

**APPLE VALLEY  
ORDINANCE O-2022-48**

**NOW THEREFORE**, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “12.02.010 Title” of the Apple Valley Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

12.02.010 Title

This chapter shall be known as the BUILDING CODE ORDINANCE OF WASHINGTON COUNTY.

**A F T E R   A M E N D M E N T**

12.02.010 Title

This chapter shall be known as the BUILDING CODE ORDINANCE OF APPLE VALLEY~~WASHINGTON COUNTY~~.

**SECTION 2:**        **AMENDMENT** “12.02.030 Purpose Of Provisions” of the Apple Valley Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

12.02.030 Purpose Of Provisions

The purpose of this chapter is to protect the health, safety and welfare of the citizens of Washington County by adopting as the building codes of Washington County the codes listed herein and to establish a method of appeal by which a person disputing the application and interpretation of a building code may appeal and receive timely review of the disputed issues.

**A F T E R   A M E N D M E N T**

12.02.030 Purpose Of Provisions

The purpose of this chapter is to protect the health, safety and welfare of the citizens of ~~Apple Valley Washington County~~ by adopting as the building codes of ~~Apple Valley Washington County~~ the codes listed herein and to establish a method of appeal by which a person disputing the application and interpretation of a building code may appeal and receive timely review of the disputed issues.

**SECTION 3:            AMENDMENT** “12.02.040 Adoption Of Codes By Reference” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 12.02.040 Adoption Of Codes By Reference

The most recent version adopted by the state of Utah of the following codes and the appendices and the state's amendment are incorporated by reference and adopted as the building codes of Washington County: International Building Code, International Mechanical Code, International fuel gas code, International Residential Code, International Fire Code, International Energy Conservation Code, International Plumbing Code, National Electrical Code, HUD Code, and the Model Manufactured Home Installation Standard. Three (3) copies of each of the codes shall be kept on file in the office of the Washington County clerk for use and examination by the public:

A. The cited sections of the International Residential Code are amended as follows:

Table R301.2(1). Replace with attachment A, Snow Loads, For Areas in Washington County

ATTACHMENT A

<b>Snow Loads for Areas in Washington County</b>		
<b>AREA</b>	<b>FOOTING G DEPTH (Inches)</b>	<b>LIVE LOAD/S NOW LOAD (PSF)</b>
Kolob	36	150
Cedar Mountain	36	150
Pine Valley	36	75
New Harmon/Harmony Heights	30	50
Blackridge/New Harmony Farms, Point & Ridge	30	40
Enterprise	30	40
Central/Dixie Deer Estates	30	40
Brookside/Pine Valley Mtn. Farms	30	40
Veyo	22	30
Dammeron Valley Farms, Ranches, Old Farms, Homesteads & Pinions Hills	22	30
Springdale/Rockville	20	25
Hildale	20	25
Appel Valley Ranches, Gooseberry & Canaan Mtn. Estates	20	25
Pintura	20	25
Diamond Valley Acres, Topaz Est., Kathie's Acres, Paradise Est. & Ridge I, II & I-A	18	20
Gunlock	18	20
Winchester Hills/JEL	16	20
Silver Reef Est./Silver Valley Est./Eldorado Hills/Bonanza Est./Casa De Ora & Homespun Village	12	20
Grassy Meadows Sky Ranch/Cliffdwellers/Hurricane Cliffs & Cliff View Est.	12	20
Compaction Tests: 90 percent Wind capacity: 70 miles per hour Seismic zone: Site Specific		

Section P2603.6.1. Insert: 12 inches (304 mm)

B. The cited sections of the International Plumbing Code are amended as follows:

Section 305.6.1. Insert: 12 inches (304 mm)

Section 904.1. Insert: 12 inches (304)

C. International Urban-Wildland Interface Code, 2003 Edition:

1. The International Urban-Wildland Interface Code, 2003 edition, as currently amended by the division of forestry, fire and state lands under rule R652-122 of the Utah administrative code (the 2006 Utah wildland-urban interface code), is hereby adopted as the wildland-urban interface code of Washington County, for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as therein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions penalties, conditions and terms of said wildland-urban interface code on file in the office of the Washington County clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions and changes as set forth in rule R652-122 of the Utah administrative code and as set forth in subsection C2 of this section.

2. The following sections are hereby revised:

#### Chapter 1

##### Section 101.1 Scope

Exceptions:

1. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.
2. A structure that originally did not exceed 1,000 square feet, when adding an addition of 25% or less to the total original square footage.

#### Chapter 2

##### Definitions

Approved. Acceptable to the building official, fire official, or authority having jurisdiction.

#### Chapter 4

##### Section 402.2 Individual Structures

402.2.1 Access. Individual structures hereafter constructed or relocated into or with-in the wildland urban interface areas shall be provided with approved fire apparatus access roads and driveways in accordance with section 403.2.2...

#### 402.2.2 Water Supply

Exceptions:

2. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.

#### Section 403.2 Driveways

Exceptions:

1. New structures and additions to existing structures on existing approved driveways.
2. Approved driveways through easements less than the required driveway width.

Section 403.3 Fire Apparatus Access Roads. When required, fire apparatus access roads shall be approved roads with...

Exceptions:

1. Fire apparatus access roads on federal and state land.
2. Fire apparatus access roads through easements less than the required road width.
3. Existing fire apparatus access roads.

## AFTER AMENDMENT

### 12.02.040 Adoption Of Codes By Reference

The most recent version adopted by the state of Utah of the following codes and the appendices and the state's amendment are incorporated by reference and adopted as the building codes of ~~Apple Valley~~~~Washington County~~: International Building Code, International Mechanical Code, International ~~F~~fuel ~~G~~gas ~~C~~code, International Residential Code, International Fire Code, International Energy Conservation Code, International Plumbing Code, National Electrical Code, HUD Code, and the Model Manufactured Home Installation Standard. Three (3) copies of each of the codes shall be kept on file in the office of the ~~town~~~~Washington County~~ clerk for use and examination by the public:

A. The cited sections of the International Residential Code are amended as follows:

Table R301.2(1). Replace with attachment A, Snow Loads, For Areas in Washington County

ATTACHMENT A

<b>Snow Loads for Areas in Washington County</b>		
<b>AREA</b>	<b>FOOTING G DEPTH (Inches)</b>	<b>LIVE LOAD/S NOW LOAD (PSF)</b>
Kolob	36	150
Cedar Mountain	36	150
Pine Valley	36	75
New Harmon/Harmony Heights	30	50
Blackridge/New Harmony Farms, Point & Ridge	30	40
Enterprise	30	40
Central/Dixie Deer Estates	30	40
Brookside/Pine Valley Mtn. Farms	30	40
Veyo	22	30
Dammeron Valley Farms, Ranches, Old Farms, Homesteads & Pinions Hills	22	30
Springdale/Rockville	20	25
Hildale	20	25
Appel Valley Ranches, Gooseberry & Canaan Mtn. Estates	20	25
Pintura	20	25
Diamond Valley Acres, Topaz Est., Kathie's Acres, Paradise Est. & Ridge I, II & I-A	18	20
Gunlock	18	20
Winchester Hills/JEL	16	20
Silver Reef Est./Silver Valley Est./Eldorado Hills/Bonanza Est./Casa De Ora & Homespun Village	12	20
Grassy Meadows Sky Ranch/Cliffdwellers/Hurricane Cliffs & Cliff View Est.	12	20
Compaction Tests: 90 percent Wind capacity: 70 miles per hour Seismic zone: Site Specific		

Section P2603.6.1. Insert: 12 inches (304 mm)

B. The cited sections of the International Plumbing Code are amended as follows:

Section 305.6.1. Insert: 12 inches (304 mm)

Section 904.1. Insert: 12 inches (304)

C. International Urban-Wildland Interface Code, 2003 Edition:

1. The International Urban-Wildland Interface Code, 2003 edition, as currently amended by the division of forestry, fire and state lands under rule R652-122 of the Utah administrative code (the 2006 Utah wildland-urban interface code), is hereby adopted as the wildland-urban interface code of ~~the town~~Washington County, for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as therein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions penalties, conditions and terms of said wildland-urban interface code on file in the office of the ~~town~~Washington County clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ~~chap~~apter, with the additions, insertions and changes as set forth in rule R652-122 of the Utah administrative code and as set forth in subsection C2 of this section.

2. The following sections are hereby revised:

#### Chapter 1

##### Section 101.1 Scope

Exceptions:

1. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.
2. A structure that originally did not exceed 1,000 square feet, when adding an addition of 25% or less to the total original square footage.

#### Chapter 2

##### Definitions

Approved. Acceptable to the building official, fire official, or authority having jurisdiction.

#### Chapter 4

##### Section 402.2 Individual Structures



402.2.1 Access. Individual structures hereafter constructed or relocated into or with-in the wildland urban interface areas shall be provided with approved fire apparatus access roads and driveways in accordance with section 403.2.2...

402.2.2 Water Supply

Exceptions:

2. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.

Section 403.2 Driveways

Exceptions:

1. New structures and additions to existing structures on existing approved driveways.
2. Approved driveways through easements less than the required driveway width.

Section 403.3 Fire Apparatus Access Roads. When required, fire apparatus access roads shall be approved roads with...

Exceptions:

1. Fire apparatus access roads on federal and state land.
2. Fire apparatus access roads through easements less than the required road width.
3. Existing fire apparatus access roads.

**SECTION 4:**        **AMENDMENT** “12.02.050 Compliance With Codes” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

#### 12.02.050 Compliance With Codes

It shall be unlawful to construct, alter, or repair any building or structure in the county in violation of, or without complying with the appropriate provisions of , such regulations.

#### AFTER AMENDMENT

#### 12.02.050 Compliance With Codes

It shall be unlawful to construct, alter, or repair any building or structure in the ~~town~~county in violation of, or without complying with the appropriate provisions of , such regulations.

**SECTION 5:**        **AMENDMENT** “12.02.070 Building Permit Required” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 12.02.070 Building Permit Required

No building permit shall be issued unless the applicable requirements of this chapter and the building codes adopted herein, the county zoning ordinance, subdivision ordinance, groundwater protection ordinance and all other ordinances pertaining thereto are met. All work done under any building permit issued herein shall be in full compliance with the applicable requirements of this chapter, the zoning ordinance, the subdivision ordinance, the groundwater protection ordinance and all other ordinances pertaining thereto.

#### AFTER AMENDMENT

#### 12.02.070 Building Permit Required

No building permit shall be issued unless the applicable requirements of this chapter and the building codes adopted herein, the ~~town~~county zoning ordinance, subdivision ordinance, groundwater protection ordinance and all other ordinances pertaining thereto are met. All work done under any building permit issued herein shall be in full compliance with the applicable requirements of this chapter, the zoning ordinance, the subdivision ordinance, the groundwater protection ordinance and all other ordinances pertaining thereto.

**SECTION 6:**        **AMENDMENT** “12.02.080 Building Permit Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 12.02.080 Building Permit Fees

Building permit, plan review, and investigation fees shall be assessed in accordance with the table of building permit fees adopted by the county commission.

#### AFTER AMENDMENT

#### 12.02.080 Building Permit Fees

Building permit, plan review, and investigation fees shall be assessed in accordance with the fee schedule~~table of building permit fees~~ adopted by the town council~~county commission~~.

**SECTION 7:** AMENDMENT “12.02.100 Administration” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 12.02.100 Administration

The county building inspector shall have the power and duty to enforce the provisions of this chapter.

#### AFTER AMENDMENT

#### 12.02.100 Administration

The town~~county~~ building inspector shall have the power and duty to enforce the provisions of this chapter.

**SECTION 8:** AMENDMENT “12.02.140 Final Decision” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 12.02.140 Final Decision

The decision of the building board of appeals hereunder shall be a final administrative decision, and no provision of any ordinance of the county shall be interpreted as permitting a further administrative appeal to the planning commission, county commission, or land use authority. Nothing in this section shall be interpreted as preventing a request to the county commission to amend any ordinance, a request through the appropriate channels for a change in a zoning classification, or an application for relief from court. Any person adversely affected by a decision by the board may petition the district court for review of the decision as permitted by law. Such a petition is barred unless brought within thirty (30) days after the board's final decision.

## AFTER AMENDMENT

### 12.02.140 Final Decision

The decision of the building board of appeals hereunder shall be a final administrative decision, and no provision of any ordinance of the ~~town~~county shall be interpreted as permitting a further administrative appeal to the planning commission, county commission, or land use authority. Nothing in this section shall be interpreted as preventing a request to the ~~town council~~county commission to amend any ordinance, a request through the appropriate channels for a change in a zoning classification, or an application for relief from court. Any person adversely affected by a decision by the board may petition the district court for review of the decision as permitted by law. Such a petition is barred unless brought within thirty (30) days after the board's final decision.

**SECTION 9:        AMENDMENT** “12.02.120 Board Of Building Appeals” of the Apple Valley Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 12.02.120 Board Of Building Appeals

A. Established: There is hereby created the board of building appeals, hereinafter called the board. The board shall consist of five members, appointed by the county commission. No county officer or employee may serve on the board. In making appointments, the county commission will consider the integrity, impartiality and knowledge of building construction of the potential members.

B. Terms, Officers, Quorum: Members of the board shall serve for five (5) year terms, provided that the persons first appointed shall serve for one, two (2) three (3), four (4) and five (5) year terms so one term will expire each year. Terms will start on January 1. The board shall select from among its members a chair, vice chair and secretary. Three (3) board members constitute a quorum and decisions of the board must be by a majority vote of those present at a meeting.

C. Services and Supplies: The county commission shall assign office help and provide supplies for the work of the board.

D. No Compensation: Members of the board shall serve without pay. Board members may be reimbursed for their expenses.

#### AFTER AMENDMENT

##### 12.02.120 Board Of Building Appeals

~~A. Established: There is hereby created the board of building appeals, hereinafter called the board. The board shall consist of five members, appointed by the county commission. No county officer or employee may serve on the board. In making appointments, the county commission will consider the integrity, impartiality and knowledge of building construction of the potential members.~~

~~B. Terms, Officers, Quorum: Members of the board shall serve for five (5) year terms; provided that the persons first appointed shall serve for one, two (2) three (3), four (4) and five (5) year terms so one term will expire each year. Terms will start on January 1. The board shall select from among its members a chair, vice chair and secretary. Three (3) board members constitute a quorum and decisions of the board must be by a majority vote of those present at a meeting.~~

~~C. Services and Supplies: The county commission shall assign office help and provide supplies for the work of the board.~~

~~D. No Compensation: Members of the board shall serve without pay. Board members may be reimbursed for their expenses.~~

**SECTION 10:**        **AMENDMENT** “12.02.130 Appeal Procedure” of the Apple Valley Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 12.02.130 Appeal Procedure

Any person aggrieved by any decision on any person in the building department applying the building codes adopted by this chapter may appeal in the manner provided in this section. The board shall have no authority to interpret the administrative provisions of the codes, nor the authority to waive requirements of the codes. Appeals from decisions applying the zoning ordinance and subdivision ordinance, including appeals from building permit denials based on failure to comply with zoning or subdivision ordinances, lie with the land use authority and not board of building appeals.

A. Appeal to the Washington County Planner: Within five (5) working days of the decision complained of, the person making the appeal shall file a written notice of appeal to the county planner. No precise form is required, but the county may provide forms to assist those who want to use them. The notice of appeal may be filed by delivering it to any employee or officer in the county planner's office. The county planner shall decide the appeal within ten (10) working days. If the person taking the appeal asks for a hearing, the county planner shall schedule an informal hearing, with three (3) days' notice by telephone or mail to the person taking the appeal. If there is a hearing, the county planner will make a decision within ten (10) working days after the hearing. The county planner's decisions shall be in writing.

B. Appeal to Board: Any person aggrieved by a decision of the county planner hereunder may, within five (5) working days of the county planner's decision, appeal to the board of building appeals. The appeal shall be started by filing a written notice of appeal with any officer or employee in the county planner's office. No precise form of notice is required, but the county may furnish a form to assist persons desiring to appeal.

C. Hearing Scheduled; Notice: When a notice of appeal is filed with the board, the board shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person taking the appeal, the county planner, the building inspector or officer whose decision is involved, and each member of the board.

D. Referral to Other Body: If an appeal appears to be under the jurisdiction of the county planning commission, the county commission, or the land use authority, the secretary of the board shall suggest that the person filing the appeal apply for relief from the appropriate body. The board of building appeals may defer action while such other body is studying the action. The board of building appeals may on its own motion to refer any appeal to any such body, deferring action until the other body reaches a decision.

E. Conducting Hearing: The board may establish procedures for the conduct of its hearings to facilitate efficiency and fairness to the participants.

F. Prompt Decisions: If the matter is not referred to another body, the board will announce its decision in writing within twenty (20) working days of the hearing.

## AFTER AMENDMENT

### 12.02.130 Appeal Procedure

Any person aggrieved by any decision on any person in the building department applying the building codes adopted by this chapter may appeal in the manner provided in this section. The ~~town council~~~~board~~ shall have no authority to interpret the administrative provisions of the codes, nor the authority to waive requirements of the codes. Appeals from decisions applying the zoning ordinance and subdivision ordinance, including appeals from building permit denials based on failure to comply with zoning or subdivision ordinances, lie with the land use authority and not board of building appeals.

~~A. Appeal to the Washington County Planner: Within five (5) working days of the decision complained of, the person making the appeal shall file a written notice of appeal to the county planner. No precise form is required, but the county may provide forms to assist those who want to use them. The notice of appeal may be filed by delivering it to any employee or officer in the county planner's office. The county planner shall decide the appeal within ten (10) working days. If the person taking the appeal asks for a hearing, the county planner shall schedule an informal hearing, with three (3) days' notice by telephone or mail to the person taking the appeal. If there is a hearing, the county planner will make a decision within ten (10) working days after the hearing. The county planner's decisions shall be in writing.~~

~~B. Appeal to Board: Any person aggrieved by a decision of the county planner hereunder may, within five (5) working days of the county planner's decision, appeal to the board of building appeals. The appeal shall be started by filing a written notice of appeal with any officer or employee in the county planner's office. No precise form of notice is required, but the county may furnish a form to assist persons desiring to appeal.~~

~~C. Hearing Scheduled; Notice: When a notice of appeal is filed with the board, the board shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person taking the appeal, the county planner, the building inspector or officer whose decision is involved, and each member of the board.~~

~~D. Referral to Other Body: If an appeal appears to be under the jurisdiction of the county planning commission, the county commission, or the land use authority, the secretary of the board shall suggest that the person filing the appeal apply for relief from the appropriate body. The board of building appeals may defer action while such other body is studying the action. The board of building appeals may on its own motion to refer any appeal to any such body, deferring action until the other body reaches a decision.~~

~~E. Conducting Hearing: The board may establish procedures for the conduct of its hearings to facilitate efficiency and fairness to the participants.~~

~~F. Prompt Decisions: If the matter is not referred to another body, the board will announce its decision in writing within twenty (20) working days of the hearing.~~

A. Any party aggrieved by the action of any town official regarding this Chapter may appeal to the town council by filing a written notice of appeal with the town clerk within thirty (30) calendar days of the action appealed from. Any person dissatisfied with the decision of the town council may appeal to the Appeals Authority by filing a written notice with the town clerk within thirty (30) calendar days of the decision of the town council pursuant to the requirements of the Apple Valley Land Use Code and Utah Code Annotated.

**SECTION 11:            REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 12:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 13:            EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor   Frank Lindhardt	_____	_____	_____	_____
Council Member   Andy McGinnis	_____	_____	_____	_____
Council Member   Barratt Nielson	_____	_____	_____	_____
Council Member   Kevin Sair	_____	_____	_____	_____
Council Member   Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley