

CHAPTER 7. BUILDING, CONSTRUCTION AND SAFETY CODES AND REGULATIONS

- Article 7-1. Adoption of Uniform Codes**
Article 7-2. Fireworks and Fire Regulations
Article 7-3. Miscellaneous Construction and Safety Regulations

Article 7-1. Adoption of Uniform Codes

- 7-1-1. International Building Code Adopted.**
7-1-2. International Mechanical Code Adopted.
7-1-3. Uniform Code for the Abatement of Dangerous Buildings Adopted.
7-1-4. International Plumbing Code Adopted.
7-1-5. National Electrical Code Adopted.
7-1-6. Uniform Fire Code Adopted.
7-1-7. International Energy Conservation Code Adopted.
7-1-8. International Fuel Gas Code Adopted.
7-1-9. International Residential Code Adopted.

7-1-1. International Building Code Adopted.

The City hereby approves and adopts the International Building Code, 2006 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix I, and appendix J, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Building Code, 2006 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Amended, 07/07/92; Ord. No. O-95-0018, Amended, 03/28/95; Ord. No. O-98-0006, Amended, 01/27/98; Ord. No. O-02-0004, Amended, 01/22/2002; Ord. No. O-04-0005, Amended, 01/27/2004; Ord. No. O-07-0004, Amended 01/23/07)

7-1-2. International Mechanical Code Adopted.

The City hereby approves and adopts the International Mechanical Code, 2006 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction,

quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Mechanical Code, 2006 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-2-1; Ord. No. O-95-0018, Amended, 03/28/95; Ord. No. O-99-0003, Amended, 01/26/99; Ord. No. O-02-0007, Amended, 01/22/2002; Ord. No. O-04-0008, Amended, 01/27/2004; Ord. No. O-07-0004, Amended 01/23/2007)

7-1-3. Uniform Code for the Abatement of Dangerous Buildings Adopted.

The City hereby approves and adopts the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, to govern the abatement of dangerous buildings in the City of Orem. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-3-1; Ord. No. O-98-0006, Amended, 01/27/98)

7-1-4. International Plumbing Code Adopted.

The City hereby approves and adopts the International Plumbing Code, 2006 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one and appendix E, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous plumbing in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Plumbing Code, 2006 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-4-1; Ord. No. O-98-0006, Amended, 01/27/98; Ord. No. O-01-0002, Amended, 1/23/2001; Ord. No. O-04-0009, Amended, 01/27/2004; Ord. No. O-07-0004, Amended 01/23/2007)

7-1-5. National Electrical Code Adopted.

The City hereby approves and adopts the National Electrical Code, 2008 Edition, published by the National Fire Protection Association, as amended

by the State Division of Occupational and Professional Licensing, including Annex H, as the Electrical Code for the City of Orem. Fees shall be in the amount established by the City Council in the City’s annual budget. The National Electrical Code, 2008 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-5-1; Ord. No. O-93-0035, Amended, 12/14/93; Ord. No. O-97-0052, Amended, 10/28/97; Ord. No. O-00-0001, Amended, 01/04/2000; Ord. No. O-03-0003, Amended, 01/14/2003; Ord No. O-06-0001, Amended; Ord. No. O-09-0003, Amended 01/27/2009)

7-1-6. International Fire Code Adopted.

A. The City hereby approves and adopts the International Fire Code, 2006 Edition, published by the International Code Council, as amended by the Utah State Fire Prevention Board. The City further approves and adopts the following appendices to the International Fire Code, 2006 Edition, as amended by the Utah State Fire Prevention Board:

1. Appendix B – Fireflow Requirements for Buildings.
2. Appendix C – Fire Hydrant Locations and Distribution.
3. Appendix D – Fire Apparatus Access Roads.

The International Fire Code, 2006 Edition, along with Appendices B, C, and D are on file in the office of the City Recorder and are hereby adopted and made a part hereof as if set out in the ordinance.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-1; Ord. No. O-95-0018, Amended, 03/28/95; Ord. No. O-98-0006, Amended, 01/27/98; Ord. No. O-02-0015, Amended, 05/28/2002; Ord. No. O-04-0004, Amended, 01/27/2004; Ord. No. O-07-0015, Amended 02/27/07)

7-1-7. International Energy Conservation Code Adopted.

The City hereby approves and adopts the International Energy Conservation Code, 2006 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City’s annual budget. The International Energy Conservation Code, 2006 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. O-02-0005, Enacted, 01/22/2002; Ord. No. O-04-0006, Amended, 01/27/2004; Ord. No. O-07-0004, Amended 01/23/2007)

7-1-8. International Fuel Gas Code Adopted.

The City hereby approves and adopts the International Fuel Gas Code, 2006 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City’s annual budget. The International Fuel Gas Code, 2006 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. O-02-0006, Enacted, 01/22/2002; Ord. No. O-04-0007, Amended, 01/27/2004; Ord. No. O-07-0004, Amended 01/23/2007)

7-1-9. International Residential Code Adopted.

The City hereby approves and adopts the International Residential Code, 2006 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix H, and appendix K, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City’s annual budget. The International Residential Code, 2006 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

(Ord. No. O-02-0003, Enacted, 01/22/2002; Ord. No. O-04-0010, Amended, 01/27/2004; Ord. No. O-07-0004, Amended 01/23/2007)

Article 7-2. Fireworks and Fire Regulations

- 7-2-1. Utah Fireworks Act Adopted.
- 7-2-2. Business License for Sale of Fireworks.
- 7-2-3. Fireworks Insurance.
- 7-2-4. Sale from Permanent Structures.
- 7-2-5. Sale from Temporary Structures.
- 7-2-6. Miscellaneous Fireworks Regulations.
- 7-2-7. Homemade Fireworks.
- 7-2-8. Discharge of Fireworks.
- 7-2-9. Fireworks Displays.
- 7-2-10. Seizure of Fireworks.
- 7-2-11. Burn Permits.

7-2-1. Utah Fireworks Act Adopted.

The Utah Fireworks Act, established in Title 11, Chapter 3 of the Utah Code Annotated (1953, as amended), is hereby approved and adopted as the Fireworks Act for the City of Orem. By this reference, the Utah Fireworks Act is made a part of the Orem City Code as if set out at length herein and shall be enforceable by the City and controlling within the limits of the City; provided, however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law. Any sections of the Code under which the City is not authorized by law to bring charges are excluded from the adoption of the Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-2. Business License for Sale of Fireworks.

No person shall sell or offer for sale, at retail, any fireworks without first obtaining a business license from the City.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-3. Fireworks Insurance.

All applicants for a business license to sell fireworks shall provide to the City a bond or certificate of insurance in the amount of Three Hundred Thousand Dollars (\$300,000.00) to guarantee the payment of all damages which may be caused to any person or property and arising from any acts of the applicant, his agents, employees or subcontractors with respect to the activities specified herein.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-4. Sale from Permanent Structures.

A. Fireworks may be sold or offered for sale within a permanent structure in any commercial or manufacturing zone.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

B. Any commercial establishment which already has a business license authorizing retail sales and which desires to sell fireworks in the permanent structure which it occupies shall first obtain a permit from the Department of Public Safety for the sale of fireworks. The permit shall be granted only upon inspection of the premises by the Department of Public Safety and approval of the place and manner in which the fireworks will be sold.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

C. Establishments described in subsection (B) shall be required to meet the bonding or proof of insurance requirements of Section 7-2-3.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-5. Sale from Temporary Structures.

A. Fireworks may be sold or offered for sale from a temporary stand or trailer only within the C2 zone.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

B. Before obtaining a business license, any person desiring to sell fireworks from a temporary stand or trailer shall receive site plan approval from the Zoning Administrator. Each site plan submitted to the City shall include the following:

1. The address of the property where the temporary stand or trailer will be located.
2. The dimensions and the type of construction of the stand or trailer.
3. The floor plans of the stand or trailer showing all exits and places for storage or sale of the fireworks.
4. The distance of the stand or trailer to property lines, streets, parking lots and all existing structures located within two hundred feet (200').
5. The location and a description of all signs intended to be used on the site for purposes of advertising fireworks sales.
6. Any other information requested by the City.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

C. Upon application for a business license, the applicant shall post a refundable cash bond in the amount of Three Hundred Dollars (\$300.00) to insure:

1. that the temporary structure is removed in a timely manner;
2. that all litter is removed within one week following termination of sales; and
3. that all fireworks signs are removed from the premises when the temporary structure is removed.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

D. Temporary stands or trailers used for the sale of fireworks shall comply with the following requirements:

1. In addition to all applicable Utah statutes and regulations, all temporary stands or trailers shall comply with all applicable City ordinances and codes.

2. No temporary stand or trailer shall have more than four hundred and fifty square feet (450 sq. ft.) of floor space.

3. Each required exit door shall be at least twenty-eight inches (28") in width and eighty inches (80") in height. Temporary stands or trailers having a side longer than twenty-four feet (24') shall have at least three (3) exits, which shall be located a reasonable distance apart so that if one becomes blocked, other exits will remain accessible.

4. Fireworks shall be stored in temporary stands or trailers in such a manner as to be inaccessible to the public.

5. No person shall sleep in a temporary stand or trailer.

6. Temporary stands or trailers shall not be erected or set up more than one (1) week prior to the beginning of a permitted fireworks retail sales period. The owner of a temporary stand or trailer shall remove such structures, as well as all signs, and shall clean the site around such structures within one (1) week after termination of retail sales from the stand or trailer. If the stand or trailer and signs are not removed and the site thereof is not cleaned within that period, the City may remove the temporary stand or trailer and clean the site. The reasonable cost thereof shall be a charge against the owner of the temporary stand or trailer and shall be deducted from the bond described in Subsection (C) above.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

E. All signs used in connection with temporary stands or trailers must comply with all City ordinances and regulations.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

F. Temporary stands or trailers shall be located at least twenty-five feet (25') from the nearest structure.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

7-2-6. Miscellaneous Fireworks Regulations.

A. No more than 750 pounds of fireworks may be present inside any permanent or temporary structure at any time.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

B. Each permanent structure or temporary stand or trailer shall be equipped with a minimum 2A 10BC fire extinguisher. Such extinguisher shall be in good working order and shall be easily accessible for use in case of fire.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

C. Each temporary stand or trailer shall prominently display to the public a sign prohibiting the discharge of fireworks and smoking within one hundred feet (100') of the stand or trailer.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-7. Homemade Fireworks.

It shall be unlawful for any person to manufacture, sell, offer for sale or discharge any type of homemade fireworks.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-8. Discharge of Fireworks.

A. It shall be unlawful to ignite or discharge fireworks:

1. within one hundred feet (100') of any place where fireworks are sold or offered for sale;

2. in such a manner that the fireworks project over or onto the property of another without the consent of the person owning or controlling such property; or

3. in any public park, except for public displays permitted by the City.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

B. It shall be unlawful to ignite, discharge or throw fireworks from or into any motor vehicle, or at or near any person.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-9. Fireworks Displays.

A. It shall be unlawful for any person to discharge fireworks as part of a public display without first obtaining a permit therefore from the Department of Public Safety. A public display shall be deemed to be a presentation of fireworks to the public, whether free or for a charge, put on by a governmental entity, a fair association, an amusement park, professional entertainers, artisans or similar organizations or persons.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

B. Every such use or display shall be handled by a competent operator at least twenty-one (21) years of age and approved by the Department of Public Safety, and shall be in accordance with NFPA Pamphlet 1123, 1991 Edition.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

C. The applicant for a permit for a public display shall post a bond or provide a certificate of insurance in the amount of One Million Dollars (\$1,000,000.00) to guarantee the payment of all damages which may be caused to any person or property by reason of the activities specified herein.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

D. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the display operator or promoter in a safe manner.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-10. Seizure of Fireworks.

The Director of Public Safety may cause to be removed at the expense of the owner or order the owner to immediately remove all fireworks offered or exposed for sale, stored or held in violation of this Article.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-6-2)

7-2-11. Burn Permits.

A. **Permit required.** Any person desiring to start a fire on any forest, brush, range, grass, grain, stubble, or hay land must first obtain a burn permit from the City Fire Division.

(Ord. No. O-92-012, Enacted, 07/07/92)

B. **Exemption from permit requirement.** Burn permits shall not be required for any of the following:

1. Burning of fence lines on cultivated lands, canals, or irrigation ditches, provided that the person conducting the burn notifies the City Fire Division of the approximate time that the burn will occur.

2. Burning incident to horticultural or agricultural operations of:

a. prunings from trees, bushes, and plants; or

b. dead or diseased trees, bushes, and plants, including stubble.

3. Burning of weed growth along ditch banks incident to clearing these ditches for irrigation purposes.

4. Controlled heating of orchards or other crops to lessen the chances of their being frozen, provided that the emissions from the heating do not violate minimum standards set by the State of Utah.

5. Controlled burns by the City Fire Division for the purpose of training fire service personnel.

(Ord. No. O-92-012, Enacted, 07/07/92)

C. **Requirements for permit.** Burn permits may only be issued if all of the following requirements are met:

1. The air quality at the time of the burn meets or exceeds State standards.

2. Only a small area is covered by each fire.

3. The fire is not used for the burning of rubbish or construction debris.

4. The fire is not made in conjunction with any commercial or industrial use.

5. There is at least one adult person in actual attendance of the fire, with water, garden hose, shovels, or other fire extinguishing equipment on hand. The adult person shall be in charge of the fire at all times during the burning.

6. The burning takes place during daylight hours between the time of one-half hour before sunrise and one-half hour after sunset.

7. There is no appreciable wind.

8. The City Fire Division is notified of the date, time and location that the burning is to take place.

(Ord. No. O-92-012, Enacted, 07/07/92)

Article 7-3. Miscellaneous Construction and Safety Regulations

- 7-3-1. **Payment of Fees.**
- 7-3-2. **Public Improvement and Repair Bond.**
- 7-3-3. **Public Improvements Required.**
- 7-3-4. **Drive Approaches.**
- 7-3-5. **Landscaping.**
- 7-3-6. **Inspections.**
- 7-3-7. **Construction in Flood Plains.**
- 7-3-8. **Compliance with Utility Regulations.**
- 7-3-9. **Penalties.**

7-3-1. Payment of Fees.

Building permits shall not be issued until all permit fees and City utility fees are paid, all required bonds are posted and all required documents are submitted. City utility fees may include, but are not limited to, sewer connection fee, sewer inspection fee, water meter fee, water connection fee and asphalt patching fee. No building permit shall be issued until the sewer and water lines have been installed to the lot and the final grade has been determined; provided, however, that the Director of Public Works may waive this requirement by written authorization. No building permit shall be issued for a lot within a subdivision until the subdivision plat has been recorded.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2)

7-3-2. Public Improvement and Repair Bond.

A. **Bond Required.** Each building permit recipient shall post a public improvement and repair bond with the City. The bond shall be posted before the City issues the building permit.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002)

B. **Bond Waiver.** The Chief Building Official may waive all or a portion of the required public improvement and repair bond under the following circumstances:

1. **No Heavy Equipment.** The Chief Building Official may waive all or a portion of the public improvement and repair bond if (1) the building permit recipient proposes to construct improvements that do not require the use of heavy equipment, and (2) the building permit site already has all required public improvements (e.g. curb, gutter, sidewalk, and water and sewer connections), and (3) the Chief Building Official finds, in his sole discretion, that the project creates little risk for cracking or damaging existing sidewalks or other public improvements, and that the project is unlikely to lead to the tracking of mud, dirt or debris into the street.

2. **Subdivision Bond.** The Chief Building Official may waive all or a portion of the public improvement and repair bond to the extent that the required public improvements are adequately covered by an existing subdivision bond and the developer of the subdivision proceeds to build on one or more of the lots located in the subdivision. If a subdivision bond is used to meet the requirements of the public improvement and repair bond, the last remaining ten percent (10%) or \$2,000.00 (whichever is less) of the subdivision bond shall not be released without the written consent of the Chief Building Official.

3. **Site Plan Bond.** The Chief Building Official may waive all or a portion of the public improvement and repair bond to the extent that the required public improvements are adequately covered by an existing site plan bond. If a site plan bond is used to meet the requirements of the public improvement and repair bond, the last remaining ten percent (10%) or \$2,000.00 (whichever is less) of the site plan bond shall not be released without the written consent of the Chief Building Official.

The public improvement and repair bond may be aggregated with other required bonds (e.g. a building permit recipient may submit one bond meeting the requirements of multiple ordinances.) If a building permit recipient submits an aggregate bond, the City may make draws on the aggregate bond in the same manner that it would make draws on a public improvement and repair bond.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002)

C. **Purpose of Bond.** The purpose of the public improvement and repair bond is to guarantee the construction, repair, and/or replacement of required public improvements, to guarantee the completion of street cleaning necessitated by construction activity associated with the building permit, and to provide funds necessary to mediate a site left in a dangerous condition. For purposes of this section, "required public improvements" include the following improvements associated with a particular building permit:

1. Curb, gutter and sidewalk.
2. Storm sumps, and/or piping, catch basins, detention basins and any other storm water related facilities.
3. Asphalt paving.
4. Fire hydrants.
5. Fencing.
6. Landscaping and sprinkling systems.
7. Water and sewer lines.
8. Driveway approaches.

9. Removal of mud, dirt, and debris from the public rights-of-way (sidewalks, curbs, gutter, and streets).

10. Mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.

11. Any other public improvements required by ordinance or required as part of a site plan, conditional use permit, subdivision plat, or building permit approval. If, for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall still be liable to complete the improvements. The bonds required by this section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots within a subdivision. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the bond for providing labor or materials.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002; Ord. No. O-08-0005, Amended 02/12/2008)

D. Bond Amount. The amount of the public improvement and repair bond shall be calculated as follows:

1. Required Public Improvements Constructed as Part of Project. If the project includes the construction of required public improvements, the amount of the public improvement and repair bond shall be one hundred ten percent (110%) of the estimated cost of the required public improvements, as determined by the Chief Building Official. In calculating the estimated cost of the required public improvements, the Building Official may accept the amount specified in a construction bid as the reasonable cost of the improvements.

2. Minimum Bond Amount. The minimum amount of the public improvement and repair bond, regardless of the estimated cost of the required public improvements, shall be as follows:

a. Residential Construction. The minimum amount of a public improvement and repair bond for residential construction (freestanding single family dwellings) shall be One Thousand Dollars (\$1,000.00).

b. Non-Residential Construction. The minimum amount of the public improvement and repair bond for non-residential construction (including multiple family dwellings and non-freestanding single family

dwellings) shall be based on the street frontage of the property with the building permit and calculated as follows:

1. ≤100 ft. of street frontage \$4,000.00
2. ≤200 ft., but more than 100 ft. of street frontage \$6,000.00
3. ≤300 ft., but more than 200 ft. of street frontage \$8,000.00
4. >300 ft. of street frontage \$10,000.00

3. Bond Depletion - Stop Work Orders.

a. Residential Construction. If the City makes a draw on a public improvement and repair bond covering residential construction that causes the bond to fall below seventy-five percent (75%) of the required bond amount, then the City may issue a stop work order for the project until the building permit recipient has replenished the bond to one hundred percent (100%) of the required bond amount.

b. Non-Residential Construction. If the City makes a draw on a public improvement and repair bond covering non-residential construction that causes the bond to fall below fifty percent (50%) of the required bond amount, then the City may issue a stop work order for the project until the building permit recipient has replenished the bond to one hundred percent (100%) of the required bond amount.

c. Aggregate Bonds. If an applicant submits an aggregate bond (e.g. one bond meeting the requirements of both the site plan bond and the public improvement and repair bond), the City may red tag the site if the portion of the aggregate bond attributable to public improvement and repair bond requirements falls below 75% of the required bond amount (if the bond covers residential construction) or 50% of the required bond amount (if the bond covers non-residential construction).

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002)

E. Form of Bond. The public improvement and repair bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The form of the public improvement and repair bond must be approved by the City. The City reserves the right to reject any bond if it has a rational basis for doing so. The public improvement and repair bond shall be delivered to the Department of Development Services.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002)

F. **Use of Bond.** The City may use some or all of the proceeds from the public improvement and repair bond for the following purposes:

1. **Completion of Required Public Improvements.** To complete required public improvements that remain uncompleted more than one hundred eighty (180) days after issuance of a temporary certificate of occupancy or after expiration or cancellation of a building permit.

2. **Repair of Required Public Improvements.** To repair or replace any required public improvements damaged by the contractor or owner or their agents during construction. The City shall notify the owner and/or contractor of any such damage and shall require repair or replacement of the damaged public improvements within a reasonable time. Upon the failure of the owner or contractor to make the specified repairs, the City may take whatever legal action it deems appropriate, including making draws on the bond, to secure the repairs.

3. **Public Right-of-Way Cleaning.** To perform public right-of-way cleaning in accordance with §23-3-9 of the Orem City Code.

4. **Mediation of Abandoned and Unsafe Sites.** To reimburse the City for mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002)

G. **Bond Release.** The City shall hold the public improvement and repair bond until (1) the contractor has completed all required public improvements, (2) the City has accepted the required public improvements, (3) the City issues a final certificate of occupancy for the site, and (4) the Chief Building Official gives written consent to the release of the bond. The amount of bond money released shall be equal to the amount of the bond less any draws on the bond. A building permit recipient may request that a public improvement and repair bond be rolled over from one project to another, provided that the terms of the bond would permit the rollover.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-02-0034, Amended, 09/24/2002)

7-3-3. Public Improvements Required.

Unless all such improvements are already installed, the City shall require the construction of all necessary public improvements including but not limited to sewer lines, water lines, curbs, gutters, surface-drainage structures, sidewalks, asphalt pavement, landscaping, and any hydraulic structures required by the City Engineer. The City may also require fencing, sprinkling

systems, driveway approaches, retaining walls, gradings and the covering, piping or relocation of waterways.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2)

7-3-4. Drive Approaches.

If a drive approach does not exist in the existing sidewalk, curb and gutter across the street frontage of the building, a new drive approach shall be constructed pursuant to City standards and specifications to accommodate the driveway to the building. Any unused existing drive approach shall be removed and replaced with curb, gutter and sidewalk.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2)

7-3-5. Landscaping.

At least seventy percent (70%) of the area, excluding reasonable driveways, contained within a required front or side yard adjacent to a street in any residential zone shall be landscaped with lawn, shrubs, trees or ornamental features. In commercial or other zones, landscaping shall be required according to the terms of the zoning ordinance of the City.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2)

7-3-6. Inspections.

Inspections of the installation of all public improvements and construction sites shall be made by the City.

(Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-2; Ord. No. O-08-0005, Amended 02/12/2008)

7-3-7. Construction in Flood Plains.

A. Whenever application for a building permit is submitted for the construction of any building or structure in a known flood plain or hazard area identified by the Federal Emergency Management Agency or the Army Corps of Engineers, the Chief Building Official shall review the application for the purpose of determining whether the proposed building or structure will comply with all the federal, state and local regulations applicable to construction within identified flood plains or hazard areas, including National Flood Insurance Program requirements.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-3)

B. The following construction standards shall apply in areas designated in subsection (A) above:

1. **Residential construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to at least the base flood elevation.

2. **Nonresidential construction.** New construction or substantial improvement of any

nonresidential structure shall either have the lowest floor, including the basement, elevated to at least the base flood elevation or shall comply with all of the following:

- a. Any portion below the base flood level shall be floodproofed so as to be completely watertight; and
- b. The structural components must be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. A registered engineer or architect shall certify to the Chief Building Official that the standards of subsections (a) and (b) above are met.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-3)

C. Mobile homes constructed within an area designated in subsection (A) above shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in the following manner:

1. Over-the-top ties shall be provided at each of the four corners with two additional ties per side at intermediate points, except that mobile homes less than fifty feet (50') long only need one tie per side.
2. Frame ties shall be provided at each of the four corners with five additional ties per side at intermediate points, except that mobile homes less than fifty feet (50') long only need four ties per side.
3. All components of the anchoring system shall be capable of carrying a force of 4800 pounds.
4. Any additions to mobile homes shall be similarly anchored.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-1-3)

7-3-8. Compliance with Utility Regulations.

All consumer gas piping and gas appliances installed, replaced, maintained or repaired within the City shall conform to the regulations of the utility furnishing gas service in the City and all other applicable City codes.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-7-1)

7-3-9. Penalties.

Any person violating any of the provisions of this Chapter or the codes, standards or appendices adopted herein shall be guilty of a Class B misdemeanor and shall upon conviction therefor be punished by a fine in a sum not to exceed one thousand dollars (\$1,000.00) or

by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Every day any violation continues shall constitute a separate offense. This section shall not be deemed to apply to City employees in the execution of their duties.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-92-012, Ren&Amd, 07/07/92, 7-8-2)