

Chapter 11

County Land Use Development and Management Act

Adoption of Act Provisions - By Reference

In 1992, the Utah Legislature adopted general land use provisions known as **The County Land Use Development and Management Act. (Hereinafter referred to as The Act).** See Utah Code Annotated, Title 17, Chapter 27). In succeeding years, the Legislature has approved amendments to the Act. Provisions of the Act, together with amendments, are hereby adopted by reference and shall be deemed to be an integral part of this Sevier County General Plan.

In keeping with legislative intent and for the purposes specified in the Act, including the preparation of and recommendations for implementing land use provisions of the Sevier County General Plan, including the Sevier County Zoning Ordinance, Subdivision Ordinance and Capital Improvements Plan, provisions of the Act are hereby adopted.

Part 1 Purposes and General Provisions

11.1.01. Purpose and Definitions.

The specified purpose (U.C.A.17-27-102) and definitions (U.C.A. 17-27-104) of the Act are hereby adopted by reference and shall be deemed to be operative parts of this Sevier County General Plan.

11.1.02. Stricter Requirements - Property owned by other Government Units - Effect of County Land Use and Development Ordinances.

Sevier County may enact ordinances imposing stricter requirements or higher standards than are required by the Act (U.C.A. 17-27-104), except that Sevier County shall not impose stricter requirements or higher standards than are required by Section 17-27-105 (Effect of Sevier Land Use and Development Ordinances on other government units, particularly regulations and requirements affecting School Districts - Including Subsection 2 (a) through (f) et.al.); and Parts 5 and 6 relating to Residential Facilities for Elderly Persons (U.C.A. 17-27-501 through 504) and Handicapped Persons (U.C.A. 17-27-601 through 604).

Otherwise, political subdivisions of the State of Utah, as well as other governmental units building structures in Sevier County shall conform to the Land Use and Development Ordinances of Sevier County.

Part 2 Planning Commission

11.2.01. Appointment, Term, Vacancy, and Compensation.

Sevier County shall enact an ordinance establishing a planning commission. The commission shall consist of seven members

appointed by the county commission. Members shall serve three-year terms and until their successors are appointed and qualified. Terms of at least two but no more than three members shall expire each year. The Sevier County Zoning Ordinance shall define the mode of appointment and the procedures for filling vacancies and removal from office; and other details relating to the organization and procedures of the planning commission. The county commission shall fix per diem compensation for members of the planning commission based on necessary and reasonable expenses and on meetings actually attended.

11.2.02. Organization and Procedures.

The planning commission shall elect a chairperson from its members as provided by the ordinance establishing the planning commission. The chairperson shall serve a one-year term. The planning commission may create and fill any other necessary offices. With approval by the county commission, the planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the function of the planning commission.

11.2.03 Powers and Duties

The powers and duties of the Sevier County Planning Commission shall be those specified at U.C.A. 17-27-204. The planning commission or its authorized agents may:

- (1) obtain access to and use any data and information held by the state or any of its agencies; and
- (2) enter upon any land at reasonable times to make examinations and surveys.

**Part 3
General Plan**

11.3.01. General Plan.

In accordance with Act provisions, Sevier County shall prepare and adopt a comprehensive General Plan for the present and future needs of Sevier County; the growth and development of the land within any part of Sevier County. The Sevier County General Plan shall provide for the health, safety, general welfare, and each of the additional features in U.C.A. 17-27-301, et. al.

11.3.02. Plan Preparation.

The planning commission shall make and recommend to the county commission a proposed General Plan for Sevier County. The Plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of Sevier County as a whole. Elements of the Sevier County Plan that address incorporated areas shall not be part of an official plan or part of a municipal plan unless those provisions are recommended by the municipal planning commission and adopted by the city or town council.

11.3.03. General Plan Elements.

The Sevier County General Plan, with accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the development of the territory covered by the Plan and may include, among other things: a land use element; a transportation and circulation element; an environmental element; a public services and facilities element; a rehabilitation, redevelopment, and conservation

element; an economic element composed of appropriate studies and an economic development plan that may include review of county revenue and expenditures, an affordable housing plan (required by HB 295), revenue sources, identification of base and resident industry, primary and secondary market areas, employment, and retail sales activity; recommendations for implementing the Plan including the use of Sevier County Zoning and Subdivision Ordinances, Capital Improvement Plans, and other appropriate actions and any other elements Sevier County considers appropriate.

11.3.04. Plan Adoption and Amendment.

After completing the Sevier County General Plan, the planning commission shall, upon reasonable notice of at least 14 days before the date of the hearing, schedule and hold a Public Hearing on the proposed General Plan. After holding the Public Hearing the planning commission may make changes to the proposed Plan.

The planning commission, upon the favorable recommendation of a majority of members, shall then forward the proposed Plan to the county commission. The county commission, shall provide reasonable notice of at least 14 days before the date of the hearing, and hold a Public Hearing on the Plan recommended to it by the planning commission. After the Public Hearing, the county commission may take any of the actions specified at U.C.A. 17-27-303.

The county commission may, upon recommendation of the planning commission, amend the General Plan by following the procedures required by U.C.A. Section 17-27-303.

11.3.05. Compliance with General Plan Provisions - Effect of the General Plan on Public Uses.

The county commission shall, upon favorable recommendation of the planning commission, adopt a ordinance mandating compliance with land use policies specified in the General Plan. (See U.C.A. 17-27-303, Subpart 6 (b)). After the county commission has adopted the General Plan and any amendments thereto, no street, park or other public way, ground, place, or space, no publicly owned building or structure and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it:

- (1) conforms to the General Plan, **or**
- (2) the change in use or proposed use has been considered by the planning commission and, after receiving the advice of the planning commission, is approved by the county commission as an amendment to the General Plan.

11.3.011. Effect of Official Maps.

Sevier County may not adopt an official map under this chapter which would have the effect of requiring a landowner to dedicate and construct a street as a condition of development approval except under circumstances provided in this Section. This chapter shall not prohibit Sevier County from

- (1) requiring a landowner to take into account the proposed streets in the planning of a development proposal;
- (2) acquiring property for roadways, easements or for any other specified public purpose, through purchase, gift, voluntary dedication or eminent domain; or
- (3) requiring the dedication and improvement of a street if the street is found necessary by the county because of a proposed development. An official map of Sevier County may not be used to unconstitutionally prohibit the development of property designated for eventual use as a public street.

Part 4
Sevier County Zoning Ordinance

11.4.01. General Powers.

The Sevier County Commission shall enact a zoning ordinance establishing regulations for land use and development that furthers the intent of this chapter.

11.4.02. Preparation and Adoption.

The Sevier County Planning commission shall prepare and recommend to the county commission a proposed zoning ordinance, including text and an Official Zoning Map, that represents the planning commission's recommendations for zoning all or any part of the area within Sevier County. The county commission shall, upon reasonable notice of at least 14 days before the date of the hearing, hold a public hearing on the proposed zoning ordinance recommended to it by the planning commission. After the public hearing, the county commission may:

- (a) adopt the zoning ordinance as proposed;
- (b) amend the zoning ordinance and adopt or reject the zoning ordinance as amended; or reject the ordinance.

11.4.03. Amendments and Rezoning.

The county commission may amend any zoning district or regulation appurtenant thereto or any provision of the zoning ordinance. In preparing and adopting an amendment to the zoning ordinance or the zoning map, the county commission shall comply with the procedure specified in Sections 17-27-402 and 403 of the Utah Code.

11.4.04. Temporary regulations. The Sevier County Commission may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the area within the county if:

- (a) the commission makes a finding of compelling, countervailing public interest; or
- (b) the area is not zoned. Said temporary zoning regulations may prohibit, restrict, or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval. The county commission shall establish a period of limited effect for said ordinances not to exceed six months.

11.4.05. Zoning Districts.

- (a) The county commission may, upon recommendation of the planning commission, divide the county into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
- (b) Within said zoning districts, the county commission may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
- (c) The commission shall ensure that the regulations are uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

11.4.06. Conditional Uses.

The Sevier County Zoning Ordinance shall contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses.

11.4.07. Nonconforming Uses and Structures.

Through procedures consistent with U.C.A. 17-27-407 et. al., the Sevier County Commission may, upon recommendation of the planning commission, adopt a provision in or make an

amendment to the zoning ordinance which establishes terms and conditions upon which a nonconforming use or structure, including a billboard, may be altered, extended or terminated. In so doing, the commission shall provide a formula establishing a reasonable time period during which the owner can recover or amortize the amount of investment in the nonconforming use, if any.

Part 5 Residential Facilities for Elderly Persons

11.5.01. Residential Facilities for Elderly Persons.

The Sevier County Commission shall, upon recommendation of the planning commission, adopt conditional use provisions in the county's zoning ordinance governing the placement and occupancy of residential facilities for elderly persons. Generally, handicapped facilities shall, as a matter of convenience, economy and accessibility to basic services, be located within an incorporated community within Sevier County rather than in an unincorporated area.

11.5.02. County Ordinance Governing Elderly Residential Facilities.

Any such facility in Sevier County shall:

- (a) be owned by, or placed in trust for, one of the residents;
- (b) meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings;
- (c) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement and
- (d) not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the residential facility.

11.5.03. County Approval of Residential Facilities.

Placement of an individual in a residential facility for elderly persons in Sevier County shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution. No person being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons in Sevier County. Residential facilities shall not be located nearer than one mile of another residential facility for elderly persons.

11.5.04. Conditional Use Nontransferable - Termination of Use Discrimination Prohibited.

The use granted and permitted by the Sevier County Zoning Ordinance is nontransferable and terminates if (or when) the structure is devoted to a use other than as a residential facility for elderly persons, or if the structure fails to comply with applicable health, safety, and building codes. The decision by Sevier County regarding an application for a conditional use permit shall be based on legitimate land use criteria and may not be based on the age(s) of the facility's residents.

Part 6 Residential Facilities for Handicapped Persons

11.11.01. Residential Facilities for handicapped Persons.

The Sevier County Commission shall, upon recommendation of the planning commission, adopt conditional use provisions in the county's zoning ordinance governing the placement and occupancy of residential facilities for handicapped persons. Generally, residential facilities for handicapped persons shall, as

a matter of convenience, economy and accessibility to basic services, be located within an incorporated community within Sevier County rather than in an unincorporated area.

11.11.02. County Ordinance Governing Handicapped Residential Facilities.

Any such facility in Sevier County shall:

- (a) be owned by, or placed in trust for, one of the residents;
- (b) meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings;
- (c) be occupied on a 24-hour-per-day basis by eight or fewer handicapped persons in a family-type arrangement and
- (d) not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the residential facility.

11.11.03. County Approval of Residential Facilities.

Placement of an individual in a residential facility for handicapped persons in Sevier County shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution. No person being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons in Sevier County. Residential facilities shall not be located nearer than one mile of another residential facility for handicapped persons.

11.11.04. Conditional Use Nontransferable - Termination of Use Discrimination Prohibited.

The use granted and permitted by the Sevier County Zoning Ordinance is nontransferable and terminates if (or when) the structure is devoted to a use other than as a residential facility for handicapped persons, or if the structure fails to comply with applicable health, safety and building codes. The ordinance shall prohibit discrimination against handicapped persons and against

residential facilities for handicapped persons. The decision by Sevier county regarding an application for a conditional use permit shall be based on legitimate land use criteria and may not be based on the handicapping condition(s) of the facility's residents.

Part 7

Residential Facilities for At-Risk Youth

11.7.01 Residential Facilities for At-Risk Youth.

The Sevier County Commission shall, upon recommendation of the planning commission, adopt conditional use provisions in the county's zoning ordinance governing the placement and occupancy of residential facilities for at-risk youth between 11 and 18 years of age. Generally, residential facilities shall, as a matter of convenience, economy and accessibility to basic services, be located within an incorporated community within Sevier County rather than in an unincorporated area.

11.7.02. County Ordinance Governing At-Risk Youth Residential Facilities.

Any such facility in Sevier County shall

- (a) be owned and operated by persons, or a corporation, meeting all applicable criterion established by the Utah State Departments of Human Services and, in applicable instances, Youth Corrections;
- (b) meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings;
- (c) be occupied on a 24-hour-per-day basis by the approved (licensed) number persons and
- (d) charge approved (or licensed) fees for food or for actual and necessary costs of operation and maintenance of the residential facility.

11.7.03. County Approval of Residential Facilities.

Placement of an individual in a residential facility for at-risk youth in Sevier County shall be on a medical or mental health basis, as determined by a licensed mental health or medical practitioner and may not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution. Youth being treated for alcoholism or drug abuse may, for medical, mental health, or social purposes, be placed in a residential facility for at-risk youth in Sevier County. Residential facilities for at-risk youth shall not be located nearer than two miles to another residential facility for elderly or handicapped persons.

11.7.04. Conditional Use Nontransferable - Termination of Use Discrimination Prohibited.

The conditional use granted and permitted by the Sevier County Zoning Ordinance shall be nontransferable and will terminate if (or when) the land or the structure is devoted to a use other than as a residential facility for at-risk youth, or if the structure fails to comply with applicable health, safety and building codes. The ordinance shall prohibit discrimination against any entity or person.

**Part 8
Board of Adjustment**

11.8.01. Board of Adjustment Established Organization, Procedures, Powers and Duties.

The Sevier County Commission shall, in a manner consistent with U.C.A. 17-27-701-708, appoint a Board of Adjustment which shall provide for just and fair treatment of land owners and ensure that substantial justice is done in administering the county's land use ordinances.

The Sevier County Board of Adjustment shall be composed of five members and one alternate member who shall serve and vote in the absence of another member of the board. The board shall be

organized, conduct its procedures, and have the powers and duties specified at U.C.A. 17-27-702 and 703 et. al.

11.8.02. Appeals.

- (a) An applicant or entity adversely affected by a provision of the Sevier County Zoning Ordinance, upon hearing before or decision by the planning commission or county commission, may, within 30 calendar days after said decision, file an application to appear before the board of adjustment.
- (b) The person or entity has the burden of proving that an error has been made or a hardship created.
- (c) Only land use decisions applying the zoning ordinance maybe appealed to the board of adjustment.
- (d) A person or entity may not appeal, and the board of adjustment may not consider, any amendments to the Sevier County Zoning Ordinance.
- (e) Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

11.8.03. Routine and Uncontested Matters - Special Exceptions.

Routine and uncontested matters may be decided or determined by the Sevier County Building Department Director. The director's determination may be appealed to the board of adjustment. The board shall not hear and decide special exceptions. Conditional use permits shall not be treated as special exceptions in the zoning ordinance and shall not be heard by the board of adjustment.

11.8.04. Variances.

In determining whether to grant a requested variance, the board of adjustment shall follow the procedure specified at U.C.A. 17-27-707.

11.8.05. District Court Review of Board of Adjustment Decisions.

Any person or entity adversely affected by any decision of the board of adjustment may petition the district court in Sevier County for a review of the decision. In the petition, the plaintiff may only allege that the board of adjustment’s decision was arbitrary, capricious or illegal. The petition is barred unless it is filed within 30 days after the board of adjustment’s decision is final. Provisions at U.C.A. 17-27-708 shall apply in any petition to the district court for review of a decision by the Sevier County Board of Adjustment.

**Part 9
Subdivisions in Sevier County**

11.9.01. General Powers.

The Sevier County Commission, upon recommendation of the planning commission, shall enact a subdivision ordinance requiring that a subdivision plat comply with provisions of this chapter before:

- (1) it may be filed or recorded in the Sevier County Recorder’s Office; and
- (2) (2) lots may be lawfully sold.

11.9.02. Preparation - Adoption - Amendment.

The Sevier County Planning Commission shall prepare and recommend a proposed subdivision ordinance to the county commission. Before making its final recommendation, the planning commission shall:

- (1) provide reasonable notice of at least 14 days before the date of the hearing and
- (2) hold a public hearing on the proposed subdivision ordinance. Upon favorable recommendation by the planning commission, the Sevier County Commission shall:
 - (1) provide reasonable notice of at least 14 days before

the date of the hearing and

- (2) hold a public hearing on the proposed subdivision ordinance. After the Public hearing, the commission may adopt the subdivision ordinance as proposed; amend the ordinance and adopt or reject it as amended; or reject the ordinance. As required at U.C.A. 17-27-803, the county commission may amend provisions of the subdivision ordinance upon recommendation of the planning commission and by complying with the procedure specified herein.

11.9.03. Approval Procedure.

No person or entity may file or record a plat of a subdivision of land in the Sevier County Recorder’s Office unless:

- (1) a recommendation has been received from the planning commission;
- (2) the plat has been approved by the county commission and signed by the chairman of the planning commission, by the chairman of the county commission, and by the county clerk.

11.9.04. Exemptions from Plat Requirements.

In subdivisions of three lots or less, land may be sold by metes and bounds in Sevier County, without the necessity of recording a subdivision plat if:

- (1) a favorable recommendation has been given by the Sevier County Planning Commission;
- (2) the county commission accepts the recommendation of the planning commission and approves the three parcels requested to be exempted;
- (3) none of the three parcels is traversed by the mapped lines of a proposed street as shown in the Sevier County Transportation Map contained in the zoning ordinance and does not require the dedication of any land for a county roadway or for other public purposes; and

- (4) each of the three parcels meets the frontage, width, and area requirements of the Sevier County Zoning Ordinance and the zone in which the land is located, or each of the parcels has been granted a variance from those requirements by the board of adjustment.

11.9.05. Preliminary and Final Plats Required.

Whenever lands are laid out and platted in Sevier County, the owner shall cause an accurate, preliminary plat (or map) to be made that sets forth and describes:

- (1) each of the parcels of ground laid out and platted, by their boundaries, course, and extent, and whether they are reserved for public purposes; and
- (2) all blocks and lots intended for sale, by numbers, including the precise length and width of each block and lot. The planning commission shall review and issue a recommendation to the county commission regarding the preliminary plat. If the planning commission's recommendation on the preliminary plat is favorable, and the preliminary plat is approved by the county commission, the surveyor making the preliminary plat shall make such corrections as may be requested by the planning commission and county commission and certify the plat as the Final Plat. When the county commission deems it appropriate to do so, the county commission shall, upon favorable recommendation of the planning commission and signing of the Final Plat by the chairman of the planning commission, approve and sign the Final Plat as provided in this Part. The owner shall then file and record the Final Plat in the Sevier County Recorder's Office.

11.9.011. Dedication of Roadways Required.

Final Plats of subdivisions approved by the county commission and recorded in Sevier County according to the procedures specified in this Part, shall operate as a dedication of all streets and

other public places, and vest the fee of those parcels of land in Sevier County for the public uses named or intended in the Final Plat. **The dedication established by this section shall not impose liability upon Sevier County to maintain or provide public safety services for streets and access roadways that are dedicated in this manner, but which may be unimproved.**

11.9.07. Changing or Vacating a Final Subdivision Plat.

A fee owner of record, as shown on the last Sevier County Assessment Roll, may, by following the procedure specified at U.C.A. 17-27-808, 809, and 810, et. al., petition the Sevier County Planning Commission and, upon favorable recommendation by the planning commission, the Sevier County Commission, to have the Final Plat of land within the subject subdivision, vacated, altered, or amended. After following the procedure in this Part, and upon final approval by the Sevier County Commission, the fee owner shall record said plat amendment in the office of the Sevier County Recorder. An aggrieved owner may appeal the county commission's final decision to district court as provided in U.C.A. 17-27-1001.

11.9.08. Penalties.

- (a) As specified at 17-27-811, the Sevier County Recorder shall not file or record any preliminary or Final Plat of a subdivision of land in Sevier County without the approvals required by this part. According to Utah law, such a recording is void, unlawful, and a misdemeanor;
- (b) Any owner or agent of any land located in a subdivision as defined in this part who transfers or sells any land in that subdivision before a Final Plat of the subdivision has been approved and recorded as required in this Part, is guilty of a violation for each lot or parcel transferred or sold;
- (c) Land parcels described by metes and bounds shall not be exempt from a violation or from the penalties or remedies provided in this Part.

Part 10 Special Provisions

11.10.01. Solar and Other Energy Devices.

Consistent with U.C.A. 17-27-901, the Sevier County Planning Commission shall recommend and the county commission may approve, and may not prohibit, subdivisions containing lots or parcels proposed to house reasonably sited and designed solar collectors or other energy devices based on renewable resources. This provision shall not have the effect of preventing the planning commission or county commission from requiring, as a condition of Final Plat approval, the assurance or availability of a commercial source of electric power to lots or parcels in subdivisions permitting such alternative or renewable energy sources or resources.

11.10.02. Signs and Fences.

The Sevier County Planning Commission shall recommend and the county commission may adopt provisions in the Sevier County Zoning Ordinance relating to the installation, maintenance, or removal of signs and fences on public and private lands within Sevier County.

11.10.03. Regulations Pertaining to Mobile or Modular Residential Units and Recreational Vehicle Parks.

The Sevier County Planning Commission shall recommend and the county commission may adopt provisions in the Sevier County Zoning Ordinance and in the county's subdivision ordinance, regulating mobile or modular residential units and recreational vehicle parks in the unincorporated areas of Sevier County.

11.10.04. Approval of Planned Residential Communities and Developments.

The Sevier County Planning Commission shall recommend and the county commission may adopt provisions regulating planned residential communities and developments in the unincorporated areas of Sevier County. Generally planned residential communities shall be annexed by or receive services approved by an incorporated city or town. Said provisions, if adopted, shall require documented and recorded covenants, conditions and restrictions; **and** preliminary and final plat approval as required by this chapter. Prior to approval of a planned residential community the owners shall provide written assurance that paved roadways, approved sources for commercial power and culinary water and public safety services will be provided to lots and parcels of land within the proposed planned residential community or development.

Part 11 Appeals and Enforcement

11.11.01. Appeals.

A person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the adverse decision was rendered. The court shall:

- (a) presume that Sevier County's land use regulations and decisions are valid; and
- (b) determine only whether or not the decision is arbitrary, capricious or illegal. No person may challenge in district court Sevier County's land use regulations or decisions until that person has exhausted their administrative remedies.

11.11.02. Enforcement.

- (a) The Sevier County Attorney, or any owner of real estate within Sevier County in which violations of this chapter or ordinances enacted under the authority of this Chapter occur or are about to occur, may, in addition to other remedies provided by law, institute:
 - (i) injunctions, mandamus, abatement or any other appropriate actions; or
 - (ii) (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use or act. Sevier County need only establish the violation to obtain the injunction;
- (b) Sevier County may enforce any land use ordinance by withholding a building permit. It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within Sevier County without approval of a building permit;
- (c) Sevier County may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all regulations then in effect.

11.11.03. Penalties.

The Sevier County Commission may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter. Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter are punishable as a Class C Misdemeanor upon conviction either:

- (a) as a Class C Misdemeanor; or
- (b) by imposing the appropriate civil penalty adopted under the authority of this Section.

Part 12

Uniform Codes and Utah Uniform Building Standards Adopted

Provisions, or selected provisions as applicable, of the following codes shall be adopted and enforced in Sevier County by the appropriate permitting or enforcing officer or official authorized, appointed, or designated by the Sevier County Commission.

11.12.01. Uniform Building Code.

- (a) The Uniform Building Code (U.B.C.), most recent edition, shall be adopted as part of the Sevier County Zoning Ordinance and Subdivision Ordinance.
- b) A copy of the U.B.C. shall be filed in the offices of the Sevier County Building Department and be available for examination and reference by interested persons.
- (c) Provisions of the U.B.C. establish rules and regulations for the erection, repair, construction, enlargement, alteration, and equipment related to buildings and structures in Sevier County.
- (d) The U.B.C. also provides for the issuance of building permits and collection of fees for the activities specified therein and penalties for the violation thereof.

11.12.02. Uniform Electric Code.

- (a) The National Electrical Code (N.E.C.), most recent edition, shall be adopted by the Sevier County Subdivision and Zoning Ordinances.
- (b) A copy of the N.E.C. shall be filed in the offices of the Sevier County Building Department and be available for examination and reference by interested persons.
- (c) Provisions of the N.E.C. establish rules and regulations for the erection, repair and construction of electrical

equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Sevier County.

- (d) N.E.C. provisions also provide for the issuance of permits and collection of fees related to the activities specified therein, including enforcement and penalties for the violation thereof.

11.12.03. Uniform Plumbing Code.

- (a) The Uniform Plumbing Code (U.P.C.), most recent edition, shall be adopted as part of the Sevier County Subdivision and Zoning Ordinances.
- (b) A copy of the U.P.C. shall be filed in the offices of the Sevier County Building Inspector for examination and reference by interested persons. Provisions of said code establish rules and regulations for the construction, installation, and repair of plumbing devices, equipment and facilities used in the construction, maintenance and operation of buildings and structures in Sevier County. The U.P.C. also provides for the issuance of permits and the collection of fees therefor and penalties for violation of the provisions thereof.

11.12.04. Uniform Fire Code - Applicable to Buildings and Structures in Sevier County.

Selected provisions of the Uniform Fire Code applicable to authorized and approved buildings and structures in Sevier County, as determined by the Sevier County Building Department Director, or inspector designee, shall be adopted in the Subdivision and Zoning Ordinances of the County and shall be enforced in Sevier County.

11.12.05. Uniform Code for Abatement of Dangerous Buildings.

Provisions of the Uniform Code for Abatement of

Dangerous Buildings (U.C.A.D.B.), relating to the abatement, use or demolition of dangerous or structurally compromised buildings and structures shall be adopted in and enforced by provisions of the Sevier County Subdivision and Zoning Ordinances.

11.12.011. Uniform Code for Building Conservation (Historic Structures) (U.C.B.C.)

U.C.B.C. contains provisions related to the conservation of historic structures, The existing Sevier County Historic Preservation Ordinance, adopted March 3, 1992, together with operational policies governing the restoration or refurbishing of historical buildings in Sevier County, are hereby referenced and made a part of this Chapter and Sevier County's subdivision and zoning ordinances. Based upon certification consistent with documented policies of the Sevier County Building Inspector, provisions of the U.C.B.C. may be invoked in restoring or refurbishing historic buildings in a manner that is consistent with the Historic Preservation Ordinance adopted by Sevier County.

11.12.07. Utah Uniform Building Standards Act.

Applicable provisions of the Utah Uniform Building Standards Act (U.U.B.S.A.) as amended by Session Laws of Utah, Issued May 1, 1995, shall be adopted as a part of the Sevier County subdivision and zoning ordinances.

11.12.07. Uniform housing Code.

Provisions of the Uniform housing Code (U.H.C.), most recent edition, shall be adopted in and enforced as a part of the Sevier County subdivision and zoning Ordinances. A copy of the U.H.C. shall be filed in the offices of the Sevier County Building Inspection Department for examination and reference by interested persons.