

CHAPTER 1

GENERAL PROVISIONS

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14-1-101 TITLE

This Ordinance shall be known and may be cited as the Land Use Ordinance or Zoning Ordinance of the City of Bountiful.

14-1-102 DECLARATION OF PURPOSE

This Title and the regulations and restrictions contained herein are adopted and enacted for the following purpose:

1. To promote the health, safety, convenience and general welfare of the present and future inhabitants of the community.
2. To encourage and facilitate the orderly growth and development of the community and to implement the goals and policies of the General Plan.
3. To provide adequate open space for light and air; to prevent overcrowding of the land.
4. To secure economy in municipal expenditures and to encourage adequate provisions for transportation, water sewage, schools, parks and other public facilities.
5. To increase the security of home life and to preserve and create a more favorable environment for the citizens and visitors of the community.
6. To ensure safety from fire and other dangers.
7. To place compatible uses together in the community.
8. To enhance the economic, historical, and cultural well being of the inhabitants of the community.

9. To promote the development of a more wholesome, serviceable and attractive community resulting from an orderly, planned use of resources.
10. To establish proper zoning regulations, to ensure the suitability of the land for particular uses, and to encourage the most appropriate use of land throughout the community, as determined by the City Council.
11. To further the purpose of this Title and to promote the objectives and qualities of the respective zones.

14-1-103 APPLICATIONS

- A. An application is complete when the appropriate City-provided form has been completely filled out, signed by the appropriate applicant, fees have been paid, and all supplemental information required in this Title (such as maps, reports, etc.) are submitted to the Planning Director, and the Planning Director has determined that the application is complete.
- B. If it is determined that the application is not complete, the applicant shall be notified in writing, specifying the deficiencies of the application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.
- C. If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, or within the timeline specifically set forth in other chapters of this Title, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- D. The Planning Director, or any body acting pursuant to this title, may upon written request and for good cause shown, and without any notice or hearing, grant in writing extensions of any time limit imposed on an applicant or permittee by this title, unless specifically stated otherwise in this Title.

14-1-104 LICENSES TO CONFORM

All departments, officials and employees of the City of Bountiful which are vested with duty or authority to issue permits and licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for a use or building where the same would be in conflict with the provisions of this Ordinance. Any permit or license issued in violation of this Ordinance is voidable at the option of the City.

14-1-105 BUILDING PERMITS REQUIRED

- A. No building or structure shall be constructed, reconstructed, altered or moved, nor shall the use of the land be changed, except after the issuance of a permit for the same by the Engineering and Building Department and approved by the Planning Department, unless excluded by the currently adopted version of the International Building Code and as provided in this Title. Furthermore, no building lot or parcel of ground shall be filled, excavated, or otherwise structurally altered without an excavation permit from the Engineering and Building Department. Activities that do not require a building permit are not exempt from the provisions of this Title.

- B. Permits shall not be granted for the construction or alteration of any building or structure, or for moving of a building onto a lot, or for the change of the use in any land, building, or structure, if such construction, alteration, moving or change in use would be a violation of any of the provisions of this Ordinance. No sewer service line, water service line or electrical utilities shall be installed to serve such premises if such use will be in violation of this Ordinance.
- C. All applications for building permits shall be accompanied by a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and setbacks of existing buildings, proposed buildings and existing buildings on adjacent property or such other information as may be deemed necessary by the Building Official, City Engineer, or the Planning Director for the enforcement of this Ordinance.

14-1-106 CERTIFICATE OF OCCUPANCY AND USE COMPLIANCE

- A. Certificate Required. It is unlawful to use or occupy, or to permit the use or occupancy of any building or premises prior to issuance of a Certificate of Occupancy for the premises and/or building by the City. It is unlawful to occupy, or to allow to be occupied, any building which has a greater intensity of use or different occupancy than specifically provided for in the Certificate of Occupancy as permitted by this Title.
- B. Issuance of Certificate. A Certificate of Occupancy or a final occupancy approval, hereinafter referred to as "Certificate" shall be issued by the Engineering and Building Department of the City at the time a building is completed and final inspection conducted. A new Certificate shall be required any time the occupancy of the building changes to a more intensive use.
- C. Penalty for Violations. Failure to obtain a Certificate of Occupancy for occupying, or allowing to be occupied, any structure regulated by the International Building Code or the International Residential Code, or for changing the intensity of use beyond that approved by the Certificate of Occupancy issued under this ordinance is a Class "C" misdemeanor for each such offense.
- D. Nuisance. The occupancy of any building for which a Certificate of Occupancy has not been issued is hereby declared to be a nuisance and may be abated as such. It shall also be a nuisance for any building to be occupied with greater intensity than authorized herein, or for any other occupancy than is authorized in the certificate or required under this Title.
- E. Illegal Use. The occupancy or use of any property or structure for a purpose not permitted by this Title shall be deemed an illegal use and may be prosecuted to the extent allowed by law.
- F. Illegal Change of Use. Any person, individual, corporation, or other party that changes the use of a structure or property to a use not permitted by current City ordinances, without first obtaining required re-zoning, variance or other use approvals from the City, is guilty of a class C misdemeanor.
- G. False Representation. Any person, individual, corporation, or other party that, for purpose of selling or leasing real property, represents either orally or in writing that a

property or structure has a lawful use when in fact that use is unlawful under current City ordinances, is guilty of a Class C misdemeanor. This includes real estate agents and any other persons engaged in the marketing of a property.

- H. Zoning Disclosure Required. Any seller, lessor, or any person representing a seller or lessor of real property, shall disclose in a prominent location on any listing or other promotional material (not including signs), the zoning designation of the subject property given on the current official zoning map of the City. This disclosure shall include both the zone map classification and the zone name, i.e., R-4, Single Family Residential.

14-1-107 CONSTRUCTION AND USE TO CONFORM TO PLANS

- A. A building permit or Certificate of Occupancy issued on the basis of plans and specifications approved by the City in accordance with the terms of this Title and adopted building codes authorizes only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized in said plans and specifications may be deemed a violation of this Ordinance.
- B. At the time of footing and foundation inspection, the building permit applicant or his agent shall provide the City Building inspector a signed and stamped surveyor's certificate stating that the foundation location and elevation conforms to the approved plans.

14-1-108 EXEMPTION OF STATE AND FEDERAL PROPERTY

Unless otherwise provided by law, nothing contained in this Title may be construed as giving the Planning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States Government, unless specifically granted by those entities.

14-1-109 ENFORCEMENT AND ABATEMENT

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this ordinance, and any land, building, or premises used contrary to the provisions of this Title is hereby declared to be unlawful and a public nuisance. The City Attorney may immediately commence action or proceedings for the abatement and removal and enjoinders thereof in the manner provided by law. The City Attorney may take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this Title. The remedies provided for herein shall be cumulative and not exclusive.

14-1-110 INSPECTION

The Chief Building Inspector, Planning Director, and City Engineer, or their authorized representatives, are hereby authorized to inspect or cause to be inspected, all buildings and structures in the course of construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Title. Said persons are authorized to enter upon private property at reasonable times and/or after reasonable notice has been given to the property owner or occupant.

14-1-111 PENALTIES

Any person, partnership, corporation, or other body, whether acting as principal agent, employee, or otherwise, who violates or causes the violation of any of the provisions of this Title, or fails or refuses to do some act required under this Title, shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment not to exceed the limit set forth in State law. Such person, firm, or corporation shall be deemed to be guilty of a separate offense each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

14-1-112 CONFLICTING PROVISIONS

In cases where regulations within this Ordinance conflict, the most restrictive of the conflicting regulations shall supersede the less restrictive.

14-1-113 FINAL DECISIONS AND APPEALS

- A. A “final decision” is “rendered” when a vote is taken on the merits of the proposal by the Administrative Committee, Planning Commission, or City Council, or when an administrative decision is issued in written form by the Planning Director or other City official.
- B. Any person, organization, corporation or governmental unit shall have the right to appeal as set forth in the Administration and Procedures chapter of this Title.
- C. An appeal body may affirm, reverse, or alter any determination, or may postpone a determination until further study can be conducted. This may include referring the matter back to the original decision making body for additional review.

14-1-114 SEVERABILITY OF PARTS OF ORDINANCE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Title are severable and, if any phrase, clause, sentence, paragraph or section of this Title shall be declared invalid by the final judgment of decree of any court of competent jurisdiction, or deleted through amendment or repeal, such invalidation, or deletion shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Title.