

**MIDWAY CITY  
Municipal Code**

**TITLE 12 BUILDING AND CONSTRUCTION**

**CHAPTER 12.01 DEPARTMENT CREATED**

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**CHAPTER 12.01 DEPARTMENT CREATED**

There is hereby created under this Chapter a Department of Building Safety to be under the supervision of the Building Official.

## **CHAPTER 12.02 POWERS AND DUTIES**

### **Section 12.02.010 Duties of Department**

The Department of Building Safety shall maintain public office hours necessary to efficiently administer and enforce the provisions of this Chapter and related Chapters and amendments thereto, and shall perform the following duties:

- A. Carry out, enforce and perform all duties, provisions and mandates designated, made and set forth in the ordinances of the City concerning building, plumbing, electrical and mechanical construction, and repair.
- B. Issue permits to properly licensed contractors and persons, firms or corporations for work to be done within the scope of this Chapter as regulated by Utah Code.
- C. To examine and approve all plans and specifications before permits shall be issued, and to execute all permits, certificates and notices required to be issued.
- D. To verify that all applicants have a valid contractor's license or are exempt under this Chapter.
- E. Administer and enforce the provisions of this Chapter in a manner consistent with the intent thereof, and to inspect, or cause to be inspected, all buildings and structures erected, or proposed to be erected in the City of all work authorized by any permit, to assure compliance with provisions of this Chapter or amendments thereto, and to verify that all structures meet the minimum requirements of this Chapter.
- F. Condemn and reject all work done or being done, or materials used or being used that do not in all respects comply with the provisions of this Chapter and amendments thereto. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Chapter.
- G. Investigate any construction or work regulated by this Chapter and issue such notice and orders that are necessary to prevent or to correct dangerous or unsanitary conditions.
- H. Issue a certificate of approval or certificate of occupancy for all work approved.
- I. Recommend revocation of licenses to the State Department of Public Licensing for cause.
- J. Authorize any utility to make necessary connections for power, water or gas to all applicants for such power, water, or gas in the city, when the installation and all facets of the construction or remodel project conform to this Chapter.

## **Chapter 12.03 Code Adopted**

### **Section 12.03.010 International Building Code Adopted**

### **Section 12.03.020 International Mechanical Code Adopted**

### **Section 12.03.030 International Plumbing Code Adopted**

### **Section 12.03.040 National Electrical Code Adopted**

### **Section 12.03.050 International Fire Code Adopted**

### **Section 12.03.060 International Energy Conservation Code Adopted**

### **Section 12.03.070 International Fuel Gas Code Adopted**

### **Section 12.03.080 International Residential Code Adopted**

### **Section 12.03.090 International Existing Building Code Adopted**

### **Section 12.03.100 Accessible and Usable Buildings and Facilities Code**

### **Section 12.03.010 International Building Code Adopted**

The City hereby approves and adopts the International Building Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter One, and Appendices E & I, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Building Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

### **Section 12.03.020 International Mechanical Code Adopted**

The City hereby approves and adopts the International Mechanical Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter One, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Mechanical Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

### **Section 12.03.030 International Plumbing Code Adopted**

The City hereby approves and adopts the International Plumbing Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and

Professional Licensing, including Chapter One and Appendix E, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous plumbing in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Plumbing Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

#### **Section 12.03.040 National Electrical Code Adopted**

The City hereby approves and adopts the National Electrical Code, 2014 Edition, published by the National Fire Prevention Association, as the Electrical Code for Midway City. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The National Electrical Code, 2014 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

#### **Section 12.03.050 International Fire Code Adopted**

The City hereby approves and adopts the International Fire Code, 2015 Edition, published by the National Fire Protection Association, as amended by the Utah State Fire Prevention Board. The City further approves and adopts the following appendices to the International Fire Code, 2015 Edition, as amended by the Utah State Fire Prevention Board:

- A. Appendix B – Fire Flow Requirements for Buildings
- B. Appendix C – Fire Hydrant Locations and Distribution.
- C. Appendix D – Fire Apparatus Access Roads

The International Fire Code, 2015 Edition, along with Appendices B, C & D are on file in the office of the City Recorder and are hereby adopted and made a part hereof as if set out in the ordinance.

#### **Section 12.03.060 International Energy Conservation Code Adopted**

The City hereby approves and adopts the International Energy Conservation Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter One, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Energy Conservation Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

#### **Section 12.03.070 International Fuel Gas Code Adopted**

The City hereby approves and adopts the International Fuel Gas Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter One, and appendices A, B & C, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous heat-producing appliances in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Fuel Gas Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

### **Section 12.03.080 International Residential Code Adopted**

The City hereby approves and adopts the International Residential Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter One and appendices A, B, C, D, E, F, G, H, J, K, L, N & P with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Mechanical Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

### **Section 12.03.090 International Existing Building Code Adopted**

The City hereby approves and adopts the International Existing Building Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter One and Appendix B, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in Midway City, and for issuing permits therefore. Permit fees shall be in the amount established, from time to time, by the City Council by resolution. The International Existing Building Code, 2015 Edition, is on file in the office of the city Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

### **Section 12.03.100 Accessible and Usable Buildings and Facilities Code**

The City hereby approves and adopts ICC/ANSI A117.1-2009, Accessible and Usable Buildings and Facilities, as promulgated by the International Code Council.

(2010-18, Chapter Replaced, eff. 7/7/2010; 2013-05, Section Amended , eff. 7/1/13)(2016-07, Chapter Amended, eff. 05/11/2016)

## **CHAPTER 12.04 PERMIT FEES**

The building permit fees shall be as set forth in and adopted by resolution by the City Council from time to time.

## **CHAPTER 12.05 DEMOLITION AND SALVAGE PERMITS**

### **Section 12.05.010 Permit Required**

### **Section 12.05.020 Application for Permit**

### **Section 12.05.030 Fees and Signature**

### **Section 12.05.040 Salvage Permit**

### **Section 12.05.050 Demolition Permit Requirements**

### **Section 12.05.060 Expiration**

### **Section 12.05.010 Permit Required**

It is unlawful to demolish any building or structure within the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the Building Safety Department.

### **Section 12.05.020 Application for Permit**

A. To obtain a permit for demolition, an applicant must submit in writing a form furnished by the Building Safety Department for that purpose. Each application shall:

1. Identify and describe the type of work to be performed under the permit.
2. State the address and county assessor's parcel number of the subject property with the structure or building to be demolished.
3. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories and number of residential dwelling units, if applicable.

B. Each application for a demolition permit must submit the following information with their application:

1. Complete address
2. Indicate whether the structure was built in whole or in part over 75 years prior to the date of proposed work on the structure or that is listed on the National Register of Historic Places or the Midway City Historic Register, as amended from time to time. If the structure was built in whole or in part over 75 years prior to the date of proposed work on the structure or that is listed on the National Register of Historic Places or the Midway City Historic Register, as amended from time to time, the applicant is required to meet Section 12.06 "Protection of Older Buildings for Historic Preservation" in this Title.
3. Indicate the method and location of demolished material disposal.
4. Indicate the method and location of demolished material disposal.
5. Identify the approximate date of commencement and completion of demolition.
6. Indicate if fences, barricades, scaffolds or other protection are required by any City code for the demolition and if so, the proposed location and compliance.
7. State whether fill material will be required to restore the site to level grade after demolition and if required, the approximate amount of fill material.
8. If the building to be demolished contains any dwelling units, the application should state whether any of the dwelling units are presently occupied.

### **Section 12.05.030 Fees and Signature**

A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. Signature on the permit application constitutes a certification by the signer that the information contained in the application is true and correct.

B. Demolition Fee. The fee for a demolition permit application shall be based on the building floor area as set by resolution.

### **Section 12.05.040 Salvage Permits**

If the structure was built in whole or in part over 75 years prior to the date of proposed work on the structure or that is listed on the National Register of Historic Places or the Midway City Historic Register, as amended from time to time, the applicant is required to meet Section 12.06 "Protection of Older Buildings for Historic Preservation" in this Title.

### **Section 12.05.050 Demolition Permit Requirements**

A. The applicant is required to get a permit from the Utah Division of Air Quality, a copy of which is to be submitted to the City prior to the issuance of the city's permit.

B. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near the sidewalk. No excavation work shall be covered until such plugging is approved by the department whose line is being plugged. The permittee shall further insure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.

C. When the applicant indicates the demolition will require more than thirty days to complete, and where required by the Building Official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building Official. The Building Official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.

D. A permit for demolition requires that all materials comprising part of the existing structure(s), including the foundation and footings be removed from the site. The depression caused by the removal of such debris must be filled back and compacted to the original grade, as approved by the Building Official, with fill material excluding detrimental amounts of organic material or large dimension non-organic material.

E. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, must be completed within the permit period unless the Building Official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the Building Official. In such event, the Building Official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting

of a guarantee, erection of fences, securing, or similar preventions to insure the site does not create a hazard after the demolition is completed.

## **CHAPTER 12.06 PROTECTION OF OLDER BUILDINGS FOR HISTORIC PRESERVATION**

### **Section 12.06.010 Purpose and Intent**

### **Section 12.06.020 Process**

### **Section 12.06.030 Notice Requirements**

### **Section 12.06.040 Preservation Plan**

### **Section 12.06.050 Additional Requirements**

### **Section 12.06.010 Purpose and Intent**

Any owner of real property upon which is erected a structure that was built in whole or in part over 75 years prior to the date of proposed work on the structure or that is listed on the National Register of Historic Places or the Midway City Historic Register, as amended from time to time, shall notify Midway City in writing 30 days before beginning to demolish or dismantle the structure. Such written notice to the City shall state the general nature of the changes proposed to be made to the structure.

(2010-19, Section Amended, eff. 7/7/2010; 2010-22, Section Amended, eff. 7/28/2010)

### **Section 12.06.020 Process**

Upon receiving such written notice, the City shall within five business days:

- A. Notify the Midway City Historic Preservation Committee (or similar body as may from time to time be constituted) of the notice of the proposed changes.
- B. Post notice of the proposed changes in three public places within the City and on the owner's property on which the structure is located.
- C. Publish notice of the proposed changes once a week for three consecutive weeks in a newspaper of general circulation in the City.

### **Section 12.06.030 Notice Requirements**

The notices required by this Chapter shall state: "A permit has been requested to demolish or dismantle \_\_\_\_\_ (location and/or description of building). Persons who wish to present a plan to preserve this building must apply to Midway City no later than \_\_\_\_\_ (30 days from the date of notification).

(2010-19, Section Amended, eff. 7/7/2010; 2010-22, Section Amended, eff. 7/28/2010)

### **Section 12.06.040 Preservation Plan**

During the 30 day period, the Historic Preservation Committee or any other entity or individual may propose and submit to the owner in writing a plan for preservation of the structure. Any

plan for preservation of the structure submitted to the owner shall also be submitted to the Historic Preservation Committee.

**Section 12.06.050 Additional Requirements**

If a plan for preservation of the structure is submitted, an additional 30 days shall be added to the time in which the owner is prohibited from beginning any work on the structure, for a total of 60 days from the date the written notice of proposed changes is first given by the owner to the City.

## **CHAPTER 12.07 SITE DISTURBANCE PERMIT**

### **Section 12.07.010 Purpose and Intent**

### **Section 12.07.020 When Required**

### **Section 12.07.030 Application**

### **Section 12.07.040 Proper Operation and Maintenance**

### **Section 12.07.050 Inspection and Entry**

### **Section 12.07.060 Revocation and Suspension**

### **Section 12.07.070 Appeals**

### **Section 12.07.080 Prohibited Activities**

### **Section 12.07.090 Mud, Dirt, Materials, and Debris on Public and Private Streets**

### **Section 12.07.100 Violations and Enforcement**

### **Section 12.07.110 Compliance with Federal and State Law**

### **Section 12.07.010 Purpose and Intent**

The purpose of this Chapter is to prevent discharge of sediment, dust, debris, and other construction-related material or pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to air, waterways and water systems located within Midway City and surrounding areas. Each year storm-water runoff and snow-melt off carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm-water runoff also clogs and causes damage to public and private property, wildlife habitat, water, and air quality.

### **Section 12.07.020 When Required**

A. Permit Required. A Midway City Site Disturbance Permit is required before any person or entity may landscape, excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape or increase impervious surfaces upon any parcel of property located in the City.

B. Exemptions. The following activities are exempt from the permit requirements of this Chapter:

1. Actions by a public utility, the City, or any other governmental entity to remove or alleviate an emergency condition, including the restoration of utility service or the reopening of a public thoroughfare to traffic;
2. Actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition;
3. Construction activities disturbing less than 500 square feet of land and surface area;
4. Residential landscaping activities disturbing less than 7,000 square feet of land surface area;
5. Residential gardening;
6. Bona fide agricultural and farming operations, provided that the agricultural and farming operations constitute the principal use of the parcel and provided that such use of the parcel does not conflict with the City's zoning ordinance;
7. Midway City capital improvement projects, provided that site disturbance control measures are included in the bid specifications and plans for the special improvement project.

### **Section 12.07.030 Application**

Any person or entity desiring a Site Disturbance Permit must first file an application with the Building Safety Department.

A. Application Form. The application shall be submitted on a form provided by the City. If the applicant proposes to obtain the Permit in conjunction with another development activity requiring City approval (e.g. building permit, subdivision plat, site plan, or conditional use permit), the application for the Site Disturbance Permit will be included as part of the application package for the other development activity. If the applicant proposes to obtain the Permit independent of any other City approval, the applicant shall apply for the Permit on a separate form prepared by the City. Application forms will be available at the City's Planning Department or Building Safety Department, as applicable.

B. Site Disturbance Plan. The applicant shall submit a Site Disturbance Plan with the application. The Site Disturbance Plan (the Plan) shall contain the following information:

1. Site Description. A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.), and estimates of the total area of the site that is expected to be disturbed by excavation, grading, or other activities. The site description shall designate and illustrate the limits of disturbance beyond which no disturbance shall occur.

2. Control Description. A description of the proposed control measures that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection (1). The Plan shall also state the name, address and phone number of the person or entity responsible for implementation of each control measure.

3. Control Measures. Control measures shall meet the following goals and criteria:

a. Prevent or Minimize Discharge. The proposed control measures shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, dust, debris, and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system, as well into the air.

b. Prevent or Minimize Construction Debris. The proposed control measures shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way.

i. Dumpster. During the performance of work, construction dumpsters or trash containers are required. There will be no storage of these facilities in roadways or city right-of-way at anytime. At all times the lot contractor will keep the work site clean and free of debris; no stockpiling of debris outside of one of the containers. The dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum, and other waste materials. These facilities will be emptied regularly and serviced as needed. Such facilities

must be removed when construction is completed and before occupancy is granted, or construction is halted for more than 30 days.

ii. Toilet facilities. Show the location of the portable toilet facilities, required to be provided for workers, on the plan, or if there are permanent facilities workers will be allowed to use, indicate such on the plan.

c. Use of BMPs. The proposed control measures shall include Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, designation of limits of disturbance, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, measures to prevent the blowing of dust or sediment from the site, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soil retaining systems, and gabions.

d. Stabilize Site. The proposed control measures shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of nature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site, but in no case more than 14 calendar days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:

i. If the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

ii. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.

e. Minimize Risk of Discharge of Other Materials. The proposed control measures shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response.

C. Timing for Filing Application. The applicant shall file the application on or before the following dates:

1. Subdivision. The date that the applicant submits the preliminary subdivision plat application if the applicant proposes to develop a subdivision.
2. Planned Unit Development. The date that the applicant submits the preliminary Planned Unit Development (PUD) plat application if the applicant proposes to develop a PUD.
3. Site Plan. The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
4. Conditional Use Permit. The date that the applicant submits a conditional use permit application if the applicant proposes to develop a conditional use.
5. Building Permit. The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.

6. Other. At least two weeks before the developer intends to perform any type of work not listed above that would require a Site Disturbance Permit pursuant to this Chapter.

If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Site Disturbance Permit Application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required Site Disturbance Permit is grounds for denying a related subdivision application, planned unit development application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Site Disturbance Permit.

D. Fee. The applicant for a Site Disturbance Permit shall pay a fee in an amount set by resolution of the City Council.

E. Application Approval. The City Engineer, City Planner, City Building Inspector or other designee shall approve the application and grant the permit if the application is complete and the Site Disturbance Plan meets the requirements of this ordinance. The City's designee shall deny the application or approve the application with conditions if he or she determines that the measures proposed in the Plan fail to meet the criteria set forth in this ordinance. Conditions set out by the City's designee in connection with the approval of a Permit may include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by wind or storm water, as well as the control of refuse and debris on the site.

F. Term. Unless otherwise revoked or suspended, a Site Disturbance Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:

1. Subdivisions and/or PUDs. For Permits associated with a subdivision and/or PUD plat approval:
  - a. the Permittee must complete all required subdivision/PUD improvements; and
  - b. One of the following two events must occur:
    - i. Individual Site Disturbance Permits have been issued for each lot in the subdivision/PUD not having final construction approval, or
    - ii. The property has been revegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
2. Site Plans. For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.
3. Building Permits. For Permits associated with a building permit application, the date that the property has been revegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
4. Other. For Permits issued that are not tied to other approvals from the City, the date that the Permittee has completed all work associated with the Permit and takes steps required by the Permit to prevent further erosion and runoff from the site.

No Site Disturbance Permit which is not tied to other approvals from the City shall be considered terminated until the Permittee submits a Notice of Termination of Construction Activity Permit (“Notice”) to the City and the Notice is accepted by the City. The City shall accept the Notice if the Permittee has met the requirements of the Permit and this ordinance. The Permittee shall keep and maintain all Permit-required improvements on the site until the City accepts the Notice.

G. Amendments. In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in an original Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Plan, the Permittee shall file an amended Site Disturbance Plan which meets the criteria set forth in this ordinance.

#### **Section 12.07.040 Site Disturbance Permit – Proper Operation and Maintenance**

The recipient of a Site Disturbance Permit (the Permittee) shall install the erosion and sediment control and debris control measures required by the approved Site Disturbance Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers’ specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the City accepts the termination of this Permit.

#### **Section 12.07.050 Site Disturbance Permit – Inspection and Entry**

The Permittee shall allow any authorized employees and representatives of the City, representatives of the State of Utah Division of Water Quality, and representatives of the United States Environmental Protection Agency, to enter the site to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit.

#### **Section 12.07.060 Site Disturbance Permit – Revocation or Suspension**

A. Revocation or Suspension. A Site Disturbance Permit may be revoked or suspended by the City upon the occurrence of any one of the following events:

1. Failure of a Permittee to comply with the Plan or any condition of the Permit; or
2. Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to site disturbance; or
3. A determination by the City that the site disturbance measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, dust, debris or other pollutants from the construction site by stormwater or wind.

B. Notice. The City shall mail a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary

corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten nor more than 30 days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the City may suspend or revoke the Permit by mailing or delivering written notice of the suspension or revocation to the Permittee. The Permittee may appeal a suspension or revocation of the Permit pursuant to the appeal procedure set forth in this Chapter.

C. Exceptional Circumstances. For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to other property or the environment. The City may take any steps the City deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

D. Stop Work Order. A stop work order may be issued upon the revocation or suspension of a Permit, upon discovery of work in violation of or not in accordance with a Permit, or upon the discovery of work being conducted without a required Permit. The stop work order may be issued by employees in the Building Safety Department, Public Works Department or City Engineers. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.

E. Reinstatement. A Site Disturbance Permit may be reinstated or reissued upon compliance with all provisions of this Article and all Permit conditions, or in the case of a suspension for reasons provided in subsection A.3., upon the filing of an amended Site Disturbance Plan which is designed to correct the deficiencies of the original Plan.

#### **Section 12.07.070 Site Disturbance Permits – Appeals**

An Applicant for a Site Disturbance Permit or a Permittee of a Site Disturbance Permit may appeal a decision or directive made by the City or its representatives under this Ordinance. The appeal shall be made to the Midway City Board of Adjustment pursuant to Title 2, provided however that the party desiring to appeal shall file the appeal within ten days of the decision or directive being appealed, notwithstanding any other time periods specified elsewhere. This appeals Section shall not preclude the City from prosecuting violations of this ordinance separately under other Midway City enforcement procedures, either criminal or civil, in which case the City shall so notify the violator and this appeals Section shall not apply.

#### **Section 12.07.080 Prohibited Activities**

The following activities are prohibited and unlawful, and shall be considered a nuisance under Midway City law, regardless of whether or not the violator has a Site Disturbance Permit:

A. Covering Sidewalk. Covering any portion of a curb, gutter or sidewalk with mud, dirt, debris or material and failing to remove the mud, dirt, debris or material before leaving the site. In no case shall the mud, dirt, debris, or other material be left overnight.

- B. Washing Vehicles and Equipment. Washing any vehicle or equipment in a manner that;
1. leaves concrete, mud, dirt, debris, or other material on a public or private street or on any portion of the public right-of-way, or
  2. allows concrete, mud, dirt, debris, or other material to enter the storm sewer system.

C. Vegetative maintenance and noxious weeds. Weed growth shall be kept to 8 inches in height. Noxious weeds are undesirable, and must be eliminated properly per the Wasatch County requirements.

### **Section 12.07.090 Mud, Dirt, Materials, and Debris on Public and Private Streets**

A. Clean-up Required. Any person or entity that tracks, spills, deposits, discharges or drops any mud, dirt, debris, or other material on a public or private street or a public right-of-way within the City must remove the mud, dirt, debris, or other material within 24 hours of when it is left on the street or right-of-way. Failure to do so shall be a violation of this ordinance and shall also be considered a nuisance that may be enforced and/or abated pursuant to City ordinance. The requirement to clean mud, dirt, debris, or other material from streets and right-of-way applies regardless of whether or not the responsible parties are acting pursuant to a Site Disturbance Permit.

B. Responsible Parties. The following people and entities shall be considered to be responsible parties for the purpose of enforcing this Section:

1. Driver. The driver and the owner of the vehicle leaving the mud, dirt, debris, or other material; and
2. General Contractor. The general contractor or owner in charge of the job site from which the mud, dirt, debris, or other material came.

C. Possible Remedies. The City may avail itself of any of the following non-exclusive remedies to enforce this Section if the mud, dirt, debris, or other material is not removed as required herein:

1. Public Facilities Deposit. The City may clean (or may hire an independent contractor to clean) the mud, dirt, debris, or other material, and may deduct the cost of the clean-up, plus an administrative charge in an amount set by resolution of the City Council, from the Public Improvement and Repair Bond posted by the contractor on the job site from which the mud, dirt, debris, or other material came. The City may make draws against the public improvement and repair bond.
2. Nuisance Abatement. The violation may be treated as a nuisance under Midway City law and prosecuted accordingly.

### **Section 12.07.100 Violations and Enforcement**

A. The violation of any of the provisions of this Chapter shall be a Class C misdemeanor. Each day that a violation occurs shall constitute a separate offense.

B. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under authority of the Utah Water Quality Act, of the Utah Code.

C. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures, or perform clean-up of any debris or removal of materials from city streets, sidewalks, curb & gutter or rights-of-way of any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed, done or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25 percent penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.

D. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States Environmental Protection Agency.

#### **Section 12.07.110 Compliance with Federal and State Law**

Nothing contained in this Chapter is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff.

## **CHAPTER 12.08 FINAL COMPLETION DEPOSIT**

### **Section 12.08.010 Establishment of Final Completion Deposit**

#### **Section 12.08.020 Amount**

#### **Section 12.08.030 When Required**

#### **Section 12.08.040 Where Deposited**

#### **Section 12.08.050 Procedure for Refund of Deposit**

#### **Section 12.08.060 Deficiencies at the Time of Final Inspection**

#### **Section 12.08.070 Weather-Related Deficiencies**

#### **Section 12.08.080 Forfeiture of Final Completion Deposit**

#### **Section 12.08.090 Certificate of Non-Compliance**

### **Section 12.08.010 Establishment of Final Completion Deposit**

The establishment of the final completion deposit requirement is to assure the proper completion of dwellings, landscaping or site stabilization, and appurtenant supporting improvements so that premises are safe, and for mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.

#### **Section 12.08.020 Amount**

The Final Completion Deposit shall be an amount set by the city council from time to time. An applicant for a building permit who has five or more total building permits outstanding at one time may keep on deposit with the City an amount set by the City Council from time to time to cover all building permits issued, regardless of quantity. All other provisions of this ordinance shall apply to such an applicant, including the forfeiture of an amount equal to five times the amount of the deposit per dwelling unit found to be in violation of this ordinance. These amounts may be set by resolution by the Midway City Council from time to time.

#### **Section 12.08.030 When Required**

At the time any dwelling unit building permit is issued, the Midway City Building Safety Department is authorized and directed to require from the applicant a Final Completion Deposit. The deposit shall be in addition to all other fees which may be required prior to issuance of a building permit. The Building Safety Department shall not issue the permit until said deposit has been deposited with the City.

#### **Section 12.08.040 Where Deposited**

The completion deposit shall be made with the City Treasurer and held in a trust account established by the Treasurer for that purpose.

#### **Section 12.08.050 Procedure for Refund of Deposit**

The deposit amount shall be returned to the payee upon request by the payee and upon receipt by the Treasurer from the Building Safety Department of notice stating (1) that the

dwelling has been completed, (2) that all required inspections of the construction have been made, (3) that the building permit has been closed in the Building Safety Department, and (4) that the Site Disturbance Permit has been closed out satisfactorily per this Chapter of this Code, and that there exist no unsafe conditions associated with the site. If a dwelling has been occupied prior to the approval for occupancy, the full deposit amount shall be forfeited to the General Fund. In addition, any deposit amounts still on deposit with the City and not claimed by the payee eight (8) years after occupancy of the structure shall be forfeited to the General Fund.

(2012-17, Section Amended, 09/12/2012)

### **Section 12.08.060 Deficiencies at the Time of Final Inspection**

If at the time of making what was to have been the final inspection, any deficiency exists of the building codes or other City ordinances, the Building Safety Department shall provide a notice in substantially the following form: “The following deficiencies found at the time of the final inspection on (date) must be corrected by 90 days after final inspection: If such corrections are not made, and an inspection scheduled and passed, so as to come into compliance with the building code within said 90 Day, one third of the completion deposit will be forfeited to Midway City. If such corrections are not made, and an inspection scheduled and passed, so as to come into compliance with the building code within 120 days after final inspection, two-thirds of the completion deposit will be forfeited to Midway City. If such corrections are not made, and an inspection scheduled and passed, so as to come into compliance with the building code within 150 days after final inspection, all of the completion deposit will be forfeited to Midway City. Forfeiture of all or part of the deposit will not excuse compliance with all City ordinances and requirements.”

(2014-09, Section Amended, eff. 07/09/2014)

### **Section 12.08.070 Weather-Related Deficiencies**

If it is found that deficiencies cannot be completed within the 60 days because of winter weather, an extension may be granted for those items at the building official’s discretion. The notice in 12.08.060, above shall then also include an additional section stating, “The following deficiencies must be completed and pass a final inspection within \_\_\_\_ additional days (date specific stated)”, with the items then enumerated.

(2012-10, Section Added, 03/14/2012)

### **Section 12.08.080 Forfeiture of Final Completion Deposit**

If the applicant does not comply with the notice provided in this Chapter, or if the site is abandoned by the contractor or left in an unsafe condition, the Building Safety Department shall notify the City Treasurer of such noncompliance upon expiration of the permit. Upon such notification, the Treasurer shall declare the deposit forfeited and pay the amount thereof to the General Fund.

(2012-10, Section Added, 03/14/2012)

**Section 12.08.090 Certificate of Non-Compliance**

After the deposit has been declared forfeited, the Building Safety Department shall record a Certificate of Non-Compliance against the property with the Wasatch County Recorder's Office. Said Certificate shall remain on the property until correction items have been inspected and approved. After approval, a Certificate of Completion and Occupancy shall be recorded.

## **CHAPTER 12.09 REGULATION OF CONSTRUCTION ACTIVITIES**

### **Section 12.09.010 Normal Hours of Construction Activity**

### **Section 12.09.020 Extended Hours with Special Permit**

### **Section 12.09.030 Special Event Regulations**

### **Section 12.09.040 Waste/Debris Disposal**

### **Section 12.09.050 Toilet Facilities for Construction Workers**

### **Section 12.09.010 Normal Hours and Days of Work of Construction Activity**

In all zoning districts throughout the City, construction work shall be allowed between the hours of 7 a.m. and 9 p.m. Monday through Saturday. Construction shall be allowed in all zoning districts throughout the City between the hours of 9 a.m. and 6 p.m. on Sundays. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation hours for the following types of construction:

- A. Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries.
- B. Non-mechanized exterior painting on individual single-family residences.
- C. Non-mechanized landscaping on individual single-family residences.
- D. Survey work not involving grading or use of power equipment to cut vegetation.

### **Section 12.09.020 Extended Hours with Special Permit**

The Building Official or Public Works Crew Chief Leader may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official or Public Works shall issue a special permit identifying the extended hours. The contractor shall display the special permit on site.

### **Section 12.09.030 Special Event Regulations**

The Mayor may, at his or her discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the city. Special events shall include, but not be limited to the Swiss Days and holiday events.

### **Section 12.09.040 Waste/Debris Disposal**

During the performance of work, construction dumpsters or trash containers are required. There will be no storage of these facilities in roadways or city right-of-way at anytime. At all times the lot contractor will keep the work site clean and free of debris; no stockpiling of debris outside of

one of the containers. The dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum, and other waste materials. These facilities will be emptied regularly and serviced as needed. Such facilities must be removed when construction is completed and before occupancy is granted, or construction is halted for more than 30 days.

**Section 12.09.050 Toilet Facilities for Construction Workers**

Toilet facilities shall be provided for construction workers whenever any building, remodeling, renovating, or site disturbance is commenced within the Midway City limits. Such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the non-sewer type shall conform to American National Standards Institute A4.3.

## **CHAPTER 12.10 PUBLIC FACILITIES COMPLETION AND REPAIR DEPOSIT**

### **Section 12.10.010 Establishment of Public Facilities Completion and Repair Deposit**

#### **Section 12.10.020 When Required**

#### **Section 12.10.030 Method of Payment**

#### **Section 12.10.040 Procedure for Refund of Deposit**

#### **Section 12.10.050 Method for Correction of Deficiencies**

#### **Section 12.10.060 Forfeiture of Public Facilities Completion and Repair Deposit**

#### **Section 12.10.070 Water Meter Installation Fee**

#### **Section 12.10.080 Water Meter Installation**

### **Section 12.10.010 Establishment of Public Facilities Completion and Repair Deposit**

A. The establishment of the public facilities completion and repair deposit requirement is to assure the proper completion and protection, and repair of public improvements during construction, to mediate and secure a site that has been abandoned by the contractor, and to provide funds necessary to mediate a site left in a dangerous or unsafe condition.

B. For purposes of this Section, “public improvements” include the following:

1. Curb, gutter and sidewalk.
2. Storm sumps, and/or piping, catch basins, detention basins and any other storm water related facilities.
3. Asphalt paving.
4. Fire hydrants.
5. Fencing.
6. Landscaping and sprinkling systems.
7. Water and sewer lines.
8. Driveway approaches.
9. Removal of mud, dirt, and debris from the public rights-of-way (sidewalks, curbs, gutter, and streets).
10. Mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.
11. Any other public improvements required by ordinance or required as part of a site plan, conditional use permit, subdivision plat, or building permit approval. If, for any reason, the funds set aside or provided for the guarantee of improvements or repair are insufficient to properly complete the improvements or repair, the developer shall still be liable to complete the improvements or repair. The deposit required by this Section is for the sole benefit of the City. The deposit is not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots within a subdivision or PUD. The deposit is not for the purposes of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the deposit for providing labor or materials.

#### **Section 12.10.020 When Required**

At the time any building permit involving any excavation or dirt removal is issued, the City is authorized and directed to require from the applicant a deposit in the amount set by the City Council from time to time. The deposit shall be in addition to all other fees which may be required prior to issuance of a building permit. The City shall not issue the permit until said deposit has been made with the City. The applicant shall also be required to execute an Acknowledgement of Responsibility Form outlining the obligations of the applicant.

#### **Section 12.10.030 Method of Payment**

The completion deposit shall be made with the City Treasurer and held in a trust account established by the Treasurer for that purpose.

#### **Section 12.10.040 Procedure for Refund of Deposit**

The deposit amount shall be returned to the payee upon request by the payee and upon receipt by the Treasurer from the Midway City Public Works Department of notice stating (1) that all construction and landscaping has been completed, and (2) that no un-repaired damage exists to the public facilities located on the property or in the public right-of-way near the property, including the streets, sidewalks, right-of-way, water connection meters and facilities, and other public improvements, and that all dirt, mud, stone, debris, or other material has been removed therefrom, the site has been taken to completion with no unsafe conditions, the City issues a final certificate of occupancy for the site, and the Building Official gives written consent to the release of the deposit; and (3) that no illegal cross-connections between the culinary and secondary water systems have been made and all City standards for separation between the two systems have been followed. Inspections for release of the deposit will be made only between April 15 and October 15.

(2012-17, Section Amended, 09/12/2012)

#### **Section 12.10.050 Method for Correction of Deficiencies**

If the Midway City Public Works Department determines that deficiencies exist pursuant to the above paragraph, the applicant, contractor, and/or property owner shall be directed to correct the deficiencies immediately. If said deficiencies are not adequately corrected within nine months of notice, the deposit amount shall be used by the City to the extent necessary to correct the deficiencies. Any expenses incurred by the City in correcting the deficiencies in excess of the deposit amount shall be billed to the applicant and/or property owner, and if necessary, a lien shall be filed by the City against the property to recover said costs.

#### **Section 12.10.060 Forfeiture of Public Facilities Completion and Repair Deposit**

If a building permit is allowed to expire, the Building Safety Department shall then notify the Public Works Department of the expiration. The Public Works Department shall then notify the City Treasurer of such noncompliance. Upon such notification, the Treasurer shall declare the deposit forfeited and pay the amount thereof to the General Fund. In addition, any deposit amounts still on deposit with the City and not claimed by the payee eight (8) years after issuance of the associated permit shall be forfeited to the General Fund.

(2012-10, Section Added, 03/14/2012; 2012-17, Section Amended, 09/12/2012)

#### **Section 12.10.070 Water Meter Installation Fee**

A non-refundable water meter installation fee set by the city council from time to time shall be collected at the time a building permit is issued. This fee shall be in addition to all other fees necessary to obtain a building permit.

#### **Section 12.10.080 Water Meter Installation**

A water meter shall be installed by the City at the property site when a building permit is issued. The building permit holder shall be billed a monthly fee of \$15.00 per month for water usage during the construction period. Upon issuance of an occupancy permit, standard City water rates and procedures shall commence.

## **CHAPTER 12.11 MAXIMUM HEIGHT PROVISIONS FOR ALL BUILDINGS**

### **Section 12.11.010 Maximum Heights for all Buildings**

### **Section 12.11.020 Exceptions**

### **Section 12.11.030 Procedures for Buildings With Regard to Maximum Height**

### **Section 12.11.040 Elevation Certificate Required**

### **Section 12.11.050 Procedure for Elevation Certificate Approval**

### **Section 12.11.060 Definitions**

### **Section 12.11.010 Maximum Heights for all Buildings**

The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the “Natural Grade,” as defined herein, to any point to a roof.

### **Section 12.11.020 Exceptions**

To allow for unusual conditions or appurtenances, the following exceptions shall apply:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to five feet above the specified minimum height limit.
- B. Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.
- C. Church spires, bell towers, finials and turrets, as well as flag poles, may extend above the specified maximum height limit by up to 50 percent of the height limit, but shall not contain any habitable spaces above the maximum height.
- D. Public buildings and churches may be erected to any height provided the building is set back from the required building setback lines a distance of at least one foot for each additional foot of building height above the maximum height permitted.

### **Section 12.11.030 Procedures for Buildings With Regard to Maximum Height**

- A. Whenever buildings are to be situated on a lot or property that contains a slope of 5 per cent or greater as shown on the Midway City Hillside Slope Delineation Map and/or will be at least 30 feet above the “Natural Grade”, an elevation certificate shall be required before any building permit is authorized.
- B. For any application which the Planning Office or Building Inspector finds is not clear enough to demonstrate compliance with the Maximum Height Provisions of this Chapter, the applicant may be required to submit an Elevation Certificate to help establish compliance with the height limitation requirements. If the applicant feels the request for the certificate is unreasonable, the applicant may appeal the request directly to the City Planner who shall review the request and respond in writing to the applicant. All decisions of the City Planner may be reviewed by the Midway City Council.

**Section 12.11.040 Elevation Certificate Required**

A. The Elevation Certificate shall be accompanied by a Building Features Height Analysis that shows how no part of the roof shall pierce the Maximum Building Height Elevation if constructed in accordance with the submitted plans.

B. The Elevation Certificate, properly prepared, shall be submitted by a licensed surveyor or civil engineer who prepared the certificate with the following certification:

*I, \_\_\_\_\_ do hereby certify that I am a licensed land surveyor, or a licensed civil engineer, in the State of Utah, license # \_\_\_\_\_, as prescribed under the laws of the State of Utah. I further certify that I have reviewed the plans for permit # \_\_\_\_\_, as (street address) \_\_\_\_\_ on (lot number) \_\_\_\_\_, (subdivision or PUD) \_\_\_\_\_ and have surveyed the property and prepared a topographic map to show the “Natural Grade” of the property prior to construction and to verify that the structure is situated on the property consistent with the approved plat or Condominium Record of Survey Map. I certify that the elevations of the points of the foundation are as follows: Benchmark (location and elevation): \_\_\_\_\_ Garage Floor \_\_\_\_\_ in the middle of the largest garage door plane. Elevation of the foundation at its highest point underneath the first floor of the building that the foundation supports, \_\_\_\_\_. The elevation at the top of the top wall as shown on the building plans shall be: \_\_\_\_\_. The elevation of the roof does not exceed 35 feet from the “Natural Grade” at any point.*

**Section 12.11.050 Procedure for Elevation Certificate Approval**

A. The Surveyor or Civil Engineer shall place footing location stakes showing the location of the footings relative to the location of the footings as shown on the “Elevation Certificate”

B. Before any representative of Midway City shall authorize the placement of foundation walls, the applicant shall have the surveyor or engineer certify that the top of the highest point of the foundation wall to be poured matches that same elevation as shown on the “Elevation Certificate.”

C. When the final member of the roof structure for a building that is depicted on the Elevation Certificate is placed (but before any representative of Midway City shall authorize the placement of finish roofing material), the builder shall provide the elevation of the highest point of the roof and a statement signed by the surveyor, or civil engineer, and builder certifying that the building does comply with the height approved on the Elevation Certificate.

D. If at any point during the construction of a building for which an “Elevation Certificate” is required the builder finds it is necessary to change the elevation of any of the structure depicted in the “Building Features Height Analysis,” no such change shall be made by the builder, or approved by the City, until after a written request for such change has been approved by the City Building Safety Department.

E. A record of compliance with the building height approved by Midway City through the Building Elevation Certificate process shall be maintained by the City Building Safety Department for a period of not less than ten years.

### **Section 12.11.060 Definitions**

A. Building Features Height Analysis. The building plans for a proposed structure that show the vertical elevation expressed in feet of the following points on each building relative to the Bench Mark used to develop the topographic map on the Elevation Certificate:

1. The top of the foundation walls at all points
2. The elevation of each floor of the proposed building
3. The elevation of the roof and any and all proposed appurtenances to the roof.

B. Maximum Building Height Elevation. A projected surface that follows the surface elevation of the property or building site where a structure is proposed that is 35 feet above the elevation of “Natural Grade” where the structure is to be built.

C. Elevation Certificate. A document prepared by a duly licensed land surveyor or civil engineer that certifies the elevation “Natural Grade” expressed in feet, and of the building features and the lot, building pad or condominium unit location for the purpose of establishing compliance with the City height limitations which has been accepted by the Midway City Planning Office.

D. Elevation of the “Natural Grade.” Topographical liens or points on a map of the property where building permits are requested relative to a fixed point on an adjacent City street or other established base point to be used to establish the basis for compliance with City height limitations.

E. Bench Mark. The location and elevation in feet from mean sea level of the point from which the topographic map for the Elevation Certificate is started. That point is also labeled as “0” and all other points on the map are labeled relative to that in whole, or decimal fraction numbers per foot of change in elevation.

F. Licensed Land Surveyor. A professional that is licensed to practice land surveying in the State of Utah.

G. Licensed Civil Engineer. A professional that is licensed to practice civil engineering in the State of Utah.

## **Chapter 12.12 AUTOMATIC FIRE SPRINKLER SYSTEMS UNDER INTERNATIONAL RESIDENTIAL CODE**

### **Section 12.12.010 Scope of Chapter**

### **Section 12.12.020 Automatic Fire Sprinkler Systems Generally Not Required**

### **Section 12.12.030 Instances When Automatic Fire Sprinkler Systems May Be Required**

### **Section 12.12.010 Scope of Chapter**

This chapter pertaining to automatic fire sprinkler systems applies to the building of all structures governed by the International Residential Code.

### **Section 12.12.020 Automatic Fire Sprinkler Systems Generally Not Required**

Except as provided elsewhere in this chapter, automatic fire sprinkler systems are not required in structures governed by, and built according to, the International Residential Code.

### **Section 12.12.030 Instances When Automatic Fire Sprinkler Systems May Be Required**

The City Fire Code Official, in his or her discretion, may require automatic fire sprinkler systems in structures governed by, and built according to, the International Residential Code if one or more of the following conditions exist:

- A. The structure is in an area in which a public water distribution system with fire hydrants is not reasonably available and accessible.
- B. The only fire apparatus access road has a grade greater than ten percent for more than 500 continual feet.
- C. The water supply to the structure does not provide at least 500 gallons fire flow per minute for a minimum of 30 minutes, if the total square foot living space of the structure is equal to or less than 5,000 square feet.
- D. The water supply to the structure does not provide at least 750 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 5,000 square feet, but is equal to or less than 10,000 square feet.
- E. The water supply to the structure does not provide at least 1,000 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 10,000 square feet.

(2014-06, Chapter Added, eff. 05/14/2014)

## **Chapter 12.13 Building Code Board of Appeals**

### **Section 12.13.010 Board Established**

### **Section 12.13.020 Composition of Board**

### **Section 12.13.030 Authority of Board**

### **Section 12.13.040 Procedures for Appeals**

### **Section 12.13.050 Decisions of the Board**

### **Section 12.12.060 Appeals from the Appeals Board**

### **Section 12.13.010 Board Established**

There is hereby established the Midway City Building Code Board of Appeals.

### **Section 12.13.020 Composition of Board**

The Board shall consist of three (3) persons appointed by the Mayor with the advice and consent of the City Council. Board members shall have experience and training in matters of building construction and shall not be employees of Midway City. A Board member shall serve at the pleasure of the Mayor and City Council and shall hold office until the member resigns or the member's replacement is appointed. The Midway City Building Official shall be an additional, ex officio member of the Board, but shall have no vote on any matter before the Board.

### **Section 12.13.030 Authority of Board**

The Board shall have jurisdiction to hear appeals from orders, decisions or determinations made by the City Building Official relative to the application and interpretation of the State Construction Code, as incorporated in the Midway City Municipal Code. The Board shall adopt rules of procedures for its proceedings not inconsistent with state law or City code.

### **Section 12.13.040 Procedures for Appeals**

A person who disputes an order, decision or determination made by the City Building Official relative to the application and interpretation of the State Construction Code, as incorporated in the Midway City Municipal Code, may file an appeal pursuant to this section. The person shall file the appeal in writing with the City Building Official no later than thirty (30) days after the date of the decision being challenged. The Board shall inform the applicant, no later than ten (10) days after the filing of the appeal, of the date and time of the appeal hearing. The appeal hearing shall be held no later than forty-five (45) days after the filing of the appeal. At the appeal hearing, the City Building Official shall present information about the nature and basis of the decision being challenged. The applicant shall have the right to present the basis of the challenge to the decision. The appeal proceedings shall be informal. The City and/or the applicant may, but need not, be represented by counsel.

### **Section 12.13.050 Decisions of the Board**

As soon as possible, but in any event no later than thirty (30) days after the appeal hearing, the Board shall render its decision and findings in writing on the matter, which shall be the final and binding determination by the City.

**Section 12.13.060 Appeals from the Appeals Board**

The applicant, but not the City, shall have the right to appeal an adverse decision by the Board to District Court for the State of Utah no later than thirty (30) days after the Board's decision is rendered.

(2014-10, Chapter Added, eff. 07/23/14)