

ORDINANCE NO. 2004-02

**AN ORDINANCE ADOPTING UNIFORM CODES FOR THE
PROTECTION OF PERSONS AND PROPERTY IN
THE CITY OF WENDOVER, TOOELE COUNTY, UTAH.**

RECITALS

1. Pursuant to U.C.A. §58-56-4 (and other provisions of Title 58, Chapter 56), the City of Wendover authorized to regulate building construction, alteration, remodeling and repairs within the City.

2. Pursuant to U.C.A. §53-7-106 (and other provisions of Title 53, Chapter 7), the City of Wendover is authorized to regulate and safeguard life and property from the hazards of fire and explosion.

3. The City council believes it is in the best interest of the City, its residents and businesses that the City adopt by reference uniform codes relating to building and fire safety.

BE IT ORDAINED BY THE WENDOVER CITY COUNCIL:

Section No. 1. Construction Codes Adopted. The Codes adopted in this Section shall be referred to collectively as the "Construction Codes" for the City of Wendover. Unless otherwise provided herein, the adoption of each code shall only include the adoption of appendices and amendments required to be adopted by the laws and regulations of the State of Utah and those otherwise adopted herein. The following uniform codes are adopted by the City of Wendover, Utah:

A. International Building Code. The 2003 edition of the International Building Code (IBC), including Appendix J promulgated by the International Code Council, and amendments adopted by the Utah Uniform Building Standards Act Rules, UAR R156-56 (the "Rules") together with standards incorporated into the IBC by reference, including but not limited to, the 2003 edition of the International Energy conservation Code (IECC) promulgated by the International Code Council and the 2003 edition of the International Residential code (IRC) promulgated by the International Code Council which became effective on January 1, 2004, and including the applicable 2003 Administrative Code of the IBC.

B., National Electrical Code. The 2002 edition of the National Electrical code (NEC) promulgated by the National fire Protection Association, which became effective January 1, 2003.

C. International Plumbing Code. The 2003 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under the Rules in Section R156-56-707 which became effective on January 1, 2004.

D. International Mechanical Code. The 2003 edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the 2003 International Fuel Gas Code (IFGC) (formerly included as part of the IMC) and

amendments adopted under the Rules in Section R156-56-708 which became effective on January 1, 2004.

E. Manufactured Housing Code. Subject to the provisions of Subsection (4) of UAR R156-56-701, the Federal Manufactured Housing construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990.

F. Manufactured Home Installations. Subject to the provisions of Subsection (4) of UAR R 156-56-701, the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

Section No. 2. Fire Codes Adopted. The Codes adopted in this Section shall be referred to collectively as the "Fire Codes" for the City of Wendover. Unless otherwise provided herein, the adoption of each code shall only include the adoption of appendices required to be adopted by the laws and regulations of the State of Utah, including without limitation U.C.A. Title 53, Chapter 7, and UAR R710-9, and those otherwise adopted herein. The following uniform codes are adopted by the City of Wendover, Utah:

A. Uniform Fire Code. International Fire Code (IFC), 2003 edition, excluding appendices, as promulgated by the International Code Council, Inc., except as amended by provisions listed in UAR R710-9-6, et seq.

B. LP Gas Code. National Fire Protection Association (NFPA), NFPA 58, Liquefied Petroleum Gas Code, 2001 edition, except as amended in provisions listed in UAR R710-9-6, et seq.

C. National Fuel Gas Code. The 2002 edition of the National Fuel Gas Code, Promulgated by the National Fire Protection Association (NFPA), Standard 54, as amended and adopted by the State of Utah.

Section No. 3. Amendments to Codes. The City acknowledges that the codes adopted herein may change form time to time by statute or rule of the governing agency of the State of Utah, including without limitation the Uniform Building code Commission and the Utah State Fire Marshall. In the event more recent editions or amendments to the codes adopted herein are adopted by statute or rule of the governing agency of the State of Utah, the same shall be , and hereby are, adopted by the City of Wendover, Utah.

Section No. 4. Fees. Whenever a fee is required to be paid under the Codes described in Sections 1,2 or 3, above, said fee shall be paid to the City of Wendover. The amount of each fee shall be consistent with the fees described in each Code.

Section No.5. Violations – Penalty.

A. Violations. No person, firm, corporation or entity, whether as owner, contractor, subcontractor, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or allow the same to be done, contrary to or in violation of

any of the provisions of the codes adopted herein, or of any order of the Building Official or Fire Marshal of the City of Wendover, Utah.

B. Penalty. Any person or entity who violates or fails to comply with any requirement of the codes adopted herein, or who violated or fails to comply with any order of the Building Official or Fire Marshal, shall be guilty of a Class B misdemeanor and shall be subject to imprisonment and/or a fine in accordance with the laws of the State of Utah.

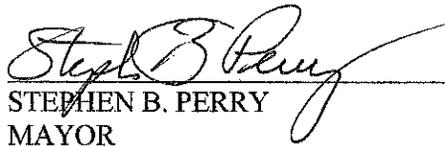
C. Continuing Offenses. In all instances where the violation of any part of this Ordinance is a continuing violation, a separate offense shall be deemed committed on each day, or any portion of a day, on which the violation occurs or continues.

Section No. 6. Repealer. All previous ordinances, rules and regulations adopted by the governing body of the City relating to the adoption of construction or fire codes are hereby repealed.

Section No. 7. Severability Clause. The provisions of this Ordinance and all regulations which may be adopted hereunder, are severable. If any provision of the Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

Section No. 8. Effective Date. This Ordinance shall become effective immediately upon posting as required by law.

**PASSED AND ADOPTED BY THE WENDOVER CITY COUNCIL THIS 21ST
DAY OF APRIL, 2004.**


STEPHEN B. PERRY
MAYOR

ATTEST:


MARGARET L. WHEELER
CITY CLERK/RECORDER

CERTIFICATE OF POSTING ORDINANCE

I, THE DULY APPOINTED AND ACTING RECORDER FOR THE CITY OF WENDOVER, UTAH HEREBY CERTIFY THAT COPIES OF THE FOREGOING ORDINANCE NO. 2004-02 WERE POSTED AT THREE PUBLIC PLACES WITHIN THE MUNICIPALITY THIS 26TH DAY OF APRIL, 2004 WHICH PUBLIC PLACES ARE:

1. WENDOVER, UTAH CITY OFFICES
2. FRED'S MARKET
3. WENDOVER, UTAH POST OFFICE
4. FAXED TO THE WENDOVER TIMES

DATED THIS 26TH DAY OF APRIL, 2004


Margaret L. Wheeler
CITY CLERK/RECORDER