

**TOWN OF BLUFF, ORDINANCE NO. 2025-**  
**AN ORDINANCE ENACTING BUILDING CODE ENFORCEMENT AND**  
**ADMINISTRATION**

The following describes the intent and purpose of this ordinance:

- A. The Town of Bluff (the Town) finds that it is in the public interest that all construction within Town is safe, sanitary, and habitable. The adoption and enforcement of building regulations is important for the preservation of public health, safety, and welfare.
  
- B. The Town previously utilized San Juan County’s building administration department for building inspections and building code administration for the Town. As of February 2, 2025, due to lack of capacity, San Juan County indicated that they could no longer provide building inspection services to municipalities.
  
- C. The Town finds it in its best interest to adopt the Utah State Building Code. Therefore, it is enacted as follows:

**TITLE 9**  
**BUILDING REGULATIONS**

**9.01.010 DEFINITIONS.**

Where terms are not defined in this ordinance and are defined in the Utah Building Code, such meanings shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

- A. **Building Permit** means documentation of an official approval issued by the local government agency allowing construction or remodeling to proceed on the property. It is intended to ensure that the project will comply with local standards for land use, zoning, and construction.
  
- B. **Certificate of Occupancy (CO)** means a legal document issued by a local government agency or building department that certifies a building is safe and compliant with building codes, zoning laws, and regulations, making it suitable for occupancy.

- C. **Construction** means the process of creating structures, buildings, or other real property assets, by combining engineering, procurement, fabrication, installation, assembly or demolition.
- D. **Demolition** means the intentional dismantling or destruction of a structure or part of a structure.
- E. **Land Use Clearance (LUC)** means clearance granted by the Town of Bluff Planning and Zoning Commission to an individual or entity to develop; perform new construction; move a mobile, manufactured, or prebuilt home onto a lot; and for any addition or remodel, in accordance with Zoning Ordinances that the proposed land use meets the zoning requirements. The signed LUC is a required part of the building permit application subsequently sent to the approving body.
- F. **Owner-Builder** means an individual who owns a residential property and personally performs, or directly supervises, the construction, alteration, or repair of the residence on that property, without hiring a licensed contractor.
- G. **Project Abandonment** means if the builder has not worked provided substantial work on a construction project for six (6) consecutive months or more, the project is considered abandoned.
- H. **Building Official** means an individual who:
- a. has at least six years of experience as an architect, engineer, inspector, plan examiner, contractor or superintendent of construction, or any combination of these; and
  - b. is actively licensed as a combination inspector in accordance with Section 58-56-9 of Utah State Code; and
  - c. has completed 40 hours of management training as the division established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or is a certified building official.
- I. **Renovation** means to restore a building to an improved condition by replacing and upgrading present components to meet the required standards without altering the original design and use.

- J. **Remodel** means to transform the layout or structurally change the building often involving a change of use or space, electrical, plumbing and other components.
- K. **Restoration** means returning a building to a former state, such as historical preservation for buildings to maintain their heritage and culture, often features of a building are recreated to match original appearance and functions.
- L. **Stop Work Order or “Red Tag”** means an official directive issued by a the Building Official that requires all construction or development activities at a site to immediately cease.
- M. **Structural Change** means any modification to a building or structure that affects its load-bearing elements or the overall structural integrity. Structural changes include, but are not limited to, alterations to the foundation, columns, beams, girders, load-bearing walls, roof supports, or any other structural components. The term also encompasses changes that increase or decrease the building’s footprint, height, or occupancy classification. Cosmetic changes such as painting, flooring, cabinetry, or non-load-bearing partition modifications are not considered structural changes.
- N. **Utah State Building Codes** mean the building codes and standards adopted by the State of Utah, as set forth in Title 15A of the Utah Code, as amended. The most current edition of the building codes adopted by the State of Utah shall automatically apply within the Town of Bluff without the need for further action by the Town Council.

#### **9.01.020 BUILDING OFFICIAL.**

The Town hereby creates the position of Building Official. The Building Official is a qualified person employed or contracted by the Town to provide construction code administration services within the Town. The Building Official is authorized and directed to enforce all applicable provisions of the Utah State Building Codes, and the Building Official has all legal authorities provided by the Utah State Construction and Fire Codes Act, U.C.A. § 15A-1-201, et seq. All Utah State Building Codes apply within the Town and are hereby incorporated by reference.

#### **9.01.030 POWERS AND DUTIES.**

The Building Official is authorized and directed to:

- i. Review and issue building permits;
- ii. Conduct site plan reviews;
- iii. Conduct construction plan reviews;
- iv. Make interpretations of construction codes;
- v. Determine the number of required building inspections;
- vi. Inspect a building during construction;
- vii. Issue final Certificate of Occupancy for completed projects;
- viii. Issue stop work orders or notices for corrective action;
- ix. Administer and collect permit fees, as adopted by the Town; and
- x. Perform such other tasks as may be conferred by applicable construction codes;
- xi. Provide regular reports to the Planning and Zoning Commission on pending and approved permits;
- xii. Communicate in a timely manner with Planning and Zoning Commission, Town Staff, and Town Council any issue which involves the parties stated; and
- xiii. Any other duties as permissible by law.

#### **9.01.040 RIGHT OF ENTRY**

- A. As a condition of submitting a building permit application or land use clearance application within the Town of Bluff, the applicant expressly grants the Building Official and relevant administrative staff the right of entry onto the subject property for the purposes of inspection and compliance verification. This right of entry shall extend throughout the duration of the construction process until the project is completed and a Certificate of Occupancy, if required, has been issued.
- B. Inspections may be conducted at reasonable times to ensure compliance with approved plans, applicable building codes, zoning regulations, and other municipal ordinances governing construction and land use, or if the Building Official has reason to believe the structure or premises presents a threat to public safety. The property owner, applicant, or authorized representative shall provide access to all areas of the site necessary for the Town of Bluff to perform required inspections. Failure to permit lawful entry for inspections may result in the suspension or revocation of the building permit or land use clearance.

- C. The Town of Bluff shall make reasonable efforts to notify the property owner or applicant in advance of inspections, except in cases where immediate access is necessary to address safety concerns, code violations, or other circumstances requiring prompt attention.

**9.01.050 BUILDING PERMIT REQUIRED.**

- A. The construction, alteration, repair, demolition, removal, or relocation of any building or structure, or any part thereof, shall not commence or proceed without first obtaining a written permit issued by the Building Official. A building permit is required for all new construction, as well as any renovations, remodels, restorations or modifications that involve structural changes, electrical systems, plumbing systems, or other work regulated by the building code. Exemptions to this requirement are outlined in the International Building Code Section 105.2.
- B. The responsibility to determine whether a permit is required rests with the property owner, contractor, or applicant. Failure to obtain the necessary permit before commencing work may result in enforcement actions, including fines, stop-work orders, or other penalties as prescribed in section 9.01.130.
- C. A building permit issued by the Town of Bluff shall be valid for a period of one (1) year from the date of issuance for work to commence. If no substantial work, as determined by the building official, has commenced or if the project has been abandoned for a period of six (6) months or more, the permit shall expire and become void. A new building permit must be obtained before any work may proceed and all relevant building permit fees must be paid in full.

**9.01.060 BUILDING PERMIT APPLICATION.**

- A. Any individual or entity seeking a building permit must submit a completed Town of Bluff Building Permit Application to the Building Official before commencing any construction, alteration, or repair work requiring a permit under this ordinance.

- B. All applications must be complete, including all required fields and attached documentation, in a clear, legible font. The applicant must sign the application before it will be considered for review. Incomplete or unsigned applications shall not be processed.
- C. Once an application is determined to be complete, the Building Official shall review it for compliance with applicable building codes and regulations. The Building Official may request additional information or clarification as necessary to determine compliance. The Building Official shall adhere to all applicable state laws regarding the timeframe for reviewing building permit applications as provided by Utah law.
- D. The Building Official shall approve or deny the application based on its adherence to the requirements of this ordinance, applicable state building codes, and other Town ordinances. The applicant shall be notified of the decision in writing.

**9.01.070 PERMIT FEES.**

- A. The Town Council shall set building permit fees from time to time by resolution.
- B. Building permit fees shall be collected by the Building Official after the application has been reviewed for completeness. The Building Official shall determine the final permit fees based on the scope of work, applicable fee schedules, and any other relevant factors. Payment in full is required before a permit is issued, and no work shall commence until all required fees have been paid in full.
- C. Where applicable fees are based upon the value of the subject construction, the Building Official shall verify the applicant's estimated project valuation and assess the amount of the fee based on commonly accepted construction cost measurement tools.
- D. All building permit fees assessed and collected by the Town of Bluff are non-refundable and non-transferable. Payment of permit fees is required for the review, processing, and administration of permit applications, regardless of whether the permit is ultimately used, the project is completed, the permit expires, or the permit is later revoked or withdrawn.
- E. Exceptions to payment refund policy may only be granted at the sole discretion of the Building Official in cases of administrative error or overpayment.

### **9.01.080 OWNER-BUILDER LIMITATIONS**

A. Per Utah State Law: Owner-builders are permitted to construct, alter, or repair residential structures on their own property within the Town of Bluff, subject to the following conditions:

- a. Primary Residence Requirement: The owner-builder must personally own the property and intend to use the completed structure as their primary residence. Owner-Builder applicants may only build one residence in the year and no more than three (3) residential structures in the past five years.
- b. The owner-builder is required to obtain all necessary permits prior to commencing work and must schedule required inspections throughout the construction process.
- c. Prior to permit issuance, the owner-builder must sign a State of Utah Owner/Builder Certification Agreement form provided by the Town of Bluff, affirming their understanding of the responsibilities, liabilities, and restrictions associated with owner-builder status.
- d. All work performed must comply with the Utah State Building Code, as adopted by the Town of Bluff, and is subject to inspections by the building official.
- e. Owner-builders may not construct commercial buildings or multi-family dwellings without the appropriate contractor licenses, in accordance with Utah Code Title 58, Chapter 55.
- f. This allowance may not be used to circumvent contractor licensing laws. Any indication that the work is being performed for commercial gain or resale without proper licensure may result in permit revocation and legal penalties.
- g. If subcontractors are employed for any portion of the work, the owner-builder must ensure that all subcontractors are appropriately licensed and comply with all state and local requirements.

### **9.01.090 CERTIFICATE OF OCCUPANCY.**

A Certificate of Occupancy shall be issued by the Building Official upon determination that all construction, alteration, or repair has been completed in compliance with the approved building

permits, applicable building codes, and all required inspections have been successfully completed and approved.

#### **9.01.100 STOP WORK ORDER OR “RED TAG”.**

- A. The Building Official has authority to issue a Stop Work Order or “Red Tag” whenever work is being done at any structure or premises that is:
  - i. Contrary to the State Building Code or applicable Town ordinances;
  - ii. Undertaken without applicable permit(s); and/or
  - iii. Undertaken without paying applicable fees.
- B. The Building Official may issue a Stop Work Order in writing by notice posted upon the structure or premises in question and served as soon as practicable thereafter by First Class United States Mail upon the record owner of the same.
- C. Once in place, the removal of a "red tag" is a violation of this section, unless and until such time as the reason for the violation has been resolved and the removal of said notice has been approved by the building inspector.

#### **9.01.110 EXEMPTIONS.**

- A. Exemptions from the requirement to obtain a building permit within the jurisdiction of Town of Bluff shall align with those specified in the most current edition of the Utah Building Codes: ICC Digital Codes.
- B. All exempt structures must comply with applicable zoning regulations, setback requirements, and any other land use restrictions established by the Town of Bluff. The exemption from permitting does not relieve the property owner from ensuring that the structure is constructed in a safe and code-compliant manner.



### **9.01.120 VIOLATIONS.**

- A. No person or entity shall erect, construct, enlarge, alter, or repair any structure or premises in a manner contrary to, or in violation of, applicable construction codes and permits issued under this Title or the State Building Code.
- B. It is unlawful for any person or entity to engage in construction requiring a permit without first paying for and obtaining a building permit for the subject construction.
- C. Any person or entity that commences construction, alteration, or repair of a structure within the Town of Bluff without first obtaining the required permits shall be subject to a penalty fee. The penalty fee shall be twice the amount of the regular permit fees that would have been applicable had the permit been properly obtained prior to the commencement of work.
  - i. This penalty applies regardless of whether the work complies with applicable building codes or is later approved through the permitting process.
  - ii. The imposition of double permitting fees does not preclude additional enforcement actions, including stop-work orders, fines, or other remedies as authorized by law.
- D. It is unlawful for any person or entity to fail or refuse to obey any order or directive, including a Stop Work Order, issued under this Chapter.

### **9.01.130 ENFORCEMENT.**

- A. If steps towards achieving voluntary compliance do not result in a cure to the violation(s), the Town may:
  - i. Withhold certificates of occupancy and business licenses;
  - ii. Obtain an injunction to halt or abate violations of this Title;
  - iii. Recover a civil penalty;
  - iv. Commence an action for damages—including damages for costs incurred in abating violations; and/or
  - v. Any other remedies available at law or equity. The Town may combine remedies in its discretion and pursue some or all at different times, as may fit the circumstances.

- B. Prior to invoking any judicial remedies, the Town shall provide written notice to the property owner identifying the violation(s) and allowing a period of not less than thirty (30) days, in which to cure or abate the violation. The notice shall be sent by First Class United States Mail, addressed to the property owner, as stated in the permit application, or as otherwise specified in applicable land records.
- C. To obtain injunctive relief the Town need only prove a violation of this Title; it shall not be required to post a bond as a condition for obtaining injunctive relief.
- D. In any civil judicial action under this Title the Town may recover its reasonable attorney fees and court costs, in addition to any other relief.

This ordinance was approved and adopted by the affirmative vote of a majority of the Town Council of the Town of Bluff at a duly noticed public meeting this first day of April, 2025. This ordinance shall take effect immediately upon publication.

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