

TITLE 14

BUILDING REGULATIONS

Chapter

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CHAPTER 1

BUILDING OFFICIAL

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14-1-1. Responsibility.

Administration and enforcement of this title shall be the responsibility of the Building Official, under the direct supervision of the County Engineer, who shall direct the Building Official as to the performance of his duties as provided in this title, but the County Commission or County Engineer may from time to time entrust the administration and enforcement of some part or the whole of this title to any other officer without amendment to this section. All departments, officials and public employees who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no such permits or licenses for uses, buildings or purposes where the same would be in conflict with the provisions of this Title and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-2. Permits.

The construction, alteration, repair, removal or occupancy of any structure or part thereof as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Official; provided, that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the State Building Codes.

Permits are required for temporary uses incidental to construction. Such permits are limited to the duration of the construction work. The maximum time for such a permit is one year. However, another permit may be issued if cause is shown. All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected and buildings existing on adjacent property, and such other information as may be necessary to provide for the enforcement of this code.

A careful record of such applications and plats shall be kept in the office of the Building Official or other officer charged with administration and enforcement. No yard or other open space provided about any building for the purpose of complying with the provisions of this code shall be used as a yard or open space for another building. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-3. Powers and duties.

It shall be the duty of the Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. The Building Official shall enforce all of the provisions of this code, entering actions in court when necessary, and failure to do so shall not legalize any violation of such provisions. The Building Official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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14-1-4. Approval of off-site improvements by county engineer.

The construction of all off-site improvements within Tooele County shall not be commenced or proceeded with except after the approval of the County Engineer. All preliminary and final plats, plans and specifications for off-site improvements shall be submitted to the County Engineer for his approval prior to submission to the Planning Commission or the County Commission. A plan checking fee shall be collected by the County Engineer when said plans, plats and specifications are submitted for approval. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-5. Definition of off-site improvements.

Off-site improvements include all sewer, storm and culinary water, natural gas, underground utility systems installed outside the boundaries of lots owned or to be offered to the public for private ownership, and all streets, curbs and gutters, sidewalks, alleys or other improvements considered off-site improvements in the construction trade. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-6. Reserved.

14-1-7. Surveying and engineering performed by county engineer.

The County Engineer, in his discretion, may do preliminary surveying, engineering, and construction surveying of off-site improvements for minor improvements to property for curb and gutter replacements or initial installation, where none previously existed and the property owner requests the same at his own expense, or when a special improvement district is created for the purpose of providing off-site improvements within the district. When the County Engineer performs such labor, the County Engineer shall charge fees consistent with the prevailing rate for such services as may be available in the private sector as determined by the County Engineer. All such fees collected by the Engineer shall be accounted for by him and shall be remitted to the County Treasurer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-8. Building permits required for off-site improvements.

All off-site improvements within Tooele County, except those off-site improvements installed pursuant to the subdivision process, shall be required to be done with a building permit and fees collected therefore shall be according to the fee schedule for building permits then in effect. Such fees shall be payable prior to issuance of the permit. For purposes of this section, off-site improvements shall include the installation of sidewalk, curb and gutter, roads, water and sewer lines and the like. A separate building permit for any given structure may be obtained in connection with doing the off-site improvements, provided that the valuation of the off-site improvement shall be included in the computation of the permit fee. A failure to comply with this section shall result in the same penalties as are applicable for building permits under the currently adopted State Building Codes. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

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Section

14-2-1. Utah uniform building standards.

14-2-2. Energy conservation construction standards.

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14-2-4. Permit fees.

14-2-5. Appeals.

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14-2-1. Utah uniform building standards.

Tooele County shall adhere to and enforce the provisions of the currently adopted State Building Codes. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-2. Energy conservation construction standards.

Tooele County shall adhere to and enforce the provisions of the currently adopted Energy Conservation Code. The Energy Conservation Code shall apply to the design, construction, and modification of any buildings requiring a building permit from Tooele County. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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14-2-3. Uniform code for the abatement of dangerous buildings.

The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, as adopted by the International Conference of Building Officials, is hereby adopted by reference by Tooele County, for the regulation, classification and abatement of dangerous buildings. Three copies of the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings shall be filed in the office of the Tooele County Clerk upon the adoption of this section, for use and examination by the public. All subsequent amendments to the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, are hereby approved and shall take effect immediately without further action of the County Commission when not less than three copies of the new edition have been filed in the Office of the County Clerk. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-4. Permit fees.

Building permit and other fees shall be charged and collected in accordance with Table 1-A of the 1997 Uniform Building Code as promulgated by the International Conference of Building Officials. The Building Official shall determine valuations for the purpose of calculating fees by using for each calendar year the first Building Valuation Data publication issued during that calendar year by the International Conference of Building Officials. The Building Official shall adjust each calculated valuation by the regional modifier listed in said publication for Utah using the grade of construction determined to be applicable. The fee shall then be determined by reference to the Uniform Building Code provisions regarding the calculation of fees. The following information shall be used to calculate valuations for the listed items.

Hay Cover - \$3.00 per square foot.

Storage Shed & Ag Building - Wood Construction - \$6.00 per square foot; Steel Construction - \$8.50 per square foot; Masonry Construction - \$9.90 per square foot. (If without footer and less than 400 square foot, one-half of the above).

Patio Roof - \$2.50 per square foot.

Patio with Covered Deck - \$8.63 per square foot.

Green House Attached - Same as house.

Commercial and Industrial Construction - Contractor's price.

Siding or Re-roofing - Contractor's price or double cost of materials.

Remodeling, Electrical, Mechanical or Plumbing Work When a Building Permit is Required - Contractor's price or double cost of materials.

Factory Built Housing, Including Mobile Homes and Modular Units - 45% of the valuation listed in the applicable building valuation data publication.

In addition to the foregoing fees, Tooele County shall assess and collect a surcharge equal to one percent of the building permit fee in compliance with Utah state law. The County shall file with the Utah Division of Occupational and Professional Licensing a report of building fees and surcharges assessed for the immediately preceding calendar quarter; and, shall remit eighty percent of the amount of the surcharge to have been assessed to said Division. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-5. Appeals.

Any person who disputes the application or interpretation of any of the building regulations referred to in this chapter may, within 45 days of such determination, appeal such decision by filing a written notice of appeal with the Office of the Tooele County Commission. The County Commission shall, after receiving the notice of appeal, appoint an appeals board consisting of 1 to 3 individuals who are knowledgeable regarding the issue raised by the appeal and who are not employed by the County Engineering Department. The appeals board shall conduct a hearing within 45 days of their appointment and give each party an opportunity to be heard. The decision of the appeals board shall be final. The appeals board shall have no authority to interpret the administrative provisions of the Building Regulations nor shall the appeals board be empowered to waive requirements of these regulations. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-6. Repealed. (Ord. 95-15, 7/20/95)

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CHAPTER 3

CONSTITUTIONAL TAKING ISSUES

Section

14-3-1. Purpose.

14-3-2. Definitions.

14-3-3. Exclusion from chapter.

14-3-4. Guidelines advisory.

14-3-5. Review of decision.

14-3-6. Hearing examiners.

14-3-1. Purpose.

The purpose of this chapter is to establish guidelines and a procedure for reviewing County actions that involve a physical taking or exaction of private real property that may have constitutional taking issues. This chapter is further intended and shall be construed to objectively and fairly review claims by property owners that any such County actions should require payment of just compensation yet preserve the ability of the County to lawfully regulate real property and fulfill its other duties and obligations. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-2. Definitions.

(1) As used in this chapter, “constitutional taking” means an action by the County involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

- (a) the Fifth or Fourteenth Amendment to the Constitution of the United States;
- (b) Article I, Section 22, of the Utah Constitution; or
- (c) any court ruling governing the physical taking or exaction of private real property by a government entity.

(2) An action by the County involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction bears an essential nexus to a legitimate governmental interest and is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development or the legitimate government interest. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-3. Exclusion from chapter.

This chapter shall not apply when the County formally exercises its powers of eminent domain, or when it regulates real property or requires payment of fees where there is no physical taking or exaction of the property. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-4. Guidelines advisory.

The guidelines adopted and decisions rendered pursuant to this chapter are advisory and shall not be construed to expand or limit the scope of the County’s liability for a constitutional taking. The reviewing body or person shall not be required to make any determination under this chapter except pursuant to Section 14-3-5. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-5. Review of decision.

Any owner of private real property who claims there has been a constitutional taking by the County of the owner’s property shall request a review of the final decision constituting the alleged constitutional taking. The following are the specific requirements for such a review:

- (1) The person requesting a review must have obtained a final decision from which the review is being requested.
- (2) Within 30 days from the date of the final decision, the person requesting the review shall file, in writing, in the office of the County Commission, an application for review of that decision. A copy of the application shall also be filed with the County Attorney’s office.
- (3) In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - (a) the name of the applicant requesting review;
 - (b) the name and business address of the current owner of the property, the form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, the name and address of all principal shareholders or partners;

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(c) a detailed description of the grounds for the claim that there has been a constitutional taking, including any legal authority supporting the claim;

(d) a legal description of the property taken;

(e) evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired and any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting the review and the party from whom the property was acquired;

(f) the nature of the protectable interest claimed to be affected, such as fee simple ownership or leasehold interest;

(g) the terms, including sale price, of any previous purchase or sale of a full or partial interest in the property within three years prior to the date of application;

(h) all appraisals of the property prepared for any purpose, including financing, offering for sale or ad valorem taxation, within three years prior to the date of application;

(i) the assessed value of and ad valorem taxes on the property for the previous three years;

(j) all information concerning current mortgages or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, the right of purchasers to assume the loan;

(k) all listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;

(l) all studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;

(m) for income producing property, itemized income and expense statements from the property for the previous three years;

(n) information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

(o) additional information requested by the County Commission which they deem reasonably necessary to arrive at a conclusion concerning whether there has been a constitutional taking.

(4) Upon written notice by the County Commission that the application is complete, it shall be considered as submitted. The County Commission shall then set a time to review the decision that gave rise to the constitutional takings claim. The County Commission shall promptly notify an applicant when the application is complete.

(5) The County Commission shall hear all the evidence related to and submitted by the applicant, the County, or any other interested party.

(6) A final decision on the application shall be rendered within 14 days from the date the complete application for review has been received by the County Commission. The decision of the County Commission shall be given in writing to the applicant and the officer, employee, board, or commission that rendered the final decision giving rise to the constitutional takings claim. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-6. Hearing examiners.

The Board of County Commissioners may appoint one or more hearing examiners to review and hear applications filed under this chapter and make recommendations to the County Commission and to any other officer, employee, board or commission that made the decision that gave rise to the constitutional takings claim. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)