

**TOQUERVILLE CITY**  
**ORDINANCE # 2021.22**



AN ORDINANCE AMENDING AND RESTATING SECTION 9-1-2 OF THE TOQUERVILLE CITY CODE (BUILDING & CONSTRUCTION CODES) TO CREATE AN AUTOMATIC UPDATE MECHANISM SUCH THAT THE TOWN UTILIZES AND REQUIRES COMPLIANCE WITH THE MOST CURRENT VERSION OF EACH UNIFORM BUILDING, CONSTRUCTION AND SAFETY CODE WHEN IT IS OFFICIALLY ADOPTED BY THE STATE OF UTAH AND TO ELIMINATE ANY VALUATION DISCOUNTS FOR THE DETERMINATION OF FEES CHARGED UNDER SAID UNIFORM CODES.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Toquerville City Council (“City Council”) is designated as the governing body of the City;

WHEREAS, Utah Code Annotated Title 10, Chapter 9a, Section 103, Subsection 30, the City Council is the “Land Use Authority” and has the authority to pass all laws and regulations it deems necessary which are not contrary to State or Federal law relating to the construction of buildings and permanent structures upon land and the uses that take place within or upon land located inside the boundaries of the City.

WHEREAS, the State of Utah, like many states, has adopted various building, construction and safety codes which have been promulgated by the International Code Council which is a private consortium funded by various governments with the purpose coming up with uniform standards that can be adopted by land use authorities in an effort to promote safe construction, operation and maintenance of buildings and structures.

WHEREAS, building and safety technology is ever evolving and thus the International Code Council is constantly revising their codes and publishing them in various editions and the State of Utah regularly adopting newer editions of these codes.

WHEREAS, the International Code Council conducts extensive research, surveys and analysis on a monthly basis to determine value of most structures for the purpose of determining building permit and inspection fees prescribed by their codes – the revenue from which is utilized by the City to help pay their overhead costs for staff and inspectors to make sure construction is in compliance with codes.

WHEREAS, previous City Councils had chosen to have the City adopt the Building Valuation Data (VDA) on a monthly basis but then calculate building permit and inspection fees based upon 75% (as opposed to 100%) of the value determined from the VDA, which has created



a shortfall in the City's Building Department operating expenses that must be subsidized annually from the City's general fund revenue.

WHEREAS, to avoid future shortfalls, the City Council has determined it in the best interest of the City and its residents to charge building permit and inspection fees based upon 85% of the value determined from the VDA.

WHEREAS AND ACCORDINGLY, in order to provide for the health, safety and general welfare of the City and its residents, to avoid the inspection and acceptance for occupancy of dwellings and structures based upon outdated codes and technology and to properly fund the operation of the City's Building Department, the City Council has determined it prudent to amend and restate Section 9-1-2 of the Toquerville City Code (Codes Adopted) accordingly.

### ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED by Toquerville City, Washington County, State of Utah, acting by and through the City Council as follows:

1. Amendment and Restatement of Toquerville City Code, Section 9-1-2. Title 9, Chapter 1, Section 2 of the Toquerville City Code is hereby amended and restated as follows:

#### **9-1-2: CODES ADOPTED:**

*A. Specified Codes: Subject to the limitations which the Utah State Construction And Fire Codes Act (Utah Code Annotated Title 15A) ("Utah Codes Act") has specified, the following construction, building and safety codes are hereby adopted and incorporated by reference, and together with the amendments as may be specified in this section or the adopted codes, are the construction standards to be applied in the regulation of building, construction, alteration, remodeling, repair, occupancy and use of buildings and structures within the City:*

1. *The International Building Code (IBC), issued by the International Code Council;*
2. *The National Electrical Code (NEC), issued by the National Fire Protection Association;*
3. *The International Plumbing Code (IPC), issued by the International Code Council;*
4. *The International Mechanical Code (IMC), issued by the International Code Council;*
5. *The International Residential Code (IRC), issued by the International Code Council;*



6. *The International Energy Conservation Code (IECC), issued by the International Code Council;*

7. *The International Fuel Gas Code (IFGC), issued by the International Code Council;*

8. *The International Fire Code (IFC), issued by the International Code Council;*

9. *Subject to the IBC, the federal manufactured housing construction and safety standards act (HUD code), as issued by the department of housing and urban development and published in 24 CFR parts 3280 and 3282;*

10. *Subject to the IFC, the current edition of the NFPA 225 model manufactured home installation standard, issued by the National Fire Protection Association;*

11. *The International Code Council Building Valuation Data (BVD).*

*B. Applicable Code Editions: All the codes set forth in Subsection A, above, shall be the current edition adopted by the State of Utah, together with state specific amendments thereto pursuant to the Utah Codes Act.*

*C. Appendices: In addition to the body of the codes set forth in Subsection A, above, all appendices to these codes, as adopted by the State of Utah pursuant to Utah Codes Act are hereby adopted.*

*D. Fees: Building Permit & Inspection Fees for all construction shall be eighty five percent (85%) of the values prescribed in the most current version of the International Code Council BVD.*

2. Severability. If any Section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

3. Conflicts/Repealer. This Ordinance repeals the provisions of any prior ordinance in conflict herewith.

4. Effective Date. This Ordinance shall become effective immediately upon its approval by the City Council and its signing by the Toquerville City Mayor.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 18<sup>th</sup> day of August, 2021 based upon the following vote:



Council Member:

John 'Chuck' Williams  
Keen Ellsworth  
Justin Sip  
Gary Chaves  
Ty Bringhurst

Aye  Nay  Absent   
Aye  Nay  Absent   
Aye  Nay  Absent   
Aye  Nay  Absent   
Aye  Nay  Absent

TOQUERVILLE CITY  
a Utah municipal corporation

ATTEST:

  
Lynn Chamberlain, Mayor

  
Ruth Evans, City Recorder

