



Staff Report

BUILDING SERVICES DIVISION

To: Salt Lake City Planning Commission
From: Craig Weinheimer, Civil Enforcement Legal Investigator,
craig.weinheimer@slcgov.com , 801-535-6682
Date: January 24, 2023
Re: PLNPCM2023-00868, Building Code Administration and Enforcement

Building Code Administration & Enforcement

REQUEST:

This city-initiated petition is proposing changes to Title 18 Buildings and Construction. Title 18 has not received a comprehensive update to keep pace with state law and administrative practices in decades. The changes are necessary to bring the city's building regulations into compliance with state law adopting certain uniform building codes as well as modernizing administrative procedures. This proposal increases fees associated with the boarded building program to reflect the city's actual cost of regulation, eliminates code that is duplicative or irreconcilable with state-adopted building codes, creates an administrative enforcement mechanism for building code violations, updates existing residential housing standards based on precedent from the housing advisory appeals board, and creates one standard appeal process to a streamlined board of appeals and examiners for any violation of Title 18. The proposal also updates portions of Title 21A related to zoning enforcement to reflect existing city administrative practices and increases daily fines associated with uncorrected zoning violations.

RECOMMENDATION:

That the planning commission recommends that the city council adopt the proposal.

ATTACHMENTS:

ATTACHMENT A: Proposed Ordinance Amending Title 18

ATTACHMENT B: Public Process & Comments

PROJECT DESCRIPTION:

This proposal is a comprehensive update to Title 18, with related updates to enforcement and appeal mechanisms for zoning violations (which are found in Title 21A and that are enforced by building services). The four substantive changes fall into the following categories: Boarded and Vacant Building Program; Building Code Enforcement Process; Housing Code Updates; Removal of Duplicative or Overlapping Codes; and Zoning Code Enforcement Updates.

Boarded and Vacant Building Program (Sections 18.48.200-260)

In 2022, the city council requested that the administration propose a change in boarded building fees to capture the full city cost of both monitoring/boarding and emergency services at those properties. The intent was to increase boarding permit fees to recuperate the city costs related to administering the inspection and monitoring of dangerous/boarded buildings. The finance department conducted a cost analysis, and the findings were that each boarded building permit costs the city a total of \$22,537 annually between building services and emergency services (police and fire). The city currently charges \$902 for the initial year permit fee and \$1,546 for subsequent years.

Updates to this program reflected in this proposal are as follows:

- Changing the program from an annual boarding permit to an annual registration. This type of boarded or vacant building registry was instituted in other cities during the Great Recession. A registry more accurately reflects the nature of the city's monitoring and regulation, since boarding does not necessarily occur every year (as a permit suggests).
- Recording notices against the title on properties on the registry to let any interested buyer know that (1) the property is subject to the registry with annual registration fees, and (2) that boarding costs actually incurred by the city may be outstanding (which fees could be a lien against the title once sent to the Salt Lake County Treasurer).
- Incorporates a standard citation and appeal process, which will be the same for any Title 18 violation (found in Chapters 18.24 and 18.12).
- Increase the annual fee to \$14,000 or less. This would result in the recuperation of 62% of the actual city costs. The current fee structure has an initial year fee and an annual fee for subsequent years. The proposal is to amend the initial year fee and make it the same amount as the subsequent yearly fee. The main reason is to simplify the process of tracking and collecting unpaid fees.
- Increase the administrative cost fee and the late penalty fee. The administrative cost fee is only charged when a city contractor performs boarding on private property, and it's an excellent way to penalize those property owners who are not involved in the boarding and maintenance of their property. The current fee is \$129. This proposal would increase the fee to \$2,000 for each instance of boarding. The late penalty fee is currently \$25 for every thirty days in which the annual fees are not paid. We propose an increase to \$100 for this fee.

Building Code Enforcement Process (Chapters 18.12, 18.24, and 2.21, and Section 5.14.125)

Building services has experienced a number of recent impediments to an effective enforcement and citation appeal process. First, state-adopted building code requires that the city have a board of appeals and examiners, but this five-member board was difficult to keep staffed by qualified persons. Second, the Housing Advisory Appeals Board is a separate ten member board that required additional staff to administer and sometimes reached conclusions that were difficult to justify. Third, Title 18 did not have a general civil citation and appeal process (except that a stop work order could be issued pursuant to state adopted building codes). Fourth, subject-specific portions of Title 18 had specific citation and appeal processes, which were not consistent with one another, making any enforcement process unduly difficult. And finally, recent construction problems have resulted in building services revisiting the current tools and fines available in the event contractors and owners refuse to correct violations. The current general Title 18 enforcement process relied on criminal proceedings and only a couple of discrete violations (such

as building without a permit) could be enforced through Title 21A, which is the zoning ordinance. In order to address these issues Titles 18, 2, and 5 have been revised as follows:

- The board of appeals and examiners has been streamlined to require only one appeal hearing officer, along with the building official as an ex-officio member (this building official status on the board is consistent with state-adopted building code).
- The Housing Advisory Appeals Board is being eliminated in favor of one appeal body – the board of appeals and examiners (which the city must have according to state-adopted building code) – to reduce administrative burden and keep appeal processes consistent.
- A standard appeal process for any violation of Title 18 has been added to Chapter 18.12. This process is nearly identical to an appeal of an administrative decision made pursuant to Title 21A.
- A fines-only appeal process for any violation of Title 18 has been added to Chapter 18.12. This process is identical to the fines-only appeal process for a zoning code violation.
- Significant changes to Chapter 18.24 were made to describe the city's remedies in the event of a violation of Title 18, which will now include a civil citation and civil fines process. This process is nearly identical to the process for citing and fining individuals and businesses for zoning violations.
- New fines are being adopted now that a civil citation process has been created within Title 18. General violations will be \$100 per day; violation of a stop work order will be \$250 per day; housing code (Chapter 18.50) violations will be between \$50 and \$200 per day depending on the severity of the violation.

Currently Title 18 only permits enforcement by stop work order and criminal proceedings. With these new standardized enforcement and appeal processes, in addition to the criminal proceedings, we will have a more effective tool to get properties and construction projects into compliance. The current cost for criminal violations of the building code is a \$1,000 fine, double permit fees, a stop work order, or a re-inspection fee of \$75.00. This process works well in the majority of the enforcement cases we have. However, like most cities, pursuing criminal citations for these type of municipal ordinance violations are rare. The other remedies and fines are low enough to be completely ignored by some property owners and builders. If we can implement the assessment of daily fines for civil violations it will make the fines high enough that they will not be ignored by the property owner or contractor. This will give us a better enforcement tool for future construction violations and decrease the number of violations not rectified.

Housing Code Updates (Chapters 18.50 and 18.96)

The Existing Residential Housing Code in Chapter 18.50, originally enacted in 1995, made reference to building, plumbing, mechanical, and electrical codes that were adopted at the time under the umbrella of the Uniform Building Codes. These UBC codes have since been replaced in Utah with the International Construction Codes. This proposal will update code references in Chapter 18.50 to conform with the Utah adopted ICC codes. The Fit Premises codes in Chapter 18.96 set forth certain rental housing standards. Some of these codes have been preempted by state law, and therefore needed to be removed. These chapters were also revised to incorporate

the standard citation and appeal process for any Title 18 violation, though residential rental housing owners will have the right to a warning notice before a citation is issued. In addition to removing old references to the UBC and replacing them with current state-adopted building codes, some standards have also been revised to incorporate standards unofficially implemented for many years in Salt Lake City by the HAAB board.

Removal of Duplicative or Overlapping Codes

Since Title 18 has not been comprehensively updated in decades there are many chapters that are no longer being used because the subject matter is already comprehensively covered in the state-adopted building codes, or in Title 21A. In order to streamline the code and eliminate such duplication or overlap, Section 18.28.050 and Chapters 18.32, 18.36, 18.48 article 1, 18.56, and 18.92 are being removed.

Zoning Code Enforcement Updates (Chapter 21A.20)

As part of implementing a civil citation and fine process within Title 18, certain amendments to the zoning enforcement chapter (Chapter 21A.20) are necessary to reflect building services' current enforcement procedures. These amendments reflect the following changes:

- Consistent with other revisions to Title 21A, definitions are being moved to the general zoning definitions chapter (21A.62).
- Building services current citation process is now reflected, including when a notice and order can be issued, what it needs to include, how it needs to be sent, and a recipient's ability to appeal the notice and order.
- Zoning violations fines are being increased from \$25 to \$50 per day for residential properties and from \$100 to \$200 per day for commercial properties. Zoning fines have not been increased since approximately 1999 (and some zoning violations pre-1999 were subject to fine amounts that are identical to the amounts being proposed in the current amendments).
- A new fine amount for failing to have a certificate of appropriateness for work on the exterior of historic district properties is proposed at \$50 per day, but if the work that was done is a full or partial demolition of a contributing or landmark structure, then the fine would be \$250 per day.
- Clarifying that citation notices can be sent by any reputable mail tracking service that confirms delivery, as opposed to just by "certified mail" or "commercial courier service."

APPROVAL PROCESS AND COMMISSION AUTHORITY

The planning commission is a recommending body for code amendments pertaining to land use regulation. Because some of the amendments impact land use, the building services division is bringing all of the amendments to the planning commission for review and recommendation. The planning commission can consider forwarding the proposal to the city council for adoption as is, with modification as to any land use related aspect of the proposal provided the modification complies with applicable state and federal laws or recommend that the proposal not be adopted. If considering

modifications, the commission can provide clear direction to building services staff regarding the changes and ask that the changes be made prior to sending the proposal to the council for consideration, provide staff with exact wording (or deletions) that are desired, or table the matter with clear direction to staff to make specific changes that will be reviewed by the commission at a later date. The commission should note that this item is time-sensitive because the council has directed that the building code enforcement updates reflected in the proposed ordinance be sent to the council before the affordable housing incentives ordinance is set to take effect on April 30, 2024. Tabling the matter may create a risk in complying with the council's request. If a commissioner has an issue with any aspect of the code, it is recommended to contact staff as soon as possible so we are prepared for the public hearing.

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. How the proposal helps implement city goals and policies.
2. Compliance with Utah Code.
3. Impact on zoning code.

Consideration 1: How the proposal helps implement city goals and policies

This proposal accomplishes city goals by pursuing administrative efficiency, administrative transparency, and charging fees commensurate with the city's actual regulation costs.

Consideration 2: Compliance with Utah Code

This proposal is necessary to bring the city's building and construction code title into conformance with state-adopted building codes.

Consideration 3: Impact on the zoning code

This proposal does not negatively impact the zoning code. Definitions in Title 18 were reconciled with existing definitions in Title 21A. Overlapping regulations were also eliminated (to maintain such regulations within Title 21A that are not appropriate for construction regulation under Title 18). No substantive zoning standards are being amended in Title 21A through this proposal. Rather, the enforcement portions of Title 21A are being updated to reflect building services' existing zoning enforcement processes, as well as increase or create fines for violations that previously had no fine attached.

STAFF RECOMMENDATION

The planning commission should recommend that the city council adopt the proposed changes to Title 18 and the relevant portions of Title 2, 5, and 21A based on the information presented in this staff report

NEXT STEPS

This proposal will be presented to the City Council regardless of the recommendation of the commission because it is a code amendment, and the city council has final approval authority for all city code amendments. To eliminate inconsistencies with state-adopted building codes and reflect the city's current zoning enforcement procedures Title 18 should be updated. The division of building services expects the city council to adopt this proposal. However, there may be aspects of the proposal that are modified by the city council. The council can modify any aspect of the proposal because the entire title of code is under consideration.

ATTACHMENT A: Proposed Ordinance

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SALT LAKE CITY ORDINANCE

No. _____ of 2024

(An ordinance amending the text of Titles 2, 5, 18 and 21A of the *Salt Lake City Code* to modernize the administration, enforcement, and appeals procedures applicable to the state construction codes)

An ordinance amending the text of Titles 2, 5, 18, and 21A of the *Salt Lake City Code* to modernize the administration, enforcement, and appeals procedures applicable to the state construction codes pursuant to Petition No. PLNPM2023-00868.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on _____ to consider a petition by the Salt Lake City Council (“City Council”) to amend various provisions of Titles 2, 5, 18 and 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPM2023-00868; and

WHEREAS, at its _____ meeting, the Planning Commission voted in favor of transmitting a _____ recommendation to the City Council on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the text of *Salt Lake City Code* Chapter 18.04. That Chapter 18.04 of the Salt Lake City Code (Administration and Enforcement: Administration and General Provisions) shall be, and hereby is amended as follows:

CHAPTER 18.04
ADMINISTRATION AND GENERAL PROVISIONS

18.04.010: DIVISION OF BUILDING ~~AND HOUSING SERVICES; ADMINISTRATIVE DUTIES:~~

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This title establishes the duties of the division of building ~~and housing~~ services.

18.04.020: DEFINITIONS:

A. Where undefined terms are used in this title, the definitions of "Webster's ~~Unabridged~~ Collegiate Dictionary" shall apply.

B. ~~In addition thereto, a~~ All words and phrases defined in this section ~~chapter~~ shall be given such defined meanings wherever used in this title, including the following:

BUILDING OFFICIAL: Means and refers to the director of the division of building ~~and housing~~ services, or his/her designee.

DEVELOPMENT: any building activity or clearing of land as an adjunct of construction.

DEVELOPMENT ACTIVITY: shall have the same meaning as defined in Utah Code §10-9a-103 or its successor provisions.

DIVISION: Means and refers to the division of building ~~and housing~~ services of the city.

ENFORCEMENT OFFICIAL: any person employed by and authorized by the city to enforce violations of state law or this title, including, but not limited to, building inspectors, the building official, fire marshals, and civil enforcement officers.

NONCOMPLIANT PROPERTY: property where one or more violations of this title have occurred or are currently occurring.

NOTICE OF NONCOMPLIANCE: a document, in any form, giving notice to interested parties that one or more violations of city code exist on the noncompliant property.

PERSON: any individual, receiver, assignee, trustee in bankruptcy, trust, estate firm, co-partnership, joint venture, club, company, joint stock company, business trust, limited liability company, corporation, association, legal entity, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

RESPONSIBLE PARTY: means the person(s) determined by the city who is responsible for causing, maintaining, or allowing the continuation of a violation of this title. This may include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, business owner, or other person who individually or together with another person is responsible for causing, maintaining, or allowing the continuation or a violation of any provision of the code.

18.04.030: APPLICATION OF PROVISIONS: ~~RESERVED~~

~~This title applies to the construction, alteration, moving, demolition, repair and use of any building or structure and the equipment therein within Salt Lake City's jurisdiction, including portable dwellings, mobile homes, trailers, and mobile home parks.~~

~~18.04.040: TECHNICAL CONSTRUCTION CODES; ADOPTION, ADMINISTRATION AND ENFORCEMENT~~
BUILDING AND CONSTRUCTION CODES ADOPTED:

The following codes, as adopted by the State of Utah, along with any adopted appendices are hereby adopted as part of the code of Salt Lake City:

The International Building Code, as promulgated by Title 15A of the Utah State Code;

The International Residential Code, as promulgated by Title 15A of the Utah State Code;

The International Fire Code;

International Existing Building Code;

International Energy Conservation Code;

International Fuel Gas Code;

National Electrical Code;

The International Mechanical Code;

The International Plumbing Code;

The International Swimming Pool and Spa Code;

Rule R156-56 of the Utah Administrative Code;

ICC/MBI 1205-2021 Standard for Off-Site Construction: Inspection and Regulatory Compliance, or its successor, and

1997 Uniform Code for the Abatement of Dangerous Buildings

~~This title provides for the adoption, administration, and enforcement of the technical construction codes referenced herein. Each of the referenced technical codes bears a legal influence over details of the design, construction, alteration, occupancy, use, repair and maintenance of buildings, structures, and certain equipment therein. Each of the referenced technical codes provides minimum standards and practical safeguards and provisions against threats to life and limb, health, safety, property, and public welfare. Wherever in these codes reference is made to an appendix, the provisions of the appendix shall apply.~~

~~18.04.050: EQUIPMENT INSTALLATION SPECIFICATIONS:~~ RESERVED

~~This title establishes minimum requirements for the installation and maintenance of electrical conductors, fittings, devices and fixtures, herein referred to as "electrical equipment"; for the installation and maintenance of plumbing, heating, cooling, ventilation and refrigeration systems; for the installation and maintenance of fuel piping and energy using equipment; fire protection or fire prevention piping within the corporate limits of the city, and to provide for the enforcement thereof.~~

~~18.04.060: RESOLUTION OF CONFLICTING PROVISIONS:~~

Wherever conflicting provisions or requirements of the codes adopted in Section 18.04.040 or the provision of this title occur, the most restrictive provisions or requirements shall govern. In the event a provision of this title conflicts with an is more restrictive than the codes adopted in Utah Code Title 15A, the provisions of Title 15A shall govern.

18.04.070: LIABILITY LIMITATIONS:

Nothing in this title shall be construed to relieve or lessen the responsibility of any contractor, owner, or any other persons involved, for apparatus, construction or equipment installed by or for them, for damages to anyone injured or damaged either in person or property by any defect therein, nor shall the city or any employee thereof be held to assume any liability by reason of the inspections authorized herein, or the certificate of occupancy issued by the building official of the division of building and housing services.

SECTION 2. Amending the text of Salt Lake City Code Chapter 18.08. That Chapter

18.08 of the Salt Lake City Code (Administration and Enforcement: Organization) shall be, and hereby is amended as follows:

CHAPTER 18.08
ORGANIZATION

18.08.010: DIVISION ESTABLISHED; ~~SECTIONS DESIGNATED:~~

There is established, in the department of community and neighborhoods development services, a subordinate division of building and housing services, to be under the supervision of the building official, ~~which division shall be divided into the following sections:~~ The function of the division shall be the implementation, administration and enforcement of the provisions of this title.

- ~~A. Construction compliance;~~
- ~~B. Zoning compliance;~~
- ~~C. Housing preservation.~~

18.08.020: POWERS AND DUTIES OF THE DIVISION:

The functions of the division of building and housing services shall be:

- A. To enforce the zoning laws of Salt Lake City ~~and to inspect, or cause to be inspected, all buildings and structures erected, or proposed to be erected in the city;~~
- B. To carry out, enforce and perform all duties, provisions and mandates designated, made and set forth in the ordinances of the city concerning ~~zoning~~, building, plumbing, electrical and mechanical construction, and construction related fire suppression ~~repair, including uniform housing code regulations;~~

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C. To examine and approve all plans and specifications before building permits shall be issued, and to ~~execute all permits, certificates and notices required to be issued~~ inspect or cause to be inspected all buildings and structures erected in the city; and

D. ~~To examine all applicants for licensing and registration in accordance with requirements of chapter 18.16 of this title, and issue same in accordance with the requirements of this title; and~~

E.—To perform all of the functions and have all of the powers required of and conferred on the building official by the ordinances of the city.

18.08.030: BUILDING OFFICIAL; EMPLOYMENT:

The mayor ~~of the city~~ shall employ a qualified building official, ~~construction official, housing official, zoning official, plans examiner, inspector,~~ and such other assistants and clerks as the exigencies of the work employees of the division that may from time to time be required to perform the functions of this title, at such compensation and for such periods of time as the mayor may deem proper.

18.08.040: BUILDING OFFICIAL; POWERS AND DUTIES:

The building official shall maintain public office hours necessary to efficiently administer the ~~provisions of this title and related titles and amendments thereto, and shall perform the following~~ duties:

A. Maintain an official register of all persons, firms or corporations lawfully entitled to carry on or engage in the businesses regulated by this title to whom a current license has been issued by the department of contractors of the state;

B. Issue building permits to properly licensed, ~~bonded and registered~~ persons, firms or corporations for work to be done within the scope of this title;

C. Administer and enforce the provisions of this title in a manner consistent with the intent thereof, and inspect all work authorized by any permit, to assure compliance with provisions of this title or amendments thereto, approving or condemning such work in whole or in part, as conditions require;

D. Issue a certificate of approval or certificate of occupancy for all work approved by him/her;

E. ~~Condemn~~ Require correction or ~~and~~ reject all work done or being done, or materials used or being used which do not in all respects comply with the provisions of this title and amendments thereto;

F. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this title;

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G. Investigate any construction or work regulated by this title and issue such notices and/or stop work orders which are necessary to prevent or to correct dangerous or unsanitary conditions;

H. Recommend revocation of contractor licenses to the state department of business regulation for cause;

I. Authorize any utility to make necessary connections for power, water or gas to all applicants for such power or water in the city, when the installation and all facets of the construction or remodel project conform to this title; and

J. Verify that buildings not built on site in Salt Lake City (Factory Built Buildings) are built, inspected, and installed in accordance with the "ICC/MBI Standard for Off-Site Construction: Planning, Design, Fabrication and Assembly", or its successor document. In order for the building official to allow occupancy of qualifying structures, units delivered on site must be provided with a permanently affixed tag identifying the technical code versions, with Utah State Amendments, under which they were built. Individuals making the inspections must be certified and licensed ~~B~~building ~~I~~inspectors in the State of Utah.

K. The building official may render interpretations of this title and adopt and enforce rules and supplemental regulations pursuant to adopted state construction codes to clarify the application of its provisions. Such interpretations, rules and regulations shall conform to the intent and purpose of this title, and shall be made available in writing for public inspection upon request.

18.08.050: BUILDING OFFICIAL; DELEGATION OF AUTHORITY:

~~The building official may delegate any of his/her powers and duties to the construction official, housing official, zoning official, plans examiner, inspectors and assistants, who shall enforce all of the provisions of this title.~~

18.08.060: BUILDING OFFICIAL; UTILITY DISCONNECTION AUTHORITY:

~~The building official, or the building official's authorized representative, shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures or equipment therein regulated by this code, in cases of emergency or where necessary for safety to protect life and property. Such utility service shall be discontinued until the equipment, appliances, devices, piping or wiring found to be defective, or defectively installed, are removed or restored to a safe condition.~~
emergency or threat to life or property has ceased.

~~18.08.070: DEVIATION FROM REGULATIONS AUTHORIZED WHEN:~~

~~Where conditions are extremely adverse to full compliance with the regulations of this title, the building official may grant special permission in writing to deviate from the regulations, provided that in the judgment of the building official such deviation does not create an~~

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~~unsanitary or unsafe condition, and further provided the request for deviation is submitted for approval in writing in advance of the construction or installation.~~

~~18.08.080: DIVISION; RECORD KEEPING AND ACCOUNTING:~~

~~An itemized account of the business and transactions of the division, the expenses thereof, and the income therefrom for the preceding month shall be made and filed with the mayor each month. Annual reports shall be made and filed with the mayor each year, in the same manner as monthly reports.~~

~~18.08.090: DIVISION; BOOKS, PAPERS AND EQUIPMENT:~~

~~The city shall provide such instruments, books, papers and equipment as shall be necessary for the proper performance of the duties of the members of the division. The building official shall have charge and control of the books, instruments, papers and equipment used and employed in the division, and shall deliver the same to his/her successor in office.~~

~~18.08.400070:~~ BUILDING OFFICIAL; LIABILITY LIMITATIONS:

The building official, ~~or his/her assistants~~appeals hearing officer, fines hearing officer, or enforcement officials, when acting for the city in good faith and without malice in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and the ~~building official is same are~~ hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such official's duties.

~~18.08.440080:~~ BUILDING OFFICIAL; RIGHT OF ENTRY FOR INSPECTIONS:

The building official, or his/her authorized assistants, 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 title.

~~18.08.420090:~~ BUILDING OFFICIAL; CONFLICT OF INTEREST PROHIBITED:

The building official and his/her assistants shall not in any way engage in the sale or installation of equipment or supplies upon which they are required to make inspection under this code.

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SECTION 3. Amending the text of Salt Lake City Code Chapter 18.12. That Chapter

18.12 of the Salt Lake City Code (Administration and Enforcement: Board of Appeals and

Examiners) shall be, and hereby is amended as follows:

CHAPTER 18.12

BOARD OF APPEALS AND EXAMINERS

18.12.010: GENERAL PROVISIONS:

The provisions of chapter 2.07 of this title shall apply to the board of appeals and examiners except as otherwise set forth in this chapter.

18.12.020: BOARD OF APPEALS CREATED; PURPOSE AND AUTHORITY:

In order to (1) hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this title, including any state construction code adopted pursuant to Section 18.04.040, or (2) hear and decide appeals of orders by enforcement officials, there shall be and is hereby created a board of appeals and examiners comprised of an appeals hearing officer and the building official. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter before the board. The appeals hearing officer may serve consecutive four year terms upon the advice of the mayor and consent of the city council. The appeals hearing officer need not be a resident of Salt Lake City. The board shall provide for reasonable interpretations of the provisions of this title and the appeals hearing officer shall be, and to determine the suitability of alternates, there shall be created a board of appeals and examiners, hereinafter called "board", consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction, housing, and abatement codes and technical disciplines set forth in this title therein. One board member shall be a LEED accredited professional. The board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this title. The board may also recommend new ordinances to the city council.

18.12.030: ~~MEMBERSHIP; TERM~~ PROCEDURE FOR APPEALS TO THE BOARD OF APPEALS & EXAMINERS:

Appeals of decisions by the building official or enforcement officials shall be taken in accordance with the following procedures:

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275 A. Form: The appeal shall be filed using an application form provided by the
276 building official. To be considered complete, the application must include all information
277 required on the application, including but not limited to identification of the order, decision or
278 determination being appealed, the alleged error made by stating each fact and every theory of
279 relief on appeal and one or more reasons the appellant claims the administrative decision is in
280 error. Incomplete applications will not be accepted.

281 B. Filing: The application must be submitted as indicated on the form by the
282 applicable deadline, together with all applicable fees as set forth in the Salt Lake City
283 consolidated fee schedule. The applicant shall also be responsible for payment of
284 all fees established for providing the public notice required by the Utah Open and Public
285 Meetings Act, in accordance with the consolidated fee schedule, including costs of mailing,
286 preparation of mailing labels and all other costs relating to notification. All fees are due at the
287 time of filing the appeal. An appeal will not be considered complete until all applicable fees are
288 paid.

289 C. Parties Entitled to Appeal. An applicant, a board or officer of the city, or an
290 adversely affected party, as that term is defined by Utah Code 10-9a-103, or its successor, may
291 appeal.

292 D. Time for Filing an Appeal; Time for Hearing: The deadline for filing a complete
293 application for appeal is 10 days from the date of the decision, determination or order. Each
294 appeal shall be reviewed informally by the board no later than 45 days from the date of filing of
295 a written appeal, unless a later date is agreed to by the parties. Failure of any person to file an
296 appeal in accordance with the provisions of this section shall constitute a waiver of the person's
297 right to an appeal.

298 E. Notice Required. Upon receipt of an appeal the board of appeals and examiners
299 shall schedule and hold a public hearing in accordance with the standards and procedures for
300 conducting public hearings set forth in Chapter 21A.10.

301 F. Standard of Review. The board shall conduct each appeal de novo. The
302 appellant has the burden of proving the decision appealed is incorrect. The board shall render a
303 decision based upon the applicable law. The board shall afford due process to the parties on
304 appeal. Each party may call such witnesses and present such evidence as it deems appropriate,
305 provided such evidence is not unduly cumulative or irrelevant as determined by the board.
306 Hearings shall be conducted informally. After hearing all evidence and legal arguments
307 presented by the parties, the board shall apply the plain language of the applicable law and
308 issue a written decision on the merits of all theories of relief the appellant raised in the appeal.

309 G. Effect of Decision. The decision of the board is a final decision of the city,
310 appealable to district court. No person may challenge in district court any order, decision, or
311 enforcement action taken pursuant to this title unless and until that person has exhausted the
312 administrative remedies provided by this chapter.

313 H. Procedures. The proceedings of each appeal hearing shall be recorded and such
314 recordings shall be retained for a period that is consistent with city retention policies and any
315 applicable retention requirements set forth in state law. The building official shall adopt

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policies and procedures, consistent with the provisions of this chapter, for processing appeals, the conduct of an appeal hearing, and for any other purpose considered necessary to properly consider an appeal.

I. No Automatic Stay: Filing an appeal does not stay the decision appealed, unless a provision of this title specifically states otherwise.

J. Requesting a Stay: The board may grant a request submitted by any party to the appeal to stay a decision of the building official or enforcement official for a specified period of time or until the board issues a decision, if the requesting party can show a stay is necessary to prevent substantial harm to the requesting party. No request is required if a provision of this title imposes an automatic stay upon the filing of an appeal with the board. If a stay is requested, the board shall make reasonable efforts to determine whether a stay is appropriate within 10 days of the appeal being deemed complete. If the board does not decide a request for a stay within 10 days of the appeal being deemed complete, the request shall be presumed denied. No stay will be authorized for incomplete appeals or appeals filed after the appeal deadline.

~~Members of the board shall hold office for five (5) years. The building official shall be an ex officio member of the board, and shall act as secretary.~~

18.12.040: BOARD DECISIONS:

~~The board of appeals shall render all decisions and findings in writing to the parties within 14 days of the hearing on the appeal.~~building official and appellants.

18.12.050: APPEALS OF CIVIL FINES & ABATEMENT COSTS:

A. Powers and Duties of Fines Hearing Officer: The fines hearing officer, appointed pursuant to Section 21A.06.090, may hear and decide appeals of civil fines and abatement costs imposed pursuant to this title. As set forth in this section, the fines hearing officer may affirm civil fines, reduce civil fines, and approve civil fine payment schedules. The fines hearing officer may affirm or reduce an abatement statement of costs and may approve abatement cost payment schedules.

B. Right to Appear: Any responsible party receiving a notice and order or statement of abatement costs may appear before a fines hearing officer to appeal the amount of the civil fine or abatement cost imposed by submitting a statement of appeal on a form provided by the division of building services. However, in the case of civil fines, no party may appear before a fines hearing officer until violations identified have been corrected. Appeals to a fines hearing officer contesting the amount of the civil fine imposed must be filed within 30 days from the date of compliance. Appeals to a fines hearing officer contesting the statement of abatement costs must be filed within 20 days from the date the statement of costs is delivered, but the only issue on such appeal is the amount of such costs and not the city's determination to incur abatement costs. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the person's right to an appeal.

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C. Responsibility: Commencement of any action to remove or reduce civil fines shall not relieve the responsibility of any responsible party to correct the violation or make payment of accrued civil fines nor shall it require the city to reissue any of the notices required by this chapter.

D. Reduction of Civil Fine: Civil fines may be reduced at the discretion of the fines hearing officer after the violation is corrected and if any of the following conditions exist:

1. Strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property;

2. The violation and inability to correct the same were both caused by a force majeure event such as war, act of nature, strike or civil disturbance;

3. A change in the actual ownership of the property was recorded with the Salt Lake County Recorder's Office after a notice of violation was issued and the new property owner is not related by blood, marriage or common ownership to the prior owner; or

4. Such other mitigating circumstances as determined by the fines hearing officer.

E. Notice Required. Upon receipt of an appeal of a statement of abatement costs the fines hearing officer shall schedule and hold a public hearing in accordance with the standards and procedures for conducting public hearings set forth in Chapter 21A.10.

F. Payment Schedule: At the request of a responsible party subject to civil fines or abatement costs governed by this title, the fines hearing officer may approve a payment schedule for the delayed or periodic payment of the applicable civil fine or abatement costs to accommodate the person's unique circumstances or ability to pay.

G. Failure to Comply with Payment Schedule: If a payment schedule has been developed by the fines hearing officer, the failure by a person to submit any 2 payments as scheduled shall cause the entire amount of the original civil fine or abatement cost to become immediately due, less any payments actually made.

18.12.060: JUDICIAL REVIEW OF BOARD'S DECISIONS:

The city, or any person aggrieved by any decision of the board or fines hearing officer as to abatement costs, may appeal to district court have and maintain an action for relief therefrom in a court of competent jurisdiction, provided a so long as the petition for such relief is filed with presented to the court within thirty (30) days of the board's or fines hearing officer's decision after the filing of such decision in the office of the board.

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SECTION 4. Amending the text of Salt Lake City Code Chapter 18.16. That Chapter

18.16 of the Salt Lake City Code (Administration and Enforcement: Registration and Licenses)

shall be, and hereby is amended as follows:

CHAPTER 18.16

~~REGISTRATION AND LICENSES~~

~~ARTICLE I. CONTRACTOR REGISTRATION~~

~~18.16.010: REGISTRATION; PREREQUISITE TO BUILDING WORK:~~

~~It is unlawful for any person, firm or corporation to perform any work requiring a permit from the city division of building and housing services without first having registered with the building official.~~

18.16.0210: STATE CONTRACTOR LICENSE REQUIRED:

Except as provided in Section 18.20.070, eEvery applicant for ~~registration~~ a permit issued pursuant to this title shall furnish evidence that such applicant is currently licensed under the provisions of the Utah contractor's license law as it presently exists or hereafter may be amended, giving the classification and number of the license, and shall have secured all licenses required by the ordinances of Salt Lake City.

18.16.0240: EXCAVATION BOND REQUIRED:

Any person, firm or corporation properly licensed to do business in accordance with this title who in the course of their work has occasion to excavate in the city streets, alleys or rights of way shall file an additional bond with the city in the amount of ~~ten thousand dollars (\$10,000.00)~~, or such larger amount as the city engineer ~~mayer~~ may require.

~~18.16.050: FEE FOR REGISTRATION:~~

~~Each person, firm or corporation required to register in accordance with this chapter shall pay a registration fee shown on the Salt Lake City consolidated fee schedule for each fiscal year, or part thereof.~~

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~~18.16.0360: LICENSE AND REGISTRATION NOT TRANSFERABLE:~~

~~It is unlawful for any contractor to use such contractor's license or registration or to allow his/her license to be used in any way for the purpose of procuring a license bond, registration or permit for any person other than such contractor.~~

~~18.16.0470: SALE OF UNAPPROVED MECHANICAL EQUIPMENT PROHIBITED:~~

~~It is unlawful for any dealer or person to sell, deliver or offer for sale any mechanical equipment or apparatus that has not been approved by a recognized listing agency.~~

SECTION 5. Amending the text of Salt Lake City Code Chapter 18.20. That Chapter

18.20 of the Salt Lake City Code (Administration and Enforcement: Permits and Inspections)

shall be, and hereby is amended as follows:

CHAPTER 18.20

PERMITS AND INSPECTIONS

18.20.010: WORK REQUIRING PERMIT:

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, structure or premises, or make any installation, alteration or improvement to the electrical, fire, plumbing or mechanical system in a building, structure or premises, or cause the same to be done, without first obtaining the prescribed permits for each such building or structure or premises from the building official.

18.20.020: ~~EXEMPT WORK DESIGNATED FEES:~~

~~—A. A building permit shall not be required for the following:~~

~~—1. Playhouses and similar uses;~~

~~—2. Oil derricks;~~

~~—3. Movable cases, counters and partitions not over five feet (5') high;~~

~~—4. Retaining walls which are not over two feet (2') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;~~

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~~5. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1);~~

~~6. Painting, papering and similar finish work;~~

~~7. Temporary motion picture, television and theater stage sets and scenery;~~

~~8. Window awnings supported by an exterior wall of group R, division 3, and group M occupancies, when projecting not more than fifty four inches (54").~~

~~B. Unless otherwise exempted, separate plumbing, electrical and mechanical permits shall be required for the above exempted items.~~

~~C. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.~~

A. Building permit fees shall be based on the total valuation of the proposed project as shown on the Salt Lake City consolidated fee schedule.

B. Plan review fees shall be 65% of the building permit fees.

C. Fees to expedite building plan review as governed by Section 18.20.050 shall be 2 times the standard building plan review fee.

D. Penalties for not obtaining permanent certificate of occupancy will be \$300.00 for each month, after the initial 30 day temporary certificate of occupancy, which has no additional cost associated with it; due before the first of the month and only allowed for up to 3 renewals after the initial free 30 day period. Partial months will not be refunded.

E. Fees for renewing expired plan review after 180 days as governed by Section 18.20.110 shall be shown on the Salt Lake City consolidated fee schedule.

F. A fee shown on the Salt Lake City consolidated fee schedule shall be charged for each permit for fencing.

G. Other fees shall consist of electrical, mechanical and plumbing, and fire suppression and monitoring equipment inspection fees as shown on the Salt Lake City consolidated fee schedule.

18.20.030: APPLICATION; FORM AND FILING:

To ~~apply for~~ obtain a building permit the applicant shall first file an application on a form furnished by the building official and pay the requisite fee therefor as established in the Salt Lake City consolidated fee schedule, in writing, on a form furnished for that purpose.

18.20.040: APPLICATION; PLANS AND OTHER DATA:

Each application for a permit shall be accompanied by all required plans, diagrams and other data, in duplicate, unless otherwise required by the building official. The building official may

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require the plans and other data to be prepared and designed by an engineer or architect licensed by the state to practice as such.

18.20.050: APPLICATION; REVIEW; PERMIT ISSUANCE CONDITIONS:

A. Application Review: Except as provided in subsection B of this section, the application plans and data filed by an applicant for a building permit shall be checked by the building official. Said application may be reviewed by other government agencies or departments to check compliance with the laws and ordinances under their jurisdiction. ~~If the building official is satisfied that the work described in an application for a building permit and plans filed therewith conform to the requirements of this title and other pertinent ordinances and laws and that the required fees have been paid, the building official shall issue a permit therefor to the applicant.~~ No building permit shall be issued unless and until the plans and specifications comply with all applicable land use regulations, including but not limited to Title 21A. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this title. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure will be granted.

B. Expedited Plan Review: A building permit applicant may seek an expedited building plan review, provided that the applicant pay the expedited plan review fee set forth in ~~s~~Section 18.2032.02035 of this title. The expedited building plan review may be conducted by a qualified third party with significant experience conducting building plan reviews, as selected and approved by the building official. The person(s) assigned to conduct the expedited building plan review shall provide initial comments, including corrections to be made to the building plans, within ~~ten (10)~~ business days of the date the application was filed and all fees paid.

C. Plan Review Expiration: If a building permit applicant fails to submit corrected building plans in accordance with the comments and requirements of the building services division or its authorized representative within ~~one hundred eighty (180)~~ days of the division transmitting such comments and requirements to the applicant, or if the applicant fails to pay the required building permit fee within ~~one hundred eighty (180)~~ days of the division informing the applicant that its building plans are approved and the building permit fee is due, the plan review shall expire at the end of such period and the review become null and void. An expired plan review may be renewed, provided that the applicant pay the plan review renewal fee established in ~~s~~Section 18.2032.02035 of this title, however, no plan review may be renewed after ~~three (3)~~ years from the original submission date or if new versions of the codes adopted pursuant to Section 18.04.040 have come into effect since the prior plan review was conducted.

18.20.060: PERMIT; ISSUED TO LICENSED CONTRACTORS ONLY:

Except as otherwise provided by this title, ~~it is unlawful to issue a permit~~ no building permit shall be issued to any person other than a duly ~~registered~~ licensed contractor licensed ~~to do business~~

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~~by the state department of business regulation, and registered by the city division of building and housing services~~ by the State of Utah Division of Professional Licensing or its successor.

18.20.070: HOMEOWNER PERMITS:

Any permit required by this title may be issued to any person to do any work regulated by this title in a single-family dwelling used exclusively for such person's living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided that any such person is a bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied or designed to be occupied by such owner, and further provided that the owner shall furnish the building official with a complete layout drawing of the proposed work, satisfy the building official that he or she has a working knowledge of the code requirements, performs the work himself or herself, pays the necessary inspection fees, and calls for all inspections required by this title.

18.20.080: PERMIT; EFFECT OF ISSUANCE:

The issuance of a permit or approval of plans or other data shall not be construed to be a permit for or an approval of any violation of any of the provisions of this title, Title 21A, or any rights of third parties. The issuance of a permit based upon plans and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans and data or from stopping ~~construction activity~~ building operations being carried on thereunder when in violation of this title or any other ~~ordinance~~ law. The city shall have no obligation to enforce the rights of third parties or recover damages to third parties due to the acts or omissions of permit holders.

18.20.090: START OF WORK WITHOUT PERMIT; PENALTY FEES; EMERGENCIES:

A. Whenever any work requiring a permit under this title is commenced without a permit first having been obtained the building official may pursue enforcement of this title pursuant to Chapter 18.24.

B. Fee Increase When: Whenever any construction or work for which a permit is required by this title is started or commenced without obtaining the prescribed permit, the fees specified in this title may be increased by the building official up to a fee of ~~ten percent (10%)~~ of the valuation of the proposed construction as determined by the building official, or ~~one thousand dollars (\$1,000.00)~~, whichever is greater, but the payment of such increased fees shall not relieve any persons from fully complying with the requirements of this title in the execution of the work nor from any other penalties prescribed herein.

~~B.~~ C. Exception; Emergency Work: This ~~provision~~ section shall not apply to emergency work when it shall be proved to the satisfaction of the building official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical

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to do so, and if there be an unreasonable delay in obtaining a permit, a double fee, as herein provided, shall be charged.

18.20.100: PERMIT; DENIAL CONDITIONS:

The building official may refuse to issue any permit for work governed by this title to any person who has a permit revoked in accordance with this title, or during such time as such person fails to comply with any provision of this title or Title 21A. No permit shall be issued for a property actively subject to enforcement proceedings by the city for violations of this title or Title 21A, except for permits required to correct the violations.

18.20.110: PERMIT; EXPIRATION AND RENEWAL:

Every permit issued by the building official under the provisions of this title shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within ~~one hundred eighty (180)~~ days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of ~~one hundred eighty (180)~~ days. Before such work can be recommenced, the permittee must request that the permit ~~shall first~~ be renewed by the building official and the fee therefor shall be ~~one-half (1/2)~~ the amount required for a new permit for such work. Such renewal may be granted if such request is made prior to the permit expiring upon the permittee demonstrating justifiable cause for the renewal, and provided no changes have been made or will be made in the original plans or scope of such work. Such renewal shall be denied if such request is made after the permit has expired and (1), and provided no changes have occurred relative to other municipal regulations impacting the use, size, yard, space or other requirements concerning the proposed structure or development have changed since the permit was issued, (2) material changes have been made or will be made in the original plans or scope of work, or (3) justifiable cause does not exist to allow the project to be renewed. In connection with renewing a permit that pertains to construction of a new structure or substantial exterior alteration of a site the building official may impose reasonable conditions regarding a deadline to complete the work, posting of a bond, erection of fences, securing methods, and similar conditions to mitigate the hazards of and limit the nuisances of ongoing construction. Whenever a construction permit is taken out in order to resolve the violation(s) specified in a notice and order, the expiration date for the permit shall coincide with the time limit for resolution of the violation(s) contained in the notice and order.

18.20.120: PERMIT; NOT TRANSFERABLE:

Building permits are non-transferable without completion of a permit transfer document approved by the building official. When any work construction activity regulated by this title is not completed by the permittee identified in under the permit and is instead issued to him or her for the work and the work in question is added to or completed by any other person one or more contractors, such person each contractor shall procure a permit to cover the work he or she performs.

609

610 18.20.130: PERMIT; SUSPENSION OR REVOCATION:

611 The building official may, in writing, suspend or revoke a permit issued under provisions of this
612 title whenever the permit is issued in error, or on the basis of ~~incorrect~~ inaccurate information
613 supplied, or upon a finding of a violation of any ordinance or regulation of any of the
614 provisions of this title or Title 21A.

615

616 18.20.140: HEARING ON DENIAL OR REVOCATION OF PERMIT:

617 Any person adversely affected by the action of the building official made pursuant to Section
618 18.20.130~~in accordance with the preceding sections~~ may appeal pursuant to Chapter 18.12~~to the~~
619 ~~board of appeals and examiners for a hearing upon such revocation or denial, except that an~~
620 appeal of a revocation or suspension of a building permit based upon a finding of a violation of
621 Title 21A shall be made to the appeals hearing officer as set forth in Chapter 21A.16.

622

623 18.20.150: INSPECTION OF WORK:

624 A. All construction, work and equipment for which a permit is required shall be
625 subject to inspections by the building official. The building official may make or require any
626 inspection of any construction work to ascertain compliance with the provisions of this title and
627 other laws which are enforced by the division.

628 B. No construction, work or equipment regulated by this title shall be connected to
629 any energy, fuel or power supply or water system or sewer system until authorized by the
630 building official.

631 C. Prior to issuance of a building permit or during construction a survey of any lot
632 or parcel may be required by the building official to verify compliance ~~of structures~~ with
633 approved plans.

634 D. The building official shall not be liable for any expense entailed in the removal or
635 replacement of any material required to allow an inspection.

636

637 18.20.160: APPROVALS REQUIRED FOR ONGOING CONSTRUCTION:

638 No work shall be done on any part of the building or structure beyond the point indicated in each
639 successive inspection without first obtaining the written approval of the building official. Such
640 written approval shall be given only after an inspection shall have been made of each successive
641 step in the construction as indicated by each of the inspections required by the building official.

642

643 18.20.170: REQUESTS FOR INSPECTIONS:

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The building official may require that every request for the inspection be made filed at least one day before such inspection is required and in such method as prescribed by the building official. ~~Such request may be in writing or by telephone.~~ It shall be the duty of the person requesting any inspections required by this title to provide access to and means for proper inspection of such work. Nothing in this section shall be construed to require the building official to perform an inspection within the notice period provided herein.

18.20.180: ~~INSPECTION RECORD CARD:~~ RESERVED

~~Work requiring a permit shall not be commenced until the permit holder or his or her agent shall have posted an inspection record card in a conspicuous place on the front premises, or on an electrical service panel, and in such position as to allow the director conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the building or structure is completed and ready for occupancy.~~

18.20.190: FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY:

~~There shall be a~~ A final inspection and building official approval are required on all buildings and structures requiring a building permit prior to when completed and ready for occupancy. A final inspection approval shall be issued in the form of a certificate of occupancy. A building or structure shall not be used or occupied in whole or in part, and a change in occupancy of a building or structure or portion thereof shall not be, until the building official has issued a certificate of occupancy therefor. A certificate of occupancy may, upon notice, be revoked by the building official if the building official finds that any construction, work or equipment fails in any respect to comply with the requirements of this title, or that the installation is unsafe, dangerous, or a hazard to life or property elements of the property for which a certificate was issued have been changed or modified, including a change in occupancy classification, without obtaining the requisite permits required by this title. A certificate of occupancy shall be issued as specified in the adopted uniform building code, as amended.

18.20.200: REINSPECTIONS AND FEES:

A. A reinspection fee may be assessed:

1. When the approved plans are not readily available to the inspector;
2. For failure to provide access on the date for which the inspection is required;
3. For deviating from plans requiring the approval of the building official.

B. In instances where reinspection fees have been assessed or reinspection is necessary, no additional inspection of the work will be performed until the required fees have been paid and the permittee calls for a reinspection. The reinspection charge shall be shown on

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the Salt Lake City consolidated fee schedule and not exceed the amount shown on the Salt Lake City consolidated fee schedule for each additional inspection required.

18.20.210: CLEANUP AND PROTECTION OF PUBLIC RIGHTS OF WAY:

A. Each permit holder shall be responsible to see that vehicles used in the process of carrying out the work authorized by the permit shall not track any mud, dirt or debris of any kind upon any streets or sidewalks within the corporate limits of Salt Lake City Corporation unless a permit has been obtained from the city engineer for use of a designated portion of the right of way with provisions made to keep that portion of the right of way and adjacent areas cleared of mud, dirt or debris of any kind. The permittee shall install a suitable process to clean the wheels of the equipment prior to its leaving the job site and entering the streets of Salt Lake City Corporation. The suitable process shall consist of:

1. A cleaning area and crew to clean mud and dirt off the wheels and exterior body surface of the trucks, or its equivalent;

2. The cleaning area shall be arranged to furnish adequate draining to prevent puddling; the cleaning area shall be kept mud free and may be on a macadam or concrete slab;

3. The cleaning area shall be located on private property and arranged in such a way that there is no blocking of vehicular or pedestrian traffic on city rights of way except where permission has been granted by the city engineer;

4. The cleaning water or solution used for cleaning shall not be allowed to enter the city streets, gutter, or storm drain or sanitary sewer system.

B. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and/or covered in such a manner as to prevent dropping of materials on city streets and/or sidewalks.

C. Ramps constructed over curbs and gutters shall not interfere with or block the passage of water along the gutter and shall be constructed of asphalt material that will not erode or deteriorate under adverse weather conditions.

D. The permit holder shall install erosion and water runoff controls sufficient to ensure that no stormwater, surface water, sediments or debris from the construction site shall drain or wash or be tracked into any public right of way or other adjacent properties, including curb and gutter, unless permission has been granted through the erosion control plan. These controls shall be sufficient to cover any contingency, including, but not limited to, seasonal storms, unseasonal storms, or methods of construction. ~~The director of building and housing services~~ building official or the city engineer may require, when in his/her discretion he/she deems necessary, an erosion control plan to be submitted for approval. Such plan may be required any time during construction and must be submitted within ~~five (5)~~ days of the request. ~~The director of building and housing~~ building official or the city engineer may suspend all work until the plan requested is approved. The permit holder will maintain all erosion control facilities

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throughout the life of the construction project. He/she will monitor their effectiveness after storms and make the necessary adjustments to ensure they function correctly.

E. The sidewalk and/or curb and gutter shall not be used for storage of debris, dirt or excavated materials. In addition, the sidewalks shall not be removed, blocked or otherwise rendered unusable by either the storage of construction equipment or materials or the construction procedures used, unless a safe, usable alternate walkway along the same side of the street is provided by the contractor unless a permit has been issued by the city engineer's office. All alternate walkways shall be ramped in accordance with handicap ramp requirements and so constructed as to provide an all weather walking surface ~~four~~ feet (4') wide as sound and smooth as the normal concrete sidewalk.

F. The permit holder shall be responsible for the immediate removal of mud, dirt or debris deposited on city streets, sidewalks and/or curb and gutters by equipment leaving the site or by the permit holder's construction procedures.

G. If it becomes necessary for the city street crews to remove any mud, dirt, or debris which has been deposited upon a street or sidewalk of Salt Lake City Corporation, the total cost to the city of such removal will be charged to the property owner or ~~contractor~~ (permit holder), including legal fees, if any. Payment of such charges will be made to the city prior to certification of final inspections, utility clearances, and issuance of a certificate of occupancy.

H. The ~~director of building and housing services~~ building official or the city engineer is empowered to suspend any permit until the permit holder installs the necessary cleaning equipment and/or erosion control facilities to ensure that no dust or debris is deposited upon the streets and sidewalks of Salt Lake City Corporation. Such device shall operate in a manner satisfactory to the ~~director of building and housing services~~ building official or the city engineer.

~~I. A violation of this chapter shall be punished as a class B misdemeanor, and the issuance of a criminal complaint shall not excuse the permit holder of his or her responsibilities to abate the problem. Each day the violation exists shall be a separate offense.~~

18.20.220: WAIVER OR DEFERRAL OF FEES:

Nonprofit organizations may petition the city for the waiver or deferral of any or all fees required by this title on an annual or project by project basis as provided below:

A. Petitions shall be filed with the division of housing stability ~~appeals and advisory board ("HAAB")~~.

B. Waivers shall not be granted for projects that are receiving ~~seventy five percent~~ (75%) or more of their funding directly or indirectly from state or federal agencies, except for projects that upgrade or construct owner occupied housing or multiple dwelling units used for very low income housing as provided by the guidelines established by the United States department of housing and urban development.

C. ~~Waivers under five hundred dollars (\$500.00) may be granted by the director of community and neighborhoods.~~

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D.—Waiver requests ~~over five hundred dollars (\$500.00), and director denials of~~
~~waivers under five hundred dollars (\$500.00)~~ shall be heard informally before the director of the
department of community and neighborhoodsHAAB after notice of the hearing has been posted
for seven (7) days in the office of the city recorder.

ED. HAABThe director of the department of community and neighborhoods may
recommend granting the waiver or deferral if ~~the/she~~ finds that the project or projects, and the
sponsoring nonprofit organization furthers the city's established low income housing goals to
provide housing for persons or families under ~~eighty percent (80%)~~ of the city's median income,
as defined by the United States department of housing and urban development, and also meets all
applicable guidelines established for any such programs by the United States department of
housing and urban development. HAABThe director may recommend that waivers may be
granted for remodeling or construction of offices for nonprofit housing corporations if ~~the/she~~
finds that such remodeling or construction will save the corporation money and that such savings
will be applied to a specific housing project.

FE. The HAABdirector's recommendation will be made to the ~~director of community~~
~~and neighborhoods~~city council and considered at a public meeting, ~~who shall issue the decision~~
~~of the department.~~ The property owner of any project(s) for which a waiver or deferral of fees is
granted shall enter into, as applicable, (1) a restrictive covenant, in a form approved by the city
attorney, against the applicable property pertaining to the affordable housing that shall be
provided at the property, or (2) a binding agreement regarding the method in which the fee
savings shall be applied to a specific housing project.

G.—Any person or entity dissatisfied with the decision of the director may appeal such
decision to the mayor or the mayor's designee, whose decision shall be final.

HF. HAAB Fee waivers or deferrals shall not be granted ~~may not grant a waiver or~~
~~deferral~~ to any organization which owns, operates, manages or is related by common ownership
or management to any other such organization which owns, operates or manages buildings for
which existing notices of code violations have not been ~~ured~~corrected.

SECTION 6. Amending the text of Salt Lake City Code Chapter 18.24. That Chapter
18.24 of the Salt Lake City Code (Administration and Enforcement: Enforcement and Penalties)
shall be, and hereby is amended as follows:

CHAPTER 18.24
ENFORCEMENT AND PENALTIES

18.24.010: ~~MANDATORY AND PROHIBITIONARY NATURE OF~~
PROVISIONSENFORCEMENT RESPONSIBILITY AND AUTHORITY:

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A.— ~~It is unlawful for any person, firm or corporation to perform any act prohibited by this title, specifically chapters 18.04 through this chapter, 18.32 through 18.44, 18.48 through 18.64, 18.72, 18.76, 18.84 and 18.88 of this title, or to fail or to refuse to perform any act required by this title and said chapters, or to aid or abet therein, or to fail or refuse to comply with any valid order issued by the building official or his or her designee pursuant to the provisions of this title.~~

B.— ~~No permits shall be issued to any applicant during the time such applicant fails to correct any defective work or noncomplying installation of equipment after written notice by the building official of the division of building and housing services or his or her designee.~~

C.— ~~Any person, firm or corporation violating any of the provisions of this title shall be guilty of a misdemeanor.~~

Unless otherwise provided by this title, the building official is authorized and responsible for enforcement of this title. The fire marshal or designee shall be the principal enforcement officer on post construction activity with respect to the fire codes. Whenever one or more violations of this title exist, any enforcement official has the authority to obtain compliance subject to the provisions of this code. Unless otherwise provided, any violation of this title shall be subject to the enforcement processes and penalties as set forth in this chapter.

18.24.020: CONTINUING OFFENSES DEEMED DAILY VIOLATIONS CRIMINAL PENALTIES:

~~Where no other penalty is prescribed, any person convicted of violating any provision of this title shall be punished as provided by section 1.12.050 of this code, or its successor section, and each day that any violation of this title is permitted to continue shall constitute a separate offense.~~

Unless otherwise provided, it shall be a misdemeanor for any person, firm, or corporation to violate the provisions of this title, either by failing to do those acts required or by doing an act prohibited by this title or the codes referred to herein, or by aiding or abetting in a violation of this title or the codes referred to herein. Each day that any violation of this title is permitted to continue shall constitute a separate offense. The class of misdemeanor shall be as dictated by state law.

18.24.030: CHOICE OF REMEDIES:

A. In addition to any criminal prosecution, this title may be enforced through administrative or civil actions. The city may pursue any legal remedy to ensure compliance with this title including, but not limited to, injunctive relief. The city has sole discretion over which remedy or combination of remedies it may choose to pursue.

B. If the city elects to pursue through administrative or civil actions one or more violations of the provisions of this title, a civil penalty shall be assessed for each violation in the amount set forth in the Salt Lake City consolidated fee schedule. Each day a violation continues after notice of the same shall give rise to a separate civil fine.

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C. The possibility of an administrative or civil remedy does not interfere with the city's right to prosecute violations of this title as criminal offenses. If the city chooses to file both civil and criminal actions for the same violation, no civil penalties in the form of fines shall be assessed, but other remedies, such as orders to correct the violations or other declaratory or injunctive relief, is available to the city.

D. The city may use such lawful means as are available to obtain compliance with the provisions of this title and to collect the civil fines that accrue as a result of the violation of the provisions of this title, including but not limited to a legal action to obtain one or more of the following: an injunction, an order of mandamus, an order requiring the property owner or occupant or permittee to abate the violations, an order permitting the city to enter the property and abate the violations, and a judgment in the amount of the civil fines accrued for the violation, including costs and attorney fees, and a judgment in the amount of any actual costs incurred by the city.

E. In addition to the other remedies provided by this title, upon the finding of a violation of this title the building official may evacuate or close a building to occupancy when necessary to protect the public or neighboring property from a risk to health or safety. The building shall thereafter remain unoccupied until the appropriate certificate of occupancy has been issued.

F. Recurring Violations: In the case where a violation, which had been corrected, reoccurs at the same property within 6 months of the initial correction and is due the actions or inactions of the same responsible party as the prior violation, the city may begin enforcement of said recurring violation and impose fines after a 10 day warning period.

18.24.040: NOTICE & ORDER; STOP WORK ORDER:

A. Notice and Order.

1. Upon a determination that there is a violation of this title an enforcement official may provide a written notice and order to any responsible party. The written notice and order shall state:

- a. The name and address, if known, of the responsible party;
- b. the date and location of each violation;
- c. the code sections violated;
- d. that the violations must be corrected;
- e. provide a specific date by which the enforcement official orders that the violations be corrected by;
- f. the amount of the civil fine to accrue for each violation, or other enforcement action that the enforcement official intends to pursue, if the violation is not corrected by the date specified;
- g. identification of the right to and procedure to appeal; and
- h. the signature of the enforcement official.

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2. The enforcement official shall serve the notice and order on the responsible party by:

- a. Posting a copy of the written notice and order on the noncompliant property, and
- b. By mailing the notice and order through certified mail or reputable mail tracking service that is capable of confirming delivery. If the responsible party is the property owner of record, then mailing shall be to the last known address appearing on the records of the Salt Lake County Recorder. If the responsible party is any other person or entity other than the owner of record, then mailing shall be to the last known address of the responsible party on file with the city.
- c. Notwithstanding the foregoing, personal service upon the responsible party shall be sufficient to meet the notice and order mailing requirements of Subsection 18.24.040.A.2.b.

3. Following the issuance of a notice and order, any responsible party shall correct the violations specified in the notice and order. Upon correction of the violations specified in the notice and order, the responsible party shall request an inspection of the property.

4. Following a request for an inspection as set forth in Subsection 18.24.040.A.3, an enforcement official shall conduct an inspection of the property to determine whether the violations alleged in the notice and order have been corrected, including, if applicable, all necessary permits have been issued and all final inspections have been performed as required by applicable city codes.

5. If one or more violations are not corrected by the deadline specified in the notice and order, civil fines shall accrue at the rate set forth in Subsection 18.24.030.B. Accumulation of civil fines for violations, but not the obligation for payment of civil fines already accrued, shall stop upon correction of the violation(s) once confirmed through an inspection requested pursuant to Subsection 18.24.040.A.3.

6. The responsible party shall have the right to contest the notice and order at an administrative hearing in accordance with Chapter 18.12. Failure to timely request an administrative hearing and pay the administrative hearing fee set forth in the Salt Lake City consolidated fee schedule shall constitute a waiver of the right to a hearing and a waiver of the right to appeal.

B. Stop Work Order. Upon a determination that there is a violation of this title an enforcement official may issue a stop work order prior to issuance of a notice and order. If, after issuance of a notice and order pursuant to subsection A, the violations cited remain uncorrected after the correction period set forth in the notice and order, then a daily civil fine in the amount set forth in the Salt Lake City consolidated fee schedule shall be imposed.

18.24.050: NOTICE OF NONCOMPLIANCE; ABATEMENT LIEN:

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A. Upon expiration of the correction period set forth in a notice and order or stop work order, and where the violation(s) remain uncorrected, the city may record on the noncompliant property with the Salt Lake County Recorder's Office a notice of noncompliance.

B. The recordation of a notice of noncompliance shall not be deemed an encumbrance on the noncompliant property but shall merely place interested parties on notice of any continuing violation of this title at the noncompliant property.

C. If a notice of noncompliance has been recorded pursuant to Section A and the enforcement official determines that all violations have been corrected, the enforcement official shall issue a notice of compliance by recording the notice of compliance on the property with the Salt Lake County Recorder's Office. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of noncompliance.

D. If the city files an action for injunctive relief seeking abatement of one or more violations and the district court authorizes the abatement of one or more violations and the city incurs costs and the costs are not paid, a lien or garnishment may be placed to recover the costs and may be considered an encumbrance on the property.

SECTION 7. Amending the text of Salt Lake City Code Chapter 18.28. That Chapter 18.28 of the Salt Lake City Code (Technical Building Specifications: Site Development Regulations) shall be, and hereby is amended as follows:

CHAPTER 18.28 SITE DEVELOPMENT REGULATIONS

18.28.010: GENERAL PROVISIONS:

A. Authority: This chapter is enacted pursuant to title 10 ~~of the~~, Utah Code ~~Annotated, 1953~~, as amended. This chapter is further enacted as an element of the Salt Lake City master plan.

B. Applicability: The provisions of this chapter shall apply to all site development within Salt Lake City; ~~however, a permit shall be required only for those types of developments set forth in subsections 18.28.040A, "General Application", and 18.28.050A, "General Application", of this chapter.~~

C. Purpose: This ~~title chapter~~ is adopted: to promote public safety and the general public welfare; to protect property against loss from erosion, earth movement, earthquake hazard, and flooding; to maintain a superior community environment; to provide for the continued orderly growth of the city to ensure maximum preservation of the natural scenic character of major portions of the city by establishing minimum standards and requirements relating to land grading, excavations, and fills; and to establish procedures by which these standards and requirements may be enforced. It is intended that this chapter be administered with the foregoing purposes in mind and specifically to:

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1. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and similar hazards;

2. Ensure that public lands and places, watercourses, streets, and all other lands in the city are protected from erosion, earth movement, and drainage hazards;

3. Ensure that the planning, design, and construction of all development will be done in a manner which provides maximum safety and human enjoyment, and, except where specifically intended otherwise, makes it as unobtrusive in the natural terrain as possible;

4. Ensure, insofar as practicable, the retention of natural vegetation to aid in protection against erosion, earth movement, and other hazards and to aid in preservation of the natural scenic qualities of the city; and

5. Ensure, insofar as Salt Lake City is located in an active seismic zone, that appropriate earthquake hazard mitigation measures are incorporated into the planning and execution of site development.

D. Identification Of Fault Hazards: Pending the completion by the Utah geological survey (UGS) of a fault hazard map for Salt Lake City, the planning director may rely upon the existing information available from UGS or other publicly or privately prepared geological reports to identify fault hazards.

~~E. Format: This chapter is designed to establish administrative and enforcement procedures and minimum standards applicable to site development activities according to the following categories:~~

~~1. Section 18.28.040 of this chapter governs site development associated with construction of individual buildings under authorized building permits;~~

~~2. Section 18.28.050 of this chapter governs site development not requiring permits under subsection E1 of this section.~~

18.28.020: DEFINITIONS:

A. Definition Of Terms: For the purposes of this chapter, certain terms used herein are defined as set forth below:

AS GRADED: The surface conditions existent upon completion of grading.

BEDROCK: In place, solid, rock.

BENCH: A relatively level step excavated into earth material on which fill is to be placed.

BORROW: Earth material acquired from an off site location for use in grading a site.

~~BUILDING OFFICIAL: The director of the building and housing services department of Salt Lake City.~~

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- 993 BUILDING PERMIT: A permit issued by Salt Lake City for the construction, erection, or
994 alteration of a structure or building.
- 995 CERTIFY OR CERTIFICATION: Means that the specific reports, inspections, and tests that are
996 required have been performed by the person or under their supervision, and that the results of
997 such reports, inspections, and tests comply with the applicable requirements of this chapter.
- 998 CITY ENGINEER: The city engineer of Salt Lake City.
- 999 CIVIL ENGINEER: A professional engineer registered in the state of Utah to practice in the
1000 field of civil works.
- 1001 CIVIL ENGINEERING: The application of the knowledge to the forces of nature, principals of
1002 mechanics, and the properties of materials to the evaluation, design, and construction of civil
1003 works for the beneficial uses of mankind.
- 1004 COMPACTION: The densification of fill by mechanical means.
- 1005 CUBIC YARDS: The volume of material in an excavation and/or fill.
- 1006 CUL-DE-SAC: A street closed at one end.
- 1007 CUT: See definition of Excavation.
- 1008 DRIVEWAY: A way or route for use by vehicle traffic leading from a parking area or from a
1009 house, garage, or other structure, to a road or street.
- 1010 EARTH MATERIAL: Any rock, natural soil, or any combination thereof.
- 1011 ENGINEERING GEOLOGIST: A graduate in geology or engineering geology of an accredited
1012 university, with five (5) or more full years of professional postgraduate experience in the
1013 application of the geological sciences, of which three (3) full years shall be in the field of
1014 engineering geology that has required the application of geological data, techniques, and
1015 principles to engineering problems dealing with groundwater, naturally occurring rock and soil,
1016 and geologic hazards for the purpose of assuring that geological factors are recognized and
1017 adequately interpreted and presented.
- 1018 EROSION: The wearing away of the ground surface as a result of the movement of wind, water,
1019 and/or ice.
- 1020 EXCAVATION: Any act by which vegetation, earth, sand, gravel, rock, or any other similar
1021 material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and
1022 shall include the conditions resulting therefrom.
- 1023 EXISTING GRADE: The actual elevation (in relation to mean sea level) of the ground surface
1024 before excavation or filling.
- 1025 FILL: Any earth, sand, gravel, rock, or any other material which is deposited, placed, replaced,
1026 pushed, dumped, pulled, transported, or moved by man to a new location and shall include the
1027 conditions resulting therefrom.

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1028 FILL MATERIAL: Earth material free from rock or similar irreducible material exceeding
1029 twelve inches (12") in diameter, metal, and organic material except that topsoil spread on cut and
1030 fill surfaces may incorporate humus for desirable moisture retention properties.

1031 ~~FUEL BREAK: A strategically located strip or block of land, varying in width, on which~~
1032 ~~vegetation has been modified to provide a safer place for firefighters to work and to help reduce~~
1033 ~~the rate of fire spread.~~

1034 GRADING: Excavation or fill or any combination thereof that alters the elevation of the terrain
1035 and shall include the conditions resulting from any excavation or fill.

1036 LICENSED ARCHITECT: An architect who is registered with the division of occupational and
1037 professional licensing of the state of Utah.

1038 NATURAL DRAINAGE: Water which flows by gravity in channels formed by the surface
1039 topography of the earth prior to changes made by the efforts of man.

1040 ONE STREET ACCESS: A street that provides the sole access to one or more other streets.

1041 PARCEL: All contiguous land in one ownership, provided, however, each lot conforming to the
1042 zoning ordinances of Salt Lake City in a subdivision may be considered to be a separate parcel.

1043 PERCENT OF SLOPE: The slope of a designated area of land determined by dividing the
1044 horizontal run of the slope into the vertical rise of the same slope, measured between contour
1045 lines on the referenced contour map and converting the resulting figure into a percentage value.
1046 This calculation is described by the following formula:

1047

1048 $S = V/H$

1049 Where

1050 "S" is the percent of slope;

1051

1052 "V" is the vertical distance; and

1053

1054 "H" is the horizontal distance.

1055

1056 PERMITTEE: Any person to which a site development permit has been issued.

1057 ~~PERSON: Any person, firm or corporation (either public or private), the state of Utah and its~~
1058 ~~agencies or political subdivisions, the United States Of America and its agencies and~~
1059 ~~instrumentalities, and any agent, servant, office, or employee of any of the foregoing.~~

1060 PLANNING DIRECTOR: The planning director of Salt Lake City.

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- 1061 QUARRY: An open excavation for the extraction of resources.
- 1062 REGISTERED PROFESSIONAL ENGINEER: A civil engineer who is registered with the
1063 division of occupational and professional licensing of the state of Utah.
- 1064 REMOVAL: Killing vegetation by spraying, complete extraction, or excavation, or cutting
1065 vegetation to the ground, trunks, or stumps.
- 1066 SEISMIC: Characteristic of, or produced by, earthquakes or earth vibration.
- 1067 SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is
1068 performed as a single unified operation.
- 1069 SITE DEVELOPMENT ~~(Also Known As SITE PREPARATION)~~: Grading and underground
1070 utility installation in preparation for an approved, pending development or use for the subject
1071 site.
- 1072 SLOPE CLASSIFICATION MAP: A map prepared as a colored exhibit by a registered
1073 professional engineer or land surveyor based upon a contour map of the specified scale and
1074 contour interval, upon which the measured and calculated percent of slope (measured between
1075 every contour interval on the map) is classified or grouped into percentage of slope data in ~~ten~~
1076 ~~percent~~ (10%) slope groupings as follows:
- 1077
- | Slope Classification | Percent Of Slope | Mapped Color |
|----------------------|------------------|--------------|
| Level | 0 - 9.9% | Uncolored |
| Slight | 10 - 19.9% | Yellow |
| Moderate | 20 - 29.9% | Orange |
| Severe | 30% and greater | Red |
- 1078
- 1079 SOILS ENGINEER: A registered civil engineer of the state of Utah, specializing in soil
1080 mechanics and foundation engineering, familiar with the application of principles of soil
1081 mechanics in the investigation and analysis of the engineering properties of earth materials.
- 1082 SURCHARGE: The temporary placement of fill material on a site in order to compress or
1083 compact the natural soil mass.
- 1084 TESTING LABORATORY: A testing laboratory that requires supervisory personnel to be
1085 professional engineers registered with the division of occupational and professional licensing of
1086 the state of Utah.
- 1087 VACANT: Land on which there are no structures or only structures which are secondary to the
1088 use or maintenance of the land itself.
- 1089
- 1090 18.28.030: RESERVED:

1091

1092 18.28.040: LAND DEVELOPMENT REQUIREMENTS ~~(BUILDING SITES):~~

1093 A. General Application: No person or party shall cause any excavation or grading to
 1094 be done on a building site in excess of the limits set forth below without first having obtained a
 1095 site development permit approval in conjunction with the building permit process or a permit
 1096 from the building official except as specified below.

1097 1. Work Requiring Separate Approval/Permit: A site development ~~approval~~
 1098 ~~and/or~~ permit shall be required in all cases where development comes under any one or
 1099 more of the following provisions:

1100 a. Excavation, fill, or any combination thereof exceeding ~~one~~
 1101 ~~thousand (1,000)~~ cubic yards;

1102 b. Excavation, fill, or any combination thereof exceeding ~~five~~ 5 feet
 1103 ~~(5')~~ in vertical depth at its deepest point measured from the adjacent, undisturbed,
 1104 ground surface;

1105 c. Excavation, fill, or any combination thereof exceeding an area of
 1106 ~~a one-half (1/2)~~ acre;

1107 d. Excavation, fill, or any combination thereof ~~of exceeding seventy~~
 1108 ~~five percent (75 10%)~~ or more of a building site including the excavation for
 1109 foundations and footings;

1110 e. Removal of vegetation from an area in excess of ~~a one-half (1/2)~~
 1111 acre for purposes other than agricultural;

1112 f. Engineered interior fills or surcharges.

1113 g. Commercial quarries or mining activities operating in permitted
 1114 zoning districts as provided in Title 21A.

1115 2. Work Not Requiring Separate Approval/Permit: A separate site
 1116 development permit shall not be required in the following cases, ~~for issuance of a~~
 1117 ~~building permit shall specify approval of the required grading plan:~~

1118 a. Excavation below finished grade for basements and footings of
 1119 buildings or other structures authorized by a valid building permit. This shall not
 1120 exempt any fill made with material from such excavation, or exempt any
 1121 excavation having an unsupported height greater than ~~five~~ 5 feet ~~(5')~~ after the
 1122 completion of such structure.

1123 b. Removal of vegetation as part of work authorized by a valid
 1124 building permit.

1125 ~~3. Waiver: The following requirements and standards shall apply to all~~
 1126 ~~building sites unless deemed unwarranted by the written recommendation of the building~~
 1127 ~~official.~~

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B. Permits Required: Except as exempted in sSubsection A of this section, ~~no person or party shall do or cause any grading to be done on a building site without first obtaining site development approval, or permit from the building official. A~~ separate approval or permit shall be required for each site, and may cover both excavation and fill.

1. Application: To obtain a permit ~~or approval~~ the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Every such application shall:

a. Identify and describe the work to be covered by the permit ~~or approval~~ for which application is made;

b. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed work and identify lots of any platted subdivision included within the proposed building site;

c. Indicate the use or occupancy for which the proposed work is intended;

d. Be accompanied by plans, diagrams, computations, and specifications and other data as required;

e. Be signed by property owner or permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;

f. Show the location of existing and proposed buildings or structures on the applicant's property, and the location of buildings or structures on adjacent properties which are within ~~fifteen~~ 15 feet (~~15'~~) of the applicant's property, or which may be affected by the proposed site development activities;

g. Show the location of property lines and all existing and proposed streets, roadways, driveways, easements, and rights of way on, contiguous, or adjacent to the proposed development site;

h. Show the present contours of the site in dashed lines and the proposed contours in solid lines. Contour intervals shall be not greater than ~~two~~ 2 feet (~~2'~~) where slopes are predominately ~~five percent~~ (~~5%~~) or less, and ~~five~~ 5 feet (~~5'~~) where slopes are predominately steeper than ~~five percent~~ (~~5%~~). The source of all topographical information shall be indicated;

i. Show the location of all drainage to, from, and across the site, the location of intermittent and permanent streams, springs, culverts, and other drainage structures, and size and location of any precipitation catchment areas in, above, or within ~~one hundred~~ 100 feet (~~100'~~) of the site;

j. ~~Include~~ Show detailed plans and location of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, and the complete drainage network

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including outfall lines and natural drainageways which may be affected by the proposed project. Include the estimated runoff of the areas served by the proposed drainage system;

k. Present a plan showing temporary erosion control measures to prevent erosion during the course of construction;

l. All grading in excess of ~~five thousand~~ (5,000) cubic yards shall require professional engineering and shall be designated as "engineered grading". Any application including engineered grading shall contain a grading plan prepared by a registered professional engineer or licensed architect;

m. Include~~Show~~ a revegetation plan including:

(1) A survey of existing trees, shrubs, and ground covers,

(2) A plan for the proposed revegetation of the site detailing existing vegetation to be preserved, new vegetation to be planned and any modification to existing vegetation, and

(3) A plan for the preservation of existing vegetation during construction activity;

n. Make a statement of the estimated starting and completion dates for the grading work proposed and any revegetation work that may be required;

o. Identify the type of surcharging fill material to be used on the building site;

p. Estimate the amount of time surcharging fill material will be in place, and show consideration by a soils engineer of the potential for vertical and lateral soil movements on properties adjacent to the surcharge;

q. Submit a copy of the recorded subdivision plat showing developable area limitations, if applicable;

r. Describe the method to be employed in disposing of soil and other material that is removed from the site, including the location of the disposal site;

s. Describe the method to be used in obtaining fill to be used on the site and the site of acquisition of such fill;

t. Include an engineering geology report described in Section 18.28.040.C.2 if the proposed development lies within 500 feet of an identified fault. Said report may be submitted for review to the Utah geological survey by the building official.

u. Applications related to commercial quarriers shall contain an acceptable plan for the eventual rehabilitation and use of the quarry site after the resources have been removed. Such a plan, at a scale of not less than one inch equals 100 feet with contour intervals not greater than 5 feet, shall be compatible

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with its surroundings and in general agreement with the city's master plan. The plan shall show the proposed treatment of any stream channel adjacent to the resource deposits during extraction operations. Limits of excavation shall be determined to protect any natural or improved channel and any nearby wooded areas considered vital to the function of the rehabilitated area. Included the estimated time period during which quarrying and land rehabilitation operations will be conducted.

v. Such other information as may be required by the building official or city engineer such as slope classification map and analysis, profiles or cross sections, additional drainage calculations, soils data including a report from a registered soils engineer or other qualified person.

C. Soil Engineering Report Or Engineering Geology Required:

1. Soil Engineering Report: The soil engineering report required shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures when necessary, and opinions and recommendations addressing the adequacy of the site under the proposed grading plan to support the proposed development.

2. Engineering Geology Report: The engineering geology report required shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations addressing the adequacy of the site under the proposed grading plan to support the proposed development. This requirement may be waived by written recommendation of the building official if it is deemed unwarranted.

D. Issuance: The application, plans, specifications, and other data submitted by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments or agencies to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this title and other pertinent laws and ordinances, and that the fees specified have been paid, he shall issue a permit therefor to the property owner or his authorized agent. When the building official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified, or altered without authorization from the building official, and all work shall be done in accordance with the approved plans. The building official may require that the site development activities and project designs or specifications be modified if delays occur which may create weather generated problems not considered at the time the permit was issued. ~~No site alteration shall occur during the months of November through March and no applications proposing such work during that time shall be approved.~~

E. Fees: City fees associated with reviewing and processing site development (a.k.a. "preparation") permits shall be those listed on the Salt Lake City consolidated fee schedule.

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F. Grading ~~And~~ Erosion Control Standards ~~And~~ Regulations: All site development work shall be accomplished in conformance to the following grading and erosion control design standards and regulations:

1. Hours ~~Of~~ Operation: All grading operations ~~in or within 660 feet of contiguous to residential land uses neighborhoods~~ shall be carried on between the hours of ~~seven o'clock (7:00) A.M. and five thirty o'clock (5:30) P.M.~~ The building official may waive this requirement if it is shown that by restricting the hours of operation it would unduly interfere with the development of the property and it is shown that the neighboring properties would not be adversely affected.

2. Dust ~~And~~ Dirt Control: All graded surfaces of any nature shall be dampened or suitably contained to prevent dust or spillage on city streets or adjacent properties. Equipment, materials, and roadways on the site shall be used or treated so as to cause the least possible annoyance due to dirt, mud, or dust conditions.

3. Undevelopable Slopes: Any (1) slope identified on a subdivision plat as undevelopable, (2) slope that has been altered without permits or prior approval to 30% or greater, or (3) natural slopes identified on a slope classification map of thirty percent (30%) or greater (as measured pursuant to a "ten-foot averaging" method as defined in Section 20.50.020), shall be designated undevelopable area. In no event shall streets traverse such slopes.

4. Finished Cuts ~~And~~ Slopes: Limitations shall be applied to the extent of cut and fill slopes to minimize the amount of excavated surface or ground area exposed to potential erosion and settlement.

a. The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded.

b. All cut and fill slopes shall be recontoured and revegetated by the permittee in accordance with an approved plan.

c. Cut or fill slopes shall normally be limited to ~~fifteen~~ 15 feet (~~15'~~) in vertical height. However, upon review and favorable recommendation of the city engineer and public utilities director the building official may approve cut and fill slopes exceeding ~~fifteen~~ 15 feet (~~15'~~) provided that such variations be allowed on a limited basis after thorough review of each request and only when balanced by offsetting improvements to the overall aesthetic, environmental, and engineering quality of the development.

d. No excavation creating a cut face and no fill creating an exposed surface shall have a slope ratio exceeding one and one- half horizontal to one vertical (1 1/2:1).

e. Exceptions:

(1) No slopes shall cut steeper than the bedding plane, fracture, fault, or joint in any formation where the cut slope will lie on the dip of the strike line of the bedding plane, fracture, fault, or joint.

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(2) No slopes shall be cut in an existing landslide, mudflow, or other form of naturally unstable slope except as recommended by a qualified geological engineer.

(3) Where the formation is exposed above the top of the cut which will permit the entry of water along bedding planes, this area shall be sealed with a compacted soil blanket having a minimum thickness of ~~two~~ 2 feet (2'). The soil for this blanket shall be relatively impervious and shall be approved by the soils engineer or engineering geologist.

f. If the material of a slope is of such composition and character as to be unstable under the anticipated maximum moisture content, the slope angle shall be reduced to a stable value or retained by a method approved by the city engineer and certified as to its stability by a soils engineer or geologist. Said retaining method shall include design provisions which are:

(1) Conducive to revegetation for soil stability and visual impact;

(2) Used for selected areas of the site and not as a general application; and

(3) Limited to tiers each of which is no higher than ~~six~~ 6 feet (~~6'~~), separated by plantable terraces a minimum of ~~two~~ 2 feet (2') in width;

g. Any retaining system shall remain and be maintained on the lots until plans for construction are approved and a building permit is issued. The plans shall include provisions to integrate driveway access to the lot while maintaining the structural integrity of the retaining system.

h. The ~~building official~~ city engineer may require the slope of a cut or fill to be made more level if at any time it is found that the material being, or the fill, is unusually subject to erosion, static or dynamic instability, or if other conditions make such requirements necessary for stability.

i. Driveways leaving public rights of way shall not exceed a maximum change in grade angle of ~~six percent (6%)~~ transition over an ~~eleven~~ 11 foot (11') run. The slope should be transitioned beyond property line no more than an average ~~sixteen percent (16%)~~ grade. Parking structures may allow a maximum change in grade angle of ~~ten percent (10%)~~ with a minimum ~~ten~~ 10 foot (10') run. Maximum sight distance should be encouraged with blind entrances or other sight obstructions complying with the Sight Distance Triangle Requirements as defined and illustrated in Chapter 21A.62 transportation division's standard E2.e1 "clear site zone area" or its successor.

5. Abatement Of Hazardous Conditions:

a. If, at any stage of grading, the building official or city engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to imperil any property, public way,

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watercourse, or drainage structure, the building official or city engineer shall require, as condition to allowing the work to proceed, that reasonable safety precautions be taken as are considered advisable to avoid likelihood of such peril. Such precautions may include, but shall not be limited to, any of the following:

- (1) Specification of a more level exposed slope;
- (2) Construction of additional drainage facilities, berms, or terraces;
- (3) Compaction or cribbing;
- (4) Installation of plants for erosion control; and/or
- (5) Reports from a registered soils engineer and/or engineering geologist whose recommendations may be made requirements for further work.

Such requirements by the ~~building official~~planning director or city engineer shall constitute a required change order in the work to be performed under permit. Said changes may be required to be reflected in amended plans.

b. Where it appears that damage from storm drainage may result from work performed hereunder, such work may be stopped and the permittee required to take such measures as may be necessary to protect adjoining property or the public safety. On large operations, or where unusual site conditions exist, the building official or city engineer may specify the time at which grading may proceed and the time of completion or may require that the operation be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

6. Fill Material ~~And~~ Compaction:

a. Fill Material: All fill shall be earth, rock, or inert material free from organic material and free of metal, except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture retention properties. Fill not meeting the definition above shall be placed only in an approved public or private landfill or other approved deposit site.

b. Backfillings: Any pipe trench or trenching, or excavation made in any slope of any excavated or filled site, shall be backfilled and compacted to the level of the surrounding grade.

c. Compaction ~~Of~~ Fills: Unless otherwise directed by the building official, all fills governed by this title, intended to support building, structures, or where otherwise required to be compacted for stability, shall be compacted, inspected, and tested in accordance with the following provisions:

- (1) The natural ground surface shall be prepared by removal of topsoil and vegetation, and, if necessary, shall be graded to a series of terraces. If fill material unacceptable under subsection F6a of this section

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is placed on the site, or the fill is not placed according to procedures of this title, then it must be removed.

(2) The fill shall be spread and compacted in accordance with the city engineer's approved standards.

(3) The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.

(4) A written report of the completed compaction, showing location and depth of test holes, materials used, moisture conditions, recommended soil bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the state of Utah, or testing laboratory shall be submitted to the building official, who shall rely on the expertise of the city engineer for review.

(5) The building official or city engineer may require additional tests or information if, in his opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above listed requirements that, in his opinion, are unnecessary to further the purpose of this title.

7. Surcharging: Surcharges shall consist of earth material and shall be applied in such a manner as to have no effect on soil stability on adjacent or neighboring properties.

G. Erosion Control ~~And~~ Revegetation: All cut and fill surfaces created by grading shall be planted with a ground cover that is a drought resistant variety. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. Cuts and fills along public roads are required to be landscaped according to a revegetation plan approved by the city. All plant selections must be approved by the parks department and building official prior to approval.

H. Drainage:

1. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or any portion of a fill. All drainage ways and structures shall carry surface waters, without producing erosion, to the nearest practical street, storm drain, or natural watercourse as approved by the city engineer. The city engineer may also require drainage structures to be constructed, or installed as necessary to prevent erosion damage or to prevent saturation of the fill or material behind cut slopes.

2. An excess stormwater passage shall be provided for all stormwater storage areas. Such passage shall have capacity to convey through the proposed development the excess stormwater from the tributary watershed. The capacity of such excess stormwater passages shall be constructed in such a manner as to transport the peak rate of runoff from a 100-year return frequency storm assuming all storm sewers are inoperative, all upstream areas are fully developed in accordance with the city's current land use plan, and that antecedent rainfall has saturated the tributary watershed.

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3. No buildings or structures shall be constructed within such passage, however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements, and other open space uses shall be considered compatible uses. In the event such passageway is reshaped or its capacity to transport excess stormwater is otherwise restricted during or after construction, the building official or city engineer shall notify the agency, party, or parties causing said restriction to remove the same and set a reasonable time for its removal. If said parties refuse to, or are unable to, comply with said order, the building official or city engineer shall cause said restrictions to be removed at the expense of said parties. Where a proposed development contains existing natural drainage, appropriate planning measures shall be undertaken or required to preserve and maintain said natural drainage as part of the excess stormwater passage.

4. Notwithstanding any other provisions of this title, whenever, in the judgment of the building official or city engineer, a condition occurs in a stormwater storage area or passageway that creates a dangerous and imminent health and safety hazard, the building official or city engineer shall order such action as shall be effective immediately or in the time manner prescribed in the order itself.

I. Setbacks: The setback and other restrictions specified in this section are minimum and may be increased by the building official or by the recommendation of a civil engineer, soils engineer, or engineering geologist, if necessary for safety and stability, to prevent damage of adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Setbacks deal with distance from property lines, structures, or faults, and must satisfy the requirements of subsections I1 through I3 of this section. Retaining walls may be used to reduce the required setbacks when approved by the building official.

1. Setbacks ~~F~~from Property Lines: The toes and tops of cut and fill slopes where no structures are located shall be set back from the outer boundaries of a "permit area" (PA = lot area excluding any undevelopable areas) including yard setbacks, slope-right areas, and easements, in accordance with the table and figure 2 of this section.

SETBACKS FROM PERMIT AREA BOUNDARY

- a = Setback distance at toe
b = Setback at top
H = Height from toe to top of cut/fill slope

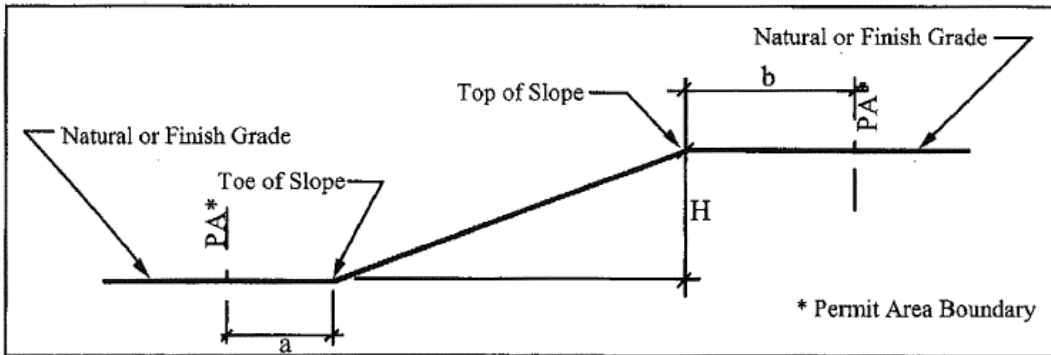
H	a	b1
Less than 5'	0	1'
5' to 30'	H/2	H/5
Over 30'	15'	6'

1436 Note:

1437 1. Additional width may be required for interceptor drain.

1438 FIGURE 2

FIGURE 2

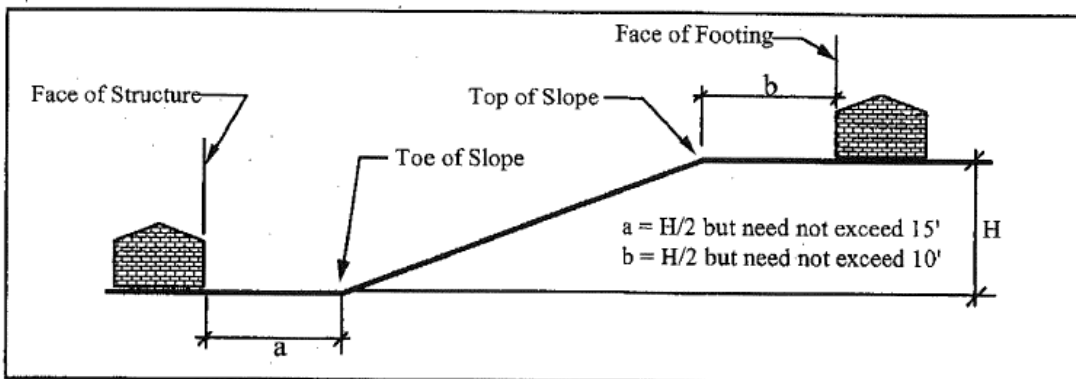


1439

1440 2. Setback From Structures: Setback from cut or fill slopes and structures
1441 shall be provided in accordance with figure 3 of this section.

1442 FIGURE 3

FIGURE 3



1443

1444 3. Setbacks From Faults: No structure shall be located over a fault. Determinations
1445 of the appropriate setback distance from the fault shall be made based on recommendations
1446 contained in the geological report required by subsection C of this section.

1447 J. Site Development Inspections:

1448 1. Special Inspections: All site development activities for which a permit or
1449 approval is required shall be subject to inspection by the building official. Special
1450 inspections of grading operations and special testing shall be performed to ensure

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conformity with approved plans and specifications. The following special inspections and testing are required:

a. Fills:

- (1) The site is to be inspected prior to placement of fill material.
- (2) The fill material is to be inspected prior to placement on the site.
- (3) Final compaction of fill is to be tested.
- (4) The final grade is to be inspected.
- (5) Revegetation will be inspected during planting, upon planting completion, and again prior to bond release where applicable.

b. Cuts:

- (1) The site is to be inspected prior to cutting or removing material.
- (2) The grade is to be inspected after cutting.
- (3) Revegetation will be inspected during planting, upon planting completion, and again prior to bond release where applicable.

2. Inspection Schedule and Enforcement: At the time the site development permit or approval is issued, the building official shall establish the stage of development at which required inspections shall be made. In order to obtain inspections, the permittee shall notify the city of readiness at least ~~twenty-four~~ (24) hours before said inspection is to be made. Where it is found by inspection that conditions are not substantially as stated or shown on the approved plans, the building official or his inspectors ~~shall~~ may stop further work until approval is obtained for amended plans.

K. Completion of Work:

1. Final Reports: Upon completion of the rough grading work and again at the final completion of the work, reports, drawings, and supplements thereto will be required as follows:

a. An "as graded" grading plan, prepared by a civil engineer, including original ground surface elevations, lot drainage patterns, and locations and elevations of all surface and subsurface drainage facilities. The engineer shall verify that the work was done in accordance with the final approved site development plan.

b. A soil grading report, prepared by a soils engineer, including location and elevations of field density tests, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering

investigation report. The soils engineer shall verify the adequacy of the site for the intended use.

c. A geologic grading report, prepared by an engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading and the effect of the same on recommendations incorporated in the approved site development plan. The engineering geologist shall verify the adequacy of the site for the intended use as affected by geologic factors. This requirement may be modified or waived in writing by the building official if circumstances warrant.

2. Notification of Completion: The permittee, or his authorized agent, shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices and all erosion control measures including revegetation, have been completed in accordance with the final approved site development plan and the required reports have been submitted.

18.28.050: ~~RESERVED~~INDEPENDENT SITE DEVELOPMENT ACTIVITIES:

~~A. General Application: No person shall commence, perform, or cause any grading to be done in excess of the limits specified below without first obtaining a site development permit. A separate independent site development permit not otherwise required under section 18.28.040 of this chapter shall be required for each site on which grading is to be done as specified in subsection A1 of this section.~~

~~1. General: A site development permit shall be required in all cases where development comes under any one or more of the following provisions:~~

~~a. Excavation, fill, or any combination thereof exceeding one thousand (1,000) cubic yards;~~

~~b. Excavation, fill, or any combination thereof exceeding five feet (5') in vertical depth at its deepest point measured from the adjacent, undisturbed, ground surface;~~

~~c. Excavation, fill, or any combination thereof exceeding an area of one-half (1/2) acre;~~

~~d. Excavation, fill, or any combination thereof exceeding seventy five percent (75%) of a building site including the excavation for foundations and footings;~~

~~e. Removal of vegetation from an area in excess of one-half (1/2) acre for purposes other than agricultural;~~

~~f. Engineered interior fills or surcharges;~~

~~g. Fuel break for fire protection purposes;~~

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h. — Commercial quarries or mining activities operating in appropriate industrial zone as provided in the Salt Lake City zoning ordinance;

2. — Waiver: All of the following requirements and standards shall apply unless deemed unwarranted by the building official and waived in writing.

B. — Permit Application: Each application for an independent site development permit shall be made by the owner of the property, or the owner's authorized agent, to the building official on a form furnished for that purpose. The application shall include:

1. Required Information: Three (3) copies of plot plans of the property, drawn to scale, which:

a. — Identify and describe the work to be covered by the permit for which application is made;

b. — Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed work and identify lots of any platted subdivision included within the proposed building site;

c. — Indicate the use or occupancy for which the proposed work is intended;

d. — Be accompanied by plans, diagrams, computations, and specifications and other data as required;

e. — Be signed by property owner or permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;

f. — Location of existing and proposed buildings or structures on the applicant's property, and the location of buildings or structures on adjacent properties which are within fifteen feet (15') of the applicant's property, or which may be affected by the proposed site development activities;

g. — Location of property lines and all existing and proposed streets, roadways, driveways, easements, and rights of way on, contiguous, or adjacent to the proposed development site;

h. — The present contours of the site in dashed lines and the proposed contours in solid lines. Contour intervals shall be not greater than two feet (2') where slopes are predominately five percent (5%) or less, and five feet (5') where slopes are predominately steeper than five percent (5%). The source of all topographical information shall be indicated;

i. — The location of all drainage to, from, and across the site, the location of intermittent and permanent streams, springs, culverts, and other drainage structures, and size and location of any precipitation catchment areas in, above, or within one hundred feet (100') of the site;

j. — Detailed plans and location of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be

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constructed with, or as a part of, the proposed work, together with a map showing drainage areas, and the complete drainage network including outfall lines and natural drainageways which may be affected by the proposed project. Include the estimated runoff of the areas served by the proposed drainage system;

k.—— Plan showing temporary erosion control measures to prevent erosion during the course of construction;

l.—— All grading in excess of five thousand (5,000) cubic yards shall require professional engineering and shall be designated as "engineered grading". Any application including engineered grading shall contain a grading plan prepared by a registered professional engineer or licensed architect;

m.—— A revegetation plan including:

(1)—— A survey of existing trees, shrubs, and ground covers;

(2)—— A plan for the proposed revegetation of the site detailing existing vegetation to be preserved, new vegetation to be planned and any modification to existing vegetation, and

(3)—— A plan for the preservation of existing vegetation during construction activity;

n.—— Statement of the estimated starting and completion dates for the grading work proposed and any revegetation work that may be required;

o.—— Identify the type of surcharging fill material to be used on the building site;

p.—— Estimate the amount of time surcharging fill material will be in place, and show consideration by a soils engineer of the potential for vertical and lateral soil movements on properties adjacent to the surcharge;

q.—— A description of the method to be employed in disposing of soil and other material that is removed from the site, including the location of the disposal site;

r.—— A description of the method to be used in obtaining fill to be used on the site and the site of acquisition of such fill;

s.—— If the proposed development lies within five hundred feet (500') of an identified fault, a geological report and verification as per subsection 18.28.040C2 of this chapter will be required. Said report may be submitted for review to the Utah geological survey by the building official;

t.—— If applicable, submit a copy of the recorded subdivision plat showing developable area limitations;

u.—— Application for commercial quarries shall contain an acceptable plan for the eventual rehabilitation and use of the quarry site after the resources have been removed. Such a plan, at a scale of not less than one inch equals one hundred feet (1" =

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100') with contour intervals not greater than five feet (5'), shall be compatible with its surroundings and in general agreement with the city's master plan. The plan shall show the proposed treatment of any stream channel adjacent to the resource deposits during extraction operations. Limits of excavation shall be determined to protect any natural or improved channel and any nearby wooded areas considered vital to the function of the rehabilitated area. Include the estimated time period during which quarrying and land rehabilitation operations will be conducted.

2.—— Additional Information Which May Be Required: The following information shall be provided in triplicate if requested by the building official or city engineer:

a.—— Slope classification map and analysis;

b.—— Profiles or cross sections;

c.—— Additional drainage calculations;

d.—— Soils data including a report from a registered soils engineer, engineering geologist, or other qualified person;

e.—— Statement of the estimated starting and completion dates for the grading work proposed and any revegetation work that may be required.

f.—— Detailed revegetation plans for the site and, if appropriate, information relating to the landscaping on adjacent or surrounding areas affected by the proposed development. Such revegetation plans shall be prepared by a licensed engineer, architect, landscape architect, or other qualified person. These plans shall show:

(1)—— Distribution of plants, existing trees, and work involved as related to slope control and/or physical environment;

(2)—— A plan describing the methods of planting the areas to be landscaped with special emphasis on soil preparation, plant selection, methods of planting, and initial maintenance of plants and slopes until a specified percentage of plant coverage is uniformly established on cut and fill slopes;

(3)—— Such other and further details as may be specified by the building official or city engineer to carry out the purpose of this title. All such plans shall bear the name of the person responsible for the preparation of the plan;

(4)—— The revegetation plan will be submitted by the building official to the Salt Lake City parks department's landscape architect for review.

g.—— Such other information as shall be required by the building official or city engineer.

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3.—Fee: Each site development application made independent and separate from a building permit application shall be accompanied by payment of an application fee pursuant to the Salt Lake City consolidated fee schedule.

C.—Granting Permit: To further the specific purposes of this title as set forth in subsection 18.28.010C of this chapter, the following procedures are established:

1.—Referrals: The application shall be referred by the building official to the city engineer and planning director for review. Further, applications may also be referred to the Utah geological survey and other appropriate advisors for comments and recommendations as deemed necessary or appropriate.

2.—Conformity To Plans: The building official shall be responsible to arrange for required inspections by appropriate inspectors who shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with this title. Where it is found by inspection that conditions are not substantially as stated or shown in the site development permit applications, the inspector shall stop further work until the work conforms to the approved plan or approval is obtained for revised plans.

3.—Abatement Of Hazardous Conditions: If, at any stage of site development, the building official determines by inspection that the work is creating hazardous conditions, he may suspend the work until provisions for abatement and/or correction are completed as set forth in subsection E of this section.

D.—Inspections:

1.—Inspection Schedule: At the time a site development permit is issued, the building official shall establish the stages of development at which inspections required by subsection 18.28.040J of this chapter shall be made. In order to obtain inspections, the permittee shall notify the city of readiness at least twenty four (24) hours before said inspection is to be made.

2.—Conformity To Plans: The building official shall be responsible to arrange for required inspections by appropriate inspectors who shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with this title. Where it is found by inspection that conditions are not substantially as stated or shown in the site development permit applications, the inspector shall stop further work until the work conforms to the approved plan or approval is obtained for revised plans.

3.—Abatement Of Hazardous Conditions: If, at any stage of site development, the building official determines by inspection that the work is creating hazardous conditions, he may suspend the work until provisions for abatement and/or correction are completed as set forth in subsection E of this section.

E.—Grading And Erosion Control Design Standards And Regulations: All site development work shall be accomplished in conformance to the following provisions:

1.—Hours Of Operation: All grading operations in or contiguous to residential neighborhoods shall be carried on between the hours of seven o'clock (7:00) A.M. and five thirty o'clock (5:30) P.M. The city engineer may waive this requirement if it is

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shown that by restricting the hours of operation it would unduly interfere with the development of the property and it is shown that the neighboring properties would not be adversely affected.

2. ~~Dust And Dirt Control: All graded surfaces of any nature shall be dampened or suitably contained to prevent dust or spillage on city streets or adjacent properties. Equipment, materials, and roadways on the site shall be used or treated so as to cause the least possible annoyance due to dirt, mud, or dust conditions.~~

3. ~~Undevelopable Slopes: Any natural slopes identified on a slope classification map of thirty percent (30%) or greater, shall be designated undevelopable area. Said slope, if retained within the subdivision, may be designated and maintained as common area. In no event shall streets traverse such slopes.~~

4. ~~Finished Cuts And Slopes: Limitations shall be applied to the extent of cut and fill slopes to minimize the amount of excavated surface or ground area exposed to potential erosion and settlement.~~

a. ~~The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded.~~

b. ~~All cut and fill slopes shall be recontoured and revegetated by the subdivider in accordance with an approved plan.~~

c. ~~Cut or fill slopes shall normally be limited to fifteen feet (15') in vertical height. However, upon review and favorable recommendation of the city engineer and public utilities director the building official may approve cut and fill slopes exceeding fifteen feet (15') provided that such variations be allowed on a limited basis after thorough review of each request and only when balanced by offsetting improvements to the overall aesthetic, environmental, and engineering quality of the development.~~

d. ~~No excavation creating a cut face and no fill creating an exposed surface shall have a slope ratio exceeding one and one half horizontal to one vertical (1 1/2:1).~~

e. ~~Exceptions:~~

(1) ~~No slopes shall cut steeper than the bedding plane, fracture, fault, or joint in any formation where the cut slope will lie on the dip of the strike line of the bedding plane, fracture, fault, or joint.~~

(2) ~~No slopes shall be cut in an existing landslide, mudflow, or other form of naturally unstable slope except as recommended by a qualified geological engineer.~~

(3) ~~Where the formation is exposed above the top of the cut which will permit the entry of water along bedding planes, this area shall be sealed with a compacted soil blanket having a minimum thickness of~~

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two feet (2'). The soil for this blanket shall be relatively impervious and shall be approved by the soils engineer or engineering geologist.

f. — If the material of a slope is of such composition and character as to be unstable under the anticipated maximum moisture content, the slope angle shall be reduced to a stable value or retained by a method approved by the city engineer and certified as to its stability by a soils engineer or geologist. Said retaining method shall include design provisions which are:

(1) — Conducive to revegetation for soil stability and visual impact;

(2) — Used for selected areas of the site and not as a general application; and

(3) — Limited to tiers each of which is no higher than six feet (6'), separated by plantable terraces a minimum of two feet (2') in width;

g. — Any retaining system shall remain and be maintained on the lots until plans for construction are approved and a building permit is issued. The plans shall include provisions to integrate driveway access to the lot while maintaining the structural integrity of the retaining system.

h. — The building official may require the slope of a cut or fill to be made more level if at any time it is found that the material being, or the fill, is unusually subject to erosion, static or dynamic instability, or if other conditions make such requirements necessary for stability.

5. — Abatement Of Hazardous Conditions:

a. — If, at any stage of grading, the planning director or city engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to imperil any property, public way, watercourse, or drainage structure, the planning director or city engineer shall require, as condition to allowing the work to proceed, that reasonable safety precautions be taken as are considered advisable to avoid likelihood of such peril. Such precautions may include, but shall not be limited to, any of the following:

(1) — Specification of a more level exposed slope;

(2) — Construction of additional drainage facilities, berms, or terraces;

(3) — Compaction or cribbing;

(4) — Installation of plants for erosion control; and/or

(5) — Reports from a registered soils engineer and/or engineering geologist whose recommendations may be made requirements for further work.

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Such requirements by the planning director or city engineer shall constitute a required change order in the work to be performed under permit. Said changes may be required to be reflected in amended plans.

b. ~~Where it appears that damage from storm drainage may result from work performed hereunder, such work may be stopped and the permittee required to take such measures as may be necessary to protect adjoining property or the public safety. On large operations, or where unusual site conditions exist, the planning director or city engineer may specify the time at which grading may proceed and the time of completion or may require that the operation be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.~~

6. ~~Fill Material And Compaction:~~

a. ~~Fill Material: All fill shall be earth, rock, or inert material free from organic material and free of metal, except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture retention properties. Fill not meeting the definition above shall be placed only on approved public or private landfills or other approved deposit sites.~~

b. ~~Backfillings: Any pipe trench or trenching, or excavation made in any slope of any excavated or filled site, shall be backfilled and compacted to the level of the surrounding grade.~~

c. ~~Compaction Of Fills: Unless otherwise directed by the building official or city engineer, all fills governed by this title, intended to support building structures, or where otherwise required to be compacted for stability, shall be compacted, inspected, and tested in accordance with the following provisions:~~

(1) ~~The natural ground surface shall be prepared by removal of topsoil and vegetation, and if necessary shall be graded to a series of terraces. If fill material unacceptable under subsection E6a of this section is placed on the site, or the fill is not placed according to procedures of this title, then it must be removed.~~

(2) ~~The fill shall be spread and compacted in accordance with the city engineer's approved standards.~~

(3) ~~The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.~~

(4) ~~A written report of the completed compaction, showing location and depth of test holes, materials used, moisture conditions, recommended soil bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the state of Utah, or testing laboratory shall be submitted to the building official, who will submit it to the city engineer for review.~~

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(5) — ~~The building official or city engineer may require additional tests or information if, in his opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above listed requirements that, in his opinion, are unnecessary to further the purpose of this title.~~

7. — ~~Erosion Control And Revegetation: All cut and fill surfaces created by grading shall be planted with a ground cover that is a drought resistant variety. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. Cuts and fills along public roads are required to be landscaped according to a revegetation plan approved by the city. All plant selections must be approved by the parks department and building official prior to subdivision approval.~~

8. — ~~Drainage:~~

a. — ~~Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or any portion of a fill. All drainage ways and structures shall carry surface waters, without producing erosion, to the nearest practical street, storm drain, or natural watercourse as approved by the city engineer. The city engineer may also require drainage structures to be constructed, or installed as necessary to prevent erosion damage or to prevent saturation of the fill or material behind cut slopes.~~

b. — ~~An excess stormwater passage shall be provided for all stormwater storage areas. Such passage shall have capacity to convey through the proposed development the excess stormwater from the tributary watershed. The capacity of such excess stormwater passages shall be constructed in such a manner as to transport the peak rate of runoff from a 100-year return frequency storm assuming all storm sewers are inoperative, all upstream areas are fully developed in accordance with the city's current land use plan, and that antecedent rainfall has saturated the tributary watershed.~~

c. — ~~No buildings or structures shall be constructed within such passage, however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements, and other open space uses shall be considered compatible uses. In the event such passageway is reshaped or its capacity to transport excess stormwater is otherwise restricted during or after construction, the city engineer shall notify the agency, party, or parties causing said restriction to remove the same and set a reasonable time for its removal. If said parties refuse to, or are unable to, comply with said order, the city engineer shall cause said restrictions to be removed at the expense of said parties. Where a proposed development contains existing natural drainage, appropriate planning measures shall be undertaken or required to preserve and maintain said natural drainage as part of the excess stormwater passage.~~

d. — ~~Notwithstanding any other provisions of this title, whenever, in the judgment of the city engineer, a condition occurs in a stormwater storage area or passageway that creates a dangerous and imminent health and safety hazard, the~~

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~~city engineer shall order such action as shall be effective immediately or in the time manner prescribed in the order itself.~~

~~9. — Surecharging: Surecharges shall consist of earth material and shall be applied in such a manner as to have no effect on soil stability on adjacent or neighboring properties.~~

~~10. — No Structure Shall Be Located Over A Fault: Determinations of the appropriate setback distance from the fault shall be made based on recommendations contained in the geological report as per subsection 18.28.040C2 of this chapter.~~

18.28.060: INTERPRETATION, PERMIT PROCEDURE, APPEALS, GROUNDS FOR DENIAL, AND ENFORCEMENT ACTIONS:

A. Interpretation; Conflicts:

1. Minimum Requirements: In their interpretation and application, provisions of this chapter shall be held to be minimum requirements, except where expressly stated to be maximum requirements. No intent is made to impair, or interfere with, any private restrictions placed upon any property by covenant or deed; provided, however, that where this chapter imposes higher standards or greater restrictions the provisions of this chapter shall govern.

2. Application ~~Of~~ Most Restrictive Standard: Whenever any provision of this chapter or any other provision of law, whether set forth in this chapter or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations over the development of land, the most restrictive standards or requirements shall govern.

B. Retention ~~Of~~ Plans: Plans, specifications, and reports for all site development submitted to Salt Lake City for approval shall be retained by Salt Lake City.

C. Expiration, Renewals, ~~And~~ Extensions ~~Of~~ Permit: Every site development permit or approval shall expire by limitation and become null and void if the work authorized by such permit or approvals has not been commenced within ~~one hundred eighty (180) days~~, or if the work is suspended or abandoned for a period of ~~one hundred eighty (180) days~~ at any time after the work is commenced. Before such work can recommence, the permit shall first be renewed by the building official and the renewal fee shall be ~~one half (1/2)~~ the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans or scope of such work, otherwise a full fee may be required as determined by the building official. Any modifications to the original approved work that is related to a development for which the Salt Lake City planning commission granted approval, may require subsequent review and decision by the planning commission as determined by the planning director.

D. Appeals:

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1. Filing: Any applicant aggrieved by a determination of any administrative official in relation to this chapter may appeal such determination to the ~~appeals hearing officer~~board of appeals and examiners pursuant to Chapter 18.12~~section 21A.16.030~~ of this code.

2. Effect ~~Of~~ Administrative Appeal: In the event of an appeal pursuant to the provisions above, the effect of such filing shall act to stay any and all further action and work pending the determination of the matter on appeal.

E. General Grounds ~~F~~or Denial: Factors, in addition to deviation from provisions of this chapter, which may be grounds for denial of a site development permit or approval shall include, but not be limited to:

1. Possible or potential saturation of fill and/or unsupported cuts by water (both natural and/or domestic);

2. Runoff surface waters that produce unreasonable erosion and/or silting of drainageways;

3. Subsurface conditions (such as rock strata and faults, soil or rock materials, types of formations, etc.) which when disturbed by the proposed site development activity, may create earth movement and/or produce slopes that cannot be landscaped;

4. Result in excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

F. Prohibited Activities:

1. Removal ~~Of~~ Topsoil: It shall be unlawful to remove topsoil for purposes of resale when unrelated to a bona fide purpose of site development contemplated under this chapter. The provisions of this chapter shall not be construed as permitting the removal of topsoil solely for resale.

2. Nuisance: It shall be unlawful to create or maintain a condition which creates a public or private nuisance. After notice by the city, owners shall be strictly responsible to take any necessary action to correct or abate such nuisance. Further, this chapter shall not be construed to authorize any person or owner to create or maintain a private or public nuisance upon real property and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

G. Permit ~~Or~~ Approval Revocation: In the event the building official or city engineer ~~requests that a site development permit or approval be permanently suspended or revoked~~a site development permit any aggrieved party may appeal such decision pursuant to Chapter 18.12.~~they shall formally request a revocation hearing before the planning commission in compliance with the following procedures:~~

~~1. Request: The request shall specify the grounds for complaint or details of deviation with terms and conditions of the approval that justify the proposed permit or approval revocation or suspension.~~

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2. — ~~Public Hearing: The planning commission shall hold a formal hearing to consider requests and recommendations for permanent revocation or suspension of permits at the next regularly scheduled meeting of the planning commission, at which service of the required notice can be satisfied.~~

3. — ~~Notice: The planning commission shall cause notice of the time and place of the scheduled hearing to be prepared. Such notice shall be delivered by certified mail or personal service upon the permittee at least five (5) days prior to the date set for the hearing. At any such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence. Upon conclusion of such hearing, the planning commission shall determine whether or not the permit shall be suspended or revoked, and any necessary or appropriate conditions which must be satisfied prior to the renewal or extension of said permit, including any necessary corrective measures to be completed as provided in subsection G4a of this section.~~

4. — ~~Planning Commission Determination: Upon the conclusion of the required hearing and its deliberations thereon, should the planning commission find that the permittee, or authorized agent(s), have violated the terms of the permit or provisions of this chapter, have conducted or desire to carry out such site development activity in such a manner which unreasonably adversely affects the health, welfare, or safety of persons residing or working in the vicinity of the site, or have caused the same to be done, the planning commission may, as it deems appropriate:~~

a. — ~~Require necessary corrective measures to be undertaken and completed at permittee's expense;~~

b. — ~~Require reimbursement to the city for unusual costs incurred by the necessitation of enforcement action including costs of inspections, mailings, expert technical assistance, etc.;~~

c. — ~~Continue suspension of all work contemplated or associated with the permit permanently until corrective requirements and/or original conditions are satisfied;~~

d. — ~~If circumstances of work conducted have resulted in factors which would have been grounds for denial of the permit, the planning commission may order such necessary actions as required to restore the site, insofar as possible, to the preexisting conditions, and revoke the site development permit. If so evoked, and where appropriate, the planning commission may preclude acceptance of any site development application for the same site for a period not to exceed twelve (12) months.~~

5. — ~~Appeal: The decision of the planning commission on a request for permanent suspension or revocation of a site development permit or approval under this chapter may be appealed by the permittee, building official, or city engineer to the appeals hearing officer pursuant to section 21A.16.030 of this code.~~

H. Property Owner Responsibility: Property owners are responsible to maintain their property in a safe, nonhazardous, condition and to otherwise comply with the provisions of this

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chapter and other applicable ordinances. Failure of city officials to observe or to recognize hazardous or unsightly conditions, or to recommend denial of the site development permit, shall not relieve the permittee, or property owner, from responsibility for the condition or damages resulting therefrom. Nor shall such action result in the city, its officers, or agents, becoming responsible or liable for conditions and damages resulting therefrom.

I. Obstruction Prohibited: It shall be unlawful for any person to willfully or carelessly obstruct or injure any public right of way by causing or permitting earth or rock to slump, slough, or erode off private property onto the public right of way.

J. Flooding: It shall be unlawful for any person to willfully or carelessly obstruct or injure any public right of way by causing or permitting flow or seepage of water, or by willfully or carelessly causing or permitting water under his/her control, possession, or supervision to escape in any manner so as to injure any street or public improvement.

K. Violation And Penalties:

1. ~~Violation Of Chapter:~~ It shall be unlawful for any person to construct, enlarge, alter, repair, or maintain any grading, excavation or fill or cause the same to be done, contrary to or in violation of any provision of this chapter.

2. ~~Obstruction Prohibited: It shall be unlawful for any person to wilfully or carelessly obstruct or injure any public right of way by causing or permitting earth or rock to slump, slough, or erode off private property onto the public right of way.~~

3. ~~Flooding: It shall be unlawful for any person to wilfully or carelessly obstruct or injure any public right of way by causing or permitting flow or seepage of water, or by wilfully or carelessly causing or permitting water under his/her control, possession, or supervision to escape in any manner so as to injure any street or public improvement.~~

4. ~~Misdemeanor Penalty: Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, permitted, or maintained. Upon conviction of any such violation, such person may be imprisoned for a period not exceeding six (6) months or be fined in the amount not exceeding two hundred ninety nine dollars (\$299.00) if the person is an individual, or the greater amount of two thousand dollars (\$2,000.00) in the event the person is a corporation, association, or partnership, or both so imprisoned or fined.~~

J. ~~Severability:~~

1. ~~Severability: If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses, or phrases hereof may be declared invalid or unconstitutional.~~

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2. ~~Limitation To Applied Facts: If the application of any provision or provisions of this chapter to any person, property, or circumstance is found to be unconstitutional, invalid, or ineffective, in whole or in part, by any court of competent jurisdiction, or other competent agency, the effect of such provision shall be limited to the person, property, or circumstance immediately involved in the controversy and the application of such provision to other persons, properties, or circumstances shall be unaffected unless the court specifically rules otherwise.~~

~~18.28.070: RESERVED:~~

SECTION 8. Repealing the text of *Salt Lake City Code* Chapter 18.32. That Chapter 18.32 of the Salt Lake City Code (Technical Building Specifications: Building Regulations) is hereby repealed in its entirety as follows:

~~CHAPTER 18.32~~

~~BUILDING REGULATIONS~~

~~18.32.020: BUILDING CODE AND STANDARDS ADOPTED:~~

~~The edition of the uniform building code, as adopted by the Utah uniform building code commission as the construction standard to be adhered to by subdivisions of the state (section 58-56-4, Utah Code Annotated, or its successor section) is adopted by Salt Lake City, together with the following chapters of the appendix to the uniform building code:~~

~~Chapter 3 Division IV—Requirements For Group R, Division 4 Occupancies;~~

~~Chapter 11 Division I—Site Accessibility;~~

~~Chapter 11 Division II—Accessibility For Existing Buildings;~~

~~Chapter 15 Reroofing;~~

~~Chapter 16 Division I—Snow Load Design;~~

~~Chapter 16 Division III—Earthquake Regulations For Seismic Isolated Structures;~~

~~Chapter 31 Division II—Membrane Structure;~~

~~Chapter 33 Excavation And Grading.~~

~~ICC/MBI Standard for Off-Site Construction: Planning, Design, Fabrication and Assembly, or its successor document.~~

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Hereafter, all references in this code to the uniform building code shall mean the said edition adopted by the Utah uniform building code commission. One copy of the uniform building code shall be filed for use and examination by the public in the office of the city recorder.

~~18.32.035: FEES:~~

A.—— Building permit fees shall be based on the total valuation of the proposed project as shown on the Salt Lake City consolidated fee schedule.

B.—— Plan review fees shall be sixty five percent (65%) of the building permit fees.

C.—— Fees to expedite building plan review as governed by section 18.20.050 of this title shall be two (2) times the standard building plan review fee.

D.—— Penalties for not obtaining permanent certificate of occupancy will be three hundred dollars (\$300.00) for each month, after the initial thirty (30) day temporary certificate of occupancy, which has no additional cost associated with it; due before the first of the month and only allowed for up to three (3) renewals after the initial free thirty (30) day period. Partial months will not be refunded.

E.—— Fees for renewing expired plan review after one hundred eighty (180) days as governed by section 18.20.110 of this title shall be shown on the Salt Lake City consolidated fee schedule.

F.—— A fee shown on the Salt Lake City consolidated fee schedule shall be charged for each permit for fencing.

G.—— Other fees shall consist of electrical, mechanical and plumbing, and fire suppression and monitoring equipment inspection fees as shown on the Salt Lake City consolidated fee schedule.

~~18.32.050: UBC APPENDIX CHAPTER 3 DIVISION V ADDED; NONCONFORMING BUILDING CONVERSION:~~

Appendix chapter 3 of the uniform building code be, and the same hereby is, amended by adding chapter 3 division V to create a group R division 5 occupancy classification and requirements applicable to change in occupancy when nonconforming group R divisions 1 and 3 occupancies undergo conversion, which shall read as follows:

~~Chapter 3 Division V~~

~~Requirements For Group R Division 5 Occupancies~~

~~Sec. 344. Group R, Division 5 Occupancies Defined. Group R, division 5 occupancies shall be: nonconforming group R divisions 1 and 3 structures undergoing conversion.~~

~~Sec. 345. General Provisions. Because conversion changes the original anticipated ownership plan for a multi-family dwelling unit project from a single ownership into a hybrid mixture of~~

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~~separate ownership of dwelling units combined with collective ownership of common areas through association, etc., each nonconforming group R division 1 or division 3 structure being converted into a condominium project or other type of ownership arrangement involving separate ownership of individual units combined with joint or collective ownership of common areas shall constitute a change in classification of occupancy to that of a group R division 5 and shall comply with basic requirements of this code and the specific requirements listed below. All work on such structures in the form of additions, alterations, or repairs shall conform to applicable standards as required by section 3403 of this code. Where said provisions require conformity to requirements governing new buildings, the applicable requirements of group R division 1 or 3 new construction shall apply.~~

~~Special Provisions And Minimum Standards.~~

~~Sec. 346. Property Report. Each conversion project to obtain approval shall submit two copies of a property report prepared by a licensed engineer or architect which discloses and describes:~~

~~(1) The age of the building or buildings;~~

~~(2) The general condition, useful life, and capacity of the building's structural elements including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements;~~

~~(3) All known conditions constituting deficiencies requiring repair to meet existing building codes; and~~

~~(4) All known conditions which may require repair or replacement within the next succeeding five year period.~~

~~(5) The existing conditions meet the standards of the Salt Lake City existing residential housing code sections 18.50.140, Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space And Occupancy Standards; 18.50.190, Light And Ventilation; 18.50.200 Fire Safety Egress. The building report, as required in section 20.56.060 of the city code, shall note all deficiencies; appeals of noted deficiencies may be addressed to the housing advisory and appeals board.~~

~~Said report shall certify the structure currently conforms to applicable codes or the owner shall present plans to bring the structures into conformity with applicable building codes prior to issuance of certificates of occupancy.~~

~~Sec. 347. Electrical Service Minimum Standards. Each converted dwelling unit shall have an electrical service which provides:~~

~~(1) A minimum service of 60 amps.~~

~~(2) Receptacle outlets are required to meet standards of the national electrical code, section 210-21(b). Each habitable room shall have no less than two such receptacles.~~

~~(3) Where a kitchen is provided, or required by this code, each kitchen shall be installed on a separate circuit.~~

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- 2097 ~~(4) If, as an option, dishwashers or garbage disposals are to be installed or provided for,~~
2098 ~~each must be located on a separate circuit. If such appliances or optional capacity are~~
2099 ~~not provided, the limitation must be disclosed to buyers and in the property report.~~
- 2100 ~~(5) All bathrooms are to be equipped with GFIC outlet.~~
- 2101 ~~(6) Lights and fixtures in all storage and equipment facilities over 84 sq. ft. in size.~~
- 2102 ~~(7) Installation of a smoke detector conforming to manufacturer's recommendations shall~~
2103 ~~be installed in each dwelling unit as a local detection unit. If the building has a~~
2104 ~~common exit hall or corridor then a general automatic detection system shall be~~
2105 ~~installed with the capability of sending a signal to a remote station.~~
- 2106 ~~(8) Installation of at least one wall switch controlled lighting outlet in every habitable~~
2107 ~~room, bathrooms, hallways, stairways, attached garages, and outdoor entrances.~~
- 2108 ~~All electrical work and repair must be completed under permit and comply with applicable codes~~
2109 ~~and ordinances.~~
- 2110 ~~Sec. 348. Plumbing And Water Systems.~~
- 2111 ~~(a) Plumbing System. A mechanical engineer, licensed plumbing contractor, or a~~
2112 ~~licensed general contractor shall calculate and determine the capacity of the current~~
2113 ~~plumbing system, including the existing and potential load in fixture units (as~~
2114 ~~determined by the uniform plumbing code) as part of the property report required~~
2115 ~~above. All new installations or repairs must be completed under permit and shall~~
2116 ~~conform to applicable plumbing codes. The entire system shall be brought up to~~
2117 ~~applicable standards of this code when required by section 3403. The impact of new~~
2118 ~~installations upon the existing system shall be calculated and stated in the property~~
2119 ~~report.~~
- 2120 ~~(b) Water Supply. Water piping shall be so arranged that the water supply can be turned~~
2121 ~~on or off to any individual fixture; provided, however, that supply piping to a single~~
2122 ~~unit and building accessory thereto may be controlled by one valve.~~
- 2123 ~~Sec. 349. Mechanical System. The mechanical system for each converted dwelling unit shall:~~
- 2124 ~~(1) Equip each unit with its own heating system, except where a central water or steam~~
2125 ~~system is present.~~
- 2126 ~~(2) Provide each unit with its own means of controlling temperature when the building~~
2127 ~~utilizes a central heating plant. All mechanical work and repair shall be completed~~
2128 ~~under permit and comply with applicable codes.~~
- 2129 ~~Sec. 350. Discretion Of Building Official To Waive Minor Deviations. The foregoing minimum~~
2130 ~~standards are intended to be fully complied with prior to the building official's approval of~~
2131 ~~permits, record of survey maps, plans or certificates. However, the building official may waive~~
2132 ~~literal compliance with said standards for minor deviations and non-dangerous conditions, if the~~
2133 ~~official determines that strict compliance with the requirements of this chapter would be~~
2134 ~~impractical due to the unique condition of the property, or result in an unnecessary and extreme~~

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2135 hardship for the owner of the property. The building official may in such cases impose additional
2136 reasonable and equivalent conditions upon the project.

2137 Sec. 351. All condominiums shall meet the requirements as listed in 18.96.050 (fit premises) of
2138 the city ordinance.

2139

2140 18.32.060: UBC SECTION 109.1 AMENDED; CERTIFICATE OF OCCUPANCY:

2141 Section 109.1 of the uniform building code is amended to read as follows:

2142 Section 109.1 Use Or Occupancy. No building or structure of groups A, B, E, F, H, I, M, R and S
2143 occupancy shall be used or occupied, and no change in the existing occupancy classification of a
2144 building or structure or portion thereof shall be made until the building official has issued a
2145 certificate of occupancy therefor as provided herein.

2146

2147 18.32.090: UBC SECTION 204 AMENDED; DEFINITIONS:

2148 Section 204 of the uniform building code, adopted by section 18.32.020 of this chapter, or its
2149 successor, is amended by adding definitions of condominiums and conversions which shall read
2150 as follows:

2151 —Condominium, Condominium Project, Condominium Unit. For purposes of this code,
2152 "condominium," "condominium project," and "condominium units" or "units" means property or
2153 portions thereof conforming to the definitions set forth in section 57-8-3 of Utah Code
2154 Annotated, 1953, as amended.

2155 —Conversion. "Conversion" means a proposed change in the type of ownership in a parcel or
2156 parcels of land, together with existing attached structures, from single ownership of said parcel
2157 such as an apartment house or multi-family dwelling into a condominium project or other
2158 ownership arrangements involving separate ownership of individual units combined with joint or
2159 collective ownership of common areas, facilities, or elements.

2160

2161 18.32.120: UBC APPENDIX CHAPTER 35 ADDED; FLOOD HAZARD AREAS:

2162 The uniform building code is amended by adding a new appendix chapter 35, which reads as
2163 follows:

2164 Sec. 3501. Floodplain Hazard Area. For the purpose of this chapter "floodplain hazard area" shall
2165 mean those lands lying within the corporate limits of Salt Lake City as defined in section
2166 18.68.020 of the Salt Lake City code, as being located within the boundaries of flood hazard
2167 boundary map as defined in said section 18.68.020 and adopted by section 18.68.030 of the Salt
2168 Lake City code. A copy of said map and amendments is on file for public examination in the
2169 offices of the city recorder and city engineer.

2170 Sec. 3502. Floodplain Protection Requirements. All plans involving development, repair,
2171 substantial improvements to, or construction of building or structures within the floodplain

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~~hazard area shall comply with the standards set forth in chapter 18.68 of the Salt Lake City code relating to floodplain hazard regulations.~~

~~18.32.130: UBC APPENDIX CHAPTER 33 AMENDED; EXCAVATION AND GRADING:~~

~~Appendix chapter 33 of the uniform building code, relating to excavation and grading, is hereby amended by deleting the text of sections 3304 through 3318 and amending by adding a cross reference, so appendix chapter 33 shall read as follows:~~

~~Appendix Chapter 33~~

~~Excavation And Grading~~

~~Sec. 3304 3318. Said sections and their revised text are hereby deleted, having been incorporated within the text of chapter 18.28 of the Salt Lake City code relating to site development regulations, drawing particular reference to provisions within chapters 4 and 5 of said development regulations.~~

~~18.32.140: SENIOR CITIZEN APARTMENT FEE ABATEMENT:~~

~~Qualified multi-family apartment projects may apply to, and receive from, the building official an abatement of the normal building permit fees. In order for the building official to approve the discount, the applicant must submit necessary documentation in order for the building official to certify that the apartment project qualifies under the following criteria:~~

~~A.——The project is owned and/or operated as a bona fide organization for providing housing for senior citizens;~~

~~B.——The project operators and/or property owners stipulate that all units shall be rented by persons over age sixty two (62) years of age;~~

~~C.——Operators and/or property owners agree to verify ages of tenants as part of their annual application for an apartment house license;~~

~~D.——Project operators and property owners execute an agreement, binding upon successors in interest and secured by the real property, to reimburse the city the amount of the abated fees plus interest from the date of the permit at the rate applicable to judgment, should the rate of occupancy by qualified senior citizens drop below ninety five percent (95%) during the next thirty (30) years. This occupancy rate shall be determined annually as of the date the annual license application is submitted to the city; and~~

~~E.——The amount of the fees abated, plus interest at the then established rate applicable to judgments from date of the abated fees, shall be repaid to the city upon a subsequent application to convert the project to condominium or other ownership arrangements involving sale of separate units, if submitted within thirty (30) years of such abatement.~~

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2208 ~~18.32.150: UBC SECTION 103 AMENDED; VIOLATIONS AND PENALTIES:~~

2209 ~~Section 103 of the uniform building code is amended to read as follows:~~

2210 ~~It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair,~~
2211 ~~move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or~~
2212 ~~structure in the city, or cause the same to be done contrary to or in violation of any of the~~
2213 ~~provisions of this code.~~

2214 ~~Any person, firm, or corporation violating any of the provisions of this code shall be deemed~~
2215 ~~guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for~~
2216 ~~each and every day or portion thereof during which any violation of any of the provisions of this~~
2217 ~~code is committed, continued, or permitted and upon conviction of any such violation such~~
2218 ~~persons shall be punishable by a fine as provided by section 1.12.050, or its successor, of the Salt~~
2219 ~~Lake City code.~~

2220

2221 SECTION 9. Repealing the text of *Salt Lake City Code* Chapter 18.36. That Chapter

2222 18.36 of the Salt Lake City Code (Technical Building Specifications: Electrical Regulations) is

2223 hereby repealed in its entirety as follows:

2224 ~~CHAPTER 18.36~~

2225 ~~ELECTRICAL REGULATIONS~~

2226

2227 ~~18.36.010: ELECTRICAL CODE ADOPTED BY REFERENCE:~~

2228 ~~The edition of the national electrical code, as adopted by the Utah uniform building code~~
2229 ~~commission, is adopted by Salt Lake City as the ordinances, rules and regulations of the city,~~
2230 ~~subject to the amendments and exceptions thereto as hereinafter set forth in this chapter, one~~
2231 ~~copy of which code shall be filed for use and examination by the public in the office of the city~~
2232 ~~recorder. Hereafter, all references in this code to the national electrical code shall mean the~~
2233 ~~edition of the national electrical code adopted by the Utah uniform building code commission.~~

2234

2235 ~~18.36.100: PERMIT FEES; RESIDENTIAL WORK:~~

2236 ~~The following fees for a permit for the installation of electrical materials in residences, including~~
2237 ~~multiapartment buildings, shall be paid to the city treasurer before any permit is valid. The basic~~
2238 ~~fee for each permit requiring inspection is shown on the Salt Lake City consolidated fee~~
2239 ~~schedule. In addition, the fee for each individual specialty item is shown on the Salt Lake City~~
2240 ~~consolidated fee schedule.~~

2241

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2242 ~~18.36.110: FEE FOR TEMPORARY METERING:~~

2243 ~~The fee for permit for temporary metering and service facilities shall be as shown on the Salt~~
2244 ~~Lake City consolidated fee schedule.~~

2245

2246 ~~18.36.120: COMMERCIAL AND INDUSTRIAL FEES:~~

2247 ~~The fees to be paid to the city treasurer for electrical permits covering work in industrial or~~
2248 ~~commercial properties shall be computed as follows:~~

2249 ~~A.—— Minimum Fee: Minimum fee shall be as shown on the Salt Lake City~~
2250 ~~consolidated fee schedule.~~

2251 ~~B.—— New Service Or Change Of Service: For new service, change of service,~~
2252 ~~alterations or repairs of six hundred (600) volt or less capacity service entrance equipment, the~~
2253 ~~fee shall be as shown on the Salt Lake City consolidated fee schedule.~~

2254 ~~C.—— Subfeeders: Fee for installation, alteration or repair of subfeeders, including~~
2255 ~~supply taps from subfeeders, shall be as shown on the Salt Lake City consolidated fee schedule.~~

2256 ~~D.—— Transformers: The installation of transformers shall be subject to inspection fee~~
2257 ~~when such transformers are an integral part of the consumer's distribution system. Such fee shall~~
2258 ~~be in addition to the regular system inspection fee and shall be as shown on the Salt Lake City~~
2259 ~~consolidated fee schedule.~~

2260 ~~E.—— Motor Generator: The fee for installation of a motor generator for emergency or~~
2261 ~~standby shall be as shown on the Salt Lake City consolidated fee schedule.~~

2262 ~~F.—— Alternate Fee Schedule: Electrical permit fees shall be computed on the schedules~~
2263 ~~set forth on the Salt Lake City consolidated fee schedule and shall be paid prior to work being~~
2264 ~~started. When a fee cannot be computed on the standard schedules, it shall be computed based on~~
2265 ~~the alternate schedule shown on the Salt Lake City consolidated fee schedule.~~

2266

2267 ~~18.36.130: ELECTRICAL WORK EXCEEDING ONE HUNDRED THOUSAND DOLLARS:~~

2268 ~~When the cost of electrical work exceeds one hundred thousand dollars (\$100,000.00), electrical~~
2269 ~~permit fees shall be as shown on the Salt Lake City consolidated fee schedule.~~

2270

2271 ~~18.36.170: POWER TO PANEL PERMITS; REQUIRED WHEN:~~

2272 ~~All new construction shall require a power to panel permit in accordance with section 18.36.180~~
2273 ~~of this chapter, or its successor section, to be issued in conjunction with the required electrical~~
2274 ~~permit.~~

2275

2276 ~~18.36.180: POWER TO PANEL PERMIT; FOR CONSTRUCTION PURPOSES ONLY:~~

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A.—Temporary Basis: A power to panel permit shall authorize power for construction purposes on a temporary basis only; permanent power must be authorized separately.

B.—Permit: At the time power to panel is required to complete construction, the owner or contractor shall apply for and obtain a separate power to panel construction permit. Said permit shall be valid for a sixty (60) day period.

C.—Extensions: Thirty (30) day extensions for such permit may be issued upon the approval of building and housing services and upon payment of one-half (1/2) of the original permit fee for each extension.

D.—Certificate Of Occupancy: Final electrical approval for permanent power shall be withheld until a certificate of occupancy is issued. Occupancy occurring prior to the issuance of a certificate of occupancy shall result in a discontinuance of all power until occupancy is approved or until occupancy ceases.

E.—Expiration: Upon expiration of a power to panel construction permit, all power to the electrical panel shall be discontinued.

F.—Fees:

60 day, no issue fee \$20.00

30 day extension 7.00

18.36.210: VIOLATION; PENALTY:

Any person, firm or corporation, whether acting as owner or occupant of the premises involved, or contractor, or otherwise, who violates or refuses to comply with any provisions of this title, or the national electrical code, as amended, shall be guilty of a misdemeanor. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

SECTION 10. Amending the text of Salt Lake City Code Chapter 18.48. That Chapter 18.48 of the Salt Lake City Code (Technical Building Specifications: Dangerous Buildings) is hereby amended as follows:

CHAPTER 18.48

DANGEROUS BUILDINGS

ARTICLE I. REPAIR, ~~OR~~AND VACATION, ~~OR~~ BOARDING OF DANGEROUS BUILDINGS

18.48.010: RESERVED~~TITLE:~~

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2308 This chapter and the provisions included herein constitute Salt Lake City's Dangerous Building
2309 Code, and will be referred to hereinafter as "the Dangerous Building Code" or "this Code." This
2310 Code is modeled after the Uniform Code for the Abatement of Dangerous Buildings, 1997
2311 Edition, and has only been adopted as stated herein.

2312

2313 18.48.020: PURPOSE AND SCOPE:

2314 It is the purpose of ~~this chapter~~ the Dangerous Building Code to provide just, equitable, and
2315 practicable methods to require the repair ~~(including temporary boarding)~~ and, vacation, or
2316 ~~temporary boarding~~ of buildings or structures that endanger the life, limb, health, morals,
2317 property, safety, or welfare of the general public or their occupants. ~~The provisions of this~~
2318 ~~Dangerous Building Code are cumulative and in addition to any other remedy provided by law.~~

2319

2320 18.48.030: DEFINITIONS:

2321 ~~BUILDING CODE: The International Building Code, or its successor, promulgated by the~~
2322 ~~International Code Council, as adopted by the state.~~

2323 ~~BOARDED BUILDING: A building in which accessible openings, such as windows and doors,~~
2324 ~~are secured by a secondary means against entry. Examples of securing a building by a secondary~~
2325 ~~means includes, but is not limited to, boarding and fencing.~~

2326 ~~DANGEROUS BUILDINGS: For the purpose of this Dangerous Building Code, any building or~~
2327 ~~structure that has any or all of the conditions or defects hereinafter described may be deemed to~~
2328 ~~be a dangerous building, provided that such conditions or defects exist to the extent that the life,~~
2329 ~~health, property, or safety of the public or its occupants are endangered.~~

2330 ~~A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient~~
2331 ~~width or size or is not so arranged as to provide safe and adequate means of exit in case~~
2332 ~~of fire or panic.~~

2333 ~~B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit~~
2334 ~~is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate~~
2335 ~~means of exit in case of fire or panic.~~

2336 ~~C. Whenever the stress in any materials, member or portion thereof, due to all dead and live~~
2337 ~~loads, is more than one and one half 1.5 times the working stress or stresses allowed in~~
2338 ~~the Building Code for new buildings of similar structure, purpose or location.~~

2339 ~~D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by~~
2340 ~~any other cause, to such an extent that the structural strength or stability thereof is~~
2341 ~~materially less than it was before such catastrophe and is less than the minimum~~
2342 ~~requirements of the Building Code for new buildings of similar structure, purpose, or~~
2343 ~~location.~~

2344 ~~E. Whenever any portion or member or appurtenance thereof is likely to fail, or to become~~
2345 ~~detached or dislodged, or to collapse and thereby injure persons or damage property.~~

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- 2346 F. ~~Whenever any portion of a building, or any member, appurtenance, or ornamentation on~~
2347 ~~the exterior thereof is not of sufficient strength or stability, or is not so anchored,~~
2348 ~~attached, or fastened in place so as to be capable of resisting a wind pressure of one half~~
2349 ~~of that specified in the Building Code for new buildings of similar structure, purpose or~~
2350 ~~location without exceeding the working stresses permitted in the Building Code for such~~
2351 ~~buildings.~~
- 2352 G. ~~Whenever any portion of a building or structure has wracked, warped, buckled, or settled~~
2353 ~~to such an extent that walls or other structural portions have materially less resistance to~~
2354 ~~winds or earthquakes than is required in the case of similar new construction.~~
- 2355 H. ~~Whenever the building or structure, or any portion thereof, because of (i) dilapidation,~~
2356 ~~deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability~~
2357 ~~of any portion of the ground necessary for the purpose of supporting such building; (iv)~~
2358 ~~the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely~~
2359 ~~to partially or completely collapse.~~
- 2360 I. ~~Whenever, for any reason, the building or structure, or any portion thereof, is manifestly~~
2361 ~~unsafe for the purpose for which it is being used.~~
- 2362 J. ~~Whenever the exterior walls or other vertical structural members list, lean, or buckle to~~
2363 ~~such an extent that a plumb line passing through the center of gravity does not fall inside~~
2364 ~~the middle one third of the base.~~
- 2365 K. ~~Whenever the building or structure, exclusive of the foundation, shows thirty three~~
2366 ~~percent (33%) or more damage or deterioration of its supporting member or members, or~~
2367 ~~fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or~~
2368 ~~outside walls or coverings.~~
- 2369 L. ~~Whenever the building or structure has been so damaged by fire, wind, earthquake, or~~
2370 ~~flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to~~
2371 ~~children or as to enable persons to resort thereto for the purpose of committing unlawful~~
2372 ~~acts.~~
- 2373 M. ~~Whenever any building or structure has been constructed, exists, or is maintained in~~
2374 ~~violation of any specific requirement or prohibition applicable to such building or~~
2375 ~~structure provided by the building regulations of this jurisdiction, as specified in the~~
2376 ~~Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction~~
2377 ~~relating to the condition, location, or structure of buildings.~~
- 2378 N. ~~Whenever any building or structure which, whether or not erected in accordance with all~~
2379 ~~applicable laws and ordinances, has in any non-supporting part, member or portion less~~
2380 ~~than fifty percent (50%), or in any supporting part, member or portion less than sixty six~~
2381 ~~percent (66%) of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii)~~
2382 ~~weather-resisting qualities or characteristics required by law in the case of a newly~~
2383 ~~constructed building of like area, height and occupancy in the same location.~~
- 2384 O. ~~Whenever a building or structure, used or intended to be used for dwelling purposes,~~
2385 ~~because of inadequate maintenance, dilapidation, decay, damage, faulty construction or~~
2386 ~~arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by~~

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2387 the health officer to be unsanitary, unfit for human habitation, or in such a condition that
2388 is likely to cause sickness or disease.

2389 P. ~~Whenever any building or structure, because of obsolescence, dilapidated condition,~~
2390 ~~deterioration, damage, inadequate exits, lack of sufficient fire resistive construction,~~
2391 ~~faulty electric wiring, gas connections or heating apparatus, or other cause, is determined~~
2392 ~~by the fire marshal to be a fire hazard.~~

2393 Q. ~~Whenever any building or structure is in such a condition as to constitute a public~~
2394 ~~nuisance known to the common law or in equity jurisprudence.~~

2395 R. ~~Whenever any portion of a building or structure remains on a site after the demolition or~~
2396 ~~destruction of the building or structure or whenever any building or structure is~~
2397 ~~abandoned for a period in excess of six months so as to constitute such building or~~
2398 ~~portion thereof an attractive nuisance or hazard to the public.~~

2399 DIVISION: Salt Lake City's Division of Building Services, or the successor Salt Lake City
2400 division authorized to perform the repair, vacation, or boarding of a building under this chapter.

2401 HOUSING CODE: The Salt Lake City Existing Residential Housing Ordinance as promulgated
2402 in Chapter 18.50 of the City Code.

2403 VACANT/SECURE BUILDING: An unoccupied building having all openings, such as windows
2404 and doors, secured against entry, where windows are fully glazed and the doors are secured by
2405 means of a lock.

2406

2407 18.48.040: AUTHORITY TO ENFORCE:

2408 A. Authority ~~To~~ Enforce: The building official or designee is hereby authorized to
2409 enforce the provisions of this chapter~~Dangerous Building Code~~. The building official shall have
2410 the power to render interpretations of this ~~Dangerous Building Code~~ and to adopt and enforce
2411 rules and supplemental regulations to clarify the application of its provisions. Such
2412 interpretations, rules, and regulations shall be in conformity with the intent and purpose of this
2413 ~~Dangerous Building Code~~.

2414 B. Authority ~~To~~ Inspect: The building official or their designee is hereby authorized
2415 to make inspections and take such actions as may be required to enforce the provisions of this
2416 chapter~~Dangerous Building Code~~.

2417 C. Buildings ~~Or~~ Structures Subject ~~To~~ Inspection: Any building or structure, where
2418 there is reasonable cause to believe a condition exists that renders the building or structure
2419 endangering the life, limb, health, morals, property, safety, or welfare of the general public or the
2420 structure's occupants in violation of the provisions of this code, is subject to inspection by the
2421 building official or their designee ~~in the manner provided by this Dangerous Building Code~~.

2422 D. Inspection When Permit Required: All construction or work for which a permit is
2423 required is subject to inspection by the building official or their designee in accordance with and
2424 in the manner provided by this ~~Dangerous Building Code~~.

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~~E.—— Inspections: The building official or their designee may enter a building or structure at reasonable times to inspect or to perform the duties imposed by this chapter Dangerous Building Code.~~

~~1.—— If the building or structure is occupied, the building official or designee shall present credentials to the occupant and request entry.~~

~~2.—— If the building or structure is unoccupied, the building official or their designee shall make reasonable efforts to locate the owner or other persons having charge or control of the building or premises and request entry.~~

~~3.—— If entry is refused, the building official or their designee shall have recourse to the remedies provided by law to secure entry.~~

18.48.050: PROCEDURES UPON DETERMINATION OF A VIOLATION:

~~A.—— Initiation Of Action: When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall shall follow the enforcement procedures set forth in the 1997 Uniform Code for the Abatement of Dangerous Buildings commence proceedings to cause the repair, vacation, or boarding of the building.~~

~~B.—— Form Of Notice And Order: The building official shall issue a written notice and order directed to the record owner of the building.~~

~~1.—— The notice and order shall:~~

~~a.—— Identify the property owner of record according to the records of the Salt Lake County Recorder;~~

~~b.—— Describe the property and contain a statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this code; and~~

~~c.—— Require the property owner to take action as determined by the building official.~~

~~(1)—— If the building official has determined that the building or structure must be repaired or boarded, the order shall require that all required permits be secured and the work physically commenced within such time as the building official shall determine is reasonable under all of the circumstances, which time shall not be less than ten (10) days from the date after the day the notice is delivered in person or postmarked.~~

~~(2)—— If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable, which time shall~~

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not be less than ten (10) days from the date after the day the notice is delivered in person or postmarked.

d. — A statement that, if any required repair work not also requiring the vacation of property is not commenced within the time specified in Subsection 18.48.050.B.1.c.(1), the building official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and recover the costs as set forth in Section 18.48.100.

e. — A statement that (i) any person having any record title or legal interest in the building may appeal from the notice and order of the building official, except for an objection from an itemized statement of costs, to the Housing Advisory and Appeals Board as established in this chapter, provided the appeal is made in writing as provided in this code and filed with the building official within thirty (30) days from the date of service of such notice and order; and (ii) failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

C. — Service: The written notice and order, and any amended or supplemental notice and order, shall be served on the property owner of record according to the records of the county recorder. Service shall be made in person or by certified or commercial courier service. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date the notice and order are postmarked.

D. — Proof Of Service: Proof of service of the notice and order shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail or commercial courier service shall be affixed to the copy of the notice and order retained by the building official.

E. — Recording Of Certificate: If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. If the actions ordered are completed after filing of this certificate or the building is demolished so that it no longer exists as a dangerous building on the property, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

18.48.060: NOTICE TO VACATE: RESERVED

A. — Form Of Notice: Every notice to vacate shall, in addition to being served as provided in Section 18.48.050, be posted on the exterior of the building and shall be in substantially the following form:

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DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

Salt Lake City

B.—— Compliance With Notice To Vacate: No person shall remain or enter any building which has been so posted, except that entry may be made to repair or board. No person shall remove or deface any such notice after it is posted.

18.48.070: RESERVED EXTENSION OF TIME TO PERFORM WORK:

Upon a timely written request by the owner setting forth the requested reasons for an extension of time, the building official or designee may grant an extension of time, not to exceed one hundred twenty (120) days from the deadline set forth in the original notice and order, within which to complete said repair, vacation, or boarding, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, vacation, or boarding of the premises and will not in any way affect the time to appeal the notice and order.

18.48.080: APPEALS:

A.—— Hearing Appeals: Appeals of a notice and order issued pursuant to this chapter shall be taken in accordance with Chapter 18.12 Timely written appeals of notice and orders or any action of the building official, except for an objection from an itemized statement of costs, shall be heard and decided by the Housing Advisory and Appeals Board.

B.—— Form Of Notice: Any person entitled to service under Section 18.48.050 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1.—— A heading containing the words: "Before the housing advisory and appeals board _____";

2.—— A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal;

3.—— A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;

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4. ~~_____ A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;~~

5. ~~_____ A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;~~

6. ~~_____ The signatures of all parties named as appellants and their official mailing addresses; and~~

7. ~~_____ The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.~~

C. ~~_____ Time To File An Appeal: The appeal must be filed within thirty (30) days from the date of the issuance of the notice and order described herein, except as provided in Subsection D.~~

D. ~~_____ Time To File An Appeal For An Imminently Dangerous Building: If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 18.48.060, such appeal shall be filed as soon as reasonably practical from the date of the issuance of the notice and order of the building official.~~

E. ~~_____ Transmittal Of Appeal: Upon receipt of any appeal filed pursuant to this section, the building official shall transmit the appeal to the members of the Housing Advisory and Appeals Board for scheduling of a meeting within thirty (30) days of receipt of a timely appeal.~~

F. ~~_____ Scheduling Hearing: As soon as practicable after receiving the written appeal, the Housing Advisory and Appeals board shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than ten (10) days nor more than thirty (30) days from the date the appeal was filed with the building official, unless extraordinary circumstances are present. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.~~

G. ~~_____ Failure To Timely Appeal: Failure of any person to file a timely appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.~~

H. ~~_____ Issues Considered On Appeal: Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.~~

I. ~~_____ Stays Pending Appeal: Except for vacation or boarding orders made pursuant to Section 18.48.050, enforcement of any notice and order of the building official issued under this Dangerous Building Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.~~

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J. ~~Authority To Hear And Evaluate Appeal: The Housing Advisory and Appeals Board shall have the authority to hear and evaluate evidence related to the building official's decision and determine whether the decision was arbitrary and capricious or illegal. The Housing Advisory and Appeals Board has no authority relative to interpretation of the administrative provisions of this code nor is the board empowered to waive requirements of this code. After the Housing Advisory and Appeals Board makes a final determination, they shall issue a written determination.~~

K. ~~Appeal To Utah District Court: After issuance of a final written determination by the Housing Advisory and Appeals Board, the decision may be appealed to the Utah District Court, Third Judicial District within thirty (30) days from the issuance of the decision.~~

18.48.090: CITY'S ABATEMENT OF PROPERTY:

If the property owner does not comply with the notice and order issued pursuant to this chapter within the time specified in the notice and order ~~and no appeal has been properly and timely filed~~, the building official or designees may cause the building to be repaired, vacated, or temporarily boarded to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order. Any such repair, vacation, or boarding shall be completed and the cost thereof paid and recovered as set forth in this chapter~~code~~.

18.48.100: RECOVERY OF COSTS:

A. ~~Permitted Recovery Of Costs:~~ If the building official or designee causes the repair, vacation, or boarding of a building pursuant to a notice issued under this chapter~~Section 18.48.050~~, and after the property owner received at least 10 days' notice in which to complete the repair, vacation or boarding and failed to do so, the division may collect the cost of that abatement, by filing a property tax lien, as set forth in this section.

B. ~~Itemized Statement Of Costs:~~ Upon completion of the repair, vacation, or boarding work, the building official or designee shall prepare an itemized statement of costs and mail it to the property owner by certified mail or reputable mail tracking service that is capable of confirming delivery, demanding payment within ~~thirty (30)~~ days of the date the statement is post marked. The administrative fee shown on the Salt Lake City consolidated fee schedule to cover the city's administrative expenses in contracting for the repair, boarding, or other abatement costs shall be included in the statement of costs.

C. ~~Form Of Itemized Statement Of Costs:~~ The itemized statement of costs shall include:

1. ~~Include:~~
 - a. The address of the property at issue;
 - ~~b.~~ 2. An itemized list of all expenses incurred by the division, including administrative costs;

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2614 ~~3.e.~~ A demand for payment;~~and~~

2615 ~~4.d.~~ The address where payment is to be made;

2616 ~~5.2.~~ ~~Notify~~Notification t~~he property owner:~~

2617 a. ~~That~~ failure to timely pay the expenses described in the itemized statement

2618 may result in a lien on the property in accordance with this chapter and Utah Code

2619 Section 10-11-4 or its successor;

2620 ~~6.b.~~ Notification t~~That~~ the property owner may file a written objection to all or

2621 part of the statement within ~~twenty~~ (20) days of the date the statement is postmarked; and

2622 ~~7.e.~~ Where the property owner may file the objection, including the name of

2623 the office and the mailing address.

2624 D. Delivery ~~Of~~ Statement ~~Of~~ Costs: The itemized statement of costs described in

2625 Subsection C shall be deemed delivered when mailed by certified mail or reputable mail tracking

2626 service that is capable of confirming delivery addressed to the last known address of the property

2627 owner, according to the records of the county recorder.

2628 E. Objection ~~To~~ Statement ~~Of~~ Costs: A property owner may appeal the statement

2629 of costs to the fines hearing officer, only as to the issue of whether the costs were actually

2630 incurred, pursuant to Section 18.12.050.~~If the property owner files a timely written objection, the~~

2631 ~~division will schedule a hearing and will mail or deliver to the property owner prior to the~~

2632 ~~hearing a notice stating the date, time, and location of the hearing. A fines hearing officer,~~

2633 ~~appointed pursuant to Section 21A.06.090, shall preside at the hearing and consider the property~~

2634 ~~owner's objection as set forth in Subsection F.~~

2635 F. ~~Objection Hearing: At the hearing described in Subsection E, after the property~~

2636 ~~owner presents the objection to the hearing officer, the fines hearing officer shall review and~~

2637 ~~determine the cost of abatement incurred by the division in abating the property, including~~

2638 ~~administrative costs. The property owner must pay any amount the fines hearing officer~~

2639 ~~determines is due and owing to the Salt Lake City Treasurer at the address provided in the~~

2640 ~~statement of costs within thirty (30) days of the date of the hearing.~~

2641 F.G. Failure ~~To~~ Object ~~Or~~ Pay: If the property owner fails to make payment of the

2642 amount set forth in the itemized statement within ~~thirty~~ (30) days of the date of the mailing of

2643 that statement, or to file a timely objection, then the division may certify the past due costs and

2644 expenses to the Salt Lake County Treasurer.

2645 G.H. Failure ~~To~~ Pay ~~A~~after Objection Hearing: If the property owner files a timely

2646 objection but fails to make payment of any amount ordered by the fines hearing officer~~found due~~

2647 ~~and owing under Subsection F~~ within ~~thirty~~ (30) days of the date of the hearing, the inspector

2648 may certify the past due costs and expense to the Salt Lake County Treasurer.

2649 H.I. Lien ~~On~~ Property: After entry by the Salt Lake County Treasurer~~treasurer of the~~

2650 ~~county~~, as set forth in Subsections F~~G~~ and G~~H~~, the amount entered shall have the force and

2651 effect of a valid judgment of the district court, is a lien on the property, and shall be collected by

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the Salt Lake County Treasurer of the county in which the property is located at the time of the payment of general taxes.

I.J. Release Of Lien: Upon payment of the amount set forth in the itemized statement of costs or otherwise determined due and owing by the finer hearing officer in Subsections E and F, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.

18.48.110: APPLICABILITY OF BUILDING CODE:

All buildings or structures which are required to be repaired under the provisions of this ~~chapter code~~ shall be subject to the provisions of the applicable construction codes adopted pursuant to Section 18.04.040 International Building Code, or its successor section.

18.48.120: PUBLIC NUISANCES:

A. Declaration And Abatement Of Public Nuisances: All buildings or structures or portions thereof which are determined after inspection by the building official to be dangerous ~~as defined in this code~~ are hereby declared to be public nuisances and shall be abated by repair, vacation, or boarding in accordance with the procedures specified herein.

B. Boarded or Vacant Building As Public Nuisance: Any structure that is vacant or which has been boarded ~~for over two (2) years~~ may be declared ~~to be~~ a public nuisance upon a determination that the structure is detrimental to the safety ~~or~~ and public welfare of the residents and property values of this city.

ARTICLE II. BOARDING OR TEMPORARILY SECURING BUILDINGS

18.48.200: SCOPE AND APPLICABILITY:

The provisions of this article apply to any person or entity who is ordered to board a building under Article I and any person or entity who voluntarily boards a building.

18.48.205: ~~BOARDING PERMIT~~REGISTRATION:

A. PermitRegistration Required: ~~A permit~~ Registration is required to board a building. In the case where the city causes the boarding work to be done pursuant to Section 18.48.245, the city will register the property on which the building is located and will bill the record owner the yearly registration fee pursuant to Section 18.48.215 ~~is not required to obtain a boarding permit.~~ In the case where the building official causes temporary boarding work to be done pursuant to Section 18.48.090 and the building is boarded for more than 45 days, the provisions of this Article II shall apply.

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B. ~~Form Of Permit~~Registration Process: Registration of a property on which a boarded structure shall be located must be done ~~Permits for boarding a building must be applied for~~ on a form provided by the building official or designee. The form shall specify the following:

1. The address of the structure to be boarded or temporarily secured;
2. The type of building;
3. For residential structures, the number of dwelling units;
4. For nonresidential buildings, the number of square feet of all building faces at ground level;
5. The name, address, and telephone number of a person authorized to act as an agent for the owner for performing the owner's obligations under this article, who lives within ~~forty (40)~~ miles of Salt Lake City; and
6. Whether the property has the required external water source for landscaping, if landscaping is required.

18.48.210: ~~INITIAL FEES~~NOTICE OF REGISTRATION:

~~For the first year of any boarding, at the time of filing the application, the applicant shall pay the fees shown on the Salt Lake City consolidated fee schedule for each structure. Upon registration the city may record with the Salt Lake County Recorder's Office a notice of registration. The recordation of a notice of registration shall not be deemed an encumbrance on the property but shall merely place interested parties on notice that the cost of City abatement activities conducted pursuant to Section 18.48.245 may be outstanding and recoverable as a lien on the property in accordance with Section 18.48.100. Once the building official determines that the property is no longer subject to registration then a notice of deregistration shall be recorded. Recordation of the notice of deregistration shall have the effect of canceling the recorded notice of registration.~~

18.48.215: YEARLY REGISTRATION FEES:

A. Annual Fee: ~~Upon registration and on~~~~On or before~~ each yearly anniversary of the date the property was registered pursuant to this article~~issuance of a boarding permit~~, a property owner desiring to maintain a boarded building shall pay the annual boarding registration fee shown on the Salt Lake City consolidated fee schedule. Properties that are defined as a "contributing structure" or "landmark site" pursuant to Section 21A.34.020 shall be subject to a higher registration fee.

B. Late ~~Penalty~~Fee: ~~A late fee penalty of twenty five dollars (\$25.00) as set forth in the Salt Lake City consolidated fee schedule shall be assessed by the city for each thirty (30) days period, or any portion thereof, in which the annual fees have not been paid up to amounts allowed by state law.~~

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C. ~~Failure To Register~~Obtain Permit: Boarding a building before ~~registering~~obtaining a permit pursuant to this article shall result in a fine of up to ~~twenty five percent (25%)~~ of the boarding registration~~application~~ fee specified in the Salt Lake City consolidated fee schedule.

D. ~~Collection Of Fees~~: If the property owner fails to pay ~~either the initial boarding fees or the annual~~ boarding registration fees, the city may take legal action to collect any amounts owed.

18.48.220: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:

Whenever a building is boarded or closed to occupancy, the city shall be authorized to install a sign to be mounted on the exterior of the building. The sign shall state that the building is closed to occupancy and that it is unlawful for any unauthorized person to enter the building. The sign shall also provide phone numbers to call if people are seen on the property or if doors or windows are unsecured.

18.48.225: METHOD OF SECURING BUILDINGS:

All buildings shall be boarded in the following manner:

A. Securing Opening: All openings in the structure on the first floor, other openings easily accessible from the ground, and openings with broken glass, shall be secured either by erecting a single one-half inch (1/2") thick layer of plywood sheathing or similar material, not to include chipboard/OSB, covering over all exterior openings, overlapping the opening on every edge by three inches (3"), affixed along the edges by nails or screws spaced every six inches (6").

B. Alternatives to Securing Openings: Alternately, the openings may be secured by conventional wood frame construction. The frames shall use wood studs of a size not less than two inches by four inches (2" x 4") (nominal dimension) placed not more than twenty four inches (24") apart on center. The frame stud shall have the four inch (4") sides or the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood sheathing or similar material of at least one-half inch (1/2") thickness or equivalent lumber nailed over the opening by using nails or screws spaced every six inches (6") on the outside edges and every twelve inches (12") along intermediate stud supports; and

C. Exterior Doors: Exterior doors shall be secured by a strong non-glass door adequately locked to preclude entry of unauthorized persons, or shall be covered as an opening described in Subsection A or B of this section or successor sections.

18.48.230: LANDSCAPE MAINTENANCE:

Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by Chapters 9.16 and 21A.48.

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2761

2762 18.48.235: EXTERIOR MAINTENANCE:

2763 A. Exterior ~~Of~~ Building: The exterior of a boarded building shall be maintained as
2764 required by relevant requirements set forth in Section 18.50.140 ~~of this title~~. In particular,
2765 exterior walls and surfaces shall be properly maintained and severely weathered, peeling, or
2766 unpainted wood and damaged siding and roofing shall be replaced or repaired with similar
2767 materials and colors.

2768 B. Salvage Permit Required: Doors, windows, special glass, fixtures, fittings, pipes,
2769 railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials within the
2770 interior of a boarded building shall not be salvaged except upon the issuance of a permit as
2771 provided in Section 18.64.070 ~~of this title~~.

2772 C. ~~Enforcement of Exterior Maintenance Requirements: If the owner of a boarded~~
2773 ~~building fails to maintain the building and its premises as required by this section and Section~~
2774 ~~18.64.045 of this title, the city may take appropriate legal action to enforce such requirements.~~

2775

2776 18.48.240: SNOW AND ICE REMOVAL:

2777 Snow and ice must be removed from public sidewalk areas surrounding the boarded property in
2778 the manner indicated in Section 14.20.070 ~~of this code~~.

2779

2780 18.48.245: CITY MAINTENANCE OF PROPERTY:

2781 A. Notice: If the building official or the building official's designee determines that a
2782 boarded building and/or property is not being maintained, the building official or the building
2783 official's designee shall issue a notice and order pursuant to Section 18.24.040 ~~send a notice to the~~
2784 ~~property owner and/or the property owner's agent~~ requiring compliance with the building
2785 maintenance standards as required in city code.

2786 B. Failure to Comply with Notice: If the building official or designee determines that
2787 the property owner has failed to comply with the notice and order, the city may cause the work to
2788 be done by a contractor hired by the city and the city may recover its abatement costs in
2789 accordance with the process set forth in Section 18.48.100.

2790 C. ~~City's Recovery Of Costs: The city shall bill the property owner:~~

2791 1. ~~The administrative fee shown on the Salt Lake City consolidated fee~~
2792 ~~schedule to cover the city's administrative expenses in contracting for the building~~
2793 ~~maintenance; and~~

2794 2. ~~The actual cost of building maintenance billed to the city by the city's~~
2795 ~~contractor.~~

2796

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2797 18.48.250: CITY MAINTENANCE OF LANDSCAPING:

2798 If the building official or the building official's designee determines that the landscaping on the
2799 property surrounding a boarded building is not being maintained as required by city code, the
2800 building official or the building official's designee shall follow the notice of violation and
2801 corrective measures procedures as detailed in Sections 9.16.050 and 9.16.060.

2802

2803 18.48.255: VIOLATIONS:

2804 A. It is unlawful for the building owner to fail to maintain the boarded building or
2805 ensure the building remains vacated after the property has been abated by either the city or the
2806 building owner. Each day a violation occurs shall be a separate offense.

2807 B. Violations of the provisions of this chapter are punishable in accordance with
2808 Chapter 18.24 ~~by imposing a civil penalty as provided in Section 21A.20.010 et seq., of this code.~~

2809

2810 18.48.260: BUILDING INSPECTIONS REQUIRED:

2811 Whenever a property owner, manager, or tenant intends to clean, repair, renovate, reopen or
2812 reoccupy a building that has been boarded, the building is to be inspected by the building official
2813 or designee and a permit must be issued by building services or its successor prior to the building
2814 owner, manager, or tenant initiating any of the above actions. Any person conducting any work
2815 on a building that has been boarded or closed to occupancy must have a valid building permit at
2816 all times.

2817

2818 SECTION 11. Amending the text of Salt Lake City Code Chapter 18.50. That Chapter

2819 18.50 of the Salt Lake City Code (Technical Building Specifications: Existing Residential

2820 Housing) is hereby amended as follows:

2821

2822 CHAPTER 18.50
2823 EXISTING RESIDENTIAL HOUSING

2824

2825 18.50.010: TITLE:

2826 This chapter shall be known as the SALT LAKE CITY EXISTING RESIDENTIAL HOUSING
2827 ORDINANCE ~~and is referred to herein as "this chapter".~~

2828

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2829 18.50.020: PURPOSE AND SCOPE:

2830 A. Purpose: The purpose of this chapter is to provide for the health, safety, comfort,
2831 convenience and aesthetics of Salt Lake City and its present and future inhabitants and
2832 businesses, to protect the tax base, and to protect property values within the city, as provided by
2833 ~~s~~Section 10-9a-102, of the Utah Code Annotated, or its successor section, and other applicable
2834 state statutes. This purpose shall be accomplished by regulating the maintenance, repair and
2835 remodeling of residential buildings specified in this chapter existing as of the date of enactment
2836 hereof by:

2837 1. Establishing minimum housing standards for all buildings or portions
2838 thereof used, or designed or intended to be used, for human habitation;

2839 2. Establishing minimum standards for safety from fire and other hazards;

2840 3. Promoting maintenance and improvement of structures by applying
2841 standards of this chapter to renovations. This chapter allows distinctions in the
2842 application of standards based on the year a structure was built, as long as a reasonable
2843 level of safety is achieved;

2844 4. Avoiding the closure or abandonment of housing and the displacement of
2845 occupants where such can be done without sacrificing the public health, safety and
2846 welfare;

2847 5. Providing for the administration, enforcement and penalties for this
2848 chapter.

2849 B. Scope:

2850 1. Application To Existing Buildings: This chapter encompasses fire safety
2851 and structural integrity of existing residential buildings. Within the structures, the scope
2852 includes equipment and facilities for light, ventilation, heating, sanitation, protection
2853 from the elements, space requirements, and for safe and sanitary maintenance.

2854 ~~2. Owner Occupied Versus Rental Properties: Except as specified in~~
2855 ~~subsection B3 of this section, the standards of this chapter apply to the interior and~~
2856 ~~exterior of all buildings, dwelling units and premises which are occupied on a rental~~
2857 ~~basis. For buildings or dwelling units which are occupied solely by the owner and the~~
2858 ~~owner's family, all the requirements defined as imminent danger or hazardous condition~~
2859 ~~situations, and those affecting the exterior of the building and premises shall apply. Other~~
2860 ~~interior standards do not apply to owner occupied dwelling units.~~

2861 ~~3. Condominiums: Repealed.~~

2862 2.4. Application To Remodeling Of Existing Residential Buildings: This
2863 chapter shall apply to remodeling or renovation of all residential buildings existing as of
2864 the date of enactment hereof as follows:

2865 a. This chapter applies regardless of tenancy, regardless of the
2866 valuation of the renovations, and regardless of the date of such remodeling or
2867 renovation, unless otherwise noted in this chapter.

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b. ~~Those buildings or portions thereof which conform with all applicable laws in effect at the time of their construction or whose fire resistive integrity and fire extinguishing systems have been adequately maintained and improved to accommodate any increase in occupant load, alteration or addition, or any change in occupancy may continue in accordance with the standards in effect at that time. This chapter shall not lessen such requirements for residential buildings which were constructed in compliance with the code in effect at the time of construction.~~

be. The requirements of this chapter are minimums. During a renovation or remodeling project, whenever conditions exist which allow such work to comply with the codes adopted in Section 18.04.040, such ~~codes~~ standard of the UBC, UPC or UMC these codes shall apply.

cd. When a construction standard is omitted from this chapter, the applicable standard shall be the state construction codes adopted and UBC, UMC or UPC in effect at the time the building was constructed or at the time the relevant electrical, mechanical, or plumbing element was installed, whichever is later.

de. When the purpose of the renovation is to create new dwelling units, the codes adopted in Section 18.04.040 ~~UBC rather than this chapter~~ shall apply.

~~3.5.~~ Application To New Construction: From the date of adoption hereof, newly constructed buildings must comply with the codes adopted pursuant to Section 18.04.040 ~~currently adopted UBC~~. All additions to an existing building envelope shall comply with the codes adopted pursuant to Section 18.04.040 ~~most recently adopted edition of the UBC~~.

~~6. Dangerous Buildings: Residential buildings subject to section 302 of the UCADB shall be governed by the UCADB and not by this chapter. If any conflict exists between this chapter and the UCADB, the UCADB shall control.~~

~~4.7.~~ Change Of Use: Any building undergoing a change which intensifies the use, ~~as defined in the UBC and the uniform code for building conservation,~~ shall comply with the provisions of the codes adopted pursuant to Section 18.04.040 ~~UBC~~.

~~5.8.~~ Permits Required: Except as provided in this subsection, no building or structure regulated by this chapter shall be erected, constructed, enlarged, altered, moved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official. Except where required by state law, permits are not required for those items identified in Section 105.2 of the International Building Code and International Residential Code, or as otherwise directed by the building official ~~the following:~~

a. ~~Floor covering installation;~~

b. ~~Interior and exterior painting;~~

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- 2908 e. ~~Attaching interior finish wall coverings and similar interior finish work;~~
2909 d. ~~Replacement of glazing except where safety glazing is required by the~~
2910 UBC;
- 2911 e. ~~Patching wall surfaces;~~
2912 f. ~~Installation of countertops and cabinets;~~
2913 g. ~~Replacement of interior and exterior light fixtures;~~
2914 h. ~~Replacement of electrical wall outlets and switches;~~
2915 i. ~~Replacement of kitchen or bathroom sinks, toilets or bidets where the trap~~
2916 ~~and trap arm are not replaced or extended;~~
2917 j. ~~Replacement of faucets, washers and traps (when the trap is replaced with~~
2918 ~~like installation and the trap arm and the existing vents and drain lines are not disturbed);~~
2919 k. ~~Repair of irrigation pipelines where the backflow preventers exist or are~~
2920 ~~not being replaced;~~
2921 l. ~~Replacement of filters, belts and motors in mechanical systems;~~
2922 m. ~~Installation of battery operated smoke detectors or one 120-volt smoke~~
2923 ~~detector;~~
2924 n. ~~Replacement of sidewalks on private property;~~
2925 o. ~~Replacement of ventilation fans;~~
2926 p. ~~Seasonal weatherization, as long as it does not prevent emergency egress.~~
- 2927 C. Violations: It is unlawful for any person to:
- 2928 1. Erect, construct, enlarge, alter, repair, move, improve, remove, convert, or
2929 demolish, equip, use, occupy or maintain any building or structure or cause or permit the
2930 same to be done in violation of this chapter;
- 2931 2. Fail to obey a notice and order issued pursuant to this chapter;
- 2932 3. Occupy, or rent for occupancy, a building that has been closed to
2933 occupancy; or
- 2934 4. Fail to obey an interpretation, decision or requirement of the board of
2935 appeals and examiners ~~housing advisory and appeals board within thirty (30) days, unless~~
2936 ~~otherwise noted.~~
- 2937
- 2938 18.50.030: DEFINITIONS:

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A. Construction Of Terms: For the purpose of this chapter, certain terms, phrases, words, and their derivations shall be construed as specified in this section. Words used in the singular include the plural, and words used in the plural include the singular.

B. Whole Includes Part: Whenever the words "apartment house", "building", "dormitory", "dwelling unit", "habitable room", "hotel", "housing unit" or "structure" are used in this chapter such words shall be construed as if followed by the words "or any portion thereof"; ~~except for owner occupied areas as specified in subsection 18.50.020B2 of this chapter.~~

C. Referenced Documents: References to codes, ordinances, chapters, sections, or subsections shall include any successor to such code, ordinance, chapter, section, or subsection that has been adopted by the city.

D. Defined Terms:

~~ADDITION: An increase in floor area or height of a building or structure outside of the existing building envelope.~~

~~ADMINISTRATIVE HEARING OFFICER: A member of the building services and licensing staff who has been authorized by HAAB to conduct administrative hearings to establish a repair agreement between the property owner and the building official to resolve the property's deficiencies as defined by this code.~~

AGENT: Any person, firm, partnership, association, joint venture, corporation, or other entity who acts for or on behalf of others.

~~APARTMENT HOUSE: Any building which contains three (3) or more dwelling units otherwise subject to this code.~~

~~APPROVED: As to a given material, mode of construction or repair, piece of equipment or device means approved by the building official as the result of investigation and/or tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities or technical or scientific organizations.~~

~~ATTIC: That portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.~~

~~BASEMENT: A floor level, any part of which is more than four4 feet (4') below grade for more than fifty percent (50%) of the total perimeter or more than eight8 feet (8') below grade at any point as floor and grade are defined in the UBC.~~

BATHROOM: A room containing at least one of each of the following fixtures: sink, toilet, and tub or shower. It may also include a bidet.

BEDROOM: Any space designed or used for sleeping.

~~BOARDING HOUSE (or ROOMING HOUSE): A building other than a hotel or motel, with three (3) or more bedrooms where direct or indirect compensation for lodging and/or kitchen facilities, not located in guestrooms, or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption or blood. Rentals must be on at least a monthly basis. The same as defined in Title 21A.~~

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- 2977 BUILDING: Any structure which is used, designed or intended to be used for human habitation.
- 2978 BUILDING CLOSURE, CLOSED TO ENTRY, OR CLOSED TO UNAUTHORIZED ENTRY:
2979 A building which has been closed to occupancy.
- 2980 ~~BUILDING ENVELOPE: The space defined by existing floors, exterior walls, roof, basement~~
2981 ~~and attic, but not including attached garages.~~
- 2982 BUILDING INSPECTOR: A person designated by the building official to make inspections of
2983 buildings and properties covered by this chapter.
- 2984 ~~BUILDING OFFICIAL: The officer or other designated authority charged with the~~
2985 ~~administration and enforcement of this chapter, or the officer's designee.~~
- 2986 ~~BUILDING SERVICES AND LICENSING: The office of the city charged with the~~
2987 ~~administration of the city's building and housing ordinances.~~
- 2988 CEILING HEIGHT: The vertical distance from the finished floor to finished ceiling or to the
2989 lowest point of the ceiling framing members. Where ~~projections~~obstructions other than lighting
2990 fixtures exist below the ceiling, the height shall be measured from the ~~projection~~obstruction to
2991 the finished floor.
- 2992 CERTIFICATE OF OCCUPANCY: A certificate issued by the building official authorizing
2993 occupancy of a building.
- 2994 ~~CITATION DEADLINE: The date identified in the second notice of violation, including any~~
2995 ~~authorized extension of time.~~
- 2996 COMMON ROOM: A room available in congregate housing for the shared use of occupants of
2997 ~~two (2)~~ or more housing units. This does not include common corridors and exit passages, but
2998 does include kitchens and game rooms.
- 2999 CONDOMINIUM: Property or portions thereof conforming to the definition set forth in section
3000 57-8-3, of the Utah Code Annotated, 1953, as amended, or its successor.
- 3001 CONGREGATE HOUSING: Any building which contains facilities for living, sleeping and
3002 sanitation, as required by this chapter, and may include facilities for eating and cooking, for
3003 occupancy by other than a family. Congregate housing includes SROs, convents, monasteries,
3004 dormitories, boarding and rooming houses, hostels, fraternity and sorority houses, but does not
3005 include shelters, jails, hospitals, nursing homes, hotels or lodging houses.
- 3006 COOKING FACILITY: At a minimum, a range with stove top and oven, or alternatively, a
3007 nonportable cooktop and oven, and a sink.
- 3008 CORRIDOR: A hallway that serves more than one dwelling unit.
- 3009 ~~COURT: A space, open and unobstructed to the sky, located at or above grade level and bounded~~
3010 ~~on three (3) or more sides by walls of a building.~~
- 3011 ~~CROSS CONNECTION: Any connection or arrangement, physical or otherwise, between a~~
3012 ~~potable water supply system and any plumbing fixture or any tank, receptacle, equipment or~~

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- 3013 ~~device, through which unclean or polluted water or other substances may contaminate such~~
3014 ~~potable water supply system.~~
- 3015 ~~DWELLING UNIT: Any building or a portion thereof which contains living facilities, including~~
3016 ~~provisions for sleeping, eating, cooking, and sanitation, as required by this chapter.~~
- 3017 EFFICIENCY DWELLING UNIT: A dwelling unit containing only one habitable room with a
3018 bath and/or kitchen in the unit.
- 3019 EXISTING: In existence prior to adoption hereof.
- 3020 EXITWAY: A continuous and unobstructed means of egress to a public way and includes any
3021 intervening aisles, doorways, gates, corridors, exterior exit balconies, ramps, stairways,
3022 smokeproof enclosures, horizontal exits, exit passageways, and exit access ramps~~courts and~~
3023 ~~yards~~ as these terms are defined in the International Building Code~~UBC~~.
- 3024 FAMILY: The same as defined in ~~§~~Title 21A ~~of this code.~~
- 3025 FIRE RESISTANCE OR FIRE RESISTIVE CONSTRUCTION: Construction that resists the
3026 spread of fire, as specified in the UBC.
- 3027 ~~FIRST NOTICE: The initial notice informing the person cited that a housing violation exists.~~
- 3028 FLOOR AREA COMPUTATION: The floor area of a habitable room excluding closets,
3029 cabinets, bathrooms, and kitchens when such kitchens are separated from the habitable room by
3030 walls or other partitions.
- 3031 GARAGE: A building or portion thereof designed, used, or intended to be used for parking or
3032 storage of a motor vehicle containing flammable or combustible liquids or gas in its tank.
- 3033 GLAZING: Light transmitting glass or plastic installed in windows, doors and skylights,
3034 including safety glass, but not including glass block.
- 3035 ~~HAAB: The city's housing advisory and appeals board created pursuant to title 2, chapter 2.21 of~~
3036 ~~this code.~~
- 3037 HABITABLE ROOM: A room in a building for living, sleeping, eating or cooking. Bathrooms,
3038 toilet rooms, closets, halls, storage or utility space, and similar areas are not habitable rooms.
- 3039 HALL: A space used for circulating between the rooms of a building within an individual
3040 dwelling unit.
- 3041 HAZARDOUS CONDITION: A condition in a residential building or dwelling unit where
3042 failure of a structural, electrical, mechanical or plumbing component system or systems is likely
3043 to occur reasonably soon~~within the next ninety six (96) hours~~ but which has not yet occurred or
3044 which is not serious enough to be considered an "imminent danger". "Hazardous conditions"
3045 consist of any of the following:
- 3046 1. All of the conditions listed under the definition of "imminent danger" if
3047 those conditions can be repaired ~~with safety~~while all or the affected part of the
3048 building or unit remains occupied; or

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2. "Imminent danger" conditions which have been partially secured pursuant to Section 18.24.030~~Subsection 18.50.060B2b of this chapter;~~

3. Improper, missing, misused or malfunctioning electrical service or disconnect devices;

4. Cracked, displaced or missing foundations resulting in settlement and structural damage;

5. Defective or deteriorated flooring or floor supports;

6. Flooring or floor supports of insufficient size to carry imposed loads with safety;

7. Members of walls, partitions or other vertical supports that crack, split, lean, list or buckle due to defective material or deterioration where failure is likely to occur reasonably soon~~within the next ninety six (96) hours~~ but is not likely to occur immediately;

8. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

9. Members of ceilings, roofs, ceiling and roof supports, or other horizontal or vertical members which sag, split or buckle due to defective material or deterioration;

10. Inoperable toilet, bathroom sink, or bathtub or shower in a dwelling unit or congregate housing unit;

11. Lack of or inoperable kitchen sink in a dwelling unit or congregate housing unit;

12. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety such that failure is likely to occur reasonably soon~~within the next ninety six (96) hours~~ but is not likely to occur immediately;

13. Except as defined under "imminent danger" below, conditions that reduce the width, height or area of a required emergency exitway or required escape window;

14. All buildings or portions thereof which are not provided with the operable fire extinguishing systems or equipment required by city codes;

15. Buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;

16. Lack of a kitchen area equipped with a working stove, oven, sink and refrigerator unless specified otherwise by this code.

HISTORIC BUILDING: Any building or structure which has been designated for preservation by Salt Lake City pursuant to ~~¶Title 21A of this code~~ or its successor, ~~or has been listed on the National Register of Historic Places or on the Utah State Register of Historic Places~~, or is a contributory structure located in an historic district designated pursuant to ~~¶Title 21A of this code~~.

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3086 HOTEL: Any building containing guestrooms intended or designed to be used, rented, or hired
3087 out to be occupied, or which are occupied for sleeping purposes by guests on a daily basis.

3088 HOTEL/MOTEL ROOM: A room or combination of rooms (suite) offered as a single unit for
3089 lodging on a daily or weekly basis.

3090 IMMINENT DANGER: A condition in a building or dwelling unit subject to this chapter where
3091 structural, electrical, mechanical or plumbing systems have failed so that they may cause
3092 immediate death or serious injury to the building's occupants or the public. Conditions of
3093 "imminent danger" are those that are so severe and dangerous that either repairs cannot be
3094 completed immediately or it is appropriate to have the residents or other occupants leave the
3095 building or unit before the repairs have begun. "Imminent danger" consists of any of the
3096 following and other similarly serious conditions:

- 3097 1. Failed or missing foundations, beams, columns, floor systems;
- 3098 2. Members of ceilings, roofs, ceiling and roof supports, or other horizontal
3099 members which sag, split or buckle and failure is likely to occur at any moment;
- 3100 3. Broken water lines causing flooding which is undermining structural
3101 supports or otherwise endangering the building's integrity;
- 3102 4. Leaking gas;
- 3103 5. Missing flues or vent connectors resulting in exhaust gases entering the
3104 building;
- 3105 6. Lack of adequate heating facilities during the months of October through
3106 April;
- 3107 7. Overload of main and branch electrical distribution systems;
- 3108 8. Exposed electrical wires, fuses and electrical current breakers capable of
3109 producing electrical shock or fire and readily accessible to the occupants or the public;
- 3110 9. Stairs and stair components that cannot carry the loads intended and which
3111 may collapse if so loaded;
- 3112 10. Contaminated water systems;
- 3113 11. A complete absence of toilet facilities;
- 3114 12. A complete lack of water supply or sewage disposal facilities, as a result
3115 of a failure of a building's or dwelling unit's system and not a city system failure;
- 3116 13. Blocked emergency egress halls, corridors and/or doors, including
3117 accumulation or storage of materials in stairways, corridors, doors or windows, or other
3118 condition which blocks the means of egress.

3119 INFESTATION: The presence of insects, rodents or other pests in or around a building in
3120 numbers that are or may be detrimental to the health, safety or general welfare of the occupants.

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- 3121 KITCHEN: A space or room used, designed or intended to be used for the preparation of food,
3122 which includes permanently installed cooking facilities.
- 3123 ~~LISTED AND LISTING: Terms referring to equipment and materials which are shown in a list~~
3124 ~~published by an approved testing agency qualified and equipped for experimental testing and~~
3125 ~~maintaining an adequate periodic inspection of current productions. The listing states that the~~
3126 ~~material or equipment complies with accepted national standards which are approved, or~~
3127 ~~standards which have been evaluated for conformity with approved standards.~~
- 3128 MAINTENANCE: The repair, replacement and refinishing of any component of an existing
3129 structure, but does not include alteration or modification to the existing weight bearing structural
3130 components.
- 3131 MINOR DEFICIENCIES: A structural, electrical, mechanical or plumbing code violation that is
3132 minor in nature and is less severe or dangerous than a "substandard condition". "Minor
3133 deficiencies" include the following, and other similarly minor conditions:
- 3134 1. Interior finish wall coverings missing or in disrepair;
 - 3135 2. Lack of paint;
 - 3136 3. Dripping or leaking kitchen or bathroom faucets;
 - 3137 4. Soffit and fascia trim of which no more than ~~twenty percent (20%)~~ is
3138 weathered, missing, or loose.
- 3139 MONUMENTAL STAIRS: A stairway, exceeding ~~four~~ 4 feet (4') in width, at the main entrance
3140 on the exterior of a building.
- 3141 MULTIPLE-FAMILY STRUCTURE: A residential building containing ~~three (3)~~ or more
3142 dwelling units.
- 3143 NEC: The edition of the national electrical code currently adopted by the city.
- 3144 ~~NOTICE AND ORDER: A document which:~~
- 3145 1. ~~Provides notice of the existence of a condition covered by this chapter;~~
 - 3146 2. ~~Orders certain actions by the owner or owner's designee; and~~
 - 3147 3. ~~Specifies subsequent processes.~~
- 3148 ~~NOTICE OF COMPLIANCE: A written notice informing the person cited that the violation has~~
3149 ~~been cured.~~
- 3150 ~~NOTIFIED PARTY: The person or persons to whom a notice and order is issued.~~
- 3151 OCCUPANT: A person occupying or having possession of a dwelling unit.
- 3152 OPENING: An exterior glazed opening capable of being closed to the weather, consisting of a
3153 window, a glazed door, or an openable glazed skylight, which opens upon a roof, yard, court,
3154 street, alley or recess from a court.

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- 3155 ~~OWNER: Any person, individual, firm, corporation, associate, joint venture or partnership and~~
3156 ~~its agents or assigns who has title or interest in any building, with or without accompanying~~
3157 ~~actual possession, and including any person who as agent or executor, administrator, trustee or~~
3158 ~~guardian of an estate has charge, care or control of any building.~~
- 3159 PATTERN OF CIRCULATION: Any area in a room or group of rooms where the occupant is
3160 likely to walk because of the location of doors, fixtures or furniture placement when size of room
3161 restricts furniture placement. Fixtures, pipes and ducts projecting from the ceiling which are
3162 located near the middle of the room are within the pattern of circulation.
- 3163 ~~PERSON: Any individual, firm, corporation, association, joint venture or partnership and its~~
3164 ~~agents or assigns.~~
- 3165 ~~PERSON CITED: The owner, owner's agent, tenant or occupant of any building or land or part~~
3166 ~~thereof and any architect, builder, contractor, agent or other person who participates in, assists,~~
3167 ~~directs or creates any situation that is contrary to the requirements of this chapter, and who~~
3168 ~~received the notice of violation and is being held responsible for the violation.~~
- 3169 PLUMBING SYSTEM: Any potable water distribution piping, and any drainage piping within
3170 or below any building, including all plumbing fixtures, traps, vents and devices appurtenant to
3171 such water distribution or drainage piping and including potable water treating or using
3172 equipment, and any lawn sprinkling system.
- 3173 PREMISES: A lot, plot or parcel of land including the buildings or structures thereon.
- 3174 ~~PUBLIC WAY: Any street, alley or similar parcel of land essentially unobstructed from the~~
3175 ~~ground to the sky which is deeded, dedicated, or otherwise permanently appropriated to the~~
3176 ~~public for public use and which has a clear width of not less than ten feet (10').~~
- 3177 RESIDENTIAL BUILDING: The portions of a building that contain dwelling units.
- 3178 RISE: The vertical portion of a stair step.
- 3179 ~~ROOMING HOUSE: A building or group of attached or detached buildings containing in~~
3180 ~~combination at least three (3) lodging units for occupancy on at least a monthly basis, with or~~
3181 ~~without board, as distinguished from hotels and motels in which rentals are generally for a daily~~
3182 ~~or weekly period and occupancy is by transients.~~
- 3183 RUN: The horizontal portion of a stair step, measured from the leading edge of the stair tread to
3184 a point directly beneath the leading edge of the step directly above.
- 3185 SRO (SINGLE ROOM OCCUPANCY): A congregate housing where the dwelling units have
3186 one combined sleeping and living room and may include a kitchen and/or a separate private
3187 bathroom.
- 3188 SAFETY: The condition of being safe from causing harm, injury or loss.
- 3189 ~~SECOND NOTICE: The notice informing the person cited of the date that civil fines will begin~~
3190 ~~to accrue if the housing violation is not corrected.~~

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3191 SECURED BUILDING: A building where all windows and doors are intact and lockable against
3192 unauthorized entry.

3193 SLOPING CEILING: Any ceiling with a slope greater than one- half inch (1/2") per foot.

3194 SMOKE DETECTOR: An approved device which senses visible or invisible particles of
3195 combustion.

3196 SPACE, COMMON: "Common space" means shared areas available for use by the occupants of
3197 the building.

3198 SPACE, PRIVATE: "Private space" means the portion of a dwelling unit which is for the
3199 exclusive use of the occupants of the unit.

3200 ~~STORY: That portion of a building included between the upper surface of any floor and the~~
3201 ~~upper surface of the floor next above or the bottom surface of the roof structure.~~

3202 ~~STRUCTURE: Anything that is built or constructed for residential occupancy, or attached to a~~
3203 ~~building for residential occupancy.~~

3204 SUBSTANDARD CONDITION: A structural, electrical, mechanical or plumbing system
3205 condition in a residential building or dwelling unit which violates applicable codes but with
3206 maintenance or repair can be made fully safe and which does not amount to an "imminent
3207 danger" or a "hazardous condition". "Substandard conditions" include the following as well as
3208 any violations of the standards in this chapter which have not been included in the categories of
3209 "imminent danger", "hazardous condition" or "minor deficiency":

- 3210 1. Deteriorated or inadequate foundations with cracking and evidence of
3211 settlement;
- 3212 2. Defective or deteriorated flooring or floor supports;
- 3213 3. Members of walls, partitions or other vertical supports that split, lean, list
3214 or buckle due to defective material or deterioration;
- 3215 4. Members of ceilings, roofs, ceiling and roof supports, or other members
3216 that are of insufficient size to carry live and dead loads with safety;
- 3217 5. Soffit and fascia trim more than ~~twenty percent (20%)~~ of which is
3218 weathered, missing or loose;
- 3219 6. Missing, decayed, buckling or worn out roof covering;
- 3220 7. Roof having more than ~~two (2)~~ layers of shingle type roof covering;
- 3221 8. Fireplaces or chimneys which list, bulge or settle, due to defective
3222 material or deterioration;
- 3223 9. Parapet wall or parapet cap bricks that are loose or missing;
- 3224 10. Stair risers, treads, jacks, stringers or supports that are cracked or
3225 otherwise deteriorated or missing;

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- 3226 11. Plumbing which was not installed in accordance with the adopted
3227 plumbing code in effect at the time of installation or with generally accepted construction
3228 practices, has not been maintained in good condition, or is not free of cross connections
3229 or siphonage;
- 3230 12. Continuous running water in a toilet, bathroom sink or kitchen sink;
- 3231 13. Lack of hot or cold running water to plumbing fixtures in a dwelling unit
3232 or congregate housing structure;
- 3233 14. Mechanical equipment which was not installed in accordance with codes
3234 in effect at the time of installation, or with generally accepted construction practices, or
3235 which has not been maintained in good and safe condition;
- 3236 15. Inoperable heating systems during the months of May through September;
- 3237 16. Inoperable air conditioning systems, when the building is supplied with
3238 such a system and lacks other adequate forms of ventilation and the air conditioning
3239 system fails to keep the air temperature below ~~eighty-five degrees Fahrenheit~~ (85°F);
- 3240 17. Damaged or missing heat ducts or missing heat duct registers;
- 3241 18. Electrical wiring which was not installed in accordance with codes in
3242 effect at the time of installation or with generally accepted construction practices, has not
3243 been maintained in good condition, or is not being used in a safe manner;
- 3244 19. Missing light fixtures, switches and outlet and switch cover plates;
- 3245 20. Overcurrent situations such as those caused by the use of electrical
3246 extension cords and multiple light fixtures;
- 3247 21. Lack of the minimum natural light and ventilation required by this
3248 chapter;
- 3249 22. Room and space dimensions less than that required by this chapter;
- 3250 23. Dampness of habitable rooms as evidenced by condensation or mold on
3251 ceilings, walls or floors;
- 3252 24. Deteriorated, crumbling or loose plaster or stucco;
- 3253 25. Deteriorated or ineffective waterproofing of exterior walls, roof,
3254 foundation or floors, including broken windows or doors;
- 3255 26. Deteriorated or lack of weather protection for exterior wall coverings;
- 3256 27. Broken, rotted, split or buckled exterior wall coverings or roof coverings;
- 3257 28. Wood has been installed within ~~six~~6 inches (~~6"~~) of earth which is not
3258 naturally decay resistant, treated wood or wood protected by an approved barrier;
- 3259 29. Infestation of insects, vermin or rodents as determined by the Salt Lake
3260 Valley health department;

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30. Lack of garbage and rubbish storage and removal facilities as determined by the Salt Lake Valley health department regulations;

31. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, and similar materials or conditions constitute a violation of the Salt Lake Valley health department regulations;

32. Any building, device, apparatus, equipment, combustible materials or vegetation which, in the opinion of the chief of fire department or building official, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;

33. Any fire resistive requirement of this chapter which is not met;

34. Drainage of water from roofs or yards in a manner that creates flooding or damage to a structure;

35. Any equipment or apparatus that causes excessive noise, pollution, odor or light as defined by the Salt Lake City code or Salt Lake Valley health regulations;

36. Guardrails or handrails in common areas that are missing or cannot support required loads.

TOILET ROOM: A room which contains a toilet. It may also contain a sink, but does not contain a tub or shower.

~~UBC: The edition of the uniform building code currently adopted by the city.~~

~~UCADB: The edition of the uniform code for the abatement of dangerous buildings currently adopted by the city.~~

~~UFC: The edition of the uniform fire code currently adopted by the city.~~

~~UMC: The edition of the uniform mechanical code currently adopted by the city.~~

~~UPC: The edition of the uniform plumbing code currently adopted by the city.~~

UNFIT FOR HUMAN OCCUPANCY: A condition of premises which has been found by the building official to be an "imminent danger" or "hazardous condition" situation as defined by this chapter, or which fails to meet the sanitation requirements of the Salt Lake Valley health department.

VENTILATION, NATURAL: "Natural ventilation" means any openable exterior door, window or skylight which opens upon a roof, yard, court, street or alley.

~~YARD: As defined in Title 21A. An open space, other than a court, unoccupied by any structure on the lot on which a building is situated, unobstructed from the ground to the sky.~~

18.50.040: AUTHORITY:

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A. Enforcement: The building official is authorized to enforce all the provisions of this chapter. The building official may issue and deliver enforcement order~~seitations~~ under authority provided by state law.

B. Interpretation: The building official may render interpretations of this chapter and adopt and enforce rules and supplemental regulations pursuant to adopted state construction codes to clarify the application of its provisions. Such interpretations, rules and regulations shall conform to the intent and purpose of this chapter, and shall be made available in writing for public inspection upon request.

C. Alternate Materials ~~A~~and Methods ~~O~~f Construction: This chapter is not intended to exclude any method of structural design or repair not specifically provided for in this chapter or applicable adopted state construction codes~~the UBC~~. The building official may approve any alternate material or method of construction conforming to the applicable adopted state construction codes~~alternate design and methods of construction section of the UBC~~.

18.50.050: RIGHT OF ENTRY:

A. Inspection: Whenever it is necessary to make an inspection to enforce any provisions of this chapter, or whenever the building official has reasonable cause to believe a code violation exists in any building or upon any premises which makes such building or premises unsafe, dangerous or hazardous, the building official may, upon obtaining permission of the owner or other person having charge or control of the premises or dwelling unit, or upon obtaining a warrant, enter a residential property or premises to inspect it or to perform the duties imposed by this chapter. If such building or premises is occupied, the building official shall first present proper credentials and request entry. If such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. The building official shall establish written policies which outline owner notification procedures for regular inspections and establish handling of owner notification for tenant reports of unsafe, dangerous and hazardous conditions.

B. Unoccupied Dwelling Unit: If an unoccupied dwelling unit is open and unattended and the owner or other person having charge or control of the building or premises cannot be located after reasonable effort, the building official or building official's designee may enter the building. The building official shall issue a notice and order pursuant to Section 18.24.040 that the dwelling unit be immediately secured or boarded against the entry of unauthorized persons.

C. Inspection Notification: In imminent danger or hazardous condition situations, or when authorization to enter has not previously been granted by a tenant, the owner shall give the tenant a minimum of ~~twenty-four~~ (24) hours' notification of an inspection of the tenant's premises by the building official.

~~D. Violations: Whenever the building official has inspected a building and found violations of this chapter, the building official has the authority to commence action to cause the~~

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repair, rehabilitation or vacation of the building. The building official shall issue a notice and order to the owner(s) of the building, which shall list all violations, giving the section number and a detailed description of each, and classified by severity according to the following categories: imminent danger, hazardous condition, substandard condition, and minor deficiency situations. For each violation, or category of violation, the notice and order shall state the following, described in sections 18.50.060 through 18.50.090 of this chapter:

- 1.—— The corrective action necessary for the violation(s);
- 2.—— A time frame for compliance;
- 3.—— The appeals and administrative hearing officer process; and
- 4.—— Specific remedies the city may reasonably expect to take if the violations are not corrected.

18.50.060: RESERVEDIMMINENT DANGER SITUATIONS:

A.—— Determination: If the building official determines that an imminent danger exists, the building official shall take the actions specified in this section.

B.—— Notice And Order: The building official shall issue a notice and order containing the following:

- 1.—— A notice listing the building's or unit's violations and the reason(s) that the building official determines that such conditions constitute an imminent danger;
- 2.—— An order requiring:
 - a.—— Immediate vacation of the building or dwelling unit, or
 - b.—— The closure of that portion or system if the building official determines that a portion or system of the building or unit can be closed or otherwise secured so that the rest of the building or unit remains occupiable; and
- 3.—— An explanation of the appeal rights and processes specified in subsection E of this section.

C.—— Delivery Of Notice And Order: Notices and orders issued pursuant to this section shall be posted on the building entrance doors and on the entrance doors of all dwelling units affected by the notice and order. The notice and order shall also be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or shall be delivered by hand.

D.—— Notified Party Actions: Within twenty four (24) hours after the issuance of the notice and order, the notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or, if repairs cannot be or are not completed within twenty four (24) hours, secured from entry as required by other portions of this code.

E.—— Expedited Appeal:

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1. — If the notified party disagrees with the notice and order and files an appeal in writing within seven (7) days of the issuance of the notice and order, the appeal shall be heard before an HAAB panel within two (2) days of receipt of the appeal.

2. — The HAAB panel shall issue a written decision within two (2) days of the hearing.

3. — If the notified party is dissatisfied with the HAAB panel decision, the notified party may appeal by filing a written notice with the mayor within seven (7) days of the HAAB decision.

4. — The mayor or the mayor's designee shall consider the appeal on the record made before HAAB and the written appeal. The mayor or the mayor's designee may accept additional evidence only if the evidence was improperly rejected by HAAB. The mayor or the mayor's designee may, at their discretion, consider the appeal based solely on the written materials or materials presented at a publicly conducted hearing.

5. — The appeal shall be considered, and the mayor or the mayor's designee shall issue a final decision within twelve (12) days of the receipt of the appeal.

6. — The filing of an appeal shall not stay the requirements of the notice and order.

F. — City Remedies: If the notified party fails to repair or secure the property, the city may take all appropriate remedies authorized by law including, the imposition of civil fines, obtaining any necessary authorization to enter the property to secure it from occupancy or, if the property conditions represent a threat to the public, abating the deficiency as a public nuisance or taking other appropriate actions.

18.50.070: RESERVEDHAZARDOUS CONDITION SITUATIONS:

A. — Determination: If the building inspector determines that a hazardous condition exists, the building inspector shall take the actions specified in this section.

B. — Notice And Order: The building inspector shall issue a notice and order containing the following:

1. — A notice listing the building's or unit's violations and the reason(s) that the building inspector determines that such conditions constitute a hazardous condition;

2. — An order requiring the notified party to:

a. — Take out all necessary permits and repair the hazardous condition within three (3) days, or

b. — Close the building or required portions thereof to occupancy within three (3) days;

3. — An explanation of the appeal rights and processes specified in subsection E of this section.

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C.—~~Delivery Of Notice And Order:~~ Notices and orders issued pursuant to this section shall be posted on the building entrance doors and on the entrance doors of all dwelling units affected by the notice and order. The notice and order shall also be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or shall be delivered by hand.

D.—~~Notified Party Actions:~~ Within three (3) days after the issuance of the notice and order, the notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or vacated and secured from entry as required by other portions of this code. The building official may extend the time for completing the required work to six (6) days from the date of issuance of the notice and order provided the required permits are taken out within three (3) days of the date of issuance of said notice and order.

E.—~~Appeal:~~

1.—~~If the notified party disagrees with the notice and order, the notified party may appeal in writing within fourteen (14) days of the issuance of the notice and order. The appeal shall be heard before an HAAB panel within thirty (30) days of receipt of the appeal.~~

2.—~~Appeals under this subsection shall stay the enforcement of those items appealed on the notice and order.~~

3.—~~The HAAB panel shall issue a written decision within seven (7) days of the hearing.~~

4.—~~If the notified party is dissatisfied with the HAAB panel decision, the notified party may appeal by filing a written notice with the mayor within seven (7) days of the HAAB decision.~~

5.—~~The mayor or the mayor's designee shall consider the appeal on the record made before HAAB and the written appeal. The mayor or the mayor's designee may accept additional evidence only if the evidence was improperly rejected by HAAB. The mayor or the mayor's designee may, at their discretion, consider the appeal based solely on the written materials or materials presented at a publicly conducted hearing.~~

6.—~~The appeal shall be considered, and the mayor or the mayor's designee shall issue a final decision within twelve (12) days of the receipt of the appeal.~~

F.—~~City Remedies:~~ If the notified party fails to repair or secure the property as required, the city may take all appropriate remedies authorized by law including, the imposition of civil fines, closing all or a portion of the building, obtaining any necessary authorization to enter the property to secure it from occupancy or, if the property conditions represent a threat to the public, abating the deficiency as a public nuisance or taking other appropriate actions.

18.50.080: RESERVEDSUBSTANDARD CONDITION SITUATIONS:

A.—~~Determination:~~ If the building inspector determines that a substandard condition exists, the building inspector may take the actions specified in this section.

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B.——~~Notice And Order: The building inspector may issue a notice and order containing the following:~~

1.——~~A notice listing the building's or unit's violations and the reason(s) that the building inspector determines that such conditions constitute a substandard condition;~~

2.——~~An order requiring the notified party to:~~

a.——~~Take out all necessary permits and repair the substandard condition within the times specified, or~~

b.——~~Close the building or required portions thereof to occupancy within thirty (30) days;~~

3.——~~An explanation of the appeal rights and processes specified in subsection E of this section.~~

C.——~~Delivery Of Notice And Order: Notices and orders issued pursuant to this subsection shall be posted on the building entrance doors and in the common areas of the building. Notices and orders issued to vacate the premises shall be posted on all building entrance doors, common areas and on individual dwelling units. The notice and order shall also be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or may be delivered by hand.~~

D.——~~Notified Party Actions: The notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or secured from entry as required by other portions of this code within the times specified in the notice and order. If the building official determines that work is progressing appropriately and an extension is necessary, the building official may extend the times for completion of any work.~~

E.——~~Appeal And Administrative Hearing:~~

1.——~~If the notified party disagrees with the notice and order, the notified party may appeal in writing within thirty (30) days of the issuance of the notice and order. The appeal shall be heard before an HAAB panel within forty five (45) days of receipt of the appeal.~~

2.——~~Appeals of notice and order for substandard conditions shall be first considered by an administrative hearing officer pursuant to section 18.50.120 of this chapter.~~

3.——~~The HAAB panel shall issue a written decision within fourteen (14) days of the hearing.~~

4.——~~If the notified party is dissatisfied with the HAAB panel decision, the notified party may appeal by filing a written notice with the mayor within fourteen (14) days of the HAAB decision.~~

5.——~~The mayor or the mayor's designee shall consider the appeal on the record made before HAAB and the written appeal. The mayor or the mayor's designee may accept additional evidence only if the evidence was improperly rejected by HAAB. The~~

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~~mayor or the mayor's designee may, at their discretion, consider the appeal based solely on the written materials or materials presented at a publicly conducted hearing.~~

~~6.—— The appeal shall be considered, and the mayor or the mayor's designee shall issue a final decision within thirty (30) days of the receipt of the appeal.~~

~~7.—— Appeals under this subsection shall stay the enforcement of those items appealed on the notice and order.~~

~~F.—— City Remedies: If the notified party fails to repair or secure the property as required, the city may take all appropriate remedies authorized by law including, the imposition of civil fines, closing all or a portion of the building or securing any necessary authorization to enter the property to make repairs.~~

18.50.090: MINOR DEFICIENCY NOTIFICATIONSSITUATIONS:

A. Determination: If the building inspector determines that a minor deficiency exists, the building inspector may take the actions specified in this section.

B. Citations: Citations may be issued for minor deficiencies. However, such citations shall be for the owner's information only and shall have no further legal force or effect. When a notice and order is issued pursuant to Section 18.50.100, minor deficiencies may be included under "for owner's information only". If a property inspection reveals only minor deficiencies, the building inspector may mail a letter to the owner informing the owner of such minor deficiencies.

~~C.—— Delivery Of Notice And Order: The notice and order shall be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or shall be delivered by hand. If delivery of the notice and order by mail or hand delivery is not made, the notice and order shall be posted on the building entrance doors and on the entrance doors of all dwelling units affected by the notice and order.~~

~~D.—— Notified Party Actions: The notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or secured from entry as required by other portions of this code within the times specified in the notice and order. If the building official determines that work is progressing appropriately and an extension is necessary, the building official may extend the times for completion of any work.~~

~~E.—— Appeal And Administrative Consideration: The appeal and administrative hearing officer processes shall be as specified in subsections 18.50.080E and F of this chapter.~~

~~F.—— City Remedies: If the notified party fails to make the repairs required, or fails to reach an agreement acceptable to the city for remediation, the city may record a notice of deficiency with the Salt Lake County recorder's office specifying the deficiencies.~~

18.50.100: ENFORCEMENT:

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A. ~~Determination: If the building inspector determines that a violation of this chapter exists, the building inspector may take the actions specified in this section. In addition to any other remedies authorized by law or in this chapter, if the notified party fails to repair or secure the property in question, the city may pursue any one or more of the following additional remedies:~~

1. ~~Notice Of Deficiency: The supervisor of housing enforcement may record with the Salt Lake County recorder's office a notice of any condition provided in sections 18.50.060 through 18.50.090 of this chapter. The notice shall be mailed to all notified parties.~~

2. ~~Criminal Action: Violations of the provisions of sections 18.50.060 through 18.50.080 of this chapter may be punishable as a class B misdemeanor upon conviction.~~

3. ~~Civil Action: Violations of sections 18.50.060 through 18.50.080 of this chapter may also be enforced by injunction, mandamus, abatement, civil fines or any other appropriate action in law or equity.~~

B. ~~Civil fines may be imposed according to the following procedures:~~ Warning Notice

1. Notice:

a. ~~If the housing building inspector finds that any provision of this chapter is being violated, the housing inspector shall provide a written notice to the responsible party property owner and to any other person determined to be responsible for such violation. The written notice shall indicate the nature of the violation and order the action necessary to correct it. Additional written notices may be provided at the housing inspector's discretion.~~

b. ~~The written notice shall state what action the housing inspector intends to take if the violation is not corrected. The written notice shall include information regarding the established warning period for the indicated violations and shall serve to start any warning periods provided in this chapter the time period in which the violations must be corrected, which will be based on their severity.~~

2. Delivery of Notice:

e. ~~Such written notice issued by the housing inspector shall be deemed sufficient and complete when served upon the responsible party as follows person cited:~~

a.(1) ~~Personally by the inspector or his or her representative; or by mailing, postage prepaid, by certified mail, return receipt requested or any reputable mail tracking service that is capable of confirming delivery, addressed to the responsible party person cited at the last known address appearing on the records of the county recorder; and~~

b.(2) ~~By posting notice on the property where said violation(s) occurs.~~

3.d. ~~In cases when delay in enforcement would seriously threaten the effective enforcement of this chapter, or pose a danger to the public health, safety or welfare, the~~

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housing inspector ~~need not issue a warning notice~~may seek enforcement without prior written notice by invoking any of the fines or remedies authorized in this chapter.

e. ~~—— If the violation remains uncured within five (5) days after the expiration of the warning period, a second notice of violation shall be delivered by mail, postage prepaid, addressed to the person cited at the last known address appearing on the records of the county recorder. The second notice shall identify the date on which the civil fines shall begin to accrue.~~

C. Notice and Order: If, after issuance of the warning notice (if required), the violations have not been corrected by the time period stated in the notice, the building inspector may issue a notice and order pursuant to Section 18.24.040. The notice and order need not provide any additional correction period and may impose fines beginning on the date it is issued.

D.2. RemediesAmount Of Fine: Upon issuance of a notice and order, the building inspector may pursue any remedies allowed by Sections 18.24.030 and 18.24.050, except that cCivil fines shall accrue as set forth in the Salt Lake City consolidated fee schedule specific to the violations of this chapter, follows:

a. ~~—— Substandard condition violations: Twenty five dollars (\$25.00) per day. If more than ten (10) substandard condition violations exist, the daily fines shall double.~~

b. ~~—— Hazardous condition violations: Fifty dollars (\$50.00) each per day.~~

c. ~~—— Imminent danger violations: Seventy five dollars (\$75.00) each per day.~~

d. ~~—— Failure to obey an interpretation, decision or requirement of the housing advisory and appeals board: Twenty five dollars (\$25.00) per day.~~

E.3. Daily Violations: Each day a violation continues after the issuance of the notice and order (or cure deadline stated therein, if applicable)citation deadline shall give rise to a separate civil fine.

F.4. Compliance: Accumulation of fines for violations, but not the obligation for payment of fines already accrued, shall stop upon correction of the violation(s) once confirmed through an inspection requested pursuant to Subsection 18.24.040.A.3.

G.5. Recurring Violations: In the case where a violation, which had been corrected, reoccurs at the property within six (6) months of the initial correction and is due to the actions or inactions of the same responsible party as the prior violation, the city maywill begin enforcement of said recurring violation and impose fines will begin accruing after a ten (10) day warning period.

6. ~~—— Appearance Before A Hearing Officer:~~

a. ~~—— Right To Appear: Any person cited may appear before a hearing officer to appeal the amount of the fine imposed. However, no party may appear before a hearing officer until violations identified have been corrected and a~~

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notice of compliance has been issued. Appeals to the hearing officer contesting the amount of the fine imposed must be filed within thirty (30) days from the date of the notice of compliance.

b. ~~Defense: The burden to prove any defense shall be upon the person raising such defense.~~

c. ~~Responsibility: Commencement of any action to remove or reduce fines shall not relieve the responsibility of any person cited to cure the violation or to make payment of subsequently accrued civil fines nor shall it require the city to reissue any of the notices required by this chapter.~~

7. ~~Appeal Of Administrative Decision: The decision of the housing inspector regarding the existence of the housing violation shall be deemed an administrative decision which may be appealed to the housing advisory and appeals board within thirty (30) days of the date of the first notice.~~

8. ~~Hearing Officer Duties:~~

a. ~~The mayor, or his/her designee, shall appoint such hearing officer as the mayor, or his/her designee, deems appropriate to consider matters relating to the violation of this chapter. The hearing officer shall have the authority to hear evidence relating to mitigating circumstances and to make such equitable adjustments as he/she deems appropriate, as set forth below:~~

(1) ~~The hearing officer may adjust, reduce or eliminate fines or create payment plans relating to fines accrued by the person cited. In the administration of this duty, the hearing officer may reduce or eliminate fines based upon any circumstance or other equitable consideration the hearing officer finds to be applicable. In cases where the administrative process has not been followed by the division, the hearing officer has the authority to reduce or eliminate fines.~~

(2) ~~Payment plans may be created by the hearing officer. Although the hearing officer has the ultimate authority in establishing the payment schedule, the minimum payment schedule provided by the department of community and neighborhoods should be followed.~~

9. ~~Dismissal Criteria:~~

a. ~~If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses include:~~

(1) ~~At the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state of Utah;~~

(2) ~~Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.~~

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10. — ~~Acceptance Of Hearing Officer Decision: If the hearing officer finds that a violation of this chapter occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic payment of the applicable fine. The person cited has fourteen (14) days in which to accept the decision of the hearing officer. If the person cited does not accept the decision of the hearing officer, an agreement to modify the fine, or set up a payment schedule, the decision of the hearing officer is void and the city will attempt to collect the original amount of the fine.~~

11. — ~~Abatement For Correction And Payment:~~

a. — ~~Civil fines may be partially abated after the violation is cured and at the discretion of the hearing officer if any of the following conditions exist:~~

(1) — ~~Strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property.~~

(2) — ~~The violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance.~~

(3) — ~~A change in the actual ownership of the property was recorded with the Salt Lake County recorder's office after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.~~

(4) — ~~Such other mitigating circumstances as may be approved by the city attorney or designee.~~

b. — ~~If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the delayed or periodic payment of the applicable fine.~~

c. — ~~Once a payment schedule has been developed by the hearing officer, and agreed to by the person cited, failure to submit any two (2) payments as scheduled will require payment of the entire amount of the original fine immediately.~~

18.50.110: APPELLATE PROCESS DETAILS:

A. Filing Of Appeals: Appeals of enforcement of this chapter shall be taken in accordance with Chapter 18.12, submitted on an appeal form provided by the building official.
~~The appellant shall state the specific order or action protested and a statement of the relief sought, along with the reasons why the order or action should be reversed, modified or otherwise set aside.~~

B. — ~~Failure To Appeal: Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the person's right to an appeal.~~

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~~B.C. Inspection Of The Premises: Before any hearing is held by the board of appeals and examiners the board may a HAAB panel, the panel shall inspect the building or premises involved. Prior notice of such inspection shall be given to the responsible notified party filing the appeal, who may be present at such inspection. Upon completion of the inspection, the chairperson of the panel shall state for the record the material facts observed at the inspection, which facts shall be read at the initiation of the hearing. Failure of the responsible notified party to provide access without good cause as determined by the building official shall not constitute a reason for the hearing to be postponed and the appeal denied.~~

~~D. Written Notice: Written notice of the time and place of panel hearings shall be mailed to the appellant in accordance with procedures adopted by HAAB.~~

~~E. Appeals Hearing: Any notified party may appear personally or authorize a designee to act in their behalf. The city and any notified party may call and examine witnesses on any relevant matter, introduce documentary and physical evidence, and cross examine opposing witnesses. Any relevant evidence shall be admitted.~~

~~F. Record: A record of the entire proceeding of all appellate hearings under this section shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by HAAB. The record shall be retained on file in accordance with the city's record retention schedule.~~

18.50.120: RESERVEDADMINISTRATIVE HEARING OFFICER PROCEDURES:

~~A. The administrative hearing officer shall hear cases deemed to be of substandard condition or minor deficiency situations. Review by the administrative hearing officer is not a provision of hazardous condition appeals, which go directly before a HAAB panel.~~

~~B. Each appeal shall first be reviewed by the administrative hearing officer no later than thirty (30) days from the date of filing of a written appeal.~~

~~C. The administrative hearing officer shall inspect the property and review the notice and order to determine if it is accurate and attempt to develop, in consultation with the appellant, possible methods of complying with the code consistent with the purposes of this chapter. The administrative hearing officer may prepare a stipulated agreement for signature by the appellant and the city.~~

~~D. The administrative hearing officer shall maintain complete and permanent records of all inspections and decisions. Resolutions of disputed issues, agreeable to the administrative hearing officer and the property owner, shall be presented at the next meeting of HAAB for its consent or modification.~~

18.50.130: APPROVAL FOR OCCUPANCY:

Following the correction of the deficiencies and prior to persons reoccupying any residential building or dwelling unit after it has been closed to occupancy, the building official~~housing/zoning officer~~ shall issue an approval for occupancy. ~~If a notice of deficiency has~~

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been filed with the Salt Lake County recorder's office pursuant to section 18.50.100 of this chapter, a release of the notice shall be recorded with that office.

18.50.140: EXTERIOR STANDARDS:

A. Structural Repair: All roofs, floors, walls, chimneys, foundations, and other structural components shall be repaired when they no longer retain their structural integrity. Loose bricks in chimneys shall be repaired and missing chimney caps shall be replaced.

B. Exterior Surfaces: Exposed materials that require weather protection and exterior surfaces that are deteriorating shall be repaired to the extent necessary to stop damage from cold, wind, water, or dampness. The roof covering and flashing shall form an impervious membrane.

C. Drainage: All surface water shall drain away from the structure unless any potential adverse effect of the runoff is mitigated to the reasonable satisfaction of the building official.

D. Windows and Doors: Windows that are required by this chapter for light and ventilation shall be fully glazed. Window openings not required to meet light, ventilation, and egress standards may be sealed with opaque materials or removed. Broken or missing doors, door frames, windows, and window sashes shall be replaced or repaired.

E. Appendages: All awnings, fire escapes, exhaust ducts and similar appendages shall be maintained in good repair and be properly anchored.

F. House Addressing: All residential buildings shall display a street number in a prominent location on the street side of the building in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be in accordance with the codes adopted in Section 18.04.040~~no less than three inches (3") in height and shall be of a contrasting color to the background to which they are attached~~. Each individual unit within any multiple-family structure shall display a prominent identification number,~~not less than two inches (2") in height, which is easily visible~~.

G. Exterior Walkways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

18.50.150: INTERIOR STANDARDS:

A. Showers/Tubs: Showers shall be finished to a height of ~~seventy~~ 70 inches (70") above the fixture drain outlet with nonabsorbent material. Freestanding tubs with shower risers may utilize a shower curtain that totally encloses all sides of the tub.

B. Floor Coverings: All floor and stair coverings shall be maintained in a secure and substantially intact manner. This standard does not apply to area or throw rugs within dwelling units.

C. Walls And Ceilings: All walls and ceilings shall be maintained so that they are secure and intact. Surfaces shall be painted or covered with wallpaper or panelling.

D. Finishes, Washable Surfaces: In kitchens and bathrooms of congregate housing and SROs, floors and walls within ~~fifteen~~¹⁵ inches (15") of sinks, bidets, showers, toilets, and tubs shall be finished with a nonporous material that is not adversely affected by moisture.

E. Operable Fixtures And Equipment: All fixtures, appliances, and equipment required by this code shall be maintained in safe and operable condition.

18.50.160: DOORS, TRIM AND HARDWARE:

A. All doors, trim and hardware shall be kept in good working condition.

B. Exterior doors which are required for ingress and egress shall have locks which are keyed from the exterior and are operable from the interior without the use of a key or other special equipment or knowledge. Original locks in historic buildings are not required to be replaced if in good working condition.

C. Hinges for out swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

18.50.170: ENVIRONMENTAL OR SANITARY STANDARDS:

A. All premises shall be maintained clean, safe, sanitary and free from an accumulation of rubbish. Every occupant of a structure shall keep that part of the structure and exterior property which such occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a structure containing a boarding and rooming house, fraternity and sorority house, dormitory, SRO or multiple-family dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Garbage and refuse storage and removal shall meet the requirements of the Salt Lake ~~County~~^{Valley} health department regulations.

C. There shall be no insect or rodent infestation in violation of the Salt Lake ~~County~~^{Valley} health department regulations.

D. Asbestos, regardless of the date of installation, shall meet the requirements of the Salt Lake ~~County~~^{Valley} health department regulations.

E. A room in which a toilet is located shall be separated from food preparation or storage rooms by a tightfitting door.

18.50.180: SPACE AND OCCUPANCY STANDARDS:

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A. Ceiling Heights:

1. Habitable Rooms: The minimum ceiling height for all habitable rooms shall be as set forth in the construction codes adopted in Section 18.04.040 ~~seven feet six inches (7'6")~~, except for kitchens, which may be seven feet zero inches (7'0"). This height may be ~~six~~6 feet ~~four~~4 inches (6'4") when the requirements of this chapter for emergency egress, light and ventilation are met and a ~~one hundred twenty (120) volt electrical powered~~ smoke detector and carbon monoxide detector are installed pursuant to the construction codes adopted in Section 18.04.040 ~~in the room~~. The only exception is that a smoke detector is not required in a kitchen. ~~Projections~~Obstructions shall be allowed to ~~six~~5 feet ~~10~~zero inches (6'0") when the ~~projection~~obstruction is not in the pattern of circulation and ~~projections~~obstructions are not greater than ~~twenty percent (20%)~~ of the floor area of the room.

2. Nonhabitable Rooms Except Bathrooms: All nonhabitable rooms, except bathrooms, shall have no minimum ceiling height requirement.

3. Bathrooms ~~And~~ Toilet Rooms: Bathrooms and toilet rooms shall have a minimum ceiling height of ~~six~~6 feet ~~0~~zero inches (6'0") ~~with no projections below the six foot (6') minimum~~. Obstructions shall be allowed to 5 feet 10 inches. The bathroom ceiling height at the back of a sink, toilet or tub without shower may be sloped to a minimum height of ~~five~~5 feet ~~0~~zero inches (5'0") at the wall when the ceiling height is no less than ~~six~~6 feet ~~0~~zero inches (6'0") at a point ~~two~~2 feet ~~0~~zero inches (2'0") from the wall adjacent to the bathroom plumbing fixture.

4. Sloping Ceilings: In any room with a sloping ceiling, at least one-half (1/2) the floor area shall have a minimum ceiling height as required by this section. No portion of the room with a ceiling height below ~~five~~5 feet ~~0~~zero inches (5'0") may be used in the floor area computation.

5. Corridors: A minimum ceiling height of ~~six~~6 feet 4 inches (6'4") shall be required in corridors so long as there are a smoke detector and carbon monoxide detector installed pursuant to the construction codes adopted in Section 18.04.040. Obstructions shall be allowed to 5 feet 10 inches when the obstruction is not in the pattern of circulation and obstructions are not greater than 20% of the floor area of the corridor.

B. Room And Corridor Size:

1. Floor Area ~~And~~ Room Dimensions: Floor area and room dimensions shall be as set forth in the construction codes adopted in Section 18.04.040. ~~Dwelling units shall have at least one habitable room with not less than one hundred twenty (120) square feet of floor area. Habitable rooms other than a kitchen shall have an area not less than seventy (70) square feet and shall not be less than seven feet (7') in length or width.~~

2. Sleeping Room Dimensions: Every room used for sleeping shall have at ~~least seventy (70) square feet of floor area~~ equal to the amounts required by the construction codes adopted pursuant to Section 18.04.040. Where more than ~~two~~(2) persons occupy a room used for sleeping, the required floor area shall be increased at the rate of ~~fifty (50) square feet~~ for each occupant in excess of ~~two~~(2).

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3. Corridors: The minimum width of corridors shall be ~~36~~^{thirty-six} inches (~~36"~~). In dwelling units constructed prior to 1983, a minimum corridor width of ~~28~~^{thirty} inches (~~30"~~) shall be permitted.

C. Special Dwellings:

1. Efficiency Dwelling Units: An efficiency dwelling unit shall:

a. Have a living room ~~of at least one hundred ninety (190) square feet~~ of floor area equal to the amounts required by the construction codes adopted pursuant to Section 18.04.040. An additional one hundred (100) square feet of floor area shall be provided for each occupant in excess of two (2);

b. Have a closet;

c. Have a kitchen sink and cooking and refrigeration facilities, each having a clear working space of at least thirty inches (30") in front of the fixture or appliance;

d. Have a bathroom containing a toilet, sink and bathtub or shower.

2. Congregate Housing: Except for Shared Housing as defined in Title 21A, ~~Individual~~ units in congregate housing shall have at least one room with not less than seventy (70) square feet of floor area per occupant. When individual rooms are less than one hundred twenty (120) square feet, a separate common room shall be provided of at least one hundred twenty (120) square feet for each ten (10) units, with a minimum of one common room per floor. When separate rooms are not provided with cooking facilities, the common room may be a common kitchen with a floor area as defined by the floor area computation.

D. Cooking Facilities:

1. Cooking Facilities ~~In~~ Dwelling Units: Each dwelling unit shall have a kitchen that supplies:

a. A range with stove top and oven, or in the alternative, a nonportable cooktop and oven. Hot plates, pans, and similar units shall not be considered as cooking facilities. All cooking appliances shall be maintained in good working condition.

b. An approved sink, with a minimum dimension of twelve inches by twelve inches by four inches (12" x 12" x 4") deep.

c. A minimum of four (4) square feet of counter space.

d. A refrigerator.

2. Cooking Facilities ~~For~~ Individual Units ~~In~~ Congregate Housing: As long as such cooking facilities do not encroach into the required floor area, required cooking facilities may be supplied in individual units, provided all of the following items are supplied:

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a. A range with stove top and oven, or in the alternative, a nonportable cooktop and oven. Hot plates, pans, and similar units shall not be considered as cooking facilities and are not allowed. Portable cooking devices are not allowed in individual rooms;

b. An approved sink, with a minimum dimension of twelve inches by twelve inches by four inches (12" x 12" x 4") deep;

c. A minimum of four (4) square feet of counter space;

d. A refrigerator.

3. Common Kitchens in Congregate Housing: When cooking facilities are not provided within individual units, congregate housing shall have a common kitchen area which shall contain the following minimum facilities: a sink for each twenty (20) tenants or portion thereof, a range for each twenty (20) tenants or portion thereof, and a refrigerator for each ten (10) tenants or portion thereof. The minimum kitchen area shall be one hundred twenty (120) square feet based on the floor area computation for the first ten (10) occupants or portion thereof, and an additional thirty (30) square feet for each additional ten (10) persons or portion thereof.

~~E. Window Size Alterations: When window size modifications are necessary to meet light, ventilation or emergency egress, the window shall meet the most currently adopted uniform building code standard.~~

18.50.190: LIGHT AND VENTILATION:

A. Natural Light in Habitable Rooms:

1. Every habitable room shall have at least one window facing directly to the outdoors to provide natural light. The minimum total window area shall equal one-twentieth (1/20) or more of the floor area of the room, with a minimum of three and one-half (3 1/2) square feet. Special purpose rooms such as home theaters and film processing rooms shall not be subject to this requirement. Kitchens may be provided with artificial light, which shall be a minimum of 1.5 watts incandescent or 0.8 watts fluorescent per square foot of the room.

2. The glazed area of an exterior door may be used for purposes of computing window size for natural light.

3. For the purpose of meeting light or ventilation requirements, as well as emergency egress, a room may be considered as a portion of an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty five (25) square feet, whichever is greater.

B. Ventilation:

1. Habitable Rooms:

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a. Except as provided in subsection B1b of this section, all habitable rooms shall be provided with natural ventilation by means of openings to the exterior which have the capability of being closed to the weather. Total openings shall have an area at least one-twentieth (1/20) of the floor area of the room or three and one-half (3 1/2) square feet, whichever is greater.

b. A mechanical ventilation system shall be allowed in lieu of openings for natural ventilation. Such system shall create a positive pressure in the room and the air intake shall be connected directly to the outside and be capable of two (2) air exchanges per hour. In kitchens, the ventilation system may create negative pressure. The air intake/exhaust source shall be located at least three feet (3') above any opening which is within ten feet (10') of the air intake/exhaust.

c. Exterior doors may be used to meet natural ventilation requirements.

2. Bathrooms, Laundry Rooms, And Other Nonhabitable Areas:

a. Except as provided in subsection B2b of this section, all bathrooms and laundry rooms shall be provided with natural ventilation by means of openings to the exterior which have the capability of being closed to the weather. Such openings shall have a total area not less than one-twentieth (1/20) of the floor area of the room, with a minimum of one and one-half (1 1/2) square feet.

b. A mechanical exhaust system connected directly to the outside shall be allowed in lieu of natural ventilation. The system shall be capable of providing five (5) air exchanges per hour. The exhaust air shall discharge at least three feet (3') above or ten feet (10') away from any air intake source. Toilet rooms may be ventilated with an approved recirculation fan or similar device designed to remove odors from the air.

c. Mechanical or convection venting of bathrooms into the attic shall be acceptable. Recirculating fans may be used in toilet rooms only. Bathrooms with tubs or showers shall have a convection or mechanical exhaust system.

d. Bathrooms constructed prior to 1970, which are vented with convection vent openings extending to the outside shall meet the ventilation requirement as long as the walls, ceiling and floor are not adversely affected by moisture.

18.50.200: FIRE SAFETY; EGRESS:

A. Fire Safety: No hazard of fire or explosion shall be created or allowed to exist in any building, premises, equipment or apparatus.

B. Exit ~~A~~and Emergency Egress:

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1. Every existing dwelling unit shall have a safe, continuous and unobstructed means of egress of a minimum ceiling height of six feet four inches (6'4") and a minimum egress width of 28 inches as per this code. Obstructions shall be allowed to 5 feet 10 inches when the obstruction is not in the pattern of circulation and obstructions are not greater than 20% of the floor area of the exitway. The exitway shall be kept in a proper state of repair and maintained free of hazardous conditions and obstructions.

2. Every sleeping room located below the fourth story shall have at least one openable window or exterior door approved for emergency egress or rescue. Every egress window shall comply with the construction codes adopted in Section 18.04.040, unless the size of the opening under such codes is not feasible then tThe opening shall have a minimum of three and one-half (3 1/2) square feet of openable space and clear opening dimensions of at least twenty inches (20") in one dimension and twenty ~~two~~four inches (22~~24~~"") in the other dimension. The escape window must open directly into a yard or exit court, or into a public street or alley. When windows are provided as a means of emergency egress or rescue, they shall have a finished sill height of not more than forty eight inches (48"). If the distance from the floor to the windowsill is more than forty eight inches (48"), a permanent ladder or platform attached to the wall or floor may be installed to meet the maximum height requirement. The ladder or platform must be approved by the city.

a. ~~Exception 1. Where two (2) approved emergency exit doors leading from the sleeping room to separate exitways exist and minimum light and ventilation requirements are met, this subsection does not apply. Emergency exit doors shall open directly to a yard or court, or may exit through no more than one adjoining room which has a door that leads directly to a yard or court.~~

b. ~~Exception 2. Where minimum light and ventilation and emergency egress requirements are met, there is no minimum sill height requirement in sleeping rooms of dwelling units constructed before 1968, which has not been altered from the original construction.~~

c. ~~Exception 3. Sleeping rooms that fail to meet the sill height, window size or net openable area for the emergency egress provisions of this code may have their emergency egress deficiencies remedied, provided the rooms meet the required natural light and ventilation requirements of the housing code, by the installation of a smoke detector in each of the deficient sleeping rooms and in the hall or space immediately adjacent to and leading into the sleeping room or area. The smoke detectors shall be wired directly to the house electrical system and be provided with a battery backup.~~

3. For windows that are below grade, a window well shall run parallel to the width of the window and extend at least eighteen inches (18") out from the exterior face of the building. When the distance from the top of the window well to its bottom exceeds forty eight inches (48"), it shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. Grates are

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permitted over window wells when hinged away from the structure and not weighing over fifteen (15) pounds per section of the grate.

4. Bars, grills, grates or similar devices may be installed on emergency escapes or rescue windows or doors, provided such devices are equipped with approved release mechanisms which are operable from the inside of the grate without the use of a key or special knowledge or effort.

C. Stairs ~~And Handrails~~: Stairs and rails shall meet the requirements of the means of egress section of the applicable adopted state construction code ~~UBC or its successor~~ with the following modifications:

1. If there are four (4) or more risers, a handrail shall be required. Two (2) handrails shall be required when the width of the stairs is forty eight inches (48") or more. Stairways less than forty eight inches (48") in width or stairways serving one individual dwelling unit in group R, division 1 or 3 occupancy, or a group R, division 3 congregate residence may have one handrail. Handrails are not required for monumental stairs.

2. Handrails shall be placed not less than thirty inches (30") nor more than thirty eight inches (38") above the outermost edge of the tread. Handrails for existing stairs are not required to extend beyond the top or bottom stair tread.

3. Stairs shall have a maximum riser height of ~~eight~~nine inches (~~98~~9") and a minimum step run of ~~eight~~nine inches (~~89~~9"). Existing stair flights may have a maximum variation in rise and run of two inches (2") at the top and bottom of the flight. A maximum of one inch (1") variation of rise and run shall be allowed for all intermediate risers and treads. Stairs shall be level and shall comply with life safety standards as defined herein.

4. ~~Windings~~, circular and spiral stairs may run to narrow to a point. The run shall measure 8 inches (12 inches from the narrow point)~~shall comply with the UBC.~~

5. There shall be no minimum rise or run requirement nor maximum variation in the rise and run for stairs leading only to mechanical, storage, utility, and nonhabitable rooms in any residential structure and laundry rooms in individual dwelling units provided the stairs are structurally sound.

6. Steps shall be maintained in a safe manner. Missing steps, steps which are deteriorated to the point that a foothold is difficult to maintain, staircases which have missing boards, and/or staircases which contain boards that have lost their structural integrity shall be repaired to a safe condition.

7. Interior and exterior stairs shall have a minimum headroom height of six feet four inches (6'4") so long as there are electrical powered smoke detectors installed pursuant to the construction codes adopted in Section 18.04.040, except for stairs to mechanical or storage rooms, utility and nonhabitable rooms in any residential structure and laundry rooms in individual dwelling units, which have no minimum headroom height. Within stairways obstructions shall be allowed to 5 feet 10 inches when the

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obstruction is not in the pattern of circulation and obstructions are not greater than 20% of the floor area of the stairway.

8. Stairs in the interior or exterior of an existing building where stair jacks are replaced or more than fifty percent (50%) of the tread or risers are replaced shall meet the requirements of the applicable adopted state construction code~~UBC~~, ~~except that the minimum stair width shall be thirty inches (30") and the minimum headroom height shall be five six feet four inches (6'4").~~

~~9. If because of the configuration of the horizontal and vertical distances an alternate stair configuration is more practical than the UBC requirement, or if HAAB finds that the stair rhythm is safe, HAAB may allow other configurations which are less uniform but achieve comparable safety, regardless of subsections C3 and C4 of this section.~~

~~9.10.~~ A stair tread, stair support, stair riser, landing or railing which is either missing or so severely in disrepair or damaged that it cannot support its intended live and dead loads shall be repaired.

~~10.11.~~ Interior stair landings shall have a minimum width of twenty-eight~~thirty~~ inches (28~~30~~") and a minimum length in the direction of travel of thirty inches (30").

D. Guardrails:

1. Guardrails shall be required for all balconies, porches, patios and open stairs more than thirty inches (30") above or below grade. Guardrails shall also be required for any grade change more than thirty inches (30") next to a walking surface. Guardrails shall not be less than forty two inches (42") in height, except for guardrails serving private dwelling units, which shall have a minimum height of thirty six inches (36"). Guardrails may have a minimum height of thirty six inches (36") if the building was built before 1970. Guardrails having a height less than thirty six inches (36") shall be allowed if they were installed as part of the building's original construction and are not a replacement. For structures which are on the historic register or are contributory structures located within one of the city's historic districts, height of existing and replacement guardrails may be determined based upon standards adopted by the city's historic landmark committee.

2. Guardrails shall have intermediate rails or an ornamental pattern such that there is no open area in excess of four inches (4") in diameter. The diameter of such open space may be nine inches (9") for buildings built before 1985, and six inches (6") for those built between 1985 and 1991.

E. Smoke Detector Requirements:

1. When smoke detectors are required in dwelling units by the applicable adopted state construction code~~UBC~~, the detectors shall be mounted on the ceiling or wall at a point centrally located in the hallway or area giving access to rooms used for sleeping. In efficiency dwelling units, the detector shall be centrally located on the ceiling or wall of the main room or sleeping room.

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2. Where sleeping rooms are on an upper level, the detector shall be placed at the ceiling or wall directly above the stairway immediately outside the bedrooms. Wall mounted detectors shall be a minimum of four inches (4") and maximum of twelve inches (12") from the ceiling, but no detector shall be mounted within twelve inches (12") of any corner formed by the meeting of walls, ceilings or beams unless manufacturer's listing specifies otherwise. When activated, the detector shall provide an alarm in the dwelling unit.

3. When one or more sleeping rooms are added to or created within a structure, smoke detectors shall be installed in compliance with the manufacturer's listing and shall receive their primary power from the building wiring in compliance with the applicable adopted state construction code~~UBC~~.

4. All habitable rooms having a ceiling height of less than seven feet six inches (7'6") shall have installed a one hundred twenty (120) volt electrical powered smoke detector.

F. Fire Resistive Separations: Walls or ceilings separating dwelling units from each other and from hazardous uses shall be maintained in their original condition with all penetrations sealed or covered with an approved material. These separations include walls and ceilings separating a garage from a dwelling unit or common area and walls and ceilings separating furnace rooms in structures containing three (3) or more dwelling units. When fifty percent (50%) or more of a wall or ceiling is removed for any reason, the entire wall or ceiling shall be reconstructed to meet the requirements of the applicable adopted state construction code~~UBC~~ for one hour occupancy separation.

18.50.210: PLUMBING:

A. Minimum Requirements:

1. Unless provided otherwise in this chapter, plumbing, piping and fixtures shall be in accordance with the code in effect at the time of installation.

2. Plumbing, piping and fixtures shall have no leaks and shall be maintained in good condition. All waste lines shall be connected to an approved sewer system.

3. The minimum plumbing fixtures required for dwelling units are a bathroom sink, toilet, tub or shower, and kitchen sink.

4. Cold running water shall be plumbed to each toilet. Hot and cold running water plumbed to each bathroom sink, tub, shower and kitchen sink.

5. Every sink, tub and shower shall be provided with hot water and cold water in the temperature ranges required by the codes adopted pursuant to Section 18.04.040~~of at least one hundred ten degrees Fahrenheit (110°F) and with cold water.~~

6. A space without obstruction from floor to ceiling of not less than twelve inches (12") shall be in front of all toilets. Toilets shall be located in a space without

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obstruction from floor to ceiling of not less than twenty two inches (22") in width. No encroachments of these dimensions are permitted.

7. Where vents do not exist for plumbing fixtures meeting the applicable codes in effect at the time of their installation, vents need not be installed when the plumbing fixture or trap and trap arm is replaced providing the sewer line is not altered.

B. Water Heaters: Water heaters shall comply with the construction codes adopted in Section 18.04.040 or the construction code in effect at the time of installation and boilers ~~shall have a listed combination temperature and pressure relief valve and relief valve discharge pipe. All new installations of water heaters and boilers, when located above a finished space, shall include a safe pan with an UPC approved drain piped to an approved drainage system. Existing water heaters and boilers shall have a temperature and pressure relief valve. The valve shall have a listed discharge pipe which discharges no nearer than six inches (6") to the floor and no further than two feet (2') from the floor. A temperature and pressure relief valve shall be required for water heaters only when a water heater was designed for such valve.~~

C. Cross Connections: In order to protect against contamination of the water supply through cross connections, all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture ~~as defined in the UPC~~. Hoses or handheld shower heads shall not be attached in any manner that would permit water contamination during reverse pressure. Water supply pipes provided with an approved backflow preventer or antisiphon device ~~as regulated in the UPC~~ shall be permitted. Handheld shower heads shall be permitted when provided with a permanently mounted holder attached to the wall or shower pipe, or when an antisiphon device is installed. Water faucet outlets below the overflow rim of the fixture shall be permitted until the faucet is replaced. A new fixture shall not be installed where it would create a cross connection.

D. Drains:

1. Drain traps shall meet standards of the applicable adopted state construction code ~~UPC~~. Existing traps shall be allowed as originally designed. If the trap has been modified it shall be replaced with an approved trap, and a vent shall be added as required by the applicable adopted state construction code ~~UPC~~.

2. All open entrapped sewer lines and outlets shall be capped with an approved cap.

E. Fixture Requirements: Every kitchen sink, tub, shower and toilet shall be provided with a minimum of ~~fifteen~~ thirty (30) psi of water pressure.

F. Bathrooms ~~In Rental Dwelling Units~~: Each rental dwelling unit shall have a bathroom within the dwelling unit. Every toilet and bathtub or shower required by this code shall be in a room which will afford privacy to the occupant.

G. Congregate Housing:

1. The minimum plumbing fixtures required for congregate housing are a sink, toilet, and tub or shower for each ten (10) occupants or portion thereof and a kitchen sink. Bathrooms shall have installed a door with privacy lock.

2. Congregate housing that does not provide private toilets, sinks, bathtubs or showers shall have on each floor, accessible from a public corridor, at least one toilet, one sink, and one bathtub with shower or one separate shower for each ten (10) occupants or portion thereof. For each additional ten (10) occupants, or portion thereof, an additional one toilet, one sink and one bathtub or shower accessible from a public corridor shall be provided.

18.50.220: MECHANICAL:

A. Mechanical Equipment:

1. Existing Installations: Mechanical systems lawfully in existence at the time of the adoption of this code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life, health or property has been created by such mechanical system.

2. Compliance: All mechanical equipment shall be in accordance with the code in effect at the time of installation.

3. Maintenance: All mechanical equipment shall be properly maintained and shall be operated in a safe manner.

B. Heating:

1. Temperature: Heating shall be provided by a permanently installed heating system capable of heating all habitable rooms and bathrooms to a minimum of sixty eight degrees (68°), which shall be measured in the center of the room at a height of three feet (3') from the floor.

2. Air Return: A return air duct which serves more than one dwelling unit shall not be permitted. A duplex or multiple dwelling unit legally constructed before 1970 may have an existing common air return continued if ~~the furnace was original installation. Existing common air return installations shall be allowed to continue when a~~ listed smoke detector fan shutoff is installed in the return air duct of all units ~~constructed before 1985. Common air returns shall not be allowed in buildings constructed after 1985.~~

3. Fuel Burning Appliances:

a. Except for direct vented appliances, gas furnaces and gas water heaters shall not be permitted in bedrooms, in bathrooms or in closets accessed only from a bedroom or a bathroom. Existing furnace rooms with access only through an existing bedroom may continue to exist when a one hundred twenty (120) volt smoke detector is installed in the bedroom and relayed to a smoke detector installed in the furnace room. All combustion air is to be supplied from outside air.

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b. Gas shutoff valves are required on all gas appliances. Shutoff valves shall be installed in accordance with the applicable adopted state construction code~~UMC~~.

c. All fireplaces, wood burning stoves, and all other appliances producing combustible gas byproducts shall be connected to an operating chimney or approved flue. All flues and vents shall be installed in compliance with EPA requirements and the requirements of the applicable adopted state construction code~~UMC~~ in effect at the time of installation.

d. All fuel burning appliances shall be provided with combustion air per the requirements of their listing and with the applicable adopted state construction code~~UPC and UMC~~ in effect at the time of their installation.

e. All fuel burning appliances shall be provided with listed clearances and maintained in good working condition and in accordance with their listing.

f. All ventilation fans shall be installed according to their listing and maintained in good working condition.

g. All ducts and vents shall be maintained according to original installation requirements.

18.50.230: ELECTRICAL:

A. Safety: All electrical equipment, wiring and appliances shall be properly installed, maintained and used in a safe manner. Unless provided otherwise in this chapter, all electrical wiring and equipment shall be in accordance with the electrical code in effect at the time of installation. All conductors shall be protected by fuses or circuit breakers that are adequately sized.

B. Electrical Equipment: Electrical equipment shall not exceed the load capacity of the service and branch circuits shall have adequately sized circuit breakers or fuses.

C. Facilities Required: The following electric facilities must be furnished at a minimum and must be operable:

1. Service: The minimum main service to any dwelling unit shall be sixty (60) amperes. Existing dwelling units with electrical services less than sixty (60) amps per dwelling unit which have no special electrical service loads, such as air conditioners, ranges, heating units and clothes dryers may continue to be operated without upgrading the service.

2. Branch Circuits: Circuits supplying air conditioners, ranges, cooktops, stoves and heating appliances shall meet the requirements of the NEC. Branch circuits shall not be overfused.

3. Receptacles: Every habitable room shall contain at least two (2) electrical receptacles or one electrical light fixture and one electrical receptacle. Grounding type

receptacles shall only be used when connected to a grounding system. Existing nongrounding type receptacles may be replaced with grounding type receptacles where protected by a ground fault circuit interrupter.

D. Upgrading Facilities:

1. Service: When remodeling work is done, the service must be upgraded if required by the NEC.

2. Circuits: When new circuits, outlets, switches, wiring and service panels are being installed, the installation shall meet the requirements of the NEC.

3. Receptacles: Wiring, receptacles and switches may be replaced without upgrading so long as circuits are not overloaded.

E. Lighting:

1. Dwelling Units: Every toilet room, bathroom, laundry room, furnace room, interior stairway and hall shall contain at least one permanently mounted electric light fixture.

2. Apartments, SROs ~~And~~ Congregate Housing:

a. Lighting in the common areas shall be as follows: Aisles, passageways, stairwells, corridors, exitways and recesses related to and within the building complex shall be illuminated with a minimum of a forty (40) watt light bulb or equivalent for each two hundred (200) square feet of floor area; provided, that the spacing between lights shall not be greater than thirty feet (30'). Structures containing three (3) dwelling units or less shall not be required to provide exit lighting when no lighting outlet has been previously provided.

b. Every furnace room shall contain at least one electric lighting fixture.

c. Open parking lots and carports shall be provided with a minimum of one foot-candle of light on the parking surface during the hours of darkness. Lighting devices shall be protected by weather resistant covers and shall not cast glare on neighboring properties.

F. General:

1. All electrical panels, boxes, outlets and lighting fixtures shall have proper covers.

2. Flexible cords, as defined in the NEC, shall be used only according to their listing and shall not be installed as permanent wiring or strung across exitways.

18.50.240: ENERGY CONSERVATION REQUIREMENTS:

A. Upgrading: Existing residential units shall be upgraded whenever any of the following events occur:

1. Whenever wallboard, plaster or other finish material is removed which exposes wall cavities of foundations, exterior walls, floors or ceilings, these spaces shall be insulated to the degree it is practical. Where attic and crawl space areas are insulated, the space shall be ventilated as per the currently adopted applicable state construction code~~UBC~~.

2. Where insulation increases the accumulation of snow, and the snow load capacity of the roof structure is exceeded, the roof members shall be upgraded to withstand the additional loads.

3. When access is available to foundations of existing structures, foundations shall be insulated to the standard required by the applicable Utah energy code when remodeling of the structure is initiated.

4. When boarded structures are renovated for reoccupancy, the structure shall be insulated to the following standards when wall, ceiling, roof or floor cavities are open or accessible: wall, R-11; ceilings and roofs, R-32; floors, R-7. Thermal resistance "R" shall have the meaning as defined in the Utah energy code.

5. When new habitable space is created within an existing building envelope, all such spaces shall be insulated to the current Utah energy code standards.

6. All replacement windows shall be double pane. Replacement glass for structures which are on the historic register or are contributory structures located within one of the city's historic districts may be determined based upon standards adopted by the city's historic landmark committee. Replacement metal windows shall have a thermal break. Single pane replacement glass may be installed on windows not designed to accept double pane glass.

7. All exterior door replacements shall be weather stripped.

8. New mechanical equipment installed shall meet a minimum of eighty percent (80%) efficiency.

9. Except for the other applicable requirements of this chapter, when a new addition is made to an existing residential structure, only the addition shall be made to comply with current Utah energy code standards.

B. Exterior Door ~~A~~and Window Seals:

1. Exterior doors and windows shall be weathertight. If broken, all panes shall be replaced with glazing in compliance with the applicable adopted state construction codes~~UBC~~.

2. All doors and windows shall be properly caulked and weatherproofed.

LEGISLATIVE DRAFT

SECTION 12. Repealing the text of Salt Lake City Code Chapter 18.52. That Chapter 18.52 of the Salt Lake City Code (Technical Building Specifications: Mechanical Regulations) is hereby repealed in its entirety as follows:

~~CHAPTER 18.52
MECHANICAL REGULATIONS~~

~~18.52.010: DEFINITIONS:~~

~~For the purpose of this title:~~

~~ENERGY USING EQUIPMENT: That which is designed, constructed, erected or altered to operate by the use of fuel and/or power and shall include any devices and appurtenances or appliances, materials, ducts, pipes, piping, venting, gas piping, valves, fittings, fans, blowers and burners necessary to the performance of such functions that shall create comfort heating and/or cooling or power for work services.~~

~~MECHANICAL SYSTEM: Means and shall include, but not be limited to, any heating, comfort cooling, ventilation and refrigeration systems, or energy using equipment.~~

~~18.52.020: UNIFORM MECHANICAL CODE ADOPTED:~~

~~The edition of the uniform mechanical code, as adopted by the Utah uniform building code commission, is adopted by Salt Lake City as an ordinance, rules and regulations of Salt Lake City subject to the amendments and exceptions thereto as hereinafter set out, one copy of which code shall be filed for use and examination by the public in the office of the city recorder. Hereafter all references in this code to the uniform mechanical code shall mean the said edition adopted by the Utah uniform building code commission.~~

~~18.52.040: MANUAL ON RECOMMENDED GOOD PRACTICES ADOPTED:~~

~~"Recommended Good Practices For Gas Piping Appliance Installation, And Venting", Mountain Fuel Supply Company, revision of June 1980, is adopted by Salt Lake City as an ordinance, rules and regulations of the city, subject to the amendments and exceptions thereto as hereinafter set out, three (3) copies of which code have been filed for use and examination by the public in the office of the city recorder.~~

~~18.52.050: MECHANICAL PERMIT FEES:~~

LEGISLATIVE DRAFT

A. ~~Any person desiring a permit required by this code shall, at the time of filing an application therefor, pay the fee shown on the Salt Lake City consolidated fee schedule to the city treasurer before the permit is valid. The basic fee for each permit requiring inspection is shown on the Salt Lake City consolidated fee schedule. In addition, the fee for each individual specialty item is shown on the Salt Lake City consolidated fee schedule.~~

SECTION 13. Repealing the text of Salt Lake City Code Chapter 18.56. That Chapter

18.56 of the Salt Lake City Code (Technical Building Specifications: Plumbing Regulations) is hereby repealed in its entirety as follows:

~~CHAPTER 18.56~~

~~PLUMBING REGULATIONS~~

~~18.56.010: UNIFORM PLUMBING CODE ADOPTED:~~

~~The uniform plumbing code, 1988 edition, published by the International Association Of Plumbing And Mechanical Officials as a code in book form, three (3) copies of which have been filed for use and examination by the public in the office of the city recorder, is hereby adopted, except as such code may be altered or modified by the provisions of the ordinances of Salt Lake City.~~

~~18.56.020: PLUMBING SYSTEM DEFINED:~~

~~"Plumbing system" means all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, and all building drains and appurtenances within the property lines of the premises except: a) fixed lawn sprinkler systems beyond backflow prevention devices, and b) building sewers and private wastewater disposal systems three feet (3') or more beyond the outside walls of buildings. Included also are potable water treating or using equipment and water heaters.~~

~~18.56.030: WATER SUPPLY PORTION OF PLUMBING SYSTEM:~~

~~The water supply portion of the plumbing system shall be considered to extend from the meter box (or the property line in the absence of a meter) to and throughout the building, terminating at an approved backflow prevention device or devices serving fixed lawn sprinklers. Included also are fire prevention and firefighting piping and equipment.~~

~~18.56.040: PLUMBING PERMIT FEES:~~

LEGISLATIVE DRAFT

A. ~~Before a permit shall be valid, permit fees shall be paid to the city treasurer. The basic fee for each permit requiring inspection is shown on the Salt Lake City consolidated fee schedule. In addition, the fee for each individual specialty item is shown on the Salt Lake City consolidated fee schedule.~~

B. ~~Fees for fire extinguishing systems shall be paid to the city treasurer as shown on the Salt Lake City consolidated fee schedule.~~

~~18.56.050: HOT WATER CAPACITY FOR RESIDENTIAL UNITS:~~

~~All single family residences which have central water heating units shall deliver a minimum capacity of thirty (30) gallons of one hundred forty degree Fahrenheit (140°F) water. Multiple units shall have a central water heating unit which shall deliver a minimum capacity of thirty (30) gallons of one hundred forty degree Fahrenheit (140°F) water per residential unit, when a central water heating unit is installed.~~

~~18.56.060: LOW FLUSH TOILETS; REQUIRED FOR BUILDING PERMIT:~~

~~After the effective date hereof, no building permits shall be issued for new construction or remodeling of hotels, motels, apartment houses, dwellings or other structures which have toilets or water closets which use more than four (4) gallons of water per flush. Any toilets or water closets installed prior to said effective date shall meet the standards of this section when replaced. All fixtures installed pursuant to the provisions of this chapter shall be of a design such that the walls of the toilet or water closet bowl are thoroughly washed and contents discharged with each flush.~~

~~18.56.070: LOW FLUSH TOILETS; ON WATERSHED PROPERTY:~~

~~After January 1, 1982, any toilets installed prior to the effective date hereof which are located on watersheds in Salt Lake County, or canyons contiguous to these watersheds, shall be replaced with toilets or water closets which meet the standards for new construction or remodeling specified in section 2-5-29 of the revised ordinances of Salt Lake County, 1965, or its successor, as amended.~~

~~18.56.080: FLOOR DRAINS; DUAL FLANGE AND SAFE PANS REQUIRED:~~

~~All floor drains, area drains and indirect waste receptors installed on any floor level other than slab on grade shall have a dual flange and safe pans installed, with a minimum of thirty six inches (36") square of approved material, unless they are part of an original pour of concrete.~~

~~18.56.100: SOLVENT PLUMBING SYSTEMS:~~

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"Sovent" is an engineered drainage plumbing system that does not meet conventional code requirements as found in the uniform plumbing code, 1988 edition, as adopted by section 18.56.010 of this chapter, or its successor section. The system is based on the combined hydraulic/pneumatic flow and performance characteristics of drainage plumbing products, and will be allowed for use in the city under the following provisions:

A.— Certification: The proprietor(s) of the engineered system shall certify that the plans meet the design requirements and shall also certify at the completion of the installation that they have inspected the system and that the system complies with the approved plans;

B.— Submittal Of Calculations: Submit hydraulic and pneumatic calculations for the proposed system before a permit is obtained;

C.— Offsets: A double offset shall be installed in the stack on floor levels where no fixture or branch connections are made;

D.— Deaerator Fitting: A deaerator fitting shall be located as close as possible to the base of the stack. No branch or fixture connections are permitted on this system downstream from the deaerator fitting. A full size bottom pressure relief line shall connect the deaerator fitting to the building drain at least ten (10) pipe diameters downstream from the base of the stack through a wye fitting rolled above the centerline. The full size bottom pressure relief line shall be provided with an accessible upper terminal cleanout;

E.— Prohibited Attachments: Pumpout, blowout, garbage disposal, clothes washing machine, or outlets from grease traps are prohibited in this system;

F.— Cleanouts: Accessible cleanouts shall be provided in all horizontal drains. Cleanouts shall be provided for each aggregate change of direction exceeding one hundred thirty five degrees (135°);

G.— Conventional Plumbing: Vents from conventional plumbing and pressure equalizing line vents from a sovent system shall not connect to the sovent stack below other drainage fittings;

H.— Future Alterations: No alteration may be made without prior written permission from the division of building and housing services, and no provisions for future openings will be permitted on this system. This system shall be properly identified on each installation site. All buildings of B-2 occupancies with more than eight thousand (8,000) square feet per floor shall provide at least one 4-inch waste stack and one 4-inch vent stack for any alteration or additions.

18.56.105: MISCELLANEOUS PLUMBING REQUIREMENTS:

A.— Overflow roof drains shall not be connected to the primary roof drain lines.

B.— Overflow roof drains shall drain to a point where they can be easily seen for early problem detection.

C.— Fill valves for fire sprinkler storage tanks shall be equipped with an approved air gap on reduced pressure backflow preventer.

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~~D. Safe pan drains shall be no smaller than one and one-half inches (1 1/2") unless first approved by the administrative authority.~~

~~E. Trough drains are prohibited unless first approved by the administrative authority.~~

~~F. Drainage for gravity dump washers shall be by direct hookup to the building drain or to a sealed sump connected to the building drain. There shall be a floor drain immediately downstream of each gravity dump washer hookup.~~

~~18.56.110: UNSANITARY CONSTRUCTION AND CONDITIONS:~~

~~Any portion of a plumbing system or any construction or work regulated by this title found or determined to be unsanitary, as defined in this title, or otherwise a menace to life, health or property, is hereby declared to be a public nuisance.~~

SECTION 14. Amending the text of Salt Lake City Code Chapter 18.64. That Chapter 18.64 of the Salt Lake City Code (Additional Regulations: Demolition) shall be, and hereby is amended as follows:

CHAPTER 18.64 DEMOLITION

18.64.005: PURPOSE AND INTENT:

A. The purpose of the provisions in this chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;

2. Provide an orderly and predictable process for demolition of buildings and structures when appropriate;

3. Ensure demolition occurs safely;

4. Protect utilities and other infrastructure from damage during demolition;

5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;

6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and

7. Encourage preservation of the city's housing stock where appropriate.

B. A primary intent of the city council with respect to this chapter is to promote responsible re-use of existing housing stock where practical and provide an orderly process for demolition where it is not practical or cost efficient to rebuild/reuse. Accordingly, the council finds that it is in the public interest to require existing buildings to be maintained in a manner that does not constitute a public nuisance until replaced by new construction, except as otherwise permitted by this code.

18.64.010: PERMIT REQUIRED:

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official as provided in this chapter.

18.64.020: APPLICATION FOR PERMIT:

To obtain a permit for demolition, an applicant shall submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

- A. Identify and describe the type of work to be performed under the permit;
- B. State the address of the structure or building to be demolished;
- C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories, and number of residential dwelling units (if any);
- D. Indicate the method and location of demolished material disposal;
- E. Identify the approximate date of commencement and completion of demolition;
- F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;
- G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;
- H. If the building or structure to be demolished contains any dwelling units, state whether any of the dwelling units are presently occupied; and
- I. State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.
- J. Affirm that the property will comply with the landscaping requirements for the zoning district that the property is located in as required under the provisions of Chapter 21A.48.

18.64.030: FEES AND SIGNATURE:

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A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.

B. The fee for a demolition permit application shall be as shown on the Salt Lake City consolidated fee schedule.

C. An additional fee for the cost of inspecting the property to determine compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials shall be collected in the amount shown on the Salt Lake City consolidated fee schedule.

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

A. A demolition permit may be issued only upon completion of an application in accordance with Section 18.64.020 herein; or the chief building official or fire marshal orders immediate demolition:

1. Due to an emergency as provided in Chapter 18.64, ~~Article II of this title;~~
or

2. Because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or

3. The chief building official or fire marshal authorizes immediate demolition because clearing of land is necessary to remove a nuisance as defined in this code or Section 76-10-801 et seq., Utah Code or its successor.

B. If proposed demolition involves a landmark site, a contributing structure, or a structure located in the H Historic Preservation Overlay District, as provided in Section 21A.34.020 of this code, or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that section or its successor.

18.64.045: DEMOLITION BY NEGLECT:

The owner of a boarded building shall maintain the exterior of the building as provided in Sections 18.48.2535 and 18.50.140, ~~"Exterior Maintenance", of this title or its successor.~~

18.64.050: RESIDENTIAL DEMOLITION NOTICE

A. If the structure for which a demolition permit is sought contains one or more dwelling units, whether or not occupied, upon issuance of a demolition permit, the building official shall cause to be recorded against title to such real property in the official records of Salt Lake County a notice that contains the following information:

1. Information about the demolished property as required by the city, including the number of dwelling units and respective number of bedrooms, and the amount of

rent charged in the year prior to the demolition, and the level of affordability if the rent is a below market rate.

2. Notice that the future development of the property may have specific development requirements under the City code, including without limitation the city's community benefit policies in chapters 19 and 21A.50.050.

18.64.070: PREDEMOLITION SALVAGE PERMITS:

A. A predemolition salvage permit shall be required for removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of any building prior to demolition of the structure. A predemolition salvage permit may be issued only contemporaneously with, or after, city approval of:

1. A building permit for new construction on the premises following demolition, or

2. A demolition permit.

B. A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule.

18.64.080: EXPIRATION; DILIGENCE:

A demolition permit shall expire forty five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the building official at the time of application. A demolition permit may be renewed upon request prior to expiration with approval of the building official for one-half (1/2) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

18.64.090: QUALIFICATIONS TO DO WORK:

A. It shall be unlawful for demolition work permitted under this chapter to be performed except by a ~~wrecking and demolition~~ contractor having a general contractor or demolition license in good standing issued by the Division of Occupational and Professional Licensing in the Utah Department of Commerce.

B. Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other applicable conditions of this chapter are met.

18.64.100: DEMOLITION REQUIREMENTS:

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A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.

B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.

C. A permit for demolition shall require that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. Unless otherwise approved under a building permit for redevelopment of the site, the depression caused by the removal of such debris shall be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.

D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, shall be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the ~~building services and licensing~~ division. In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed.

18.64.110: RELATIONSHIP TO OTHER ORDINANCE:

Provisions of this chapter shall be subordinate to any contrary specific provisions of Title 21A, Chapter 21A.34 of this code, dealing with demolition in historic districts, or its successor.

18.64.120: VIOLATIONS:

A. It is unlawful for the owner of a building or structure to violate the provisions of this chapter. Each day a violation occurs shall be a separate offense.

B. Violation of the provisions of this chapter shall be punishable in accordance with Chapter 18.24~~is punishable as a class B misdemeanor or by imposing a civil penalty as provided in Section 21A.20.010 et seq., of this code.~~

ARTICLE II. EMERGENCY DEMOLITION

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4608

4609 18.64.130: PURPOSE:

4610 Notwithstanding the other provisions of this chapter, the process for demolishing buildings in an
4611 emergency situation shall be as provided by this article.

4612

4613 18.64.140: EMERGENCY DEMOLITIONS APPLICABILITY:

4614 A. If the building official determines that the walls or roof of a building or structure
4615 are collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to
4616 fall on other structures, property, or public rights of way, are a public nuisance, or create a
4617 danger to persons who may enter the property, or create a danger of fire, the building official
4618 may issue an order that the building should be demolished pursuant to this article. A notice and
4619 order reflecting this determination shall be issued and delivered in accordance with Section
4620 18.24.040.

4621 B. If the city's fire marshal determines that a building or structure that has been
4622 affected by fire presents an impermissible danger to persons who may enter the property, then
4623 the fire marshal may issue an order that the building should be demolished pursuant to this
4624 article. A notice and order reflecting this determination shall be issued and delivered in
4625 accordance with Section 18.24.040.

4626 C. If the building official or fire marshal declares an emergency demolition the
4627 requirements of Section 21A.34.020.F, or its successor, shall not apply.

4628

4629 18.64.150: ~~RESERVED~~EMERGENCY DEMOLITION:

4630 ~~If the chief building official declares an emergency, the notification and hearing provisions of~~
4631 ~~section this chapter, or its successor, shall be waived and the building official may authorize~~
4632 ~~immediate demolition of any structure that meets the standards of Section 18.64.140 of this~~
4633 ~~chapter or its successor. The chief building official must make an emergency declaration in~~
4634 ~~writing.~~

4635

4636 18.64.160: BILL FOR COSTS; COLLECTION:

4637 A. Permitted Recovery of Costs: If the building official or designee causes the
4638 emergency demolition of a building pursuant to a notice issued under Section 18.64.140, after
4639 the property owner received at least 10 days' notice in which to complete demolition and failed
4640 to do so, the division may collect the city's abatement costs which shall include the cost of the
4641 demolition contractor, costs of any environmental testing or environmental controls over
4642 demolition materials, and a reasonable amount to pay the costs of city personnel involved in the
4643 demolition, by filing a property tax lien, as set forth in this section.~~Upon the completion of any~~
4644 ~~city demolition pursuant to this article, the city shall mail a bill to the property owner for the~~

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city's costs of demolition which shall include the cost of the demolition contractor and a reasonable amount to pay the costs of city personnel involved in the demolition.

B. Itemized Statement of Costs: Upon completion of the demolition work, the building official or designee shall prepare an itemized statement of costs and mail it to the property owner by certified mail or using any reputable mail tracking service that is capable of confirming delivery, demanding payment within thirty (30) days of the date the statement is post marked. If the bill is not paid within thirty (30) days, the city may take legal action to collect the bill.

C. Form of Itemized Statement of Costs: The itemized statement of costs shall include:

1. The address of the property at issue;
2. An itemized list of all expenses incurred by the division, including administrative costs;
3. A demand for payment;
4. The address where payment is to be made;
5. Notification that failure to timely pay the expenses described in the itemized statement may result in a lien on the property in accordance with this chapter and Utah Code Section 10-11-4 or its successor;
6. Notification that the property owner may file a written objection to all or part of the statement within 20 days of the date the statement is postmarked; and
7. Where the property owner may file the objection, including the name of the office and the mailing address.

D. Delivery of Statement of Costs: The itemized statement of costs described in Subsection C shall be deemed delivered when mailed by certified mail or by any reputable mail tracking service that is capable of confirming delivery addressed to the last known address of the property owner, according to the records of the county recorder.

E. Objection to Statement of Costs: A property owner may appeal the statement of costs to the fines hearing officer pursuant to Section 18.12.050.

F. Failure to Object or Pay: If the property owner fails to make payment of the amount set forth in the itemized statement within 30 days of the date of the mailing of that statement, or to file a timely objection, then the division may certify the past due costs and expenses to the Salt Lake County Treasurer.

G. Failure to Pay After Objection Hearing: If the property owner files a timely objection but fails to make payment of any amount ordered by the fines hearing officer, the inspector may certify the past due costs and expense to the Salt Lake County Treasurer.

H. Lien on Property: After entry by the Salt Lake County Treasurer, as set forth in Subsections F and G, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the Salt Lake County Treasurer at the time of the payment of general taxes.

I. Release of Lien: Upon payment of the amount set forth in the itemized statement of costs or otherwise determined due and owing by the fines hearing officer, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the county.

SECTION 15. Amending the text of Salt Lake City Code Section 18.68.160. That Section 18.68.160 of the Salt Lake City Code (Additional Regulations: Floodplain Hazard Protection: Mandatory and Prohibitory Nature of Chapter) shall be, and hereby is amended as follows:

18.68.160: MANDATORY AND PROHIBITORY NATURE OF CHAPTER:

~~A. — Violations: It is unlawful for any person, firm or corporation to intentionally perform any act prohibited by this chapter or to intentionally fail to perform any act or comply with any requirement of this chapter or to aid or abet therein, or to fail or refuse to comply with any valid order called by the specified officials responsible to administer the provisions of this chapter. No permits shall be issued to any applicant during the time he/she shall fail to correct defective work or noncomplying work or violation exists after written notice by the official responsible for the permit or their designee. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor.~~

~~B. — Fines And Penalties: Upon conviction for such violations of this chapter, such party, if a person, shall be punishable as provided in section 1.12.050 of this code, or its successor. If such party is a corporation, association, partnership or governmental instrumentality, such party may be subject to a fine not exceeding two thousand dollars (\$2,000.00) and/or imprisonment of not more than six (6) months.~~

SECTION 15. Amending the text of Salt Lake City Code Chapter 18.76. That Chapter 18.76 of the Salt Lake City Code (Additional Regulations: Mobile Home Parks) shall be, and hereby is amended as follows:

CHAPTER 18.76
MOBILE HOME PARKS

18.76.010: DEFINITIONS:

For the purposes of this chapter, the following definitions shall apply:

CABANA: A room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

DEPENDENT RECREATIONAL VEHICLE: A unit other than a self- contained unit.

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4718 HOOKUP: The arrangement and connection of parts, circuits and materials employed in the
4719 connections required between the mobile home or recreational vehicle utility outlets and inlets
4720 and the park service connections that make the mobile home or recreational vehicle operational.

4721 MOBILE HOME: A factory assembled structure or structures equipped with the necessary
4722 service connections and constructed to be readily mobile as a unit or units on its own running
4723 gear, and designed to be used as a dwelling unit without a permanent foundation.

4724 MOBILE HOME PARK: A contiguous parcel of land which, after having the approval of the
4725 city planning commission, is used for the accommodation of occupied mobile homes.

4726 MOBILE HOME SPACE OR LOT: A designated portion of a mobile home park designed for
4727 the accommodation of one mobile home and its accessory buildings or structures for the
4728 exclusive use of the occupants.

4729 MOBILE HOME STAND OR PAD: That part of the mobile home space which has been
4730 prepared and reserved for the placement of one mobile home.

4731 MOTOR HOME: A self-propelled vehicular unit primarily designed as a temporary dwelling for
4732 travel, recreational and vacation use.

4733 PARK DRAINAGE SYSTEM: The entire system of drainage piping used to convey sewage and
4734 other wastes from the mobile home or recreational vehicle drainage outlet connection, at the
4735 mobile home or recreational vehicle site, to the property line connection with the sewer lateral
4736 from the main line sewer.

4737 PARK PLUMBING SYSTEM: Means and includes, but is not limited to, the park drainage and
4738 water supply systems within the park property lines.

4739 PARK WATER SUPPLY SYSTEM: All of the water supply piping within the park, and shall
4740 extend from the water meter to the mobile home or recreational vehicle water supply system, and
4741 shall include main and branch service lines, fixtures, devices, piping in service buildings, and
4742 appurtenances thereto.

4743 RAMADA: Any freestanding roof or shade structure installed or erected above an occupied
4744 mobile home or any portion thereof.

4745 RECREATIONAL VEHICLE: A vehicular unit, other than a mobile home, primarily designed
4746 as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled
4747 or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a
4748 camp trailer, a truck camper, or a motor home.

4749 RECREATIONAL VEHICLE PARK: A site, lot, tract or parcel of land upon which one or more
4750 recreational vehicles are parked for temporary use as living quarters.

4751 RECREATIONAL VEHICLE SPACE: A plot of ground within a recreational vehicle park to
4752 accommodate one recreational vehicle.

4753 RECREATIONAL VEHICLE STAND OR PAD: That part of the recreational vehicle space
4754 which has been prepared and reserved for the placement of one recreational vehicle.

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4755 SELF-CONTAINED RECREATIONAL VEHICLE: A unit which:

4756 A. Can operate independent of connections to external sewer, water and electrical
4757 systems; and

4758 B. Has a toilet and holding tank for liquid waste; and

4759 C. Contains water storage facilities and may contain a lavatory, kitchen sink and/or
4760 bath facilities connected to the holding tank; provided, however, that all facilities shall be in
4761 sound operating condition, and further provided that it may be connected to external electric,
4762 water and sewer systems.

4763 SERVICE BUILDING: A building housing separate toilet and bathing facilities for men and
4764 women and which may also have laundry facilities, flushing rim sink, and other facilities as may
4765 be required by this title, and which shall be apart from the facilities within the mobile home or
4766 recreational vehicle.

4767 SEWER CONNECTION: All pipes, fittings and appurtenances installed to carry sewage from
4768 the mobile home or recreational vehicle drain outlet to the inlet provided in the park drainage
4769 system.

4770 SEWER RISER PIPE: That portion of the park sewer lateral which extends vertically to the
4771 ground elevation and terminates at each mobile or recreational vehicle space.

4772 TRAVEL TRAILER: A vehicular, portable unit, mounted on wheels, not requiring a special
4773 highway movement permit when drawn by a motorized vehicle, and:

4774 A. Designed as a temporary dwelling for travel, recreational and vacation use; and

4775 B. When factory equipped for the road, having a body width of not more than eight
4776 feet (8') and a body length of not more than thirty two feet (32').

4777 WATER CONNECTION: All pipes, fittings and appurtenances from the water riser pipe
4778 connection to the water inlet connection of the mobile home or recreational vehicle.

4779 WATER RISER PIPE: That portion of the park water supply system which extends vertically to
4780 the ground elevation and terminates at a designated point at each mobile home or recreational
4781 vehicle space.

4782

4783 18.76.020: ~~RESERVED COMPLIANCE WITH ZONING PROVISIONS:~~

4784 ~~The appeals hearing officer may permit the use of land in any district for a mobile home park~~
4785 ~~provided that in all cases there is compliance with the conditions in title 21A of this code. (Ord.~~
4786 ~~8-12, 2012)~~

4787

4788 18.76.030: PERMITS, LICENSE AND COMPLIANCE REQUIRED:

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It is unlawful for any person to construct, maintain or operate a mobile home or recreational vehicle park within the limits of the city unless such person complies with this title and all other pertinent provisions of this code, and first obtains approval, permits and licenses as required.

18.76.040: ~~RESERVED~~EXISTING PARKS:

~~Mobile home and recreational vehicle parks legally existing at the time of the effective date of the ordinance codified herein may continue to operate on the same basis as under nonconforming uses, as set forth in the current Salt Lake City zoning ordinance.~~

18.76.050: CONSTRUCTION PERMITS REQUIRED; FEES:

Mobile home park construction permits required by the division shall be issued to properly licensed contractors as follows:

A. A general building permit fee shown on the Salt Lake City consolidated fee schedule, to be issued for pads, patio slabs, metal sheds (sheds to be installed by mobile home occupant), curb, gutter, drives, piers, sidewalks, fence or wall, per mobile home space;

B. Electric meter stands or pedestals at the rate shown on the Salt Lake City consolidated fee schedule;

C. The park plumbing system, including sewer and water risers, shall require the fee shown on the Salt Lake City consolidated fee schedule, for each space;

D. All permanent buildings, swimming pools, etc., shall have permit fees assessed at the regular and normal fee schedule;

E. Fire hydrants within the property lines shall require a permit fee shown on the Salt Lake City consolidated fee schedule, for each hydrant.

18.76.060: ~~RESERVED~~PERMIT REQUIRED BEFORE COMMENCING WORK:

~~Application for required permits shall be made by a duly licensed contractor and fees paid to the city treasurer before any work commences. A double fee permit shall be assessed if any work commences without first obtaining the required permit or permits.~~

18.76.070: ~~RESERVED~~PLANS AND LOT PLACEMENT:

~~The location of the mobile home lot limits on the grounds shall be the same as shown on the approved plans. The degree of accuracy obtained by working with a scale on the plan and then a tape on the ground is acceptable. Mobile home lot markers shall be the responsibility of the mobile home park operator.~~

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4824 18.76.080: LOT MARKERS:

4825 The limits of each mobile home lot in a mobile home park shall be clearly marked on the ground
4826 by permanent flush stakes, markers, or other suitable means.

4827

4828 18.76.090: ~~RESERVED~~PERMANENT BUILDING DESIGN AND CONSTRUCTION:

4829 Every building, except a mobile home accessory building, shall be designed and constructed in
4830 accordance with this title.

4831

4832 18.76.100: ADDITIONS AND REMODELING OF PARKS:

4833 Existing mobile home and recreational vehicle parks may be enlarged or remodeled provided the
4834 addition or remodel conforms to all the provisions of this title.

4835

4836 18.76.110: ~~RESERVED~~ACCESSORY BUILDINGS; PERMIT AND PLAN REQUIREMENTS:

4837 Prior to the installation of accessory buildings or structures in a mobile home lot, within a mobile
4838 home park, two (2) copies of a completely dimensioned plot plan drawn to scale and in
4839 accordance with the approved development plan shall be submitted to the division and a permit
4840 obtained. The plot plan shall show the size and location of the mobile home, the identification
4841 number, and the dimensions of the approved lot space, the dimension and location of the
4842 proposed structure, and its dimensional relation to immediate mobile homes and/or structures.

4843

4844 18.76.120: ~~RESERVED~~ACCESSORY BUILDINGS; CONSTRUCTION STANDARDS:

4845 A.—— Standards Applicable: Every accessory building or structure, including, but not
4846 limited to, cabanas, ramadas, awnings, patio covers and carports, shall be constructed in
4847 accordance with the provisions of the latest ANSI standard A119.3. No building nor any portion
4848 of any building shall be supported in any manner by a mobile home.

4849 B.—— Exception: Roof structures such as patio covers and awnings used as temporary
4850 shelter adjacent to a mobile home may be attached to the side of a mobile home, provided they
4851 project not more than ten feet (10') from the side of the mobile home and have at least the upper
4852 one-half (1/2) of the perimeter open or screened, with the remaining construction of nonbearing
4853 enclosing walls.

4854

4855 18.76.130: ~~RESERVED~~CARPORTS, RAMADAS AND COVERED PATIOS:

4856 Attached carports or ramadas shall be completely open except for necessary structural supports.
4857 Covered patios and similar structures may be enclosed, provided the construction conforms to
4858 the requirements of the latest ANSI standard A119.3, except as provided in this title.

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4859

4860 18.76.140: ~~RESERVED~~RECREATIONAL VEHICLE AREA APPROVED WHEN:

4861 ~~Where the mobile home park has direct access to a major highway, the appeals hearing officer~~
4862 ~~may approve the use of a portion of the park as a recreational vehicle park, provided the same~~
4863 ~~design standards are maintained.~~

4864

4865 18.76.150: UNDERGROUNDING OF UTILITIES:

4866 The complete distribution system or collection system of any utility shall be underground.

4867

4868 18.76.160: SEWER CONNECTIONS AND FEES:

4869 All ~~present and normally assessed~~ applicable fees set forth in the Salt Lake City consolidated fee
4870 schedule shall be paid prior to occupancy of any mobile home, including those fees due to the
4871 engineering department for sewer lateral connection from the property line to the sewer main line
4872 in the street.

4873

4874 18.76.170: STREET SURFACING REQUIREMENTS:

4875 All streets shall be provided with a smooth, hard and dense surface which shall be durable and
4876 well drained under normal use and weather conditions. The surface shall be maintained free of
4877 cracks and holes, and its edges shall be protected by suitable means to prevent traveling and
4878 shifting of the base.

4879

4880 18.76.180: STREETLIGHTS:

4881 Lighting shall be designed to produce a minimum of 0.1 foot- candle throughout the street
4882 system. Potentially hazardous locations, such as major street intersections and steps or stepped
4883 ramps, shall be individually illuminated with a minimum of 0.3 foot-candle.

4884

4885 18.76.190: LANDSCAPING:

4886 Portions of a mobile home lot or recreational vehicle space not occupied by a mobile home or
4887 recreational vehicle or accessory buildings or structures shall be landscaped or treated in such a
4888 manner as to eliminate dust, weeds, debris and accumulation of rubbish.

4889

4890 18.76.200: UNLAWFUL AND HAZARDOUS USES:

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No person shall use, permit, or cause to be used for occupancy or storage purposes in a mobile home park a mobile home which is structurally unsound, which constitutes a hazard, or which does not protect its occupants against the elements. All mobile homes are subject to Chapter 18.50.

18.76.210: VIOLATION; NOTICE TO DISCONTINUE:

Whenever any mobile home is being used contrary to the provisions of this chapter, the division may pursue such enforcement methods as permitted by this title~~order such use discontinued and the mobile home to be removed, relocated, or otherwise made to conform with the provisions of this title by notice served on any person responsible for the illegal use.~~

18.76.220: ENFORCEMENT OF PROVISIONS:

The division is hereby designated and authorized as the officers charged with the enforcement of this chapter.

SECTION 16. Amending the text of Salt Lake City Code Chapter 18.80. That Chapter

18.80 of the Salt Lake City Code (Additional Regulations: Parking Lot Construction) shall be, and hereby is repealed in its entirety as follows:

~~CHAPTER 18.80 PARKING LOT CONSTRUCTION~~

~~18.80.010: PARKING LOT DEFINED:~~

~~"Parking lot" means an open area other than a street used for the parking of more than four (4) automobiles, and available for public use, whether free, for compensation, or as an accommodation for clients or customers.~~

~~18.80.020: PERMIT; REQUIRED FOR CONSTRUCTION; ISSUANCE CONDITIONS:~~

~~No parking lot or parking area shall be constructed without first obtaining a permit authorizing such construction. No permit shall be issued without first securing the recommendations of the city transportation engineer and no permit shall be issued until the applicant has complied with the provisions of this chapter.~~

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4923

4924 ~~18.80.030: WALLS, SCREENING AND BUMPER CURB REQUIREMENTS:~~

4925 ~~The parking lot shall be provided with attractive walls, guardrails or screening shrubbery, at least~~
4926 ~~along the street side, to limit points of ingress and egress, to prevent encroachment of parked~~
4927 ~~vehicles on any sidewalk, and to improve the general appearance and, where necessary, with a~~
4928 ~~bumper curb parallel with the inside of the wall or guardrail at such distance that the wheels of~~
4929 ~~the motor vehicles in the parking lot are stopped prior to the motor vehicle's contact with the wall~~
4930 ~~or guardrail.~~

4931

4932 ~~18.80.040: DRIVEWAY RESTRICTIONS:~~

4933 ~~Driveways must not exceed thirty feet (30') in width where they cross the sidewalk; adjacent~~
4934 ~~driveways must be separated by an island at least twelve feet (12') in width; and driveways must~~
4935 ~~be at least ten feet (10') from the property line of any intersecting street.~~

4936

4937 ~~18.80.050: BUILDINGS FOR ATTENDANTS:~~

4938 ~~Attendant buildings must be located far enough from the entrance to prevent congestion at the~~
4939 ~~sidewalk, and must be constructed so as not to detract from the appearance of the surrounding~~
4940 ~~neighborhood. Every operator of a parking lot, before constructing or reconstructing, or locating~~
4941 ~~or relocating an attendant building, shall secure the approval of the city transportation engineer~~
4942 ~~and the city planning director.~~

4943

4944 ~~18.80.060: SURFACING OF PARKING AREA:~~

4945 ~~Ground surfaces of the parking area shall be paved or hard surfaced.~~

4946

4947 ~~18.80.070: LIGHTING FACILITIES; REQUIRED WHEN:~~

4948 ~~Parking lots which are operated and open to use during the hours of darkness after one hour after~~
4949 ~~sunset shall be provided with lights and lighting facilities that will provide 0.03 watt per square~~
4950 ~~foot with incandescent light source, or 0.01 watt per square foot with either mercury vapor or~~
4951 ~~fluorescent light source, but in no event less than 0.2 foot candle average maintained~~
4952 ~~illumination on the entire parking lot surface and an average ratio of six to one (6:1).~~

4953

4954 ~~18.80.080: LIGHTING FACILITIES; PERMIT AND PLAN REQUIRED:~~

4955 ~~Before installing the lighting facilities required by section 18.80.070 of this chapter, or its~~
4956 ~~successor, and before altering or adding to any lighting facilities presently existing, the operator~~
4957 ~~of a parking lot shall first make application to the building official for a permit, and shall submit~~

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with such application a detailed plan for such facilities. If it shall be found that the installation will conform to the requirements of this chapter and the electrical code, a permit shall be issued upon payment of the fee required by the electrical code covering work in commercial and industrial property.

~~18.80.090: CAR CAPACITY AND MANEUVERING:~~

~~The maximum car capacity indicated on the application shall be reasonable, and the arrangement of parking facilities shall not necessitate the backing of cars onto adjoining public sidewalks, parkways, roadways or thoroughfares in conducting parking and unparking operations.~~

~~18.80.100: CLEANUP OF WASTE AND LITTER:~~

~~Every operator of a "parking lot", as defined in this chapter, whether such operator is owner, lessee, representative or agent, shall keep such parking lot in a clean condition at all times, free from all kinds of refuse and waste material. It shall be sufficient compliance with this section to clear the parking lot from refuse and waste material once each day.~~

~~18.80.110: ENFORCEMENT OF PROVISIONS:~~

~~It shall be the duty of the building official to enforce the provisions of this chapter with respect to lighting facilities. It shall be the duty of the board of health to enforce the provisions of this chapter as to keeping the premises in a clean condition.~~

~~18.80.120: FAILURE TO COMPLY WITH CHAPTER PROVISIONS:~~

~~It is unlawful for any operator of a "parking lot", as defined in this chapter, whether such person is owner, lessee, representative or agent, to fail to comply with, or to violate any provision of this chapter.~~

SECTION 17. Repealing the text of Salt Lake City Code Chapter 18.92. That Chapter

18.92 of the Salt Lake City Code (Additional Regulations: Building Conservation Code) shall be, and hereby is repealed in its entirety as follows:

~~CHAPTER 18.92
BUILDING CONSERVATION CODE~~

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4990

4991 ~~18.92.010: UNIFORM CODE FOR BUILDING CONSERVATION ADOPTED BY~~
4992 ~~REFERENCE:~~

4993 ~~The uniform code for building conservation, 1988 edition, is adopted by the city as the~~
4994 ~~ordinances, rules and regulations of the city, subject to the amendments and exceptions thereto as~~
4995 ~~hereinafter set out. Three (3) copies of the code shall be filed for use and examination by the~~
4996 ~~public in the office of the city recorder.~~

4997

4998 ~~18.92.020: EXCEPTION TO SECTION 402(d) AMENDED:~~

4999 ~~The exception to section 402(d) of the code is amended to read as follows:~~

5000 ~~Exception: Existing corridor walls, ceilings and opening protection not in compliance with the~~
5001 ~~above may be continued when the corridors and common areas are protected with an approved~~
5002 ~~automatic sprinkler system. Such sprinkler system may be supplied from the domestic water~~
5003 ~~supply system, provided the system is of adequate pressure, capacity and sizing for the combined~~
5004 ~~domestic and sprinkler requirements. When the building or floor changes occupancy, the entire~~
5005 ~~floor or building must be protected with an approved automatic sprinkler system throughout.~~

5006

5007 ~~18.92.030: SECTION 403 AMENDED:~~

5008 ~~Section 403 of the code is amended by deleting the following sentence:~~

5009 ~~Roofs, floors, walls, foundations and all structural components of buildings or structures shall be~~
5010 ~~capable of resisting the forces and loads specified in chapter 23 of the building code.~~

5011

5012 ~~18.92.040: EXCEPTION ADDED TO SECTION 606(1):~~

5013 ~~An exception to section 606(1) is enacted to read as follows:~~

5014 ~~Exception: Existing nonconforming materials do not need to be surfaced with an approved fire~~
5015 ~~retardant paint or finish when an automatic fire extinguishing system is installed throughout and~~
5016 ~~the nonconforming materials can be substantiated as historic in character.~~

5017

5018 SECTION 18. Repealing the text of *Salt Lake City Code* Chapter 18.94. That Chapter

5019 18.94 of the Salt Lake City Code (Additional Regulations: Commercial Building Benchmarking

5020 and Market Transparency) shall be, and hereby is repealed in its entirety as follows:

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CHAPTER 18.94

COMMERCIAL BUILDING BENCHMARKING AND MARKET TRANSPARENCY

18.94.010: PURPOSE:

The purpose of this chapter is to promote long-term economic development in Salt Lake City through the enhanced energy efficiency of existing commercial buildings, and to reduce local air pollution and greenhouse gas emissions resulting from energy consumption in such buildings through increased energy efficiency, by requiring certain non-residential buildings to benchmark and report energy consumption and investigate opportunities to implement cost-effective building energy tune-ups. Promoting and recognizing efficient buildings will contribute to a cleaner environment and a more efficient use of energy resources.

18.94.020: SCOPE:

The provisions of this chapter apply to buildings and building owners as follows:

A.—— All buildings owned by the City, that are not used for residential purposes, wastewater reclamation plants, or for heavy manufacturing purposes as defined in section 21A.62.040 of this Code, with three thousand (3,000) square feet or more of gross floor area; provided, however, no building with less than twenty two thousand (22,000) square feet of gross floor area shall be subject to the provisions of section 18.94.080 of this chapter.

B.—— All other governed buildings or campuses of buildings that are not used for residential purposes within Salt Lake City's geographic boundaries, where at least one of the buildings is comprised of at least twenty five thousand (25,000) square feet of gross floor area. To the extent a governed building contains elements or uses that are not included within the definition of a governed building under this chapter, the square footage of gross floor area of such elements or uses shall be excluded from the square footage of gross floor area of such building and shall not be considered a part of the governed building for purposes of this chapter.

C.—— Exemptions:

1.—— Governed buildings that are new construction and the Certificate of Occupation was issued less than two (2) years prior to the applicable deadlines; or

2.—— Governed buildings that do not have a Certificate of Occupation or temporary Certificate of Occupation for all twelve (12) months of the calendar year being benchmarked; or

3.—— Governed buildings where a full demolition permit has been issued for the prior calendar year, provided that demolition work has commenced, some energy-related systems have been compromised, and legal occupancy is no longer possible at some point during the calendar year being benchmarked; or

4.—— Governed buildings, including individual buildings or structures, that do not receive utility services; or

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5. — Any of the following: a property or building that is not assessed ad valorem real property taxes by Salt Lake County, houses of worship, apartments, agricultural storage facilities and greenhouses, buildings used for heavy manufacturing purposes as defined in section 21A.62.040 of this Code, oil and gas production facilities, buildings that contain movie/television/radio production studios, soundstages, broadcast antennae, data center, or trading floor that together exceed ten percent (10%) of gross floor area.

D. — Governed buildings do not include properties owned by State or Federal government.

18.94.030: DEFINITIONS:

~~BASE BUILDING SYSTEMS: A building assembly made up of various components that serve a specific function and that are controlled and operated by the owner or designee, including:~~

A. — The building envelope;

B. — The HVAC (heating ventilating and air conditioning) systems;

C. — Conveying systems;

D. — Electrical and lighting systems;

E. — Domestic hot water systems.

~~BENCHMARK: To track and report the total energy consumed for a governed building for the previous calendar year and other descriptive information for such building as captured by the benchmarking tool. Total energy consumption may not include separately metered uses that are not integral to building operations, such as broadcast antennas and electric vehicle charging stations.~~

~~BENCHMARKING SUBMISSION: A subset of:~~

A. — Information input into the benchmarking tool; and

B. — Benchmarking information generated by the benchmarking tool.

~~BENCHMARKING TOOL: The Energy Star portfolio manager or any replacement tool adopted by the U.S. Environmental Protection Agency, and any substantially similar tool approved by the Director.~~

~~BUILDING ID NUMBER: The identification number that is unique to a governed building.~~

~~BUILDING MANAGEMENT SYSTEM: A computer-based system that monitors and controls a building's mechanical and electrical equipment, such as HVAC, lighting, power, fire, and security systems, including an energy management system, incorporating interior temperature sensors and a central processing unit and controls, which are used to monitor and control gas, steam and oil usage, as applicable.~~

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5094 ~~CAMPUS: A collection of two (2) or more buildings where at least one of the buildings has at~~
5095 ~~least twenty five thousand (25,000) square feet of gross floor area or more and that act as a single~~
5096 ~~cohesive property with a single shared primary function, and are generally owned and operated~~
5097 ~~by the same party.~~

5098 ~~CITY PROPERTY: All buildings owned by the City, that are not used for residential purposes,~~
5099 ~~wastewater reclamation plants, or for heavy manufacturing purposes as defined in section~~
5100 ~~21A.62.040 of this Code.~~

5101 ~~DEPARTMENT: The Salt Lake City Department of Sustainability.~~

5102 ~~DIRECTOR: The Director of the Salt Lake City Department of Sustainability.~~

5103 ~~ENERGY STAR PORTFOLIO MANAGER: The tool developed and maintained by the U.S.~~
5104 ~~Environmental Protection Agency to track and assess the relative energy performance of~~
5105 ~~buildings nationwide.~~

5106 ~~ENERGY STAR SCORE: The 1–100 numeric rating generated by the Energy Star portfolio~~
5107 ~~manager tool.~~

5108 ~~FINANCIAL HARDSHIP: A property that:~~

5109 ~~A.—— Had arrears of property taxes or water or wastewater charges that resulted in the~~
5110 ~~property's inclusion, within the prior two (2) years, on the City's annual tax lien sale list; or~~

5111 ~~B.—— Has a court appointed receiver in control of the property due to financial distress;~~
5112 ~~or~~

5113 ~~C.—— Is owned by a financial institution through default by the borrower; or~~

5114 ~~D.—— Has been acquired by a deed in lieu of foreclosure; or~~

5115 ~~E.—— Has a senior mortgage subject to a notice of default.~~

5116 ~~GOVERNED BUILDING: All stand-alone and enclosed buildings used or occupied for a~~
5117 ~~commercial use, including:~~

5118 ~~A.—— Banking/financial services;~~

5119 ~~B.—— Stand-alone data centers;~~

5120 ~~C.—— Education (including K–12, daycare, pre-school, vocational school);~~

5121 ~~D.—— Entertainment/public assembly (including convention centers, gyms, movie~~
5122 ~~theaters, performing arts, meeting halls, recreation centers);~~

5123 ~~E.—— Food sales and services (including restaurants, supermarkets, grocery stores,~~
5124 ~~convenience stores);~~

5125 ~~F.—— Healthcare (including hospitals, medical offices, senior care communities,~~
5126 ~~assisted living and nursing care);~~

5127 ~~G.—— Lodging (including hotels, motels);~~

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5128 H.——Mixed use;

5129 I.——Offices;

5130 J.——Retail (including retail goods establishments, retail service establishments,
5131 department stores, mass merchandising stores, specialty stores, enclosed retail malls and
5132 shopping centers);

5133 K.——Technology/science (including data centers and research facilities);

5134 L.——Warehouses, distribution, and package delivery facilities.

5135 GROSS FLOOR AREA: All gross floor area, which is the area included within the exterior walls
5136 of a building or portion thereof, including mezzanines, enclosed interior balconies, enclosed
5137 porches, basement floor area, penthouses, attic space having headroom of seven feet (7') or more,
5138 and interior connected floor area devoted to accessory uses. Gross floor area does not include
5139 balconies, patios, crawl spaces, courts, convertible indoor/outdoor space, parking or loading
5140 areas, and covered walkways.

5141 HEAVY MANUFACTURING: The same as defined in section 21A.62.040 of this Code.

5142 OCCUPANCY: The physical occupancy of a unit or space by an occupant or a tenant.

5143 OWNER: Any of the following:

5144 A.——An individual or entity possessing title to a governed property;

5145 B.——The net lessee in the case of a property subject to a triple net lease with a single
5146 tenant;

5147 C.——The Board of Managers in the case of a nonresidential condominium;

5148 D.——An agent or party duly authorized to act on behalf of the owner.

5149 PERSISTENT COMMISSIONING: An ongoing process of comparing data obtained through the
5150 building management system with analytic models; identifying problematic sensors, controls and
5151 equipment; and resolving operating problems, optimizing energy use and identifying retrofits for
5152 existing buildings.

5153 SHARED BENCHMARKING INFORMATION: Any descriptive information identifying
5154 governed buildings with Energy Star scores above 50, and any portions of the submitted
5155 benchmarking information that owner elects to be posted publicly on the department's website.

5156 SUBMITTED BENCHMARKING INFORMATION: Whole building information generated by
5157 the benchmarking tool and descriptive information about the governed building and its
5158 operational characteristics, which is submitted to the department. The information shall be
5159 limited to:

5160 A.——Descriptive information:

5161 1.——Property address;

5162 2.——Primary use type;

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- 5163 3. ~~_____~~ Gross floor area;
- 5164 B. ~~_____~~ Output information:
- 5165 1. ~~_____~~ Site electricity consumption (kWh);
- 5166 2. ~~_____~~ Site natural gas consumption (therms);
- 5167 3. ~~_____~~ Site energy use intensity (site EUI);
- 5168 4. ~~_____~~ Weather normalized source energy use intensity (source EUI);
- 5169 5. ~~_____~~ Total annual greenhouse gas emissions;
- 5170 6. ~~_____~~ Water use per gross square foot (if available);
- 5171 7. ~~_____~~ The Energy Star score, where available; and
- 5172 C. ~~_____~~ Comparable information based on updates/revisions to Energy Star portfolio
- 5173 manager.

5174 TENANT: A person or entity occupying or holding possession of all or a portion of real

5175 property, or all or a portion of a governed building pursuant to a rental or lease agreement.

5176 TUNE-UP EVALUATION: A utility sponsored retro-commissioning process that systematically

5177 evaluates base building systems and identifies improvements to achieve optimal building

5178 performance. This includes planning, investigation, and documentation to optimize operation,

5179 maintenance and performance of the facility and/or its base building systems and assemblies.

5180 TUNE-UP EVALUATION REPORT: A report certified by the tune-up professional

5181 demonstrating that a tune-up evaluation was conducted through a utility-sponsored tune-up

5182 incentive program.

5183 TUNE-UP PROFESSIONAL: An individual or entity approved or utilized by local utilities to

5184 provide tune-up evaluation services or who possesses other substantially similar credential to

5185 perform a tune-up evaluation required by this chapter.

5186

5187 18.94.040: SUMMARY OF BUILDING ENERGY PERFORMANCE REQUIREMENTS AND

5188 INITIAL COMPLIANCE DATES:

5189 -

Properties	Submitted Benchmarking Information Due	Shared Benchmarking Information Made Publicly Available	Date When First Tune-Up Evaluation Report Must Be Filed	Frequency Of Tune-Up Evaluation
City property	May 1, 2018	Sept. 1, 2018	May 1, 2020	Prior to Dec. 31 of every fifth year

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Governed building (50,000 sq. ft. of gross floor area or larger)	May 1, 2019	Sept. 1, 2020	May 1, 2021	Prior to Dec. 31 of every fifth year
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Governed building (25,000 to 49,999 sq. ft. of gross floor area)	May 1, 2020	Sept. 1, 2021	May 1, 2022	Prior to Dec. 31 of every fifth year
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5190

5191 ~~18.94.050: BENCHMARKING AND BENCHMARKING SUBMISSION REQUIRED:~~

5192 A. ~~Governed buildings and City properties shall be benchmarked annually for the~~
5193 ~~previous calendar year according to the following schedule:~~

5194 1. ~~Each City property shall be benchmarked no later than May 1, 2018, and~~
5195 ~~every May 1 thereafter.~~

5196 2. ~~Each governed building with a gross floor area of fifty thousand (50,000)~~
5197 ~~square feet or more shall be benchmarked no later than May 1, 2019, and every May 1~~
5198 ~~thereafter.~~

5199 3. ~~Each governed building with a gross floor area of twenty five thousand~~
5200 ~~(25,000) to forty nine thousand nine hundred ninety nine (49,999) square feet shall be~~
5201 ~~benchmarkd no later than May 1, 2020, and every May 1 thereafter.~~

5202 B. ~~Below is a summary table of the first benchmarking submission compliance dates:~~

5203 -

Properties	Benchmarking Submission By Building Owner
City property	May 1, 2018
Governed building (50,000 square feet of gross floor area or larger)	May 1, 2019
Governed building (25,000 to 49,999 square feet of gross floor area)	May 1, 2020

5204

5205 C. ~~Benchmarking shall be performed and/or verified by the owner.~~

5206 D. ~~Before making a benchmarking submission the owner shall run all automated data~~
5207 ~~quality checker functions available within the benchmarking tool, and shall correct all missing or~~
5208 ~~incorrect information identified.~~

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E.— If the current owner receives notification from the City that any information reported as part of the benchmarking submission is inaccurate or incomplete, the information so reported shall be amended in the benchmarking tool by the owner and the owner shall provide an updated benchmarking submission to the Director within sixty (60) days of the notification.

F.— Exceptions:

1.— Governed buildings whose average occupancy throughout the calendar year for which benchmarking is required is less than sixty percent (60%); or

2.— Governed buildings under financial hardship; or

3.— Due to special circumstances unique to the applicant's facility and not based on a condition caused by actions of the applicant, strict compliance with provisions of this chapter would cause undue hardship or would not be in the public interest; or

4.— An owner is unable to benchmark due to the failure of either a utility provider or a tenant (or both) to report the information necessary for the owner to complete any benchmarking submittal requirement.

G.— For properties qualifying for these exceptions, the owner shall file documentation, in such form and with such certifications as required by the Director, with the department in the year prior to the due date for the benchmarking submission, establishing that the governed building qualifies for such an exception.

H.— A randomly selected subset of benchmarking submission not to exceed ten percent (10%) of the total benchmarking submissions completed in a given year may be subject to verification by the City. Such reviews shall be conducted in a way so as to preserve the anonymity of individual properties and shall be conducted at no cost to the owner.

I.— An owner may make a claim of confidentiality for any submitted benchmarking information pursuant to the limitations under State law.

18.94.060: BUILDING ENERGY PERFORMANCE TRANSPARENCY:

A.— The City shall make accessible to the public the shared benchmarking information for the previous calendar year.

1.— For each governed building with a gross floor area of fifty thousand (50,000) square feet or more, on or about September 1, 2020, and on or about each September 1 thereafter.

2.— For each governed building with a gross floor area of twenty five thousand (25,000) to forty nine thousand nine hundred ninety nine (49,999) square feet, on or about September 1, 2021, and each September 1 thereafter.

B.— The department may, upon request, make available the submitted benchmarking information for the previous calendar year for an individual City property or governed building.

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18.94.070: PROVIDING BENCHMARKING INFORMATION TO THE PROPERTY OWNER:

A. — Each tenant occupying a governed building shall, within sixty (60) days of a request by the owner and in a form to be determined by the Director, provide all information that cannot otherwise be acquired by the owner and that is needed by the owner to comply with the requirements of this chapter.

18.94.080: TUNE-UP EVALUATIONS REQUIRED:

A. — Required: Tune-up evaluations are required for governed buildings and City properties that are eligible for participation in a utility-sponsored tune-up incentive program, as determined by the utility offering the incentive program and that have an Energy Star score of 49 and below. Implementation of tune-up measures in addition to evaluations is encouraged but not required.

B. — Report: The owner shall conduct a tune-up evaluation of the base building systems of a qualifying governed building and file a tune-up evaluation report prior to December 31 of the year in which the tune-up evaluation is being performed. The initial reporting year shall be determined by the last digit of the property's tax ID number as illustrated below, and subsequent tune-up evaluation shall be completed and tune-up evaluation reports filed every fifth year thereafter:

Last Digit Of Tax ID Number	50,000 Square Feet And Above Of Gross Floor Area	25,000 To 49,999 Square Feet Of Gross Floor Area
Last Digit Of Tax ID Number	50,000 Square Feet And Above Of Gross Floor Area	25,000 To 49,999 Square Feet Of Gross Floor Area
0	2021	2022
1	2021	2022
2	2022	2023
3	2022	2023
4	2023	2024
5	2023	2024
6	2024	2025
7	2024	2025
8	2025	2026
9	2025	2026

C. — Report Submission: The owner shall submit the tune-up evaluation report to the City.

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D.——~~Exceptions: Tune-up evaluations are not required if any of the following are met:~~

1.——~~If the governed building is less than five (5) years old; or~~

2.——~~If a registered design professional or tune-up professional certifies that:~~

a.——~~The governed building has an Energy Star score of 50 or above for the year prior to the first tune-up due date or for at least two (2) of the three (3) years preceding the due date of the governed building's tune-up evaluation report.~~

b.——~~There is no Energy Star rating for the building type and owner submits documentation that the property's energy performance is better than the energy performance of an average building of its type for two (2) of the three (3) years preceding the due date of the governed building's tune-up report.~~

c.——~~The governed building has received certification under the most recent LEED 2009 rating system for existing buildings or operation and maintenance, or existing buildings version 4 rating system or future iterations of LEED published by the U.S. Green Building Council or other substantially similar rating systems for existing buildings, for at least two (2) of the three (3) years preceding the due date for the governed building's tune-up evaluation reports.~~

d.——~~The governed building has performed a tune-up evaluation within the past five (5) years prior to the tune-up evaluation due date.~~

3.——~~If the governed building has a persistent commissioning program in place.~~

~~For properties qualifying for these exceptions, the owner shall file documentation, in such form and with such certifications as required by the Director, with the department in the year prior to the due date for the tune-up report, establishing that the governed building qualifies for such an exception.~~

E.——~~Verification: A randomly selected subset of tune-up evaluation reports not to exceed ten percent (10%) of the total tune-up evaluation reports completed in a given year may be subject to verification by the City. Such reviews shall be conducted in a way so as to preserve the anonymity of individual properties and shall be conducted at no cost to the owner.~~

~~18.94.090: NOTIFICATION:~~

A.——~~Between January 1 and March 1 of each year during which an owner is required to provide a benchmarking submission, the Director shall notify these owners of their obligation to benchmark performance for the previous calendar year through whatever means the Director so chooses.~~

~~18.94.100: VIOLATIONS AND ENFORCEMENT:~~

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~~A.—— If the Director determines that an owner has failed to comply with the requirements of this chapter or the owner submits incomplete or false information, the Director may issue up to three (3) written notices of noncompliance to the owner, allowing owner to cure such noncompliance within ninety (90) days after each notice of violation. After the third written notice of violation, the Director may impose a fine of up to five hundred dollars (\$500.00) per violation thereafter not exceeding a total of one thousand dollars (\$1,000.00) annually.~~

~~18.94.110: APPEALS PROCESS:~~

~~A.—— Any owner affected by the Director's determination related to that owner's property regarding enforcement of this chapter may request, within thirty (30) days of owner's written notification of the Director's determination, in writing filed with the department, an appeal hearing before the Board of Appeals and Examiners, established under this title.~~

SECTION 18. Amending the text of Salt Lake City Code Chapter 18.95. That Chapter

18.95 of the Salt Lake City Code (Additional Regulations: Use of LEED Standards in City Funded Construction) shall be, and hereby is amended as follows:

CHAPTER 18.95 USE OF LEED STANDARDS IN CITY FUNDED CONSTRUCTION

18.95.010: PURPOSE:

The purpose of this chapter is to promote development consistent with sound environmental practices by requiring, subject to ~~s~~Sections 18.95.040, 18.95.050, and 18.95.120 of this chapter, that applicable building projects constructed with city construction funds obtain, at a minimum:

a) "silver" for city owned and operated buildings, or b) "certified" for private building projects that receive city funds. These designations shall be from the "USGBC" as defined herein.

18.95.020: DEFINITIONS:

As used in this chapter:

APPLICABLE BUILDING PROJECT: The construction or major renovation of a commercial, multi-family residential, or municipal building that will contain more than ~~ten thousand~~ (10,000) square feet of occupied space when the design contract for such project commences on or after November 17, 2006.

~~**BOARD:** The board of appeals and examiners created under chapter 18.12 of this title, hereinafter called "board".~~

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- 5338 ~~BUILDING OFFICIAL: The director of the division of building services or the designee of the~~
5339 ~~director.~~
- 5340 CERTIFIED: The level of compliance with the leadership in energy and environmental design
5341 (LEED) standards designated as "certified" by the United States Green Building Council
5342 (USGBC).
- 5343 CHIEF PROCUREMENT OFFICER: The city employee designated pursuant to ~~s~~Subsection
5344 3.24.040A of this code or that employee's designee pursuant to ~~s~~Section 3.24.050 of this code, or
5345 ~~any successor to those sections.~~
- 5346 CITY CONSTRUCTION FUNDS: Funds that are authorized to be used for construction by the
5347 city council for use by any person or city department in order to construct an applicable building
5348 project, including, without limitation, loans, grants, and tax rebates. However, this term shall not
5349 apply to the funds of the library or redevelopment agency.
- 5350 CITY ENGINEER: The city employee designated pursuant to ~~s~~Section 2.08.080 of this code or
5351 that employee's designee pursuant to ~~s~~Section 3.24.050 of this code, or any successor to those
5352 ~~sections.~~
- 5353 LEED STANDARD: The leadership in energy and environmental design (LEED) green building
5354 rating system for new construction and major renovations (LEED-NC) as adopted in November
5355 2002 and revised in November 2005, the LEED green building rating system for commercial
5356 interiors (LEED-CI) as adopted in November 2002, or the LEED green building rating system
5357 for existing buildings upgrades, operations and maintenance (LEED-EB) as adopted in October
5358 2004 and updated in July 2005.
- 5359 MAJOR RENOVATION: Work that demolishes space down to the shell structure and rebuilds it
5360 with new walls, ceilings, floors and systems, when such work affects more than ~~twenty five~~
5361 ~~percent (25%)~~ of the building's square footage, and the affected space is at least ~~ten thousand~~
5362 ~~(10,000)~~ square feet or larger.
- 5363 SILVER: The level of compliance with LEED standards designated as "silver" by the USGBC.
- 5364 SUBSTANTIAL COMPLIANCE: A determination of good faith efforts to comply as further
5365 described in ~~s~~Section 18.95.110 of this chapter.
- 5366 TEMPORARY STRUCTURE: Any proposed building that is intended to be in existence for ~~five~~
5367 ~~(5)~~ years or less or any existing building that at the time it was constructed was intended to be in
5368 existence for ~~five (5)~~ years or less.
- 5369 USGBC: The organization known as the United States green building council.
- 5370
- 5371 18.95.030: APPLICATION:
- 5372 Whenever city construction funds are used for an applicable building project, such project shall
5373 at a minimum obtain a silver certification by the USGBC in the case of a city owned building
5374 project or certified certification in the case of all other projects, subject to the exceptions,
5375 waivers, and determinations of substantial compliance provided for in this chapter.

5376

5377 18.95.040: EXCEPTIONS:

5378 The provisions of this chapter shall not apply if the building official and either the chief
5379 procurement officer or the city engineer jointly determine in writing that any of the following
5380 circumstances exist:

5381 A. The applicable building project will serve a specialized, limited function, such as
5382 a pump station, garage, storage building, equipment area, or other similar area, or a single-
5383 family residence;

5384 B. The applicable building project is intended to be a temporary structure;

5385 C. The useful life of the applicable building project does not justify whatever
5386 additional expense would be incurred to increase the building's long term efficiency;

5387 D. The application of LEED standard factors will increase construction costs beyond
5388 the funding capacity for the project, or will require that the project's scope of work or
5389 programmatic needs be diminished to meet budget constraints;

5390 E. The use of LEED standard factors will create an impediment to construction due
5391 to conflicts of laws, building code requirements, federal or state grant funding requirements, or
5392 other similar requirements;

5393 F. LEED factors are not reasonably attainable due to the nature of the facilities or the
5394 schedule for construction; or

5395 G. LEED certification will violate any other federal, state or local law, including,
5396 without limitation, other sections of this code.

5397 If an exception is granted, the developer must agree to integrate green building practices into the
5398 design and construction of the project to the maximum extent possible and feasible. A
5399 determination that an exception does not apply may be appealed in accordance with Chapter
5400 18.12 to the board. Such appeal must be submitted in writing to the board within thirty (30) days
5401 of the determination.

5402

5403 18.95.050: WAIVERS:

5404 The denial of an exception pursuant to ~~s~~Section 18.95.040 of this chapter does not preclude an
5405 application for waiver pursuant to this section. The board shall have the authority to grant a
5406 waiver from the requirements of this chapter only if it makes the following findings in writing:

5407 A. Literal enforcement of this chapter would cause unreasonable hardship for the
5408 applicant that is not necessary to carry out the general purpose of this chapter;

5409 B. There are special circumstances attached to the project that do not generally apply
5410 to other projects that are subject to this chapter;

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C. The waiver would not have a substantially negative effect on the master plans, policies, and resolutions of the city and would not be contrary to the purposes of this chapter;

D. Any asserted economic hardship is not self-imposed; and

E. The spirit of this chapter will be observed and substantial justice done.

18.95.060: APPEAL OF CITY DECISIONS:

Appeals of decisions by the building official or enforcement officials pursuant to this chapter shall be taken in accordance with Chapter 18.12.~~Any private sector developer who is denied an exception, or a determination of substantial compliance, or who is assessed a penalty by the building official and either the chief procurement officer or the city engineer, may appeal such decision in writing to the board within thirty (30) days of the decision and shall state the basis to support the relief sought. The board shall review the circumstances of the appeal and shall issue a written determination of the receipt of the appeal within thirty (30) days consistent with the requirements of this section.~~

18.95.070: RESERVEDAPPEAL OF BOARD DECISIONS:

~~Any private sector developer denied a waiver by the board or denied an exception, or determination of substantial compliance, or who has had financial penalties imposed on appeal to the board under this chapter may appeal such decision by the board in writing to the mayor or the mayor's designee within thirty (30) days of the decision and shall state the basis to support the relief sought. The mayor or the mayor's designee shall review the circumstances of the appeal and shall issue a written determination within thirty (30) days of the receipt of the appeal consistent with the requirements of this section.~~

18.95.080: REQUIRED DEPOSIT:

All private sector developers, excluding nonprofit developers, who receive city funds for applicable building projects shall submit a ~~ten thousand dollar (\$10,000.00)~~ "good faith" deposit with the city which shall be refunded upon the building project receiving the applicable level of LEED certification or after a determination of substantial compliance.

18.95.090: PROOF OF REGISTRATION:

~~Within thirty (30) days from receiving notice that the city will fund an applicable building project, all private sector developers shall submit written proof that said project is registered with the USGBC. City funds will not be dispersed until the required deposit under s~~Section 18.95.080 ~~of this chapter and the proof of registration under this section are received by the city.~~

18.95.100: REQUEST FOR EXTENSION:

If a project is not LEED certified or has not been granted a determination of substantial compliance within one year after a temporary certificate of occupancy is issued by the city, then a private sector developer must file a written application with the city for an extension to obtain LEED certification. Said application must be filed with the city no later than ~~three hundred~~ ~~ninety five~~ (395) days after the date on which the certificate of occupancy was issued by the city. The city may grant a one year extension pursuant to this section and any additional extensions as may be necessary so long as a private sector developer is actively pursuing LEED certification. Extensions pursuant to this section shall begin on the date granted by the city.

18.95.110: REQUEST FOR SUBSTANTIAL COMPLIANCE:

Receipt of LEED certification from the USGBC shall be conclusive evidence of the level of certification stated therein. If certification is not received from the USGBC or is not at the level required by this chapter, a private sector developer may request that the city issue a determination that the project has substantially complied with this chapter upon a reasonable demonstration that such project as constructed is consistent with the intent of this chapter and that strict enforcement of this chapter would create an unreasonable burden in light of the needs of such project, the ability of the project owner to control cost increases, and other relevant circumstances. The request for determination of substantial compliance must contain the following information:

- A. Final LEED certification application, documentation, and response from the USGBC;
- B. An explanation of the efforts and accomplishments made by the private sector developer to achieve compliance with this chapter;
- C. An explanation of the practical or economic infeasibility of implementing certain high performance building design or construction techniques that, if implemented, would otherwise have likely resulted in certification; and
- D. Any other supporting documents the private sector developer wishes to submit.

18.95.120: DETERMINATION OF SUBSTANTIAL COMPLIANCE:

The building official and either the chief procurement officer or the city engineer shall review within ~~sixty~~ (60) days of receipt of a request for determination of substantial compliance and shall approve or deny the request based on the good faith efforts of the private sector developer to comply with this chapter. In making a determination of the good faith efforts, review of the request shall include whether the private sector developer has established the following:

- A. That reasonable, appropriate, and ongoing efforts to comply with this chapter were taken; and

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B. That compliance would otherwise have been obtained but for the practical or economic infeasibility of implementing high performance building design or construction techniques.

In making any such determination, cost increases due solely to aesthetic elements shall not constitute any part of a demonstration of unreasonable burden. A determination of substantial compliance pursuant to this section shall satisfy ~~sSection 18.95.030 of this chapter~~.

If the request for determination of substantial compliance is denied, the private sector developer will be deemed to have not satisfied ~~sSection 18.95.030 of this chapter~~ and shall forfeit the "good faith" deposit under ~~sSection 18.95.080 of this chapter~~ and may be assessed an additional penalty up to the amount originally funded by the city. Any penalty assessed shall be offset by the "good faith" deposit.

18.95.130: PENALTY:

Any private sector developer who fails to: a) comply with this chapter, b) apply for an extension pursuant to ~~sSection 18.95.100 of this chapter~~, or c) receive a determination of substantial compliance, shall forfeit the "good faith" deposit to the city to cover the cost and inconvenience to the city. An additional penalty may be assessed based on a direct analysis of possible LEED design credits. Given that a total of ~~twenty-six (26)~~ LEED design credits are required for certification, the additional penalty shall be based on the following considerations:

A. If the city determines that a project could have reasonably received 21-25 LEED credits, then the private sector developer shall pay the city up to ~~twenty-five percent (25%)~~ of the amount originally funded.

B. If the city determines that a project could have reasonably received 16-20 LEED credits, then the private sector developer shall pay the city up to ~~fifty percent (50%)~~ of the amount originally funded.

C. If the city determines that a project could have reasonably received 6-15 LEED credits, then the private sector developer shall pay the city up to ~~seventy-five percent (75%)~~ of the amount originally funded.

D. If the city determines that a project could have reasonably received 0-5 LEED credits, then the private sector developer shall pay the city up to ~~one hundred percent (100%)~~ of the amount originally funded.

Failure to pay a penalty within ~~ninety (90)~~ days of written notice from the city shall result in a lien against the project.

18.95.140: RULE MAKING AUTHORIZATION:

The building official and either the chief procurement officer or the city engineer are authorized to issue administrative rules under this chapter.

5521

5522 18.95.150: ADMINISTRATIVE INTERPRETATIONS:

5523 Pursuant to the authority granted under ~~s~~Subsection 18.0850.040KB of this title, the building
5524 official may render interpretations of this chapter. Such interpretations shall conform with the
5525 intent and purpose of this chapter, and shall be made available in writing for public inspection
5526 upon request.

5527

5528 18.95.160: LIMITATIONS:

5529 Nothing required under this chapter shall supersede any federal, state or local law, including,
5530 without limitation, other provisions of this code; or any contract, grant, or other funding
5531 requirement; or other standards or restrictions that may otherwise apply to an applicable building
5532 project. This chapter shall not apply whenever its application would disadvantage the city in
5533 obtaining federal funds.

5534

5535 SECTION 19. Amending the text of Salt Lake City Code Chapter 18.96. That Chapter
5536 18.96 of the Salt Lake City Code (Additional Regulations: Fit Premises) shall be, and hereby is
5537 amended as follows:

5538

5539 CHAPTER 18.96
5540 FIT PREMISES

5541

5542 18.96.010: TITLE:

5543 This chapter may be referred to as the SALT LAKE CITY FIT PREMISES ORDINANCE.

5544

5545 18.96.020: EXCLUSIONS FROM APPLICATION OF CHAPTER:

5546 The following arrangements are not governed by this chapter:

5547 A. Residence at a detention, medical, geriatric, educational, counseling, or religious
5548 institution;

5549 B. Occupancy under a contract of sale of a dwelling unit if the occupant is the
5550 purchaser;

5551 C. Occupancy by a member of a fraternal or social organization in a building
5552 operated for the benefit of the organization;

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D. Transient occupancy in a hotel, or motel (or lodgings subject to Utah code section 59-12-301); except that single room occupancy units ("SRO") shall be governed by this chapter. "SRO" means an existing housing unit with one combined sleeping and living room of at least ~~seventy (70)~~ square feet, but of not more than ~~two hundred twenty (220)~~ square feet, where the usual tenancy or occupancy of the same unit by the same person or persons is for a period of longer than one week. Such units may include a kitchen and a private bath; and

E. Occupancy by an owner of a condominium unit.

18.96.030: IDENTIFICATION OF OWNER AND AGENTS:

A. A property owner, or any person authorized to enter into an oral or written rental agreement on the property owner's behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy the name, address and telephone number of:

1. The owner or person authorized to manage the premises; and

2. A local person authorized to act for and on behalf of the owner for the purpose of receiving notices and demands, and performing the property owner's obligations under this chapter and the rental agreement if the owner or manager reside outside of Salt Lake City.

B. A person who enters into a rental agreement as "landlord", "property manager" or the like, and fails to comply with the requirements of this section becomes an agent of the property owner for the purposes of:

1. Receipt of notices under this chapter; and

2. Performing the obligations of the property owner under this chapter and under the rental agreement.

C. The information required to be furnished by this section shall be kept current. This section is enforceable against any successor property owner, owner, or manager.

D. Every rental property with more than one unit rented without a written agreement shall have a notice posted in a conspicuous place with the name, address and telephone number of the owner or manager and local agent as required by subsection A of this section.

18.96.040: PROPERTY OWNER TO DELIVER POSSESSION OF DWELLING UNIT:

A. A copy of the lease or rental agreement, rules and regulations, an inventory of the condition of the premises, a list of all appliances and furnishings and a summary of this chapter shall be given to each tenant at the time the rental agreement is entered into. The summary shall be prepared by the city for the purpose of fairly setting forth the material provisions of this chapter and shall include information about mediation resources in the Salt Lake City area and shall encourage property owners and tenants to take advantage of mediation services. The property owner shall secure and retain the tenant's signed acknowledgment that the foregoing

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5590 documents have been provided to the tenant. Such acknowledgment shall be returned to the
5591 property owner no later than ~~three~~ (3) days after the tenant takes possession of the dwelling unit.

5592 Before entering into a rental agreement, the property owner shall disclose to the tenant any
5593 current notice by a utility provider to terminate water, gas, electrical or other utility service to the
5594 dwelling unit or to common areas of the building, the proposed date of termination, and any
5595 current uncorrected building or health code violation included in a deficiency list or notice from
5596 the ~~Salt Lake City building and housing services~~ division or any other government entity.

5597 B. By explicit written agreement, a property owner and a tenant may establish a
5598 procedure whereby the tenant notifies the property owner of needed repairs, makes those repairs
5599 and deducts the cost of the repairs from the rent due and owing.

5600 C. A property owner may allocate any duties to the tenant by explicit written
5601 agreement. Such agreement must be clear and specific, boxed, in bold type or underlined.

5602

5603 18.96.050: PROPERTY OWNER TO MAINTAIN THE PREMISES AND EACH DWELLING
5604 UNIT:

5605 A property owner shall:

5606 A. Comply with the requirements of applicable building, housing and health codes
5607 and city ordinances and not rent the premises unless they are safe, sanitary, and fit for human
5608 occupancy;

5609 B. Maintain the structural integrity of the building;

5610 C. Maintain floors in compliance with safe load bearing requirements;

5611 D. Provide exits, emergency egress, and light and ventilation in compliance with
5612 applicable codes;

5613 E. Maintain stairways, porches, walkways and fire escapes in sound condition;

5614 F. Provide smoke detectors and fire extinguisher as required by code;

5615 G. Provide operable sinks, toilets, tubs and/or showers;

5616 H. Provide heating facilities as required by code;

5617 I. Provide kitchen facilities as required;

5618 J. Provide running water;

5619 K. Provide adequate hall and stairway lighting;

5620 L. Maintain floors, walls and ceilings in good condition;

5621 M. Supply window screens where required by code;

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- 5622 N. Maintain foundation, masonry, chimneys, water heater and furnace in good
5623 working condition;
- 5624 O. Prevent the accumulation of stagnant water in the interior of any premises;
- 5625 P. Maintain in good and safe working order and condition all electrical, plumbing,
5626 sanitary, heating, ventilating, air conditioning, and other facilities and appliances supplied by the
5627 property owner as required by applicable codes;
- 5628 Q. Provide and maintain appropriate garbage receptacles and arrange for timely
5629 garbage removal as required by code;
- 5630 R. Supply electricity, and hot water at all times and heat during at least the months of
5631 October through April and as weather conditions might otherwise reasonably warrant, except
5632 where the dwelling unit is so constructed that electricity, heat or hot water is within the exclusive
5633 control of the tenant and supplied by a direct public utility connection;
- 5634 S. Once proof of pest infestation has been established, be responsible for initiation of
5635 pest control measures. In no instance shall a property owner be required to apply pesticides
5636 contrary to label directions;
- 5637 T. Not interrupt or disconnect utility service;
- 5638 U. Provide adequate locks to exterior doors and furnish keys to tenants as required
5639 by applicable codes;
- 5640 V. Maintain the dwelling unit in a reasonably insulated and weather tight condition
5641 as required by the building and housing and Utah state energy conservation codes;
- 5642 W. Provide for and protect each tenant's peaceful enjoyment of the premises;
- 5643 X. Ensure that repairs, decorations, alterations, or improvements, or exhibiting the
5644 dwelling unit shall not unreasonably interfere with the tenants' right to quiet enjoyment of the
5645 premises;
- 5646 Y. Provide a mailbox; and
- 5647 Z. Provide separate meters for each tenant for gas and electricity or include charges
5648 for utility services in the rent.
- 5649
- 5650 18.96.060: TENANT TO MAINTAIN DWELLING UNIT:
- 5651 A tenant shall:
- 5652 A. Comply with all appropriate requirements of the rental agreement and applicable
5653 provisions of building, housing and health codes;
- 5654 B. Maintain the premises occupied in a clean and safe condition and not
5655 unreasonably burden any common area;

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C. Dispose of all garbage and other waste in a clean and safe manner and avoid leaving garbage or litter in hallways, porches, patios and other common areas;

D. Maintain all plumbing fixtures in as sanitary a condition as the fixtures permit and avoid obstructing sinks, toilets, tubs, showers and other plumbing drains;

E. Use all electrical, plumbing, sanitary, heating, and other facilities and appliances in a reasonable manner;

F. Not destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so;

G. Promptly inform the property owner of any defective conditions or problems at the premises;

H. Not interfere with the peaceful enjoyment of the residential rental unit of another renter;

I. Upon vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by the property owner;

J. Be current on all payments required by the rental agreement and this chapter;

K. Not increase the number of occupants above that specified in the rental agreement without written permission of the owners;

L. Not modify or paint the premises without the express written permission of the property owner/agent;

M. Dispose of oil, car batteries, and other hazardous waste materials away from the rental premises, and in a manner prescribed by federal and local laws; and

N. Not require the owner to correct or remedy any condition caused by the renter, the renter's family or the renter's guests or invites by inappropriate use of the property during the rental term or any extension of it.

18.96.070: RULES AND REGULATIONS:

A property owner may adopt rules or regulations concerning the tenant's use and occupancy of the premises which become a part of the rental agreement if they apply to all tenants in the premises in a nondiscriminatory manner, do not conflict with the lease, state law or city ordinance, and are provided to the tenant before the tenant enters into the rental agreement. Rules, regulations or lease terms can, by agreement between the parties, be more favorable to the tenant than allowed by state law or city ordinance but cannot be more restrictive. Rules may be modified from time to time by the property owner. However, no rule adopted after the commencement of any rental agreement shall substantially modify the existing terms, conditions or rules without written consent of the tenant.

18.96.080: ACCESS:

A. A tenant shall not unreasonably withhold consent to the property owner to enter into the dwelling unit in order to make necessary or agreed repairs, decorations, alterations, or improvements; or exhibit the dwelling unit to prospective purchasers, tenants, or work people.

B. A property owner may enter the dwelling unit without consent of the tenant in case of emergency.

C. Except in case of emergency the property owner shall give the tenant at least twenty four (24) hours' notice of plans to enter and may enter only between eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

D. A property owner has no other right of access except:

1. Pursuant to court order;

2. To make repairs requested by the tenant pursuant to ~~s~~Sections 18.96.110 and 18.96.120 of this chapter;

3. To make repairs ordered by the division pursuant to this title; or

~~4.3-~~ If the tenant has abandoned the premises as defined in ~~s~~Section 78B-36-81412(3), Utah Code Annotated, or any successor provision.

~~18.96.090: RESERVED~~~~PROPERTY OWNER AND TENANT REMEDIES FOR ABUSE OF ACCESS:~~

~~A. — If the tenant refuses to allow lawful access, the property owner may obtain injunctive relief to compel access, or terminate the rental agreement and commence an eviction action. In either case, the property owner may recover actual damages and reasonable attorney fees.~~

~~B. — If the property owner makes an unlawful entry or makes repeated demands for entry which harass the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct or terminate the rental agreement and vacate the premises. In either case, the tenant may recover the lesser of the actual damages or damages equal to one month's rent and reasonable attorney fees.~~

~~18.96.100: RESERVED~~~~FAILURE TO DELIVER POSSESSION:~~

~~If the property owner fails to deliver possession of the dwelling unit to the tenant as promised in the rental agreement, rent abates until possession is delivered. Alternatively, the tenant may terminate the rental agreement by written notice to the property owner and recover all prepaid rent and security deposits and actual damages.~~

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5727 18.96.110: REPAIR OF SPECIFIED FAILURES:

5728 In the event of the failures specified below, which are not due to the unavailability of utility
 5729 service, the property owner shall take reasonable steps to begin repairing the failures
 5730 promptly within the following specified time periods after receipt of written notice of the failure
 5731 delivered in accordance with Section 18.50.100 to the person identified in subsection
 5732 18.96.030A2 of this chapter, and shall remedy such failure~~complete the repairs~~ within the period
 5733 set forth in the notice and order issued by the inspector~~reasonable diligence~~:

A. Inoperable toilet	24 hours
B. Tub, shower or kitchen and bathroom sink with inoperable drain or no hot or cold water	48 hours
C. Inoperable refrigerator or cooking range or stove	48 hours
D. Nonfunctioning heating (during a period where heat is reasonably necessary) or electrical system	24 hours
E. Inoperable electric fixture	72 hours
F. Broken exterior door or inoperable or missing exterior door lock	48 hours
G. Broken window with missing glass	96 hours
H. Inoperable exterior lighting	96 hours
I. Broken stair or balustrade	24 hours
J. Inoperable or missing smoke detector required by code	24 hours
K. Inoperable required fire sprinkler system (if smoke detectors are not present or operating)	24 hours
L. Inoperable required fire sprinkler system (if smoke detectors are installed and operable)	96 hours
M. Broken or leaking water pipes causing an imminent threat to life, safety or health	24 hours
N. Other broken or leaking water pipes	72 hours
O. Disconnection of electrical, water or natural gas service caused by property owner	24 hours

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The division shall establish repair period standards based on the severity of the failures identified above. The tenant shall grant the property owner reasonable access to perform the repairs required in this section.

18.96.120: ~~VIOLATION~~TENANT REPAIR AND DEDUCT:

Violations of this chapter shall be enforced pursuant to Sections 18.50.100 and 18.50.110. ~~If the property owner fails to begin making the repairs required by section 18.96.110 of this chapter, within the specified times, and the tenant is current on all rent and other payments to the property owner, the tenant may cause the repairs to be made subject to the following provisions:~~

A.——Critical Repairs: ~~If the repairs involve an inoperable toilet, lack of heat during a period for which heat is required, broken or leaking water pipes posing an immediate threat to life, safety or health or a complete lack of running water or disconnected gas, electric or water service, the tenant may, upon the expiration of the notice period specified in section 18.96.110 of this chapter, cause the necessary repairs to be made.~~

1.——~~In making such repairs the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.~~

2.——~~If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two (2) bids for the work and, if bids are obtained, shall contract for the work to be done by the lowest bidder.~~

B.——Noncritical Repairs: ~~If the required repairs are not critical repairs subject to the provisions of subsection A of this section, the tenant, after the expiration of the notice time required by section 18.96.110 of this chapter, shall give the property owner or property owner's agent identified in section 18.96.030 of this chapter a second written notice of intent to repair and deduct. This second notice shall be either delivered and served personally upon the property owner or agent or sent by both certified and regular mail.~~

1.——~~The second notice shall state the nature of the problem, the date the tenant sent the first notice required by section 18.96.110 of this chapter, and the intention of the tenant to cause the repairs to be done and to deduct the cost from the rent if the property owner does not make the repairs.~~

2.——~~The property owner shall begin making the required repairs within forty eight (48) hours after the hand delivery of the second notice or by the end of the second calendar day after the date of mailing of the second notice and complete the repairs with reasonable diligence.~~

3.——~~If the property owner has not begun the required repairs within the time specified in subsection B2 of this section, the tenant may cause the repairs to be made.~~

4.——~~In making such repairs the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.~~

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5. ~~If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two (2) bids for the work, and, if bids are obtained, shall contract for the work with the low bidder.~~

6. ~~If a licensed contractor is not required for the work, the tenant may do the work on his or her own or contract for the work to be done at a reasonable cost.~~

C. ~~Deductible Amount: For any repairs made pursuant to this section, the tenant may deduct from future rent the actual and reasonable cost of the repairs performed up to a maximum deduction of four hundred dollars (\$400.00); provided however, tenant shall furnish all original paid receipts to the property owner.~~

D. ~~Nontermination: The property owner may not terminate the tenant's tenancy for the tenant's deduction of rent for repairs made pursuant to this section nor may the property owner terminate the tenancy until the tenant's costs, not to exceed four hundred dollars (\$400.00), for repairs made under this section have been offset by deducted rent.~~

E. ~~Tenant Caused Damages: The repair and deduct provisions of this section shall not be applicable to any damages caused or repairs necessitated by actions of the tenant or the tenant's invited guests or other occupants of the dwelling unit.~~

18.96.130: RETALIATORY CONDUCT PROHIBITED:

A. Except as provided in this section and section 57-22-4, Utah Code Annotated, a property owner may not terminate a rental agreement or bring or threaten to bring an eviction action because the tenant has in good faith:

1. Complained of code violations at the premises to a governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code;

2. Complained of a building, housing, health or similar code violation or an illegal property owner practice to a community organization or the news media;

3. Sought the assistance of a community organization or the news media to remedy code violation or illegal property owner practice;

4. Requested the property owner to make repairs to the premises as required by this chapter, a building or health code, other regulation, or the residential rental agreement;

5. Become a member of a tenants' union or similar organization;

6. Testified in any court or administrative proceeding concerning the condition of the premises; or

7. Exercised any right or remedy provided by law.

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SECTION 20. Amending the text of Salt Lake City Code Chapter 21A.20. That Chapter

21A.20 of the Salt Lake City Code (Zoning: Enforcement) shall be, and hereby is amended as

follows:

21A.20.010: ~~RESERVED~~DEFINED TERMS:

~~In this chapter, the words, terms, phrases and their derivatives shall have the meanings as stated and defined in this chapter.~~

~~CITATION DEADLINE: The date identified in the second notice of violation described in subsection 21A.20.030E of this chapter.~~

~~CIVIL ENFORCEMENT OFFICER: An employee of Salt Lake City's Division of Building Services, or of the successor Salt Lake City division authorized to perform civil enforcement functions, or any duly authorized agent, representative or designee.~~

~~DIVISION: Salt Lake City's Division of Building Services, or the successor Salt Lake City division authorized to perform civil enforcement functions.~~

~~FIRST NOTICE: The initial notice informing the person cited that a zoning violation exists.~~

~~NOTICE OF COMPLIANCE: A written notice informing the person cited that the violation has been cured.~~

~~PERSON CITED: The property owner, property owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this title, and who received the notice of violation and is being held responsible for the violation.~~

~~PROPERTY OWNER: Any person who, alone or jointly or severally with others, holds legal title to the property at issue.~~

~~SECOND NOTICE: The notice informing the person cited of the date that civil fines will begin to accrue if the zoning violation is not corrected.~~

21A.20.020: COMPLAINTS REGARDING VIOLATIONS:

A Civil Enforcement Officer may investigate any complaint alleging a violation of this title and take such action as is warranted in accordance with the procedures set forth in this chapter.

21A.20.030: PROCEDURES UPON DISCOVERY OF VIOLATIONS:

A. If the Civil Enforcement Officer finds that any provision of this title is being violated, the Civil Enforcement Officer may provide a written warning notice to the property owner and any other person determined to be responsible for such violation. The written notice

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shall indicate the nature of the violation and order the action necessary to correct it. Additional written notices may be provided at the Civil Enforcement Officer's discretion.

B. The written warning notice shall state what action the building services division intends to take if the violation is not corrected. The written notice shall include information regarding the established warning period for the indicated violations and shall serve to start any warning periods provided in this chapter.

C. Such written warning notice issued by the Civil Enforcement Officer, if issued, shall be deemed ~~sufficient and complete~~ delivered when:

1. A copy of the written notice is posted on the property where said violation(s) occur, and

2. The written notice is either:

a. Mailed certified mail or using any reputable mail tracking service that is capable of confirming delivery ~~commercial courier service~~ to the property owner at the last known address appearing on the records of the County Recorder and any other person determined to be responsible for such violation, at their last known address, or

b. Personally served upon the property owner and any other person determined to be responsible for such violation.

D. In cases when delay in enforcement would seriously threaten the effective enforcement of this title, or pose a danger to the public health, safety or welfare, the Civil Enforcement Officer may seek enforcement without issuing a warning notice and may proceed directly to issuing a notice and order as set forth in Subpart E ~~prior written notice by invoking any of the civil fines or remedies authorized in section 21A.20.060 of this chapter.~~

E. Upon discovery of a violation of this title, or if the violation remains uncorrected ~~uncured within five (5) business days of the~~ after expiration of the warning period set forth in the warning notice, if issued, described in subsections A through C of this section, a second notice of violation shall be delivered by mailing, postage prepaid, addressed to the person cited at the last known address appearing on the records of the County Recorder. The second notice shall identify the citation deadline and state that the civil fines set forth in section 21A.20.040 of this chapter will begin to accrue if the violations are not remedied by that date. the Civil Enforcement Official may issue a notice and order.

1. The written notice and order shall state:

a. The name and address, if known, of the responsible party;

b. The date and location of each violation;

c. The code sections violated;

d. That the violations must be corrected;

e. Provide a specific date by which the enforcement official orders that the violations be corrected by;

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f. The amount of the civil fine to accrue for each violation, or other enforcement action that the enforcement official intends to pursue, if the violation is not corrected by the date specified;

g. Identification of the right to and procedure to appeal; and

h. The signature of the enforcement official.

2. The enforcement official shall serve the notice and order on the responsible party by:

a. Posting a copy of the written notice and order on the noncompliant property, and

b. By mailing the notice and order through certified mail or reputable mail tracking service that is capable of confirming delivery. If the responsible party is the property owner of record, then mailing shall be to the last known address appearing on the records of the Salt Lake County Recorder. If the responsible party is any other person or entity other than the owner of record, then mailing shall be to the last known address of the responsible party on file with the city.

c. Notwithstanding the foregoing, personal service upon the responsible party shall be sufficient to meet the notice and order service requirements of this Subsection 21A.20.030.E.2.b.

F. Following the issuance of a notice and order, any responsible party shall correct the violations specified in the notice and order. Upon correction of the violations specified in the notice and order, the responsible party shall contact the enforcement official identified in the notice and order to request an inspection of the property.

G. If one or more violations are not corrected by the deadline specified in the notice and order, civil fines shall accrue at the rate set forth in Section 21A.20.040. Accumulation of civil fines for violations, but not the obligation for payment of civil fines already accrued, shall stop upon correction of the violation(s) once confirmed through an inspection requested pursuant to Subsection E.

H. The responsible party shall have the right to contest the notice and order at an administrative hearing in accordance with Chapter 21A.16. Failure to timely request an administrative hearing and pay the administrative hearing fee set forth in the Salt Lake City consolidated fee schedule shall constitute a waiver of the right to a hearing and a waiver of the right to appeal.

I. Upon expiration of the citation period set forth in a notice and order, and where the violation(s) remain uncorrected, the city may record on the noncompliant property with the Salt Lake County Recorder's Office a notice of noncompliance. The recordation of a notice of noncompliance shall not be deemed an encumbrance on the noncompliant property but shall merely place interested parties on notice of any continuing violation of this title at the noncompliant property. If a notice of noncompliance has been recorded and the enforcement official later determines that all violations identified in the notice of noncompliance have been

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corrected, the enforcement official shall issue a notice of compliance by recording the notice of compliance on the property with the Salt Lake County Recorder's Office. Recordation of the notice of compliance shall have the effect of canceling the recorded notice of noncompliance.

J. If the city files an action for injunctive relief seeking abatement of one or more violations and the district court authorizes the abatement of one or more violations and the city incurs costs and the costs are not paid, a lien or garnishment may be placed to recover the costs and may be considered an encumbrance on the property.

21A.20.040: CIVIL FINES:

- A. General: If the violations are not corrected by the citation deadline, civil fines shall accrue at ~~twenty five dollars (\$25.00)~~ \$50 a day per violation for those properties legally used for purposes that are solely residential uses, and ~~one hundred dollars (\$100.00)~~ a day per violation for those properties used for purposes that are not residential uses.
- B. Affordable housing incentives per 21A.52.050: If the violation(s) are not corrected by the citation deadline, civil fines shall accrue at the rate set in the Consolidated Fee Schedule per day per violation. If the violation(s) include renting an affordable rental unit in excess of the approved rental rate then an additional monthly fine shall accrue that is the difference between the market rate of the unit and the approved rental rate that is agreed to by the applicant at the time of approval for a project using the incentives.
- C. Failure to obtain certificate of appropriateness pursuant to Section 21A.34.020: For development or any building activity on properties subject to Section 21A.34.020 without a certificate of appropriateness, if such violation is not corrected by the citation deadline, civil fines shall accrue at \$50 per day, except that the fine for full or partial demolition of a contributing structure or landmark site without a certificate of appropriateness shall be \$250 per day.

21A.20.050: DAILY VIOLATIONS:

Each day a violation continues after the citation deadline shall be considered a separate offense and give rise to a separate civil fine. Accumulation of civil fines for violations, but not the obligation for payment of civil fines already accrued, shall stop upon correction of the violation.

21A.20.060: COMPLIANCE:

The City may use such lawful means as are available to obtain compliance with the provisions of this title and to collect the civil fines that accrue as a result of the violation of the provisions of this title, including a legal action to obtain one or more of the following: an injunction, an order of mandamus, an order requiring the property owner or occupant to abate the violations, an order permitting the City to enter the property to abate the violations, and a judgment in the amount of the civil fines accrued for the violation, including costs and attorney fees. The city has sole discretion over which remedy or combination of remedies it may choose to pursue.

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Violations of the provisions of this title or failure to comply with any of its requirements are punishable as a Class ~~BC~~ misdemeanor upon conviction.

21A.20.070: RECURRING VIOLATIONS:

In the case where a violation, which had been corrected, reoccurs at the same property within ~~six~~ (6) months of the initial correction and is due to the actions or inactions of the same person or property owner as the prior violation(s), the building services division may begin enforcement of said recurring violation by sending by certified mail or reputable mail tracking service that is capable of confirming delivery a ~~N~~notice and ~~O~~order in the form described in subsection 21A.20.030.~~EB~~ of this chapter. Civil fines set forth in section 21A.020.040 of this chapter will begin accruing; if the violation is not remedied within ~~ten~~ (10) calendar days of the citation deadline contained in that notice.

21A.20.080: APPEALING CIVIL FINES TO A FINES HEARING OFFICER:

A. Powers ~~A~~and Duties ~~O~~f Fines Hearing Officer: The Fines Hearing Officer, appointed pursuant to ~~s~~Section 21A.06.090 of this title, may hear and decide appeals of civil fines imposed pursuant to this chapter. As set forth in this section, the Fines Hearing Officer may reduce civil fines and approve civil fine payment schedules.

B. Right ~~T~~to Appear: Any person receiving a notice of violation may appear before a Fines Hearing Officer to appeal the amount of the civil fine imposed by submitting a civil fine appeal on a form provided by the building services division. However, no party may appear before a Fines Hearing Officer until violations identified have been corrected and a notice of compliance has been issued. Appeals to a Fines Hearing Officer contesting the amount of the civil fine imposed, must be filed within ~~thirty~~ (30) days from the date of the notice of compliance.

C. Responsibility: Commencement of any action to remove or reduce civil fines shall not relieve the responsibility of any person cited to ~~correct~~~~ure~~ the violation or make payment of subsequently accrued civil fines nor shall it require the ~~C~~city to reissue any of the notices required by this chapter.

D. Reduction ~~O~~f Civil Fine: Civil fines may be reduced at the discretion of the Fines Hearing Officer after the violation is corrected~~edure~~ and if any of the following conditions exist:

1. The violation pertains to landscaping, in which case the time for payment and correction of landscaping violations may be abated from October 15 through the next April 1, or such other times as caused by weather conditions adverse to successful landscaping;

2. Strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property;

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3. The violation and inability to ~~correct the same~~ were both caused by a force majeure event such as war, act of nature, strike or civil disturbance;

4. A change in the actual ownership of the property was recorded with the Salt Lake County Recorder's Office after the first or second notice was issued and the new property owner is not related by blood, marriage or common ownership to the prior owner; or

5. Such other mitigating circumstances as determined by the Fines Hearing Officer.

E. Payment Schedule: At the request of a person subject to civil fines governed by this chapter, the Fines Hearing Officer may approve a payment schedule for the delayed or periodic payment of the applicable civil fine to accommodate the person's unique circumstances or ability to pay.

F. Failure To Submit Payment On Payment Schedule: If a payment schedule has been developed by the Fines Hearing Officer, the failure by a person owing civil fines to submit any two (2) payments as scheduled shall cause the entire amount of the original civil fine to become immediately due.

21A.20.090: NOTICE OF CITY'S INTENT TO ABATE ZONING VIOLATIONS:

A. If the City obtains a court order permitting entry on the property for the purpose of abating zoning violations, the building services division shall provide written notice of that order to the property owner of record at the address on file with the County Recorder.

B. The notice shall: 1) identify the property owner of record according to the records of the County Recorder, 2) describe the property and the violations the court order permits the building services division to enter the property to abate, 3) attach a copy of the court order, and ~~(4) inform the property owner when the abatement is scheduled to occur, and 4) provide the property owner thirty (30) days from the date the notice is served to abate the violations the court order permits the division to enter the property to abate.~~

C. Notice may be delivered in person, or by certified mail, or by reputable mail tracking service that is capable of confirming delivery ~~commercial courier service~~, if mailed to the last known address of the property owner according to the records of the County Recorder.

~~D. If the zoning violations are not corrected by the property owner within thirty (30) days of the date the notice is served, then the division may employ any necessary assistance to enter the property and abate the zoning violations, as permitted by the court order.~~

21A.20.100: COLLECTION OF THE COSTS OF ABATEMENT:

A. If the building services division or an agent ~~thereof the division~~ enters a property to abate a violation pursuant to a court order, as set forth in ~~s~~Section 21A.20.090 of this chapter,

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6038 the building services division may collect the cost of that abatement, by filing a ~~P~~property ~~T~~tax
6039 lien, as set forth in this section.

6040 B. Upon completion of abatement work, the building services division shall prepare
6041 an itemized statement of costs and mail it to the property owner by certified mail or by any
6042 reputable mail tracking service that is capable of confirming delivery, demanding payment
6043 within thirty (30) days of the date the statement is post marked.

6044 C. The itemized statement of costs shall:

6045 1. Include:

6046 a. The address of the property at issue;

6047 b. An itemized list of all expenses incurred by the building services
6048 division, including administrative costs;

6049 c. A demand for payment; and

6050 d. The address where payment is to be made;

6051 2. Notify the property owner:

6052 a. That failure to timely pay the expenses described in the itemized
6053 statement may result in a lien on the property in accordance with this chapter and
6054 Utah Code section 10-11-4 or its successor;

6055 b. That the property owner may file a written objection to all or part
6056 of the statement within twenty (20) days of the date the statement is postmarked;
6057 and

6058 c. Where the property owner may file the objection, including the
6059 name of the office and the mailing address.

6060 D. The itemized statement of costs described in subsection C of this section shall be
6061 deemed delivered when mailed by certified mail or by any reputable mail tracking service that is
6062 capable of confirming delivery addressed to the last known address of the property owner,
6063 according to the records of the County Recorder.

6064 E. If the property owner files a timely objection, the building services division will
6065 schedule a hearing in accordance with title 52, chapter 4 of the Utah Code (Open and Public
6066 Meetings Act), and will mail or deliver to the property owner prior to the hearing a notice stating
6067 the date, time, and location of the hearing.

6068 F. At the hearing described in subsection E of this section, a Fines Hearing Officer
6069 shall review and determine the actual cost of abatement incurred by the building services
6070 division in abating the property, including administrative costs. The property owner must pay
6071 any amount the Fines Hearing Officer determines is due and owing to the Salt Lake City
6072 Treasurer at the address provided in the statement of costs within thirty (30) days of the date of
6073 the hearing.

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G. If the property owner fails to make payment of the amount set forth in the itemized statement within thirty (30) days of the date of the mailing of that statement, or to file a timely objection, then the building services division may certify the past due costs and expenses to the Salt Lake County Treasurer and the Treasurer will proceed as set forth in Utah Code section 10-11-4 or its successor.

H. If the property owner files a timely objection but fails to make payment of any amount found due and owing under subsection F of this section within thirty (30) days of the date of the hearing, the building services division may certify the past due costs and expense to the Salt Lake County Treasurer and the Treasurer will proceed as set forth in Utah Code section 10-11-4.

I. After entry by the Treasurer of the County, as set forth in subsections G and H of this section the amount entered shall be a nonrecurring notice charge as defined in Utah Code 11-60-102, is a lien on the property, and shall be collected by the Salt Lake County Treasurer at the time of the payment of general taxes.

J. Notwithstanding any other provision in this chapter to the contrary, where the property owner presents evidence demonstrating financial hardship to the satisfaction of the building services division, the building services division may waive some or all administrative fees and the actual costs incurred in abating the property if the property abated is the property owner's principal place of residence.

SECTION 21. Amending the Text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and hereby is amended as follows:

a. Adding the definition of "CITATION DEADLINE." That the definition of "CITATION DEADLINE" be added and inserted into the list of definitions in alphabetical order to read as follows:

CITATION DEADLINE: the date identified in the notice and order to correct the violation(s) identified therein.

b. Adding the definition of "CIVIL ENFORCEMENT OFFICER." That the definition of "CIVIL ENFORCEMENT OFFICER" be added and inserted into the list of definitions in alphabetical order to read as follows:

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CIVIL ENFORCEMENT OFFICER: an employee of Salt Lake City’s Division of Building Services, or successor division, authorized to perform civil enforcement functions, or any duly authorized agent, representative, or designee.

c. Adding the definition of “NOTICE OF COMPLIANCE.” That the definition of “NOTICE OF COMPLIANCE” be added and inserted into the list of definitions in alphabetical order to read as follows:

NOTICE OF COMPLIANCE: a written notice informing the person cited that the violation has been corrected.

d. Adding the definition of “PERSON CITED.” That the definition of “PERSON CITED” be added and inserted into the list of definitions in alphabetical order to read as follows:

PERSON CITED: the property owner, property owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this title, and who received the notice of violation and is being held responsible for the violation.

e. Adding the definition of “PROPERTY OWNER.” That the definition of “PROPERTY OWNER” be added and inserted into the list of definitions in alphabetical order to read as follows:

PROPERTY OWNER: any person who, alone or jointly or severally with others, holds legal title to the property at issue.

SECTION 22. Amending the text of Salt Lake City Code Section 2.07.020. That Section 2.07.020 of the Salt Lake City Code is hereby amended to eliminate the “Housing advisory and appeals board” therefrom as follows:

2.07.020: CITY BOARDS AND COMMISSIONS NAMED:

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6131 For the purpose of this chapter the term "city board" or "board" means the following city boards,
6132 commissions, councils, and committees:

6133 Accessibility and disability commission

6134 Airport board

6135 Board of appeals and examiners

6136 Business advisory board

6137 Citizens' compensation advisory committee

6138 City and county building conservancy and use committee

6139 Community development and capital improvement programs advisory board

6140 Community recovery committee

6141 Fire code board of appeals

6142 Golf enterprise fund advisory board

6143 Historic landmark commission

6144 ~~Housing advisory and appeals board~~

6145 Housing trust fund advisory board

6146 Human rights commission

6147 Library board

6148 Parks, natural lands, trails, and urban forestry advisory board

6149 Planning commission

6150 Public utilities advisory committee

6151 Racial equity in policing commission

6152 Salt Lake art design board

6153 Salt Lake City arts council board

6154 Salt Lake City sister cities board

6155 Transportation advisory board

6156

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SECTION 23. Repealing *Salt Lake City Code* Chapter 2.21. That Chapter 2.21 of the Salt

Lake City Code (Housing Advisory and Appeals Board) shall be, and hereby is repealed in its

entirety as follows:

~~2.21.010: GENERAL PROVISIONS:~~

~~The provisions of chapter 2.07 of this title shall apply to the housing advisory and appeals board except as otherwise set forth in this chapter. (Ord. 67-13, 2013)~~

~~2.21.020: CREATION AND MEMBERSHIP:~~

~~A. The city creates a housing advisory and appeals board ("HAAB").~~

~~B. HAAB shall be comprised of ten (10) members from among the qualified electors of the city in a manner providing balanced geographical, professional, neighborhood and community representation.~~

~~C. The HAAB chair or vice chair may not be elected to serve consecutive terms in the same office. The secretary of HAAB shall be designated by the building official.~~

~~D. The expiration of terms shall be staggered with no more than three (3) terms expiring in any one year. Expiration of terms shall be on December 31.~~

~~2.21.030: POWERS AND AUTHORITY:~~

~~HAAB shall have the power and authority to:~~

~~A. Apply the provisions of Title 5, Chapter 5.14 and Title 18, Chapter 18.50 of this code;~~

~~B. Hear and decide appeals as specified in Title 5, Chapter 5.14 and Title 18, Chapter 18.50 of this code;~~

~~C. Modify the impact of specific provisions of Title 5, Chapter 5.14 and Title 18, Chapter 18.50 of this code, where strict compliance with the provisions is economically or structurally impracticable and any approved alternative substantially accomplishes the purpose and intent of the requirement deviated from;~~

~~D. Conduct housing impact hearings pursuant to Title 18, Chapter 18.64 of this code;~~

~~E. Recommend new procedures to the building official and new ordinances regarding housing to the city council; and~~

~~F. Hear and decide appeals as specified in Title 18, Chapter 18.48 of this code.~~

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6188 ~~2.21.040: HAAB PANELS:~~

6189 ~~Unless otherwise determined appropriate by the chair, HAAB may exercise any of its~~
6190 ~~responsibilities under title 5, chapter 5.14, or title 18, chapter 18.50 of this code in panels of five~~
6191 ~~(5) voting members appointed by the chair. (Ord. 65-15, 2015)~~

6192

6193 SECTION 24. Amending the text of Salt Lake City Code Section 2.80.040. That Section

6194 2.80.040 of the Salt Lake City Code (Housing Trust Fund Advisory Board: Fund Created) shall

6195 be, and hereby is amended as follows:

6196 2.80.040: FUND CREATED:

6197 There is created a restricted account within the general fund, to be designated as the "Salt Lake
6198 City housing trust fund" (the "fund"). The fund shall be accounted for separately within the
6199 general fund, and the fund shall be used exclusively to assist with affordable and special
6200 needs housing in the city. No expenditures shall be made from the fund without approval of the
6201 city council.

6202 A. There shall be deposited into the fund all monies received by the city, regardless
6203 of source, which are dedicated to affordable housing and special needs housing including, but not
6204 limited to, the following:

6205 1. Grants, loan repayments, bonuses, entitlements, mitigation fees,
6206 forfeitures, donations, redevelopment tax increment income, and all other monies
6207 dedicated to affordable and special needs housing received by the city from federal, state,
6208 or local governments;

6209 2. Real property contributed to or acquired by the city under other ordinances
6210 for the purposes of preserving, developing, or restoring affordable housing;

6211 3. Monies appropriated to the fund by the council; and

6212 4. Contributions made specifically for this purpose from other public or
6213 private sources.

6214 5. CDBG, ESG, and HOPWA monies only as designated by the city's
6215 community development advisory board and approved by the mayor and city
6216 council, and HOME monies only as designated by the city's housing trust fund advisory
6217 ~~and appeals~~ board and approved by the mayor and city council.

6218 B. The monies in the fund shall be invested by the city treasurer in accordance with
6219 the usual procedures for such special accounts. All interest or other earnings derived from fund
6220 monies shall be deposited in the fund.

6221

LEGISLATIVE DRAFT

SECTION 25. Amending the text of Salt Lake City Code Subsection 5.14.120.B.2. That Subsection 5.14.120.B.2 of the Salt Lake City Code (Rental Dwellings: Enforcement) shall be, and hereby is amended as follows:

5.14.120: ENFORCEMENT:

B. Civil penalties may be imposed according to the following procedures:

2. Amount Of Penalty: Civil penalties shall accrue as follows:

a. Violations of the self-certification standards established by the City: ~~Fifty dollars (\$50.00)~~ per violation per day. If more than ~~ten (10)~~ violations exist, the daily penalties shall double.

~~b. Failure to obey an interpretation, decision or requirement of the Housing Advisory and Appeals Board: Twenty five dollars (\$25.00) per violation per day.~~

SECTION 26. Amending the text of Salt Lake City Code Subsection 5.14.120.B.6. That Subsection 5.14.120.B.6 of the Salt Lake City Code (Rental Dwellings: Enforcement) shall be, and hereby is amended as follows:

5.14.120: ENFORCEMENT:

B. Civil penalties may be imposed according to the following procedures:

6. Appeals:

a. Appeals Contesting ~~T~~he Existence ~~O~~f ~~A~~n Violation:

(1) Appeals contesting the existence of the violation must be done in accordance with Section 18.12.030~~filed with the Housing Advisory and Appeals Board pursuant to section 5.14.125 of this chapter within thirty (30) days from the date the original notice of violation was issued.~~

b. Appeals Contesting ~~T~~he Amount ~~O~~f ~~T~~he Penalties Imposed: any person receiving a notice of violation may appeal the civil fines imposed, but not the basis therefor (which must be done pursuant to Subsection 5.14.120.B.6.a), in accordance with Section 18.12.050.

~~(1) The Mayor, or his/her designee, shall appoint such Hearing Officer as the Mayor, or his/her designee, deems appropriate to consider matters relating to the violation of this chapter. The Hearing Officer shall have the authority to hear evidence, reduce or eliminate penalty amounts, and to make such equitable adjustments as he/she deems appropriate.~~

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(2) ~~Any person receiving a notice of violation may appear before a Hearing Officer to appeal the amount of the penalty imposed. However, no party may appear before a Hearing Officer until violations identified have been corrected and a notice of compliance has been issued.~~

(3) ~~The Hearing Officer shall maintain complete and permanent records of all inspections and decisions.~~

(4) ~~The burden to prove any defense shall be upon the person raising such defense.~~

(5) ~~Commencement of any action to remove or reduce penalties shall not relieve the responsibility of any person cited to make payment of subsequently accrued civil penalties nor shall it require the City to reissue any of the notices required by this chapter.~~

(6) ~~The Hearing Officer may adjust, reduce or eliminate penalties or create payment plans relating to penalties accrued by the person cited. In the administration of this duty, the Hearing Officer may reduce or eliminate penalties based upon any circumstance or other equitable consideration the Hearing Officer finds to be applicable. In cases where the administrative process has not been followed by the division, the Hearing Officer has the authority to reduce or eliminate penalties.~~

(7) ~~Payment plans may be created by the Hearing Officer. Although the Hearing Officer has the ultimate authority in establishing the payment schedule, the minimum payment schedule provided by the Department of Community and Neighborhoods should be followed. Once a payment schedule has been developed by the Hearing Officer, and agreed to by the person cited, failure to submit any two (2) payments as scheduled will require payment of the entire amount of the original penalty immediately.~~

SECTION 27. Repealing Salt Lake City Code Section 5.14.125. That Section 5.14.125 of

the Salt Lake City Code (Housing Advisory and Appeals Board Appellate Process Details) shall

be, and hereby is repealed in its entirety as follows:

~~5.14.125: HOUSING ADVISORY AND APPEALS BOARD APPELLATE PROCESS DETAILS:~~

~~A.—— Filing Of Appeals: Appeals shall be submitted on an appeal form provided by the building official. The appellant shall state the specific order or action protested and a statement of the relief sought, along with the reasons why the order or action should be reversed, modified or otherwise set aside.~~

~~B.—— Failure To Appeal: Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the person's right to an appeal.~~

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C.—~~Inspection Of The Premises: Before any hearing is held by a Housing Advisory and Appeals Board panel, the panel shall inspect the building or premises involved. Prior notice of such inspection shall be given to the notified party filing the appeal, who may be present at such inspection. Upon completion of the inspection, the Chairperson of the panel shall state for the record the material facts observed at the inspection, which facts shall be read at the initiation of the hearing. Failure of the notified party to provide access without good cause as determined by the building official shall not constitute a reason for the hearing to be postponed and the appeal may be denied.~~

D.—~~Written Notice: Written notice of the time and place of panel hearings shall be mailed to the appellant in accordance with procedures adopted by the Housing Advisory and Appeals Board.~~

E.—~~Appeals Hearing: Any notified party may appear personally or authorize a designee to act in their behalf. The City and any notified party may call and examine witnesses on any relevant matter, introduce documentary and physical evidence, and cross examine opposing witnesses. Any relevant evidence shall be admitted.~~

F.—~~Record: A record of the entire proceeding of all appellate hearings under this section shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Housing Advisory and Appeals Board. The record shall be retained on file in accordance with the City's record retention schedule.~~

SECTION 28. Amending the Salt Lake City consolidated fee schedule. That the Salt

Lake City consolidated fee schedule shall be, and hereby is, amended, in pertinent part, to reflect the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City consolidated fee schedule shall be published on the official Salt Lake City website.

SECTION 29. That this ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 2024.

CHAIRPERSON

LEGISLATIVE DRAFT

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

(SEAL)

Bill No. _____ of 2024.

Published: _____

Ordinance amending Title 18 administration

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Katherine D. Pasker, *Senior City Attorney*

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EXHIBIT A

COMMUNITY AND NEIGHBORHOODS (CAN)				
	Service	Fee	Additional Information	Section
	Appeal of a Decision			
	Administrative decision to board of appeals and examiners	\$285	Add'l fee for required public notices	18.12.020
	Boarding or Securing of Buildings			
	Boarding administrative costs	\$500	Plus actual costs	18.48.100
	Boarding registration fee	\$14,000	Per parcel	18.48.215
	Boarding registration fee for a contributing structure or landmark site	\$14,850	Per parcel	18.48.215
	Late penalty for registration fee nonpayment	\$100		18.48.215
	Other abatement administrative cost	\$129	Plus actual costs	18.48, 9.16, 21A.20
	Enforcement			
	Violation of Title 18 (except Ch. 18.50 or Stop Work Order)	\$100		18.24.030
	Violation of Stop Work Order	\$250		18.24.040.B
	Violation of Ch. 18.50			
	Substandard condition	\$50		18.50.100.D
	Hazardous condition	\$100		18.50.100.D
	Imminent danger condition	\$250		18.50.100.D

ATTACHMENT B: Public Process & Comments

Public Notice, Early Notice Letter, Comments

- October 26, 2023 - The Early Notice Letter was sent to recognized community organizations and all boarded building property owners of record.
- October 27, 2023 – The city website for the proposal was posted to the Planning webpage.
- January 11, 2024 – Agenda posted on Planning webpage

Public Input:

The Early Notice letter was emailed to 31 Recognized Community Organizations and mailed to 169 boarded or vacant building property owners of record. This letter provided a summary of the proposal, requested input on the proposal be provided to city staff, and directed interested parties to the city website for further information. As of January 18th our office has received 2 written responses from RCOs in support of the proposal, 1 written response from a homeowner in support, and 2 phone calls from property owners objecting to the proposed increase in boarded building fees.

10/27/2023 - Ballpark Community council email in support

10/31/2023 Erika Carlsen letter in support

11/2023 Anonymous phone call objecting to increasing boarded building fees

11/8/2023 Phone call with boarded building owner Simone Tukutau 801-633-9485 comment: Please do not raise the permit fees.

11/30/2023 Granary District Alliance letter in support

Early Notice Letter:

Notification of proposed changes to Title 18: Construction Enforcement and Boarding Permit Fees



Dear Residents, Businesses & Property Owners:

Salt Lake City proposes ordinance changes concerning the enforcement of building construction including the maintenance of unsecured, boarded or unsafe buildings. Associated permit fees are also to be considered to be amended as follows.

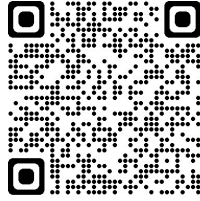
- Modernize/reflect the City's existing zoning enforcement process and incorporate that same process into Title 18.
- Have the building code enforcement appeal process mirror the existing zoning code enforcement appeal process.
- Update the technical requirements of Title 18 to match current building codes and eliminate portions of Title 18 that are repetitive of building codes.
- Resolve inconsistencies with Title 21A.
- Create fines for Title 18 violations (general: \$100/day; violation of a stop work order: \$250/day; housing code violations \$50-\$200/day depending on violation).
- Increase fees associated with boarded buildings and add an enhanced fee for the boarding abatement of contributing structures to realign the actual costs of operating and administering a boarded building program into the associated boarding permit fees.

For More Information: <https://www.slc.gov/planning/title18-amendments>

Next Steps: • Notice of this application has been sent to Recognized Organizations • Notified parties are given a 45-day period to respond before a public hearing with the Planning Commission. During and following this comment period, Building Services will evaluate the proposal taking into consideration public comments and refine a recommendation for the Planning Commission. • The Planning Commission will then hold a public hearing for additional public comments and make a recommendation to City Council. • The City Council will hold another public hearing for additional public comments and make the final decision on the matter. If the council approves the request to amend Title 18, those changes will become effective upon publication.

Additional Information: The submitted application and all associated documents are a public record and available for download. To access this information, follow the instructions below*: 1. Visit citizenportal.slcgov.com and select "Check/Research Petitions" under the "Planning" tab 2. Enter the petition number (PLNPCM2023-00868) under "General Search." 3. Click the "Records Info" tab and select "Attachments." 4. Select the available attachments near the bottom of the page *Alternatively, you can scan the QR code below with your smartphone camera.

Next Noticing cycle: You will receive another mailed notice when the Planning Commission hearing for this request has been scheduled. If you have questions regarding the proposed ordinance changes or would like to provide comments, do not hesitate to get in touch with me at: Craig Weinheimer 801-535-6682 or craig.weinheimer@slcgov.com



From: Amy J. Hawkins

Sent: Friday, October 27, 2023 12:15 PM

To: Weinheimer, Craig <Craig.Weinheimer@slcgov.com>

Subject: (EXTERNAL) Re: Building Services is soliciting comments for proposed Title 18 changes

Hello Craig,

The Ballpark Community Council is **very** interested in policies about vacant & boarded buildings. We have a disproportionate number of vacant and boarded buildings in our neighborhood, and we noticed that the Federal Credit Union at 1467 S. Main Street was just boarded on Wednesday. The Main Street Motel will be boarded except for one occupied room starting in November. Does that meet the definition of a boarded building? Will it accrue fines if one room is occupied out of the entire motel?

We would be interested in hearing an explanation about this new policy at our next Ballpark Community Council meeting this coming Thursday, November 2nd, at 7 PM. We will be holding a hybrid meeting, with the in person portion of the meeting taking place at Salt Lake Community College, South City Campus, Room 2-190. I can forward Zoom information about the online portion of the meeting later if that would be preferable.

Thank you for this notice,

Amy J. Hawkins, PhD

Chair, Ballpark Community Council

facebook.com/BallparkCC/

From: [Erika O. Carlsen](#)
To: [Weinheimer, Craig](#)
Subject: (EXTERNAL) Public Comment on Title 18 Amendment
Date: Tuesday, October 31, 2023 10:43:23 AM

Dear Mr. Weinheimer,

I am writing to you in favor of increasing fees associated with boarded buildings and any additional penalties, up to and including, demolition. I am a homeowner in the Ballpark neighborhood, where three houses on my block have been abandoned by the property owner, Gary Cash (1415 Richards Street, 1414 Richards Street, 1411 Richards Street). These houses have been **vacant and abandoned for years** (17+ years for the 1415 Richards Home and 5-7 years for the properties at 1414 and 1411 Richards St.).

Collectively, our small street has experienced over 20 years of abandoned houses drawing blight, rodents, and illegal activity.

As a result of the property owner's continual neglect and refusal to sell, rent, or repair these abandon properties, SLCPD resources have been drawn upon for years to address squatting, drug use, sex work, and other illegal activities that have taken place within these houses or on these properties. These instances are taking place right near the homes where children live. For instance, over the past 48 hours, I have called SLCPD's non-emergency line twice to address illegal squatting in these abandoned houses. I believe this is an inefficient use of SLCPD's resources and it is incredibly expensive each time police officers come to address the situation.

Furthermore, while I appreciate the due diligence of code enforcement officers, it is often a "cat & mouse game" -- where the code enforcement officers do their regular checks and citations of these properties, the property owner attempts to address those citations, and then once again the properties remain outside of compliance. The current cycle is inefficient, and at worst, a waste of precious resources.

Salt Lake City staff's time and expertise are some of our City's greatest resources. The hardworking employees of SLCPD and Civil Enforcement have important jobs to do. By increasing additional penalties, **especially on properties that have been vacant or boarded for over 5 years**, I hope to decrease the blight our neighborhood has experienced for far too long.

Additionally, if possible, I hope that the City might consider increasing penalties and consider demolition of vacant properties that have experienced an unusually high number of SLCPD service calls and documented years-long instances of public nuisance and criminal activity.

I appreciate the work you do on behalf of our City, and thank you for taking the time to review this public comment. If you have any questions or would like to discuss further, I can be contacted at 801-391-2852 or by email at this address.

Sincerely,
Erika Carlsen
Homeowner at 1418 Richards Street



November 30th, 2023

ATTN Craig

Weinheimer

Salt Lake City Civil Enforcement
349 South 200 East room 406

PO Box 145481

Salt Lake City UT 84114-5481

RE: Letter of Support – PLNPCM2023-00868 Title 18 changes for construction enforcement and boarded buildings

Dear Mr. Weinheimer:

On behalf of The Granary District Alliance, a recognized community organization composed of business owners, developers and community members, we write in support of Salt Lake City's Building Services changes to Title 18.

The mission of the GDA is to connect Granary District businesses, residents and visitors, to promote and support the creation of a vibrant and diverse neighborhood culture and to encourage thoughtful development in the Granary District, while preserving the unique character of the neighborhood. With that being said, on November 15, 2023, The Granary District Alliance board and business owners held a healthy conversation discussing whether boarded up buildings were better than demolished buildings. Due to the fact that the GDA board is composed of business owners, developers and advocates for the neighborhood, we noticed that the developers were more

inclined to prefer demolished buildings for ease and for safety concerns. Business owners within the district were more inclined to prefer boarded up buildings to ensure there is a community and a vertical neighborhood surrounding their businesses. Advocates for the neighborhood were also more inclined to have vacant, boarded up buildings showing that there are signs of life that once walked the streets of our unique neighborhood. However, everyone's main concern was safety. It was noted by a friend of the board that vacant buildings are more inclined to be used by our unsheltered population, in which many people chimed in stating that owning a building, vacant or occupied is similar to home ownership; you need to check-in on your assets and do a walkthrough daily. Given the recent history of fires in abandoned buildings in the district, we heartily support taking better measures to ensure residents, workers, surrounding properties and unsheltered citizens are kept safe in part by codifying the update to Title 18.

The Granary District Alliance continues to build community and expand our reach as a community organization. Per the meeting minutes on November 15, 2023, we had 9 attendees, not including city staff at our meeting. A vote was set forth and a unanimous vote was in support of making the changes set forth in PLNPCM2023-00868.

We support Salt Lake City's Building Services changes to Title 18, specifically increasing fees for boarded buildings and helping the GDA push for a more vibrant neighborhood. This work will improve our community and align with the goals of our organization.

Sincerely,

Britney Helmers - Granary District Alliance Chair

Tim Dwyer - Granary District Alliance Vice Chair and Granary District Business Owner at Fisher Brewing

Josh Scheurman - Granary District Alliance Board Member

Victoria Winkler - Granary District Alliance Secretary and Granary District Business Representative at INDUSTRY

Elizabeth Bradley-Wilson - Granary District Alliance Treasurer and Granary District Business Owner at Rimini Coffee