

TITLE 5. BUILDING REGULATIONS

- Chapter 1. General Provisions, 5-1-1 to 5-1-13.
- Chapter 2. Building Official, 5-2-1 to 5-2-5.
- Chapter 3. Technical Code, 5-3-1 to 5-3-4.
- Chapter 4. Stop Work Order, 5-4-1 to 5-4-2.
- Chapter 5. Relocation of Building, 5-5-1 to 5-5-22.
- Chapter 6. Demolition or Removal of Buildings, 5-6-1 to 5-6-6.
- Chapter 7. Certificate of Notice of Non-Compliance, 5-7-1 to 5-7-6.
- Chapter 8. Other Building and Construction Regulations.
- Chapter 9. Penalties, 5-8-1 to 5-8-3.

Chapter 1. General Provisions

- 5-1-1. Permit Required and Exceptions.
- 5-1-2. Application for Permit.
- 5-1-3. Approval of Permit and Plan.
- 5-1-4. Revocation of a Permit.
- 5-1-5. Closure/Expiration of a Permit.
- 5-1-6. Variations of Plan Prohibited.
- 5-1-7. Building Permit Fee Schedule.
- 5-1-8. Determination and Payment of Fees
- 5-1-9. Work Without Payment of Fees
- 5-1-10. Plan Review Fee
- 5-1-11. Completion and Offsite Bond Agreement To Assure Project Completion and Final Condition of Offsite Improvements
- 5-1-12. Release of Bond
- 5-1-13. Liability for Damages

5-1-1. Permit Required and Exceptions. No building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

History: 2/98, 4/07

5-1-2. Application for Permit. A building permit shall be secured from the Community Development Department upon written application accompanied by plans and specifications, in duplicate or other number of copies established by the building official, which must state the specific nature of the construction or alterations to be made. At a minimum, the plans and application shall provide the information required by the appropriate technical codes adopted by the State of Utah Building Commission.

History: 2/98, 4/07

5-1-3. Approval of Permit and Plan. The application and plans shall be reviewed by the City Planner for zoning compliance. The building official or his designated representative who shall review the plan to determine whether the proposed construction or alteration conforms to the appropriate technical codes and ordinances of this city. Plans shall be returned to the applicant upon payment of fees, either marked "Disapproved" (with comments), or "Approved for Construction". In the event plans are either approved for construction or approved with comments a building permit shall be issued to the applicant together with one (1) set of the approved plan. One (1) set of the plans shall be retained by the Community Development Department and maintained on file with the original copy of the building permit until the building permit is closed.

History: 2/98,4/07

5-1-4. Revocation of a Permit. The building official may, in writing, suspend or revoke at any time a permit which has been issued which may result in a violation of any ordinance or technical/model code of this city or was issued based on false/improper information.

History: 2/98, 4/07

5-1-5. Closure/Expiration of a Permit. A building permit issued by the City of Clinton shall be closed once a certificate of occupancy or notification of passing final inspection has been issued. For the purpose of this section the 180 day period starts anew every time an inspection of the building or work authorized by the permit is inspected by a building inspector. An extension may be granted by the building official when he/she has determined that extenuating circumstances exist.

History: 2/98,4/07

5-1-6. Variations of Plan Prohibited. No design or material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the building official or his representative.

History: 2/98, 4/07

5-1-7. Fee Schedule. The Community Development Department shall collect a fee for a building permit in amounts to be fixed by resolution of the City Council.

History: 2/98, 4/07

5-1-8. Determination and Payment of Fees. A permit shall not be valid until the fees prescribed by law

have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The applicant for a commercial permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

History: 4/07

5-1-9. Work Without Payment of Fees. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. The building official is authorized to establish a refund policy.

History: 4/07

5-1-10. Plan Review Fee. The plan review fee shall be a percentage of the building permit fee as established from time to time by resolution of the City Council. The building official may require payment of the plan review fee at the time the plans are submitted.

History 4/07

5-1-11. Completion and Offsite Bond Agreement to Assure Project Completion and Final Condition of Off-site Improvements. All applications for building permits with ~~a~~ the potential of damaging improvements within the public right-of-way or that may result in a request for occupancy prior to completion of all improvements, shall be accompanied by a bond agreement to assure project completion and the maintenance of off-site improvements. The requirement for a bond shall be at the determination of the building official. The bond

agreement shall be prepared by the city attorney and signed by the owner of the property to be improved, or by the contractor. The bond shall be in a sum set by resolution of the City Council or by determining the cost of the improvements, whichever is greater. The purpose of the bond shall be to assure the satisfactory completion of the project as well as the condition of the curbs, gutter, sidewalk, drive approaches, landscaping, paving, patching and asphalt cuts, and other public improvements (protected items) theretofore installed on and in close proximity to the individual property for which the building permit was sought. The bond agreement shall terminate and the bond is released after satisfactory completion of the project and the protected items are inspected and found to be not damaged or are installed to meet city standards. Inspection of the protected items shall be done by the Clinton City Public Works Department. Additionally, the building permit must be closed by the Community Development Department with issuance of a certificate of occupancy or other notification of passing a final inspection by the city building official or his representative. In the event no certificate of occupancy has been issued within two years after the issuance of the building permit, the bond agreement shall terminate and the bond shall be forfeited to the city. In the event the bond amount is inadequate for the required repairs, no additional permits will be issued for the property in question until the city has been repaid for any costs incurred by city.

5-1-12. Release of Bond. Bond shall only be released to the individual, party indicated on the agreement or through an indemnification agreement as approved by the Director of Community Development.

History: 2/98, 4/07

5-1-13. Liability for Damages. This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under the technical codes adopted by the State of Utah Building Commission this ordinance and other ordinances as adopted by the Clinton City Council.

History 4/07

Chapter 2. Building Official

- 5-2-1. Building Official.
- 5-2-2. Building Inspector.
- 5-2-3. Powers and Duties.
- 5-2-4. Additional Duties.
- 5-2-5. Liability.

5-2-1. Building Official. There is hereby created the position of city building official. The building official shall meet the requirements of the State of Utah for a building inspector and be licensed by the State. The building official will be appointed by the city manager and will be assigned to the Community Development Department of the city. The building official is assigned as the supervisor of the city building inspectors, if appointed as well as other duties as outlined in the city official position description. The building official is empowered with the powers, duties and responsibilities as outlined in the technical codes adopted by the State of Utah Building Commission this ordinance and other ordinances as adopted by the Clinton City Council.

History: 2/98

5-2-2. Building Inspectors. There are hereby created the position(s) of city building inspector(s). The building inspector, if appointed will perform as outlined in the city official position description. Building inspectors shall meet the licensing requirement's of the State of Utah and be licensed by the State. The building inspectors will be appointed by the city manager and serve under the supervision of the building official within the Community Development Department. The building inspector is empowered with the powers, duties and responsibilities as outlined in the technical codes adopted by the State of Utah Building Commission, this ordinance and other ordinances as adopted by the Clinton City Council.

History: 2/98, 4/07

5-2-3. Powers and Duties. The building official or his representative shall have the power and duties outlined in the model codes adopted by the State of Utah and elsewhere in this ordinance to include but not be limited to: Right of Entry; Stop Work Orders; Authority to Disconnect Utilities; Authority to Condemn Building Service Equipment.

History: 2/98,4/07

5-2-4. Additional Duties. The building official or his representative shall, in addition to enforcing the provisions of the technical codes adopted by the State of Utah Building Commission and other relevant

provisions of this code, inspect all buildings, structures, ditches, signs, fences and objects to determine their safety effect on all persons who are within the city.

History: 2/98, 4/07

5-2-5. Liability. The building official nor his representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by the technical codes adopted by the State of Utah Building Commission, this ordinance and other ordinances as adopted by the Clinton City Council shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of any pervasion of such codes or other pertinent laws or ordinances implemented through the enforcement of the technical codes adopted by the State of Utah Building Commission, this ordinance and other ordinances as adopted by the Clinton City Council or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.

History: 2/98

Chapter 3. Technical Codes

- 5-3-1. Adoption of the Technical Codes
- 5-3-2. Adoption of Other Codes.
- 5-3-3. Additional Construction Requirements.

5-3-1. Adoption of the Technical Codes. At a minimum, Clinton City shall follow the codes adopted by the State of Utah Building Commission and as amended or appended in this and other ordinances by the city as permitted by the State of Utah. The city shall maintain in book form, a minimum of three (3) copies of these codes on file in the Community Development Department for use by city employees and examination by the public.

History: 2/98

5-3-2. Adoption of Other Codes. Clinton City adopts the following codes as amended herein.

- (1) The current editions of the technical/model codes as adopted by the State of Utah and as published by the International Code Council.

(3) 1997 Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials.

EXCEPTIONS: For the purpose of this code the term “health officer” or other reference to a health department shall refer to the Davis County Environment Health and Laboratory Division and representatives thereof. Section 802.2. is modified to delete reference to the repair and demolition fund, after cost estimates are developed through in house estimates or sealed bids the building official will present estimates to the city council for approval and dedication of funds from the general fund. For the purpose of this ordinance the term “clerk” is interchangeable with “Recorder”. Section 912 is amended to read that all recovered funds will be returned to the general fund rather than the repair and demolition fund.

History: 2/98,4/07

5-3-3. Additional Construction Requirements.

Additional construction requirements shall be evaluated during regularly building inspections indicated. Construction shall not proceed beyond a required inspection until the inspection has been accomplished and approved by the building official or his appointed representative.

(1) In both commercial and residential construction, a four (4) inch minimum depth of one (1) inch or smaller rock will be required under all basement floors unless otherwise permitted by the building official or the authorized representatives. Inspected with under floor plumbing or special inspection.

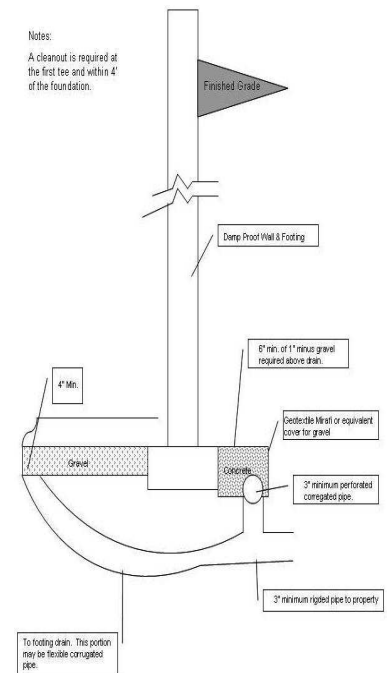
(2) All groups, as defined by the most recent edition of the International Building Code, having six (6) inches or more of exposed foundation above the finish grade shall be finished plaster or have a finished surface no less than that obtained by the use of plaster. Examples of such finishes include, but are not limited to, decorative finishes using molded forms, aggregate, troweled concrete, etc. Inspected at time of final inspection.

(3) Only materials recognized by the current edition of the International Residential Code and International Plumbing Code may be used from the water meter to the shut off valve located within the building. If a copper waterline is provided, the building shut-off valve shall be so located such that there is adequate space between the floor and the valve so electrical grounding clamps may be attached without modification to the water main or foundation

walls. A ufer ground must be installed in accordance with the current edition of the National Electrical Code. The ufer grounding clamp shall be installed within the garage wall cavity. The clamp must be installed in a manner which will accommodate permanent access to the ground clamp through a mud ring w/cover or outlet box w/cover.

(4) Monolithic slabs used for the support of accessory structures are limited to single story structures with an overall floor area not to exceed 600 sq. ft.. All monolithic slabs must be engineered or may comply with Clinton City specifications when approved by the Building Official or his representative.

(5) Footing and Foundation Sub drain. A sub drain which meets the requirements/specifications as outlined in the “Clinton City Typical Footing and Foundation Sub Drain Detail” shall be provided for all residential structures. A sub drain shall also be provided on all commercial structures that have a footing which extends less than 4’ below finish grade if indicated on the geotechnical report for the property in question more than 4’ below finish grade. A sub drain may still be required for commercial



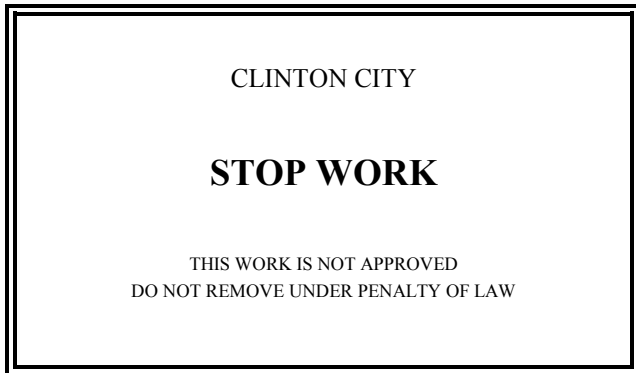
Note: Any residential structure not served by a storm sewer main shall be provided with an acceptable collection point/pump station adjacent to the foundation. The design of the collection point/pump station shall be pre-approved by the building official prior to installation.

History: 06/00,4/07

Chapter 4. Stop Work Order

- 5-4-1. Stop Work Order.
- 5-4-2. Compliance With a Stop Work Order.
- 5-4-3. Unlawful Continuance

5-4-1. Stop Work Order. Whenever the building official finds any work regulated by the technical/model codes adopted by the State of Utah, this ordinance, listing agency or manufacturer being performed in a manner either contrary to the provisions outlined, dangerous or unsafe, the building official shall post or cause to have posted a notice or stop work on the building. The stop work order will be in the following form:



Notice shall include location of the work being stopped, permit number, if issued, and instructions. Order will have the name of the building official or his representative issuing the order and date.

History: 2/98,4/07

5-4-2. Compliance With a Stop Work Order. Whenever a stop work is posted, no person shall remain in or enter any building that has been so posted. No person shall remove or deface any such notice after it is posted until the required actions have been completed and the order has been removed by the building official or his representative.

History: 2/98

5-4-3. Unlawful Compliance. Any person who shall continue any work after a stop work order has been posted, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this ordinance, which is considered a class “C” misdemeanor.

History: 4/07

Chapter 5. Relocation of Building

- 5-5-1. Relocation Permit.
- 5-5-2. Application for Permit.
- 5-5-3. Fees.
- 5-5-4. Relocated Building Must Conform to City Ordinances.

- 5-5-5. Requirements for Relocation.
- 5-5-6. Investigation of Application.
- 5-5-7. Conditions of Permit.
- 5-5-8. Foundations to be Completed.
- 5-5-9. Time Limit.
- 5-5-10. Relocation Bond or Cash Deposit.
- 5-5-11. Conditions and Terms of the Bond.
- 5-5-12. Default in Performance of Conditions, Notice.
- 5-5-13. Duty of Surety and Principal.
- 5-5-14. Authority of Building Official in Event of Default.
- 5-5-15. When Building or Structure may be Demolished.
- 5-5-16. Termination of Bond.
- 5-5-17. Right to Enter the Premises.
- 5-5-18. Interference Prohibited After Default.
- 5-5-19. Duty to Notify Police Department.
- 5-5-20. Contractor Required.
- 5-5-21. Duty to Notify Utilities.
- 5-5-22. Exceptions.

5-5-1. Relocation Permit. No person shall move into or relocate any building or structure within the city without first having obtained a permit from the community Development Department. Additionally, a building permit must be first obtained from the Community Development Department in accordance with this title.

History: 2/98

5-5-2. Application for Permit. Each application to move a building into the city or for a relocation of a building within the city shall be made to the Community Development Department upon forms furnished by the Community Development Department and it shall set forth such information as required by the building official which may reasonably be required in order to carry out the purposes of this ordinance.

History: 2/98, 4/07

5-5-3. Fees. Prior to issuing a relocation permit the Community Development Department shall collect a “Inspector Costs” fee from the applicant in amounts to be fixed by resolution of the City Council determined by the building official and based on the number of inspections required.

History: 2/98;4/07

5-5-4. Relocated Building Must Conform to City Ordinances. No relocation permit or building permit shall be issued to any person to relocate any building or structure upon another lot or to move a building or structure into the city unless such use, building, or

proposed conversion thereof conforms to the zoning laws and the appropriate technical codes adopted by the State of Utah Building Commission, this ordinance and other ordinances as adopted by the Clinton City Council and otherwise complies with law.

History: 2/98

5-5-5. Requirements for Relocation. No permit shall be issued to any person to move into or relocate any building or structure within the city which is so constructed or in such conditions as to be dangerous or unsafe or which is infested with pests or is unsanitary or which, if to be a dwelling or habitation, is unfit for human habitation, or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would create a safety or health hazard or would cause appreciable damage to or be materially detrimental to the property in the district within the radius of 500 feet from the proposed site. If, in the opinion of the building official or his appointed representative, the present use or condition of the building or structure admits of practical conversion or effective repair or alteration, he may issue such a relocation permit if plans are submitted to him in conjunction with the building permit showing that the improvements and alterations conform to the appropriate technical codes adopted by the State of Utah Building Commission this ordinance and other ordinances as adopted by the Clinton City Council and are in architectural harmony with neighboring structures. If a structure is determined to have asbestos or other hazardous material, all such materials shall be removed from the original site. All abandoned utilities which extend into the public right-of-way must be terminated and inspected for compliance by the Public Works Inspector.

History: 2/98;4/07

5-5-6. Investigation of Application. The building official or his representative shall cause an investigation to be made of the building or structure to be moved or relocated and of the property upon which it is to be located in order to determine whether or not said permit should be granted. The inspector may require special inspections to be accomplished by other agencies or professionals. The cost of any such inspections shall be at the expense of the applicant or his agent and will be in addition to any fees collected by the city for a relocation permit or building permit.

History: 2/98

5-5-7. Conditions of Permit. In granting any relocation permit or building permit, the building official shall impose thereon such terms and conditions

as he may determine reasonable and proper including, but not limited to, the requirement of changes, alterations or additions or repairs to be made to or upon the building, structure or property to the end that the relocation thereof shall not be materially detrimental or injurious to public safety or public welfare or to property within the immediate district. Such terms and conditions shall be written upon the permit or appended in writing thereto.

History: 2/98

5-5-8. Foundations to be Completed. The foundations to be used in connection with any of the buildings herein referred to shall be fully completed, inspected and approved by the building official or his representative before any such building is moved upon any foundation or moved into the lot of the new location.

History: 2/98

5-5-9. Time Limit. Any such buildings shall be completed in its exterior and protected from the elements by the necessary, listed and approved means and all doors and windows shall be installed within 30 days after the building is placed on its new site. The entire exterior of the structure must be repaired or reconstructed to conform to the plans submitted by the applicant within 30 days of placement of the building or structure on its new site. All renovation of the building shall be completed in accordance with said specifications and be suitable for occupancy within one (1) year from the date of issuance of the building permit.

History: 2/98

5-5-10. Relocation Bond or Cash Deposit. No relocation permit shall be issued unless the applicant therefore shall guarantee the improvements required by this ordinance and the appropriate technical codes adopted by the State of Utah Building Commission this ordinance and other ordinances as adopted by the Clinton City Council by one (1) or a combination of one (1) or more of the methods specified below in an amount equal to the cost of the improvements or repairs as estimated by the building inspector:

(1) Performance Bond. The owner or contractor may furnish and file with the city recorder a corporate surety bond in the amount equal to the cost of the required repairs or improvements as estimated or approved by the building official or his representative.

(2) Deposit in Escrow. The owner or contractor may deposit in escrow with an escrow holder approved by

the building official or his representative an amount of money equal to the cost of the repairs or improvements required under an escrow agreement conditioned for installation of said improvements within the time required in the relocation permit.

History: 2/98

5-5-11. Conditions and Terms of the Bond. Every relocation bond filed shall be executed by the owner of the premises where the building or structure is to be relocated as principal and by a surety company authorized to do business in the State of Utah as surety. Such bonds shall name Clinton City as obligee and shall be conditioned as follows:

(1) **Compliance with Permits.** All of the terms and conditions of the relocation permit and of the building permit shall be complied with to the satisfaction of the building official or his representative.

(2) **Compliance with Requirements.** All of the work required to be done pursuant to the conditions of the relocation permit and of the building permit shall be fully performed and completed within the time limit specified in the relocation permit. Although said time limit may be extended for good and sufficient cause by the building official, no such extension shall be valid unless in writing; and such extension shall not release the surety on the relocation bond.

(3) **Expiration of Bond.** The surety bond shall not have a termination date or expiration date either implied or specified.

History: 2/98

5-5-12. Default in Performance of Conditions, Notice. Whenever the building official shall find that a default has occurred in the performance of any term or condition of a relocation permit or of a building permit written notice thereof shall be given to the principal and to the surety on the bond and to the owner and the escrow in the case of a cash deposit. Such notice shall state the nature of the default and, in case of work to be done, shall specify the work to be done and the period of time within which such work must be completed. Failure to comply with the notice of the building official shall constitute a default against said cash or surety bond.

History: 2/98

5-5-13. Duty of Surety and Principal. Upon receipt of such notice of default from the building official, the surety must within the time specified therein correct such default and in the case of work required to be

performed, cause said work to be done within the time specified in said notice and upon its failure to do so must forthwith pay to the city treasurer the face amount of its bond.

History: 2/98

5-5-14. Authority of Building Official in Event of Default. The building official shall, upon receipt of the face amount of said bond from said surety or of said cash from the escrow, proceed by such mode as he deems expedient to cause the required work to be performed, completed by contract or otherwise. Upon the completion of such work, the balance, if any of the money so paid to the city treasurer of the city by said surety, shall be returned to the surety or in the event of cash in escrow to the applicant after deducting cost of work plus 25% thereof. Said 25% being retained by the city treasurer to cover cost of supervision. The building official shall incur no liability other than for the expenditure of funds delivered to him for completion of the work.

History: 2/98

5-5-15. When Building or Structure may be Demolished. When any notice has been given and a default has occurred either on the part of the principal or the surety, the building inspector shall have the option in lieu of completing the work required, to demolish the building or structure and to clear, clean, and restore the site as defined in 5-6-4 of this title. Funds associated with default in performance shall be available for demolition as outlined in 5-5-14 of this title.

History: 2/98; 4/07

5-5-16. Termination of Bond. The term of each relocation bond or of the escrow agreement pursuant to this ordinance shall begin upon the date of execution thereof and shall terminate upon the completion to the satisfaction of the building official of the performance of all of the terms and conditions of the relocation permit. Such completion shall be evidenced by a certificate of occupancy and a letter from the building official to the escrow or bonding agent thereof signed by the building official, authorizing the release of all security funds.

History: 2/98; 4/07

5-5-17. Right to Enter the Premises. In the event of any default in the performance of any term or condition of the relocation or building permit, the surety or any person employed or engaged in its behalf and the building inspector or any person employed or engaged

in his behalf, shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure as the case may be.

History: 2/98

5-5-18. Interference Prohibited after Default. It shall be unlawful for the owner, his agents, or any other person after a default has occurred in the performance of the terms or conditions thereto, to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of the surety or the city engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued.

History: 2/98

5-5-19. Duty to Notify Police Department. Before any building or structure is moved over or on any public street or highway, the police department shall be notified by the mover at least 24 hours in advance, and the police shall direct the moving at the time designated over the approved route.

History: 2/98

5-5-20. Contractor Required. No building or structure shall be relocated by other than a contractor specializing in moving buildings and structures and licensed as such by the State of Utah.

History: 2/98

5-5-21. Duty to Notify Utilities. Before any building or structure is moved over or on any public street or highway, the public utilities, (power, gas, telephone, Cable TV, etc.) and UDOT shall be provided notice. Payment of any required fees and the amount of notice required by the individual utilities and UDOT shall be complied with. Written verification that notice and fees have been paid shall be provided to the Community Development Department a minimum of 24 hours prior to any building or structure being moved.

5-5-22. Exceptions. This chapter is not intended to apply to new, not previously occupied, connected to utilities or positioned on a previous site, structures falling under the category of factory built housing units or modular units covered under the codes adopted by the State of Utah Building Commission as provided by the State Code and Zoning Ordinance.

History: 2/98

Chapter 6. Demolition or Removal of Buildings

- 5-6-1. Demolition Permit.
- 5-6-2. Fees.
- 5-6-3. Utilities Disconnection.
- 5-6-4. Site Restoration.
- 5-6-5. Protection of Off-Site Improvements.
- 5-6-6. Inspection.

5-6-1. Demolition Permit. No person shall demolish any building or structure within the city without first having obtained a building permit from the Community Development Department.

History: 2/98

5-6-2. Fees. The Community Development Department shall collect a fee from the applicant in amounts to be fixed by resolution of the City Council.

History: 2/98

5-6-3. Utility Disconnection. All utilities connected to a building or structure shall be disconnected as follows:

(1) Sewer. Sewer laterals which meet the existing requirements of the city standards shall be cut back to a point ten (10) feet inside the property line, an approved plug shall be placed in the lateral, and a 2" x 4" piece of treated lumber shall be placed at the end of the pipe and extended up to within one foot of final grade. Laterals which do not meet the requirements of the city standards shall be removed back to the sewer main and the main repaired to meet the requirements of the Clinton City Public Works Department, or the lateral is to be permanently plugged with concrete by a means approved by public works.

(2) Culinary Water. Culinary water laterals which meet the existing requirements of the city standards shall be cut back to a point ten (10) feet inside the property line, an approved plug shall be placed in the lateral, and a 2" x 4" piece of treated lumber shall be placed at the end of the pipe and extended up to within one foot of final grade. Laterals which do not meet the requirements of the city standards shall be removed back to the water main and the main repaired to meet the requirements of the Clinton City Public Works Department.

(3) Secondary Water. Secondary water laterals shall be disconnected and inspected to meet the requirements of Davis and Weber County Canals Company.

(4) Land Drains. Land drain laterals which meet the existing requirements of the city standards shall be cut back to a point ten (10) feet inside the property line, an approved plug shall be placed in the lateral, and a 2" x 4" piece of treated lumber shall be placed at the end of the pipe and extended up to within one foot of final grade. Laterals which do not meet the requirements of the city standards shall be removed back to the land drain main and the main repaired to meet the requirements of the Clinton City Public Works Department, or the lateral is to be permanently plugged with concrete by a means approved by public works.

(5) Power. Electrical power laterals or overheads shall be removed and disconnected from the connection point to the main lines. Any poles or other structures on the property utilized to support power lines shall be removed. Underground power lines utilized as laterals shall be removed.

(6) Telephone and Cable TV. Telephone and Cable TV underground laterals or overheads shall be removed and disconnected from the connection point to the main lines. Any poles or other structures on the property utilized to support these lines shall be removed. All underground lines utilized as laterals shall be removed.

All abandoned utilities which extend into the public right-of-way must be terminated and inspected for compliance by the Public Works Inspector.

History: 2/98; 4/07

5-6-4. Site Restoration. Any site where a building has been demolished or removed shall be cleaned up of all debris, building material, concrete, and other items as determined by the building official or his representative upon inspection. The site shall be graded and if necessary fill shall be brought in to provide for natural drainage from the site. In no case shall grade next to sidewalks or on the site present a hazard to the public or anyone who may be on the site.

History: 2/98

5-6-5. Protection of Off-Site Improvements. Protection for off-site improvements shall be provided for as outlined in section 5-1-11.

History: 2/98;4/07

5-6-6. Inspection. The person or corporation to whom a demolition or relocation permit is issued will, upon completion of all work on the site cause the site to be inspected by the building official or his representative. The inspector will note on the inspection report the location of all laterals relative to

the property lines and insure that the site is suitable in accordance with this ordinance.

History: 2/98

Chapter 7. Certificate of Notice of Non-Compliance

- 5-7-1. Purpose.
- 5-7-2. Processing.
- 5-7-3. Entry Powers.
- 5-7-4. Filing of Certificate of Notice of Non-Compliance.
- 5-7-5. Filling of Certificate of Notice of Compliance.

5-7-1. Purpose. In the event that the building official or his representative identifies that construction or building regulated by the appropriate technical codes adopted by the State of Utah Building Commission, this ordinance and other ordinances as adopted by the Clinton City Council or is being occupied is being accomplished: without a permit; with an expired permit; without a certificate of occupancy; without a final inspection and closure of a permit; or other disregard for the codes the building official may cause a Certificate of Notice of Non-Compliance to be filed against the property where the violation is being committed.

History: 2/98

5-7-2. Processing. Prior to filing of a Certificate of Notice of Non-Compliance with the County a permanent file will be developed. The file will contain copies of all attempts to contact the owner, any correction list and attempts to obtain code compliance. A summary statement of the situation is to be developed and will include a statement of the nature of the problem. Additionally, the following items shall be accomplished, where applicable.

(1) Stop Work. In the event no permit has been obtained or work is being accomplished with an expired permit, a Stop Work Order shall be issued as outlined in Section 5-2-3.

(2) First Notice. The property owner shall be notified, in writing of the condition(s) which have prompted the building official to start this action. The property owner will be given a maximum response time of thirty (30) days (based on the individual circumstance), and a minimum response time of ten (10) days unless the items are determined to be a matter of public safety. The building official may grant an extension to the "First Notice" when it has been determined that

extenuating circumstances are such that make it impractical to achieve completion by the original date.

(3) **Second Notice.** Prior to the filing of a Certificate of Non-Compliance with the County, a second attempt will be made to contact the property owner. If compliance is not achieved at the end of the maximum response time outlined in the first notice (or extension when applicable), a second notice shall be mailed by certified mail and a response time of ten (10) days from the time of receipt of the notice will be established. The permit holder of record/current property owner shall be informed that a Certificate of Non-Compliance will be filed with the County Recorder for failure to properly complete/close the permit within the allotted time frame indicated if they do not respond. If the certified notice is returned marked as “Undeliverable”, the returned certified notice will be kept in a permanent file and serve as a successful attempt to serve notice and processing of the non-compliance certificate will continue.

History: 2/98; 4/07

5-7-3. Entry Powers. For the purpose of conducting the procedures of this chapter the building official or his representative shall have the entry powers outlined in Section 5-2-4.

History: 2/98

5-7-4. Filing of Certificate of Notice of Non-Compliance. If compliance is not achieved as outlined in Section 5-7-2. of this title, at the end of the maximum response time allowed in the second notice the inspector will review the file with the building official. Based on this review a copy of the appropriate Certificate of Non-Compliance will be prepared for the signature of the building official. Upon the building official’s signature being notarized the Notice will be filed with the County Recorder. A copy of the recorded notice will be placed in the file, a copy mailed to the permit holder/current property owner and the file closed.

History: 2/98; 4/07

5-7-5. Fees and Filing of “Release of Notice of Non-Compliance”. The Community Development Department shall collect a “Release of Notice of Non-Compliance Fee” based on one half of the original building fee portion of the permit if reactivated within one year of the expiration date of the original permit. After one year, the full building fee portion of the permit shall be charged. To remove the “Certificate of Non-Compliance” the applicant shall also pay an

administrative/processing fee to the city as set by the City Council in the “Consolidated Fee Schedule”. Once the building permit has been closed by the building official the process for removal of the non-compliance can be completed and documentation for the removal of the lien will be filed with the County by the city.

History: 2/98; 4/07

5-7-6. Fees. Prior to filing the Certificate of Notice of Compliance with the Davis County Records Office the Community Development Department shall collect a fee from the applicant to cover recording and administrative fees in amounts to be fixed by resolution of the City Council.

History: 2/98

Chapter 8. Other Building and Construction Regulations

- 5-8-1. Trash and Debris Control
- 5-8-2. Toilet Facilities for Workers

5-8-1. Trash and Debris Control. Every construction site shall have a means of containing construction debris and waste (dumpster).

(1) It shall be the responsibility of the general contractor or individual obtaining the building permit to provide a dumpster on the construction site for trash and debris control.

(2) Where a contractor or individual obtaining a building permit has more than one structure under construction on adjacent properties dumpsters for trash and debris control may be so located as to service adjoining lots or construction sites.

(3) Dumpsters facilities are prohibited from being located within the public right-of-way.

(4) Dumpsters shall not be located:

- (a) Within the sight triangle forty (40) feet of an intersection of two streets;
- (b) Within ten (10) feet of a fire hydrant or in such a manner as to block view or access;
- (c) Within ten (10) feet of a public or private driveway or its approach;
- (d) In such a way as to be an obstruction to a Public Works project.

- (e) On a sidewalk;
- (f) So as to block a U.S. postal box or any other type of mail box.
- (g) Within thirty (30) feet of the approach to any flashing signal, stop sign, yield sign, regulatory sign, or traffic control signal located at the side of the roadway.
- (h) In such a manor as to constitute a hazard or obstruction to the normal movement of traffic or the public.
- (5) Any dumpster which is declared a nuisance, as defined in Section 5-8-1(4), may be abated under the direction of or at the request of a police officer of the city by removing the dumpster to a place of storage or repair by means of towing.

History: 4/07

5-8-2. Toilet Facilities for Workers. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition.

- (1) On every construction site that does not have functional, permanently plumbed facilities available to the workers portable chemical toilet facility(s) shall be provided.
- (2) The number of facilities to be provided for each sex shall be based upon the number of employees of that sex for whom the facilities are furnished and shall be in accordance with the following table. Where single-occupancy toilet rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of this table.

| MINIMUM NUMBER OF TOILET FACILITIES | |
|---------------------------------------|--|
| Number of Employees | Minimum number of toilet facilities |
| If serviced once per week * | |
| 1-10 | 1 |
| 11-20 | 2 |
| 21-30 | 3 |
| Over 30 | 1 additional facility for each 10 additional employees |
| If serviced more than once per week * | |
| 1-15 | 1 |
| 16-35 | 2 |
| 36-55 | 3 |
| Over 55 | 1 additional facility for each 20 additional employees |

*"Serving" refers to the emptying of waste and the cleaning of the toilet facility.

- (3) It shall be the responsibility of the general contractor or individual obtaining the building permit to provide toilet facilities sufficient for the total number of workers on a construction site.
- (4) It shall be the responsibility of the employer to insure that all toilet rooms and facilities are maintained in a clean and sanitary condition. If toilet facilities are of the type that require periodic servicing, it shall be the responsibility of the contractor or individual obtaining the permit to provide sufficient toilet facilities and servicing to prevent the stated capacity of those facilities from being exceeded; the contractor or individual obtaining the permit shall also assure ready access to the toilet facilities by the required servicing equipment.
- (5) Toilet facilities for construction sites shall not be located within an existing or proposed public right-of-way.
- (6) Where a contractor or individual obtaining a building permit has more than one structure under construction on adjacent properties toilet facilities may be so located as to service multiple construction sites. The total number workers on all of the construction sites shall determine the number of facilities.
- (7) The requirements of 2 through 7 above do not apply to mobile crews or to normally unattended work locations so long as employees working at these locations have transportation immediately available to toilet facilities that meet the other requirements of this section. The determination of whether work crews are mobile is dependent upon factors such as worksite, distance to toilet facility.

History: 03/04

Chapter 9. Penalties

- 5-9-1. Violations.
- 5-9-2. Penalties.
- 5-9-3. Enforcement.

5-9-1. Violations. It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, or cause or permit the same to be done in violation of this code and the technical codes.

History: 2/98

5-9-2. Penalties. Any person, firm or corporation who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes, equips, uses, occupies or maintains any building, structure or building service equipment, or causes or permits the same to be done in violation of this code and the technical codes shall be deemed guilty of a class C misdemeanor and subject to punishment therefore as provided by law.

History: 2/98

5-9-3. Enforcement. Enforcement and referral to the courts may be through means of a “Fix-it-Ticket” as outlined in the Code of Revised Ordinances of Clinton City, a Stop Work Order, or written referral or any combination of these means.

History: 2/98, 3/04

**Editor's Note: Ordinance 98-1, adopted February 10, 1998 and incorporated herein, repealed in to, the previous Title.*