

# **TOQUERVILLE CITY**

ORDINANCE # ORD.2016.03

**AN ORDINANCE AMENDING AND CLARIFYING CHAPTER 9, OF TITLE 1 (CODES ADOPTED) OF THE TOQUERVILLE CITY CODE TO CALCULATE BUILDING PERMIT FEE BASED UPON A VALUE THAT IS SET AT 75% (AS OPPOSED TO 60%) OF THAT PRESCRIBED IN THE INTERNATIONAL CODE COUNCIL BUILDING VALUATION DATA.**

## **RECITALS**

WHEREAS, Toquerville City (the “City”) is a political subdivision of the State of Utah, authorized and organized under the laws and constitution of said state.

WHEREAS, Title 9, Chapter 1 of the Toquerville City Code (“City Code”) specifies which building and safety codes and regulations (and all corresponding appendices and databases) are adopted and incorporated by reference to apply to the construction, demolition, reconstruction of residences and structures within the City.

WHEREAS, Title 9, Chapter 1 of the City Code also indicates that when one of the building or safety codes are updated and re-published in a more current form, that the City automatically adopts the same without further action.

WHEREAS, one of the documents that the City adopted in Title 9, Chapter 1 is the International Code Council Building Valuation Data (“ICCBVD”) which is a volume of uniform preset values for certain type of construction and is used by the City’s building inspectors for the calculation of applicable building permit fees.

WHEREAS, pursuant to Ordinance 2014-6, and upon recommendation of the City Staff, the City determined that the building values set forth in the ICCBVD was not truly reflective of building costs and values in the Southern Utah region and prescribed that building permit fees be calculated utilizing values that were 60% of those set forth in the ICCBVD.

WHEREAS, City Staff, upon further review and analysis, have determine that the building costs and values in the Southern Utah Region have increased since 2014 and that utilizing the percentage prescribed by Ordinance 2014-6 (60%), the City has been charging building permit fees that are less than what is roughly necessary to reimburse the City the costs and expenses it incurs in providing building inspection services to the City’s residents and property owners.

WHEREAS, accordingly the City Staff has requested that City now calculate building permit fees based upon 75% of the values set forth in the ICCBVD (which the current version was published in 2015).

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the City and its residents that building permit fees be calculated off the higher amount recommended by the City Staff.

**ORDINANCE**

NOW THEREFORE BE IT ORDAINED as follows:

1. **AMENDMENT.** Subsection D of Section 2, Title 9, Chapter 1 of the City Code be amended and restated as follows:

**9-1-2: CODES ADOPTED....**

***D. Fees: Fees for all construction shall be set by the City Council utilizing values that are seventy-five percent (75%) of the values prescribed in the most current version of the International Code Council Building Valuation Data.***

2. **REPEALER.** This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. **SAVINGS CLAUSE:** If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. **EFFECTIVE DATE.** This Ordinance shall take effect immediately upon approved by the City Council.

ADOPTED AND APPROVED this 9<sup>th</sup> day of June, 2016.

Roll Call Vote:

Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Brad Langston	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Heideman	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Mark Fahrenkamp	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**TOQUERVILLE CITY**  
A Utah Municipal Corporation

  
\_\_\_\_\_  
M. Darrin LeFevre, Mayor

June 9<sup>th</sup>, 2016

Attest:

  
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Dana McKim, City Recorder (Seal)

