

ORDINANCE NO. 1082

AN ORDINANCE AMENDING CHAPTER 10-2 OF THE DRAPER CITY MUNICIPAL CODE RELATING TO THE ADOPTION OF CONSTRUCTION CODES.

WHEREAS, the State of Utah has adopted new editions of codes related to construction, including the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, National Electrical Code, International Energy Conservation Code, International Fuel Gas Code, the HUD Code, and the Model Manufacturing Home Installation Standard; and

WHEREAS, this council finds it is in the best interest of the City to adopt the same codes to allow for uniformity of construction and understanding throughout the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

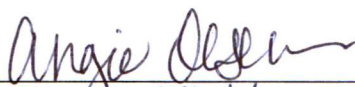
Section 1. Amendment. Chapter 10-2 of the Draper City Municipal Code relating to construction codes is hereby adopted and codified as set forth in Attachment A attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance. All sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 17th DAY OF December 2013.

ATTEST:


City Recorder, Deputy



DRAPER CITY


Mayor



Attachment A

CHAPTER 10-2 CONSTRUCTION CODES

Sections:

<u>10-2-010</u>	<u>Definition.</u>
<u>10-2-020</u>	<u>Construction Codes Adopted.</u>
<u>10-2-030</u>	<u>Fire Code.</u>
<u>10-2-040</u>	<u>Storage of Hazardous Materials.</u>
<u>10-2-050</u>	<u>UFA Fire Prevention Permit Fee Schedule.</u>
<u>10-2-060</u>	<u>Copies of Codes.</u>
<u>10-2-070</u>	<u>Violation.</u>
<u>10-2-080</u>	<u>Conformance with Other Ordinances.</u>

10-2-010 Definition. The codes adopted in this chapter shall be referred to collectively as the construction codes for the City.

10-2-020 Construction Codes Adopted. The most recent version adopted by the State of Utah of the following construction codes and appendices and the state's amendments thereto are incorporated by reference and hereby adopted: International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, National Electrical Code, International Energy Conservation Code, International Fuel Gas Code, the HUD Code, and the Model Manufactured Home Installation Standard. Unless otherwise provided, the adoption of each code shall include the adoption of appendices required to be adopted by the State and those specifically adopted in this chapter.

10-2-030 Fire Code.

(a) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the most recent edition adopted by the State of the International Fire Code is hereby adopted, including the referenced Standards and Appendices "B," "C," "D," "E," "F," "G," "H," "I," and "J" but not Appendix "A" thereof, with such amendments as are set forth in this chapter.

(b) Draper City hereby adopts by reference and incorporates herein the statewide amendments and additions to the International Fire Code, adopted by the State legislature, a copy of which is attached to this chapter as Exhibit A and by this reference made a part hereof.

10-2-040 Storage of Hazardous Materials. The storage of Class I and Class II hazardous materials in above-ground or below-ground tanks inside and outside of buildings is prohibited unless allowed by the zoning provisions applicable to the location in which the proposed tanks are to be located. In addition, the storage of Class I and Class II hazardous materials pursuant to this section is subject to the provisions of National Fire Protection Association 30, 58, and 59A.

10-2-050 UFA Fire Prevention Permit Fee Schedule. In accordance with International Fire Code Section 113, Draper City hereby adopts by reference the Unified Fire Authority's Fire Prevention Permit Fee Schedule, which is attached to this chapter as Exhibit B. The schedule includes fees for hazardous materials permitting and inspection, fire inspection, stand-by at special events, re-inspection-delay in preparation at work site, and blasting permitting. The schedule shall be placed on file in the office of the city recorder. All fees in Exhibit B shall be collected by and paid to the Unified Fire Authority at the time the

permit, inspection, re-inspection or fire watch staffing is requested and shall be a condition for issuance of the permit and scheduling of the inspection, re-inspection, or stand-by staffing.

10-2-060 Copies of Codes. Pursuant to Utah Code Ann. 10-3-711, one copy of each of the codes adopted in this chapter shall be filed in the city recorder's office and one copy shall be filed in the office of the chief building official for use and examination by the public during regular business hours.

10-2-070 Violation.

(a) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of any provision of the construction codes or this chapter.

(b) It shall be unlawful for any person, firm or corporation to fail to comply with a lawful order of the building official, building inspector or fire marshal.

(c) Any person violating the provisions contained herein shall be guilty of a class B misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.

10-2-080 Conformance with Other Ordinances. Any construction, alteration or improvement of any building or structure shall comply with the construction codes as well as all other relevant City ordinances and regulations, including subdivision, zoning and fire provisions. The provisions of this chapter are intended to be interpreted and administered in conformance with such other ordinances and whenever a conflict exists between any of these provisions, the more restrictive standard or provision shall prevail.

15A-1-403. Adoption of State Fire Code.

- (1) (a) The State Fire Code is:
 - (i) a code promulgated by a nationally recognized code authority that is adopted by the Legislature under this section with any modifications; and
 - (ii) a code to which cities, counties, fire protection districts, and the state shall adhere in safeguarding life and property from the hazards of fire and explosion.
- (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on July 1, 2010, until in accordance with this section:
 - (i) a new State Fire Code is adopted; or
 - (ii) one or more provisions of the State Fire Code are amended or repealed in accordance with this section.
- (c) A provision of the State Fire Code may be applicable:
 - (i) to the entire state; or
 - (ii) within a city, county, or fire protection district.
- (2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts a nationally recognized fire code with any modifications.
- (b) Legislation enacted under this Subsection (2) shall state that it takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.
- (c) Subject to Subsection (5), a State Fire Code adopted by the Legislature is the State Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:
 - (i) adopting a new State Fire Code in its entirety; or
 - (ii) amending or repealing one or more provisions of the State Fire Code.
- (3) (a) The board shall, by no later than November 30 of each year, recommend to the Business and Labor Interim Committee whether the Legislature should:
 - (i) amend or repeal one or more provisions of the State Fire Code; or
 - (ii) in a year of a regularly scheduled update of a nationally recognized fire code, adopt with any modifications the nationally recognized fire code.
- (b) The board may recommend legislative action related to the State Fire Code:
 - (i) on its own initiative; or
 - (ii) upon the receipt of a request by a city, county, or fire protection district that the board recommend legislative action related to the State Fire Code.
- (c) Within 45 days after receipt of a request under Subsection (3)(b), the board shall direct the division to convene an informal hearing concerning the request.
- (d) The board shall conduct a hearing under this section in accordance with the rules of the board.
- (e) The board shall decide whether to include in the report required under Subsection (3)(a) whether to recommend the legislative action raised by a request.
- (f) Within 15 days following the completion of a hearing of the board under this Subsection (3), the board shall direct the division to notify the entity that made the request of the board's decision regarding the request. The division shall provide the notice:
 - (i) in writing; and
 - (ii) in a form prescribed by the board.
- (4) If the Business and Labor Interim Committee decides to recommend

legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would:

- (a) adopt a new State Fire Code in its entirety; or
- (b) amend or repeal one or more provisions of the State Fire Code.

(5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board determines that waiting for legislative action in the next general legislative session would:

- (i) cause an imminent peril to the public health, safety, or welfare; or
- (ii) place a person in violation of federal or other state law.

(b) If the board amends a State Fire Code in accordance with this Subsection (5), the board shall:

- (i) publish the State Fire Code with the amendment; and
- (ii) notify the Business and Labor Interim Committee of the adoption, including a copy of an analysis by the board identifying specific reasons and justifications for its findings.

(c) If not formally adopted by the Legislature at its next annual general session, an amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.

(6) (a) A legislative body of a political subdivision may enact an ordinance that is more restrictive in its fire code requirements than the State Fire Code:

- (i) in order to meet a public safety need of the political subdivision; and
- (ii) subject to the requirements of this Subsection (6).

(b) A legislative body of a political subdivision that enacts an ordinance under this section on or after July 1, 2010 shall:

- (i) notify the board in writing at least 30 days before the day on which the legislative body enacts the ordinance and include in the notice a statement as to the proposed subject matter of the ordinance; and
- (ii) after the legislative body enacts the ordinance, report to the board before the board makes the report required under Subsection (6)(c), including providing the board:
 - (A) a copy of the ordinance enacted under this Subsection (6); and
 - (B) a description of the public safety need that is the basis of enacting the ordinance.

(c) The board shall submit to the Business and Labor Interim Committee each year with the recommendations submitted in accordance with Subsection (3):

- (i) a list of the ordinances enacted under this Subsection (6) during the fiscal year immediately proceeding the report; and
- (ii) recommendations, if any, for legislative action related to an ordinance enacted under this Subsection (6).

(d) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under this Subsection (6).

(ii) The state fire marshal shall make a copy of an ordinance enacted under this Subsection (6) available on request.

(e) The board may make rules in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, to establish procedures for a legislative body of a political subdivision to follow to provide the notice and report required under this Subsection (6).

Enacted by Chapter 14, 2011 General Session

EXHIBIT B (DCMC 10-2-050)
UFA Fire Prevention Permit Fee Schedule

UFA Fire Prevention Permit Fee Schedule

Material	Solid Lbs.	Liquid Gal.	Gas Cub. Ft.	Fee's UFA
Hazardous Materials (Annually)	≤500 lbs	≤ 55 gal.	≤ 200 cub. ft. Corrosive or Oxidizer ≤ 504 cub. Ft. Oxygen	* \$195.00 Annually
Hazardous Materials (Annually)	>500 lbs	> 55 gal.	> 200 cub. ft. Corrosive or Oxidizer >504 cub. Ft. Oxygen	*\$240.00 Annually
"H" Occupancy Back Up Generator. (Annually)				**\$145.00 Annually
"H" Occupancy Hazardous Materials Permit Dispense and Use. (Annually)		≤ 500 gal. tank	≤ 500 cub. ft.	*\$195.00 Annually
"H" Occupancy Hazardous Materials Permit Dispense and Use. (Annually)		> 500 gal. tank	> 500 cub. ft. or any highly toxic gas	*\$485.00 Annually
Other Occupancy Hazardous Materials Permit Dispense and Use. (Annually)		≥ 500 gal. tank	≥ 500 cub. Ft.	**\$195.00 Annually
Aerosol products (Annually)			> 500 lbs. Level 2 or 3 Aggregate Qty.	**\$195.00 Annually
Flammable Cryogenic Fluid (Annually)		Indoors ≥ 1 Outdoors ≥60 gal.		**\$195.00 Annually

UFA Fire Prevention Permit Fee Schedule

Material	Solid Lbs.	Liquid Gal.	Gas Cub. Ft.	Fee's UFA
Above Ground Tanks Installation (Flammable)			≤500 Cub. Ft. R-3 Occup. Exempt.	*\$195.00, **\$75.00 per hour
Below Ground Tanks Installation (Flammable)			≤500 Cub. Ft. R-3 Occup. Exempt.	*\$195.00 **\$75.00 per hour
Above Ground Tanks Installation (Flammable)		≥500 gal		*\$395.00 **\$75.00 per hour
Below Ground Tanks Installation (Flammable)		≥500gal		*\$395.00 **\$75.00 per hour
Pyroxylin plastics. cellulose nitrate (pyroxylin) plastics (Annually)	≥25 pounds			*\$195.00 (Annually)
Body Shop/Garage under 5,000 sq. ft. (Annually)				*\$195.00 (Annually)
Fire works – Outdoor Public Display (Per Event) Cities, County Exempt				*\$485.00 (Per Event) **\$75.00 per hour per inspector
Open Flame Proximal Audience Indoor Approved Fireworks (Per Event)				*\$195.00 (Per Event) **\$75.00 per hour
Application of Flammable Finishes, Spray or Dip	More than 9 sq. ft. for flammable liquid spray application or ≥55 gallons for dip tank operations.			**\$195.00

UFA Fire Prevention Permit Fee Schedule

Blasting Permit		\$75.00 per site, \$350.00 annually
Fire Stand-by Special Events		**\$75.00 per hour per fire inspector
Re-inspection fee, delay in preparation at work site		**\$75.00 first hour, doubles every hour thereafter.

* Fees are assessed separately.

**Fees are assessed accumulatively (added to baseline permit fee).

Authorization by code:

IFC 105.1.1 Permits required, fees can be assessed IFC 113.1 Permit Fees

IFC 105.1.2 Types of permits

IFC 105.2.2 Inspection authorized

Title 10 Chapter 2 Code Amendments

10-2 amended	per Ordinance No. 735	01/02/2007
10-2-090 - 10-2-120 amended	per Ordinance No. 852	09/02/2008
10-2-090 amended	per Ordinance No. 940	05/04/2010
10-2-091 thru 10-2-093 added	per Ordinance No. 940	05/04/2010
10-2 amended	per Ordinance No. 946	08/10/2010
10-2-010 amended	per Ordinance No. 962	02/02/2011

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1082** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 17th day of December, 2013** were posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: December 26, 2013, through January 14, 2014

City Seal



A handwritten signature in blue ink, appearing to read "R. Conner", is written over a horizontal line.

Rachele Conner, MMC
City Recorder
Draper City, State of Utah