

**ORDINANCE NO. 16-08**

**AN ORDINANCE AMENDING THE WASATCH COUNTY CERTIFICATE OF OCCUPANCY AND LAND USE COMPLIANCE ORDINANCE, FOUND IN WASATCH COUNTY CODE SECTION 16.01.11 C. REGARDING THE REQUIREMENT FOR THE PROPERTY OWNERS SIGNATURE ON CERTIFICATES OF OCCUPANCY PRIOR TO RECORDING THE CERTIFICATE.**

**WHEREAS**, Wasatch County has enacted Wasatch County Code Section 16.01.11, to ensure all buildings within Wasatch County meet with required building standards prior to a certificate of occupancy being issued by the building department; and

**WHEREAS**, certificates of occupancy must be recorded in the Office of the Wasatch County Recorder to ensure notice to current and future property owners if a building has been issued a certificate of occupancy; and

**WHEREAS**, The Building Department cannot currently record a residential certificate of occupancy without having the property owner or their agent sign at the time of the final inspection; and

**WHEREAS**, many times the person who applies for the building permit is not the owner and the building department only has the contact information for the person who originally applied for the building permit; and

**WHEREAS**, the Wasatch County Council finds that a change of the requirements of section 16.01.11(c)(1) removing the requirement that a property owner or their agent must sign the certificate of occupancy will not impair the goals of the provision and in fact would be in the best interests of Wasatch County; and

**WHEREAS**, This change will also allow the Building Department to record prior certificates of occupancy that were not signed by the property owner or their agent, but were in fact properly completed and inspected, thus giving proper notice to current and future property owners;

**NOW THEREFORE**, be it resolved that the legislative body of Wasatch County hereby ordains as follows:

**SECTION I: Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.**

Section 16.01.11(c)(1), of the Wasatch County Code, is hereby enacted as follows:

1. Residential Certificates:
  - a. The number of residential units in the building or buildings. (If there is more than 1 building, the number of units should be listed separately for each building.)
  - b. Number of families residing or anticipated to live in the building.
  - c. The number of legal off street parking spaces, sized to conform to this title and being provided on the premises.
  - ~~d. A signed certification of the property owner of the building or premises, or his authorized agent, stating that the information contained in the application is accurate and that the stated conditions will be maintained on the premises.~~
  - e.d. A notice directed to the owner of the building or premises that any change in the intensity of use of the building or premises, or an increase of more than five percent (5%) in the number of occupants in an apartment building or multiple residential building, will require the issuance of a new certificate.
  - e. A residential Certificate of Occupancy that contains the above information and meets with the current standards may be recorded.

SECTION III: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION IV: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

**APPROVED** and **PASSED** this 16 day of November, 2016.

Attest:

WASATCH COUNTY COUNCIL:

Brent R. Titcomb  
Brent R. Titcomb  
Wasatch County Clerk / Auditor

Kendall Crittenden  
Kendall Crittenden, Chair  
Wasatch County Council

	<b>VOTE</b>
Kendall Crittenden, Chairman	✓
Greg McPhie	✓
Kipp Bangerter	✓
Mike Peterson	✓
Dan Goode	✓
Steve Farrell	✓
Michael Kohler	✓

**ADOPTION OF ORDINANCE AFFIDAVIT**

STATE OF UTAH            )  
  : ss.  
COUNTY OF WASATCH )

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this ~~15~~ day of December, 2016.

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Brent R. Titcomb  
Brent R. Titcomb

Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 15<sup>th</sup> day of December, 2016.

Sandra Hansen  
Notary Public

Residing in: Wasatch Co.  
My commission expires: 3-31-2019



OPEN AND PUBLIC MEETING AFFIDAVIT

STATE OF UTAH )  
 : ss  
COUNTY OF WASATCH )


I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Board of Wasatch County Commissioners do hereby certify, according to the records of said Board in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6, Utah Code Annotated, 1953, as amended, have caused public notice of the agenda, date, time and place of December 14th 2016 public meeting held by the Board of County Council of Wasatch County, Utah to be given by:

[ ] (a) Causing written notice to be posted at the principal office of the Board at the County Administration Building in Heber City, Utah at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as Exhibit A. This written notice has remained so posted and available for public inspection during the regular office hours of the Board until the convening of the meeting; and

[ ] (b) Causing written notice in the form attached hereto as Exhibit A to be provided at least twenty-four hours before the convening of the meeting, to *The Wasatch Wave*, a newspaper of general circulation within the geographic jurisdiction of Wasatch County, and to each local media correspondent, newspaper, radio station, or television station which has requested notification of meeting of the Board of County Council.

This Open and Public Meeting Affidavit will become part of the official minutes of County Council Regular meetings.

IN WITNESS WHEREOF, I have here unto subscribed my signature and impressed hereon the official seal of the Board of County Council of Wasatch County, Utah, this 14th day of, Dec. 2016.

  
Brent R. Titcomb  
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 14th day of Dec, 2016

