ORDINANCE NO. 2026-26

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING REQUIREMENTS FOR BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City (see Utah Code § 10-8-84; Ivins City Code §§ 2.01.301, et seq.)

WHEREAS before the City Council can pass an ordinance regulating land use the planning commission for Ivins City (the "Planning Commission") must consider the regulation and conduct a public meeting regarding the proposed land use regulation;

WHEREAS after conducting a public meeting regarding this ordinance on _____ the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS the City Council has investigated and considered State Code updates to our Building Permits and Certificates of Occupancy;

WHEREAS the City Council has considered the impact this ordinance may have on family health, stability and formation; and

WHEREAS the City Council finds that adoption of this ordinance will update our City Code to be in compliance with State Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Amendment to Sections 15.05.901 and 902 of the Ivins City Code. Sections 15.05.901 and 902 of the Ivins City Code are hereby amended in their entirety as follows:

See Exhibit A

Section 2. Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

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

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2026, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____

Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Dillon Hurt	_____	_____	_____	_____
Wayne Pennington	_____	_____	_____	_____

Kevin Smith, Mayor

ATTEST:

Kari D. Jimenez, City Recorder

Exhibit A

15.05.901: BUILDING PERMITS:

(1) Permit Required. No person shall erect, construct, enlarge, alter, repair, move, demolish, or change occupancy or use of a building or structure when a building permit is required by the Building Code without first obtaining a building permit from Ivins City.

(2) Complete Application. An application for plan review shall be considered complete when it contains all information as required by the Building Code.

(3) Requirements for Issuance. Building permits for structures shall not be issued until the application has been reviewed and found in accordance with the Building Code.

(4) Additional Requirements Within New Subdivisions. For construction within a new or incomplete subdivision, the following additional requirements apply:

(a) Culinary water, sanitary sewer, and storm drains are installed or secured with a bond in accordance with City requirements.

(c) Fire hydrants are installed in accordance with City standards, operable and located as required by Fire Code.

(d) Construction access provides all-weather access roadway with minimum widths in accordance with Fire Code and City standards.

(e) The project is in compliance with stormwater federal, state, and local codes and standards.

(f) If part of a current uncompleted subdivision, the construction drawings must be approved, the final plat is recorded, development agreement is signed and recorded, and any improvements that are not complete must be secured with an improvement bond in accordance with City code.

15.05.902: CERTIFICATES OF OCCUPANCY:

(1) Certificate Required. No building or structure for which a certificate of occupancy is required by the State Construction Code shall be occupied or used, and no change in occupancy shall occur, until the Building Official has issued a certificate of occupancy or other authorization for occupancy permitted by the State Construction Code.

(2) Requirements of Issuance. The Building Official shall issue a certificate of occupancy when the Building Official determines that all requirements applicable to occupancy have been satisfied, including, as applicable:

(a) Final Building Approval. All required building inspections have been completed and the building or structure complies with the State Construction Code to the extent required for occupancy.

(b) Utility Infrastructure Services. Public infrastructure necessary for the health, life, and safety of the occupants shall be installed and operational, as applicable and as permitted by state law.

(i) Such infrastructure may include culinary water, sanitary sewer, storm drainage and flood-control facilities, fire protection, electrical power, gas, safe access, or other public infrastructure determined by the Building Official, Fire Code Official, or City Engineer to be necessary for the health, life, and safety of the occupants.

(c) Access. Safe and adequate access to the building must be provided. Where subdivision or development infrastructure remains incomplete and is subject to an improvement completion assurance, the City may require, as permitted by state law:

(i) a permanent road;

(ii) a temporary road surfaced with asphalt or concrete; or

(iii) another means of access to the structure consistent with applicable provisions of the International Fire Code.

(d) Public Sidewalk. The City may withhold a certificate of occupancy for a single-family dwelling, two-family dwelling, or townhome until the public sidewalk located immediately adjacent to the dwelling is completed and accepted by the City, as permitted by State laws.

(e) Permit Documents. The City may withhold a certificate of occupancy for failure to comply with a requirement expressed in the building permit, subdivision plat, development agreement, applicable law or ordinance, or a document upon which the applicable approval is based, to the extent withholding the certificate of occupancy is authorized by state law.

(f) Public Landscaping or Infrastructure Improvements. Any other lawfully required public landscaping or infrastructure improvements that have not been installed as authorized by this code shall be secured with an improvement bond as required by this code.

(g) Written Agreement. The City may withhold a certificate of occupancy where the applicant and the City have expressly agreed in a development agreement or other written document that issuance of a certificate of occupancy may be withheld until specified requirements or improvements have been completed, subject to applicable state law.

(3) Effect of Issuance. Issuance of a certificate of occupancy does not by itself constitute acceptance of any subdivision or site improvements; nor does it start the warranty period for such improvements; nor does it initiate a release or reduction

of any improvement bond; nor does it constitute any sort of waiver of continuing developer obligations.

(4) Notice of Deficiencies. When the City denies or withholds a building permit or certificate of occupancy, the City shall identify the requirement that has not been satisfied and the basis for withholding issuance, as required by applicable state law.