and is subject to the laws of the State of Utah; and

WHEREAS, representative Douglas C. Aagard has sponsored Utah House Bill 327 which requires the City to adopt a new ordinance creating an extra level of administrative red tape involving a review of the administration of a single family residential building permit; and

WHEREAS, House Bill 327 further requires each municipality or county issuing a building permit to print, on the application, a specific notice concerning administrative review rights, in a minimum of a 14 point font, which requires the City to incur additional printing expense; and

WHEREAS, the building code currently has an appeal process, which, according to House Bill 327, cannot be affected by the requirements of House Bill 327; and

WHEREAS, the purpose of the new level of appeal is to “determine whether the inspection constitutes a fair administration of the building code;”and

WHEREAS, “fair administration of the building code” is not defined and neither the building official nor any officer of the City knows what is intended by the bill; and

WHEREAS, the new level of appeal cannot review a matter that may be brought by appeal under the building code, may not result in a waiver of modification of the building code requirements, and may not conflict with an appeal or the result of an appeal under the building code, which restrictions essentially make the administrative review superfluous; and

WHEREFORE, adding another level of administration appears to be a waste of time and money, nevertheless, Spanish Fork is required to follow the mandates of House Bill 327;

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

I.

Spanish Fork Municipal Code §14.04.030, “Construction Phases” is hereby amended by adding sub-paragraph F as follows:

14.04.030 Construction Phases

F. The applicant of a single family residential building permit may appeal an inspection to determine whether an inspection constitutes a fair administration of the building code. A notice, in compliance with Utah Code Annotated §58-56-20 shall be included with the issuance of the permit. The review contemplated by this section:

- i. is separate and unrelated to an appeal under the applicable building code;
- ii. may not be used to review a matter that may be brought by appeal under the building code;
- iii. may not result in a waiver or modification of the building code requirement or standard;
- iv. may not conflict with an appeal, or the result of an appeal under the building code; and
- v. does not prohibit a person from bringing an appeal under the applicable building code.

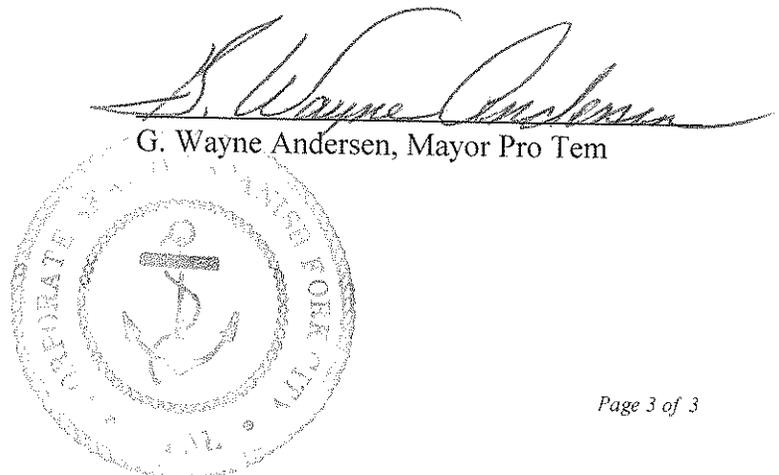
II.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 21st day of April, 2009.

ATTEST:


Kimberly Robinson, City Recorder



Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Provo, Utah County and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for 1 consecutive weeks,
the first publication on the 21st day
of May 2009
And the last on the 21st day
of May 2009
Rebecca Chandler

PUBLIC NOTICE	ing an administra-	City, 40 South Main,
	tive review of sin-	Spanish Fork.
ORDINANCE No.	gle family building	Published in the
06-09, The Spanish	permits. A complete	Spanish Fork Press
Fork City Council	copy of this ordi-	May 21, 2009.
has adopted an or-	nance is available	UPAXLP
dinance implement-	at the Spanish Fork	



Subscribed and sworn to before me this 21st day of May 2009

Karen Jordan
Notary Public