



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

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.

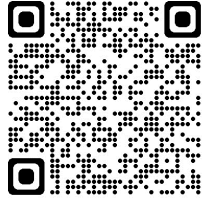
- Modernize/reflect the City's existing zoning enforcement process and incorporate that same process into Title 18.
- Have the building code enforcement appeal process mirror the existing zoning code enforcement appeal process.
- Update the technical requirements of Title 18 to match current building 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.sl.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.sl.gov 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@sl.gov



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