Changes to Titles 9, 10, And 11 as a Result of Title 12

Title 9 – Building Regulations

9-2-2: Application, Plans, And Review
E. Any property owner who disagrees with a decision of the Planning and Zoning Commission or the Building Inspector may file an appeal with the Torrey Hearing Officer as provided in Title 12, no more than 30 days from the date the Commission's or Inspector's decision was made.

9-2-7: Penalty
~~A. Any owner, architect, contractor, or handyman who commences work without first securing the approvals described in Section 9-2-2 shall be guilty of the offense of starting construction without a building permit. When the Building Inspector or other authorized person learns of a violation, he or she shall have authority to require that the work stop immediately and that the work not continue until an authorized person acquires a building permit. The fee for the building permit obtained after work has commenced shall be double the amount it would have cost if the applicant had complied with this chapter.~~
A. All violations of this code shall be enforced exclusively through the Administrative Code Enforcement Process established in Title 12. Criminal penalties under this section may be pursued only after the Town Council formally votes to authorize referral of the matter to the District Court for prosecution as a Class B or Class C misdemeanor.
~~B. Whoever shall violate any of the provisions of this title shall be subject to penalty as described in Title 1 Chapter 4 of the Town's ordinances.~~

9-3-1 : Land Use Authorities for Sign Applications
A. The Planning and Zoning Commission is the land use authority for ~~**conducting reviews of**~~ all sign permit applications~~, and for coordinating with the Building Inspector as needed~~.
Approved sign permit applications are final unless appealed to the Torrey Hearing Officer within 30 days, as established in Title 12.
~~**B.** Any property owner who disagrees with a decision of the Planning and Zoning Commission or the Building Inspector may file an appeal with the Torrey Hearing Officer no more than 30 days from the date the Commission's or Inspector's decision was made.~~

9-3-13: Enforcement
Any sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance ordilapidation, or be a land use ordinance or building code violation, shall be remedied and corrected upon notice by the ~~town council~~ Planning and Zoning Commission or Building Inspector. Any sign not remedied or corrected within thirty (30) calendar days' written notice by the town ~~council~~ Commission or Building Inspector shall be subject ~~to removal by the town or other remedies that may be available to the town under the law~~ enforcement as provided in Title 12.

9-4-4: Application and Review Procedure
C. Any property owner who disagrees with a decision of the Planning and Zoning Commission or the Building Inspector may file an appeal with the Torrey Hearing Officer as

provided in Title 12, no more than 30 days from the date the Commission's or Inspector's decision was made.

9-4-14: Violations

C. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered is a violation of this chapter and will be enforced as provided in Title 12.

Title 10 – Zoning and Land Use Regulations

10-3-1 : Enforcement

A. The Planning and Zoning Commission is charged with the enforcement of this title. From time to time, by resolution or ordinance, the Town Council may delegate the enforcement, in whole or in part, to any other employee or agent ~~of the town~~, an independent official, an interlocal entity, a building inspector, or another authorixed enforcement official without amendment to this title. ~~The Commission or any replacement enforcer may not~~ No enforcement official may waive any provisions of this title.

B. ~~, or~~ Neither the Planning and Zoning Commission nor the Building Inspector shall issue any permit unless the plans of the proposed erection, construction, reconstruction, alteration and use fully conform to all ~~building~~ land use development regulations in ~~these ordinances~~ effect.

C. ~~B.~~ It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings and improvements in the course of construction or repair, subject to lawful inspection authority and applicable permit conditions, to ensure conformity with all building regulations in ~~Title 9 of this~~ the Torrey Town code. No person or individual shall interfere with the building inspector's duty to inspect nor change, alter, or modify any inspected and approved construction without notifying the building inspector of such changes.

D. ~~C.~~ No construction, alteration, repair or removal of any building or structure, or any part thereof, or the change of use of any land or building ~~as provided or as~~ regulated ~~in~~ by this Title, is allowed without ~~review and approval by the Planning and Zoning Commission, a~~ written ~~building~~ permit approved by the Building Inspector or other land use authority, and the payment of all fees due.

E. A violation of this Title may be enforced through Title 12 of the Town Code in addition to any other remedy. A civil code enforcement proceeding addresses whether a violation exists and the appropriate enforcement remedy; it does not replace an appeal from a land-use application decision and does not authorize a Hearing Officer to approve a land-use application, grant a variance, amend a zoning designation, or recognize a nonconforming right except as otherwise expressly authorized by law.

10-3-3: Application, Plans, and Review

A. A building permit application shall be obtained from, fully completed and executes, and returned to the town clerk with the appropriate fees. The completed application must be accompanied by one digital copy or two hard copies of architectural plans and specifications including landscaping, prominent trees, fencing, adjacent streets, and off-street parking, as well as lighting layouts and specifications described in Title 9-4-4, septic system approval, and water connection approval, all showing the full nature of the proposed construction or alterations. The plans must be verified by the person who will perform or be in charge of the construction or alteration.

C. Upon approval of the application and plans by the Planning and Zoning Commission and the Building Inspector, one set of plans shall be returned to the applicant with a permit, and the other set shall be retained by the town clerk. No permit shall be issued until after the approval of all plans as described above ~~and the payment of all fees due~~. Neither the Building Inspector nor the Planning and Zoning Commission may waive any part of the Town's regulations or ordinances.
~~D. Neither the Building Inspector nor the Planning and Zoning Commission may waive or ignore any part of the Town's regulations or ordinances.~~
D. ~~E.~~ It shall be unlawful to vary materially from the approved plans and specifications, unless such variations are submitted to and approved by the Building Inspector and the Planning and Zoning Commission by means of an amended set of plans as described in Section 10-3-3(A) ~~A above~~.
E. ~~F.~~ Any property owner who disagrees with a decision of the Planning and Zoning Commission or the Building Inspector may file an appeal with the Torrey Hearing Officer as provided for in Title 12, no more than 30 days from the date the Commission's or Building Inspector's decision was made.
F. All conditional use permits, including but not limited to design review for buildings and uses covered by conditional use permits, shall be incorporated into the conditional use permit review by the Planning Commission and need not be a separate application, provided all requirements of this Title are met.

10-3-4: Nuisance and Abatement

A. The Building Inspector and the Planning and Zoning Commission 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 building and land uses to determine compliance with Town Ordinances. Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to a Town ordinance, and any use of land, a building, or premises established, conducted, or maintained contrary to a Town ordinance, is unlawful and is hereby declared a public nuisance.
~~B. The town contracts with the Wayne County building inspection service. The Inspector does not serve as a teacher or instructor on projects. The Inspector's responsibilities are to inspect completed work and note any deficiencies and required corrections. Requests must be made at least twenty four (24) hours in advance to the Inspector.~~
B. Upon request of the Town Council, the Town Attorney may commence an action to abate, restrain, or enjoin a person, firm, corporation, or other entity from erecting, constructing, maintaining, occupying, or using a building, structure, or property contrary to Town ordinances. The remedies provided in this Chapter are cumulative and not exclusive.

C. The Town may use the notices, administrative citations, hearings, civil penalties, recordation, abatement, cost-recovery, injunction, and other procedures in Title 12 to enforce this Title. When the Town elects to proceed under Title 12, the procedural provisions of Title 12 control to the extent of a conflict, except that controlling Utah law and a more specific statutory procedure shall govern.

D. Any municipal abatement of weeds, garbage, refuse, a public nuisance, an illegal object or structure, or hazardous materials shall comply with Utah Code Title 10, Chapter 11, or successor law, when that chapter applies.

10-3-5: Licensing

All town departments, officials, employees, contractors, and agents ~~public employees of the town which are~~ vested with the ~~duty or~~ authority to issue permits or licenses shall conform to the provisions of this Title and shall not issue ~~no~~ a permit or license for a use~~s~~, building~~s~~ or purpose~~s~~ that conflicts with this Title. ~~where the same would be in conflict with the provisions of this title, and any such~~ A permit or license~~, if issued~~ in conflict with ~~the provisions of~~ this Title~~, shall be null and void~~ is void to the extent provided by law.

10-3-6: Fees

Fees may be charged t~~o applicants~~ for building, occupancy, and conditional use permits; design review; ~~and~~ planned unit development approval; ~~by the~~ Planning and Zoning Commission or appeals agency hearings; and ~~such~~ other services ~~as are~~ required by this title to be performed by public officers, contractors, or agencies. ~~Such fees shall be established by the Town Council and be amounts reasonably needed to defray cost to the public.~~ The Town Council shall establish fees in amounts reasonably related to the cost of the service.

10-3-7: Effect on Previous Ordinances and Maps

~~The~~ Existing ordinances covering land use and development ~~regulations, in their entirety~~, ~~and~~ including ~~the~~ maps and standard drawings ~~heretofore~~ previously adopted and ~~made a part of said~~ incorporated into those ordinances, are hereby superseded and amended ~~to read~~ as set forth in this Title. herein; ~~provided, however, that~~ This Title, including its accompanying maps and standard drawings, ~~shall be deemed~~ is a continuation of previous ordinances and not a new enactment~~, insofar as the~~ to the extent the substance of prior revisions is continued ~~of previous ordinances are included in this title~~, whether in the same or in different language~~; and~~. This Title shall be ~~so~~ interpreted accordingly on questions concerning the ~~upon all questions of construction relating to~~ tenure of officers and boards, and the ~~established by previous ordinances and to questions of conforming or nonconforming~~ dates upon which such uses, buildings, or structures became conforming or nonconforming.

10-3-8: Minimum Requirements

In interpreting and applying ~~the provisions of~~ this Title, the requirements ~~contained~~ stated herein are declared to be the minimum requirements for the purposes stated in this Title. ~~set forth.~~

0-3-9: Conflict and Severability

A. This Title ~~shall~~ does not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but ~~shall~~ prevails over ~~notwithstanding such~~ provisions ~~which~~ that are less restrictive to the extent permitted by law.

~~B. This Title shall supersede any contradiction between any other town ordinances. The Town Council may elect to adopt amendments to Title 10 that are more restrictive than existing, or related building codes.~~

B. If a provision of this Title or its application to a person or circumstance is held invalid, the remaining provisions and applications are not affected.

C. Title 12 supplies additional enforcement procedures and remedies. When a notice, citation, or order expressly states that the Town is proceeding under Title 12, Title 12 controls an inconsistent procedural provision, but the substantive requirements of this Title and any controlling state-law procedure remain in effect.

10-3-10: Penalty and Remedies

~~A. Any owner, architect, contractor or handyman that commences work without first securing a permit required shall be guilty of the offense of starting construction without a building permit. When the Building Inspector or other authorized person learns of a violation, he or she shall have authority to require that the work stop immediately and that the work not continue until an authorized person acquires a building permit. The fee for the building permit obtained after work has commenced shall be double the amount it would have cost if the applicant had complied with this chapter.~~

A. Subject to Utah Code §10-3-703 and other applicable law, a person who violates this Title is guilty of an infraction and, upon conviction, is subject to the penalty provided in Section 1-4-1 of this Code. Each day a violation continues after expiration of any legally required notice and cure period may constitute a separate offense.

~~B. Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of town ordinances, and any use of land, building or premises established, conducted or maintained contrary to provisions of any town ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance. The town attorney shall, upon request of the Town Council, commence action for abatement thereof in a manner provided by law, and restrain or enjoin any person, firm or corporation from erecting, building, maintaining or using the building or structure or property contrary to the provisions of town ordinances. The remedies provided for herein shall be cumulative and not exclusive.~~

~~C. Whoever shall violate any of the provisions of this title shall be subject to penalty as described in Title 1 Chapter 4 of the Town's ordinances.~~

B. For a violation involving an individual's pet or use of an individual's residence, the Town shall not impose a criminal penalty greater than an infraction unless an exception in Utah Code §10-3-703 applies. The Town shall also comply with any statutory limit on the frequency of citations for an ongoing violation. This subsection does not limit lawful enforcement of building or fire codes.

~~C. Whoever shall violate any of the provisions of this title shall be subject to penalty as described in Title 1 Chapter 4 of the Town's ordinances.~~

C. In lieu of or in addition to criminal enforcement, the Town may impose civil penalties and use administrative and judicial remedies under Title 12. A civil penalty may not exceed the maximum amount allowed by Utah law, and no civil penalty shall be assessed for the same violation and date for which the Town has filed a criminal case, although other remedies remain available.

D. Because a violation of this Title does not include the possibility of imprisonment, the Town is not required under Utah Code §78B-22-301 to provide indigent defense services, as defined by Utah Code §78B-22-102.

E. All remedies are cumulative unless controlling law expressly provides otherwise.

10-8-9: Appeal

Any property owner who disagrees with a decision of the Planning and Zoning Commission or the Building Inspector may file an appeal with the Torrey Hearing Officer as provided in Title 12, no more than 30 days from the date the Commission's or Inspector's decision was made.