

**Enterprise Municipal Code  
Title 15 – Buildings and Construction  
Chapters 15-02 to 15-24**

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**Title 15  
BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 15-02 Uniform Codes
- 15-04 Building Permits and Specifications
- 15-06 Design Standards for Single and Two-family Dwellings Outside a Mobile Home Zone
- 15-08 Electrical Regulations
- 15-12 Plumbing Regulations
- 15-20 Flood Damage Prevention
- 15-24 Historic Properties

**Chapter 15-02  
UNIFORM CODES**

**Sections:**

- 15-02-010 Adoption of Codes by Reference

**15-02-010 ADOPTION OF CODES BY REFERENCE**

The most recent version adopted by the State of Utah of the following codes and the appendices and the State's amendment are incorporated by reference and adopted as the building codes of City of Enterprise: International Building Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Fire Code, International Energy Conservation Code, International Plumbing Code, National Electrical Code, HUD Code, and the Model Manufactured Home Installation Standard:

Replace with attachment A, Snow Loads, For Areas In Enterprise.

ATTACHMENT A

<b>Snow Loads For Enterprise</b>		
<b>Area</b>	<b>Footing Depth (Inches)</b>	<b>Live Load/ Snow Load (PSF)</b>
Enterprise	30	40

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Compaction tests: 90 percent Wind capacity: 70 miles per hour Seismic zone: Site specific	
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**Chapter 15-04  
BUILDING PERMITS AND SPECIFICATIONS**

**Sections:**

- 15-04-010 Deleted. (Unlawful to erect wooden buildings.)
- 15-04-020 Permit Required.
- 15-04-021 Refuse Disposal.
- 15-04-023 Toilet Facilities for Workers.
- 15-04-030 Fees.
- 15-04-035 Building Permit Expiration.
- 15-04-040 Plans — Submittal.
- 15-04-050 Permits — Refusal.
- 15-04-060 Inspections.
- 15-04-070 Right of Entry.
- 15-04-080 Appeal.
- 15-04-090 License Required.
- 15-04-100 Exception.
- 15-04-110 Business License — Revocation.
- 15-04-120 Liability.
- 15-04-130 Setback From Property Line.
- 15-04-140 Buildings in Which Animals and Fowl Are Housed — Required Distance from Residential Buildings
- 15-04-150 City May Order Construction Stopped.
- 15-04-160 Unlawful to Hinder Building Official.
- 15-04-170 Violation — Penalty.

**15-04-020 PERMIT REQUIRED.**

Any person desiring to erect, construct, enlarge, alter, repair, move, convert, or demolish any building for private or commercial use shall before such work is commenced secure a permit from the building official. To secure a permit, written application must be made to the building official on forms supplied for that purpose by

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the City, and the applicant shall pay in advance all fees required therefore. Exceptions: Permits are not required for detached storage sheds with floor area no greater than 120 square feet, or for fences six feet high or less. (Ord. 88-7-20 (part), 1988: prior code §159)

**15-04-021 REFUSE DISPOSAL:**

It shall be required for any person, company or contractor who is constructing, enlarging, remodeling, re-roofing or demolishing any building or structure of any kind to provide for the disposal of all refuse created by the project at their own expense and by arrangement with a solid waste disposal service operating in accordance with all State and Federal laws and regulations. The required dumpster shall be on-site no later than the commencement of framing of the structure in the case of new construction and at the beginning of the project in all other cases. Standard residential trash cans shall not be used for this purpose. (Ord. 2005-08, 2005)

**15-04-023 TOILET FACILITIES FOR WORKERS:**

Toilet facilities shall be provided for construction workers at the construction site and such facilities shall be maintained in a sanitary condition.

- A. On new residential construction sites, this requirement may be met by either (1) a standard porta-potty placed and maintained on-site, or (2) the toilet facilities of the property owner's legally placed mobile home or recreational vehicle at the construction site when such facilities are made freely available to all construction workers at that site.
- B. On new commercial or industrial construction sites, this requirement shall be met by the placement of at least one standard porta-potty on-site for each fifteen-thousand (15,000) square feet of planned floor area of any building.
- C. On residential, commercial, or industrial construction sites where a building is being enlarged or remodeled, the toilet facilities in the existing portion of the building shall meet the requirement of this section as long as such toilet facilities are made freely available to all construction workers at that site and such toilet facilities remain operable for the duration of construction at that site. (Ord. 2005-08, 2005)

**15-04-030 PLANS — SUBMITTAL.**

It is unlawful for any person to construct a building or structure of any kind, or alter or repair any building or structure, within the City limits of Enterprise without first filing with the building official an application specifying the type and the general plan of the building to be constructed and its relative location upon the property upon which the building is to be constructed and, after filing the application, it is unlawful for any person to commence the construction of the building without first securing a permit from the building official. All commercial construction shall require plans bearing the stamp of an architect or engineer registered and licensed in the State of Utah. (Ord. 88-7-3 (part), 1988: prior code §17)

**15-04-035 BUILDING PERMIT EXPIRATION.**

- A. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension

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or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- B. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. (Ord. 2010-02, 2010)

**15-04-040 FEES.**

Fees shall be paid to the City Recorder at the time a building permit is issued. Fees shall be set by resolution of the Enterprise City Council. Inspections outside normal business hours or re-inspections of substandard work may be subject to an additional fee. (Ord. 88-7-3 (part), 1988: prior code §19)

**15-04-050 PERMITS — REFUSAL.**

A. The City may refuse to issue building permits to any or all people, if their real property on which they desire to build, does not meet the zoning ordinances of the City of Enterprise. This is in reference to water, power, streets, drainage, etc., of the real estate involved in the building permit requested.

B. All new construction of buildings, such as homes, business buildings, etc., must meet the minimum requirements of the Uniform/International Codes.

Any items not properly conformed to, listed in subsections A and B of this section, may be reason and cause for the City to refuse to issue a building permit. (Ord. 88-7-3 (part), 1988: prior code §17-A)

**15-04-060 INSPECTIONS.**

All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official or his designated representative. It shall be the duty of the person doing the work authorized by the permit to notify the building official that such work is ready for inspection. Contractors will make every reasonable effort to notify the building official, in person or by telephone, at least 24 hours in advance of a required inspection. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City of Enterprise shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**15-04-070 RIGHT OF ENTRY.**

The Building Official or his designated representative shall have the right to enter any premises at all reasonable hours, for the purpose of inspecting the same with permission of owner/occupant or with a proper warrant. (Ord. 88-7-20 (part), 1988: prior code §163)

**15-04-080 APPEAL.**

All orders, decisions, or determinations made by the building official shall be subject to change or revocation by a Board of Appeals appointed by the City Council in accordance with Section 105 of the Uniform Building Code. (Ord. 88-7-20 (part), 1988: prior code §165)

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**15-04-090 LICENSE REQUIRED.**

It is unlawful for any person to engage in, commence, conduct, or carry on the business of building construction, subject to the exceptions contained in this chapter, without first obtaining a license to do so from the State of Utah, and furnishing satisfactory proof to the building official of his ability and fitness to do such work. (Ord. 88-7-20 (part), 1988: prior code §166)

**15-04-100 EXCEPTION.**

The provisions of Section 15.04.090 shall not be construed as prohibiting a property owner from doing his own construction work, for his sole use, as “Owner/Builder”, but such work must be done in accordance with the standards prescribed in this chapter and shall be subject to the inspection and payment of fees provided for in this chapter. (Ord. 88-7-20 (part), 1988: prior code §167)

**15-04-110 BUSINESS LICENSE — REVOCATION.**

The business license of any builder may be revoked by the City Council of the City of Enterprise at any time upon notice and hearing for the violation of any of the provisions of this chapter. No person whose business license has been revoked as provided for in this chapter, shall thereafter be granted a new business license until the expiration of six months after such revocation. (Ord. 88-7-20 (part), 1988: prior code §170)

**15-04-120 LIABILITY.**

This chapter shall not be construed to relieve or lessen the responsibility of any person owning, building, or repairing any structure, for damages to anyone injured or damaged, either in person or property, by any defect therein; nor shall the City or any agent thereof be held as assuming any such liability by reason of inspection authorized herein or the certificate of inspection issued by the building official or his designated representative. (Ord. 88-7-20 (part), 1988: prior code §172)

**15-04-130 SETBACK FROM PROPERTY LINE.**

It is unlawful for any building to be built nearer to the property line than shall be allowed by this code and by the Uniform Building Code. See sections 17.16 - 17.34 of this code and Uniform Building Code Table 5-A and section 503.4 (Special Provisions and Exceptions to Table 5-A) for specific requirements. (Ord. 88-7-3 (part), 1988: prior code §15)

**15-04-140 BUILDINGS IN WHICH ANIMALS AND FOWL ARE HOUSED — REQUIRED DISTANCE FROM RESIDENTIAL BUILDINGS.**

It is unlawful for any person to build any corral, barn, chicken coop, pig pen, turkey pen or other buildings in which animals or fowl are housed, nearer than one hundred feet to a residential or apartment building, other than his own. (Ord. 88-7-3 (part), 1988: prior code §16)

**15-04-150 CITY MAY ORDER CONSTRUCTION STOPPED.**

The building official or the Mayor of the City of Enterprise have power to order stopped the construction or making of all alterations or repairs on any building where such work is being done in violation of any of the provisions of this chapter, and it shall be unlawful for any architect, builder or contractor or any other person employed in such work to fail to comply with such order. (Ord. 88-7-3 (part), 1988: prior code §18)

**15-04-160 UNLAWFUL TO HINDER BUILDING OFFICIAL.**

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It is unlawful for any person to hinder or delay or to in any way interfere with the building official or any person under the direction of the building official in the performance of any duty, and any person who violates this section shall be subject to the penalty hereinafter provided for. (Ord. 88-7-3 (part), 1988: prior code §20)

**15-04-170 VIOLATION — PENALTY.**

Any person who violates, disobeys or fails or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a Class “B” Misdemeanor. Every day’s continuation of the violation of any of the provisions of this chapter shall be deemed a separate and distinct offense. (Ord. 88-7-3 (part), 1988: prior code §21)

**Chapter 15-06**

**DESIGN STANDARDS FOR SINGLE AND TWO FAMILY DWELLINGS OUTSIDE A MOBILE HOME ZONE**

Sections:

15-06-010 General Provisions

**15-06-010 GENERAL PROVISIONS**

In addition to any other requirements provided by law, any application for a building permit for construction of a new single family or two-family dwelling within the City shall be accompanied by a site plan and architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures and complying with the design criteria set forth as follows:

- A. The dwelling must meet all requirements of the zone in which the dwelling is located.
- B. Each dwelling must meet the requirements of the City adopted building codes or if it is a manufactured home, it must be certified under the National manufactured Housing Construction and safety standard Act of 1974, meet the HUD code, and must have been issued an insignia approved by HUD and must not have been altered in violation of such codes.
- C. Each dwelling must be taxed as real property. If the dwelling is a manufactured home, affidavits as required by Utah Code Annotated Section 59-2-602 must be filed under that section and a copy thereof submitted to the City prior to receiving a Certificate of Occupancy.
- D. Each dwelling must be approved for and permanently connected to all required utilities.
- E. Each dwelling shall have a code-approvable permanent foundation which meets the requirement of City adopted building codes for the ICBO guidelines for manufactured housing installations, including any amendments or successors thereto, and must be capable of transferring design, deadloads and liveloads and other design loads unique to local home sites due to wind, seismic,

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soil and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure. All perimeter footings must be a minimum of 30 inches below grade. All tie-down devices must meet City adopted building codes or other applicable building codes. Any open space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with ICBO guidelines and constructed of weather-resistant materials aesthetically consistent with concrete or masonry-type foundation materials. At each exit door there shall be a landing of a minimum of 36 inches by 36 inches (36"X36") constructed to meet the requirements of City adopted building codes. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.

F. The roof of each dwelling shall have a minimum pitch of 2'6":12' or lesser pitch with parapet walls under a design approved by the Building Official. At non-gable ends of the roof there shall be an overhang at the eaves of not less than six inches (6"), excluding rain gutters, measured from the vertical side of the swelling. The roof overhang requirements shall not apply to areas above porches, alcoves, and other appendages which together do not exceed 25% of the length of the dwelling. The roof surface shall consist of wood shakes, asphalt, composition, wood shingles, fiberglass shingles, tile, or metal shingles/tiles/interlocking vertical panels.

G. Each dwelling shall have exterior material of a sufficient quality, durability and resistance to the elements to satisfy the purpose of this section. Exterior siding material shall consist of wood, hardwood, brick, concrete, stucco, glass, metal lap, vinyl lap, tile, or stone meeting the requirements of City adopted building codes.

H. Each dwelling shall have a main front entry facing a public street unless otherwise approved by the Planning Commission based upon special circumstances justifying such exception.

I. The width of each dwelling shall not be less than twenty feet (20') at the narrowest point of its first floor exclusive of any garages, carports, bay windows, room additions, or other similar appendages. The length shall be sufficient to provide either a minimum of nine hundred (900) or one thousand (1000) square feet as required in paragraph J. A basement shall not be considered as a first floor. The width shall be considered the lesser of the two primary dimensions. Manufactured homes shall be multiple transportable sections at least ten feet (10') wide unless transportable in three (3) or more sections, in which case only one section need be to feet (10') wide.

J. Each dwelling located on a lot of 10,000 square feet or less in size shall have a minimum floor area on the main floor or floors, exclusive of garages, of 900 square feet. Each dwelling located on a lot greater than 10,000 square feet in size shall have a minimum floor area on the main floor or floors, exclusive of garages, of 1,000 square feet. A basement shall not be considered as a floor. Measurements to determine the minimum area of the dwelling shall be taken from the outside of foundation walls.

K. Replacement of an existing non-conforming manufactured home on any lot outside a mobile home zone must comply with the requirements contained in this section.

L. Any previously occupied dwelling which is to be moved from an existing location to a lot within the City shall be approved by the Building Official of the City, or his designated representative, prior to the move to ensure that it meets the requirements of this section and applicable building codes. Any violations must be corrected as directed by the Building Official prior to occupancy of the dwelling.

M. All building permit, inspection and impact fees must be paid.

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N. The Building Official may approve deviations from one or more of the developmental or architectural standards contained in subsections E through G, above, if the Building Official finds that the architectural style proposed provides compensating features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the Building Official may be appealed to the Board of Adjustments.

O. As used herein, manufactured home shall mean a factory-built single family or two-family dwelling that is transportable in two or more modules and is manufactured or constructed under the authority of 42 United States Code, Sec. 5401, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. They bear a seal from the U.S. Department of Housing and Urban Development (HUD) certifying code compliance. (Ord. 2003-03, 2003)

**Chapter 15-08**  
**ELECTRICAL REGULATIONS**

**Sections:**

- 15-08-010 Permit Required.
- 15-08-020 Fees.
- 15-08-030 Installation Rule(s).
- 15-08-040 Inspections.
- 15-08-050 Right of Entry.
- 15-08-060 Appeal.
- 15-08-070 License Required.
- 15-08-080 Exceptions.
- 15-08-090 Business License — Revocation.
- 15-08-100 Liability.
- 15-08-110 Violation — Penalty.
- 15-08-120 Certificate of Inspection Required for Connection — Separate Permit Required for Changes after Issuance of Certificate.
- 15-08-130 Electric Sign Companies — Special Permit.
- 15-08-140 Deleted. (Apprentice or helper — License required.)

**15-08-010 PERMIT REQUIRED.**

Any person desiring to install any electrical light or power, wiring, fixtures, appliances or apparatus in or on any building for private or commercial use shall before such work is commenced secure a permit from the building official. To secure a permit, written application must be made to the building official on a form supplied for that purpose by the City, and the applicant shall pay in advance all fees required therefore. The application for



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permit to install electrical wiring, etc., also extends and applies to additions and alterations of old installations of electrical wiring, fixtures, appliances, or apparatus. (Ord. 88-7-20 (part), 1988: prior code §159)

**15-08-020 FEES.**

Fees shall be paid to the City Recorder at the time an electrical permit is issued. Fees shall be set by resolution of the Enterprise City Council. Inspections outside normal business hours or re-inspections of substandard work may be subject to an additional fee. (Ord. 88-7-20 (part), 1988: prior code §160)

**15-08-030 INSTALLATION RULE(S).**

The following rule(s) shall govern the installation of an electrical service which shall be in compliance with the National Electrical Code or parts thereof as adopted by the State of Utah and/or the City Council by resolution.

- A. A fused switch (main breaker) of the enclosed and safety type must be provided and installed so as to be readily accessible to police and fire department officials as well as to meter readers of the power. (“Readily Accessible” shall be defined as “Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc.”)
- B. Deleted. (Ord. 88-7-20 (part), 1988: prior code §161)

**15-08-040 INSPECTIONS.**

It is unlawful for any person engaged in the construction, alteration or repair of any building or structure, either as owner, contractor, subcontractor, agent, employee or otherwise, in any manner to cover up or render difficult to access, for the purpose of inspection, any electrical wiring or other matter or thing in or about any such building or structure which requires separate inspection, before the same shall have been inspected and approved. It shall be the duty of the person doing the work authorized by the permit to notify the building official that such work is ready for inspection. Contractors will make every reasonable effort to notify the building official, in person or by telephone, at least 24 hours in advance of a required inspection. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City of Enterprise shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. After notice that any such systems are ready for inspection and the electrical inspector calls at the place designated to make such inspection, and finds the work not ready for inspection, he may collect an additional inspection fee under provisions of the currently adopted fee schedule for each additional required inspection. (Ord. 88-7-20 (part), 1988: prior code §164)

**15-08-050 RIGHT OF ENTRY.**

The Building Official or his designated representative shall have the right to enter any premises at all reasonable hours, for the purpose of inspecting the same with permission of owner/occupant or with a proper warrant. (Ord. 88-7-20 (part), 1988: prior code §163)

**15-08-060 APPEAL.**

All orders, decisions, or determinations made by the building official shall be subject to change or revocation by a Board of Appeals appointed by the City Council in accordance with Section 105 of the Uniform Building Code. (Ord. 88-7-20 (part), 1988: prior code §165)

**15-08-070 LICENSE REQUIRED.**

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It is unlawful for any person to engage in, commence, conduct, or carry on the business of electrician, subject to the exceptions contained in this chapter, without first obtaining a license to do so from the State of Utah, and furnishing satisfactory proof to the building official of his ability and fitness to do such work. For the purpose of this section an electrician shall be defined as any person who installs or repairs any electrical wiring, fixtures, apparatus, or appliances for furnishing light, heat, or mechanical power, or who does other electrical work. (Ord. 88-7-20 (part), 1988: prior code §166)

**15-08-080 EXCEPTIONS.**

The provisions of Section 15.08.070 shall not apply to the employees of the electric utility operating within the City of Enterprise who confine their efforts to work on the lines and apparatus of the City. Section 15.08.070 shall further not be construed as prohibiting a property owner from doing his own electrical work, but such work must be done in accordance with the standards prescribed in this chapter and shall be subject to the inspection and payment of fees provided for in this chapter. (Ord. 88-7-20 (part), 1988: prior code §167)

**15-08-090 BUSINESS LICENSE — REVOCATION.**

The business license of any electrician may be revoked by the City Council of the City of Enterprise at any time upon notice and hearing for the violation of any of the provisions of this chapter. No person, whose business license has been revoked as provided for in this chapter, shall thereafter be granted a new business license until the expiration of six months after such revocation. (Ord. 88-7-20 (part), 1988: prior code §170)

**15-08-100 LIABILITY.**

This chapter shall not be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical wires, fixtures, appliances, apparatus, construction or equipment, for damages to anyone injured or damaged, either in person or property, by any defect therein; nor shall the City or any agent thereof be held as assuming any such liability by reason of inspection authorized herein or the certificate of inspection issued by the building official or his designated representative. (Ord. 88-7-20 (part), 1988: prior code §172)

**15-08-110 VIOLATION — PENALTY.**

Any person violating the order of the Building Official or his designated representative pending the action of the Board of Appeals, or violating the order of the Board of Appeals in such case, or violating the order of the Building Official or his designated representative where no appeal has been made regarding the action or order of the Building Official or his designated representative, or who shall violate any of the other provisions of this chapter shall be guilty of a Class “B” Misdemeanor. Every day’s continuation of the violation of any of the provisions of this chapter shall be deemed a separate and distinct offense. (Ord. 88-7-20 (part), 1988: prior code §171)

**15-08-120 CERTIFICATE OF INSPECTION REQUIRED FOR CONNECTION — SEPARATE PERMIT REQUIRED FOR CHANGES AFTER ISSUANCE OF CERTIFICATE.**

Upon the completion of the installation of any electrical wiring, fixture, appliance or apparatus, in or on any building, it shall be the duty of the corporation, co partnership, firm or individual doing the same to notify the Building Official, or his designated representative, who shall issue a certificate of proper inspection, which shall contain the date of such inspection, and an outline of the results; and it shall be unlawful for any person, firm or corporation or co partnership to turn on, or connect the current with such installation until said certificate shall be issued, and it shall be unlawful to make any change, alterations or extension, in or to the installation of any

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electrical wiring, fixture, appliance or apparatus, in or on any building, after inspection, without notifying the building official and securing a permit therefore. (Ord. 88-7-20 (part), 1988: prior code §162)

**15-08-130 ELECTRIC SIGN COMPANIES — SPECIAL PERMIT.**

A special yearly permit may be issued to electric sign and display companies, their agents, and employees, to erect electric signs and/or displays on any building in the City of Enterprise upon payment by any applicant for such yearly permit the sum of twenty dollars into the City treasury. The special permit shall not authorize the permittee, its agents, or employees to do any electrical work not connected with the installation of electric signs or displays. (Ord. 88-7-20 (part), 1988: prior code §168)

**Chapter 15-12  
PLUMBING REGULATIONS**

**Sections:**

- 15-12-010 Permit Required.
- 15-12-020 Fees.
- 15-12-030 Installation Rule(s).
- 15-12-040 Inspections.
- 15-12-050 Right of Entry.
- 15-12-060 Appeal.
- 15-12-070 License Required.
- 15-12-080 Exceptions.
- 15-12-090 Business License — Revocation.
- 15-12-100 Liability.
- 15-12-110 Violation -- Penalty.

**15-12-010 PERMIT REQUIRED.**

No plumber or any other person shall perform any plumbing work within the City of Enterprise, Utah, without having first obtained a permit so to do from the City of Enterprise. It is unlawful to begin plumbing work on any new building or to make additions or alterations to old work, without first obtaining a permit therefore. It shall

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further be unlawful for any licensed plumber to use his license or allow his license to be used in any way for the purpose of procuring a permit for any person other than himself. (Prior code §323)

**15-12-020 FEES.**

Fees shall be paid to the City Recorder at the time a plumbing permit is issued. Fees shall be set by resolution of the Enterprise City Council. Inspections outside normal business hours or re-inspections of substandard work may be subject to an additional fee. (Ord. 88-7 2B (part), 1988: prior code §324)

**15-12-030 INSTALLATION RULE(S).**

The following rules shall govern the installation of plumbing work within this City: Any plumbing installation will be in compliance with International Plumbing Code specifications or parts thereof as adopted by the State of Utah or by resolution of the City Council. (Ord. 88-7-2B (part), 1988: prior code §326)

**15-12-040 INSPECTION.**

It is unlawful for any person engaged in the construction, alteration or repair of any building or structure, either as owner, contractor, subcontractor, agent, employee or otherwise, in any manner to cover up or render difficult to access, for the purpose of inspection, any plumbing or other matter or thing in or about any such building or structure which requires separate inspection, before the same shall have been inspected and approved by the building official or his designated representative. The water supply distribution system shall be installed and ready for inspection when inspection of the drainage and vent system is called for or made. Contractors will make every reasonable effort to notify the building official, in person or by telephone, at least 24 hours in advance of a required inspection. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City of Enterprise shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. After notice that any such systems are ready for inspection and the plumbing inspector calls at the place designated to make such inspection, and finds the work not ready for inspection, he may collect an additional inspection fee under provisions of the currently adopted fee schedule for each additional required inspection. Such inspector is empowered to make or cause to be made any such plumbing or other work accessible for the purpose of inspection without expense to the City or the plumbing inspector. (Prior code §325)

**15-12-050 RIGHT OF ENTRY.**

The Building Official or his designated representative shall have the right to enter any premises at all reasonable hours for the purpose of inspecting the same with permission of owner/occupant or with a proper warrant. (Ord. 88-7-20 (part), 1988: prior code §163)

**15-12-060 APPEAL.**

All orders, decisions, or determinations made by the building official shall be subject to change or revocation by a Board of Appeals appointed by the City Council in accordance with Section 105 of the Uniform Building Code. (Ord. 88-7-20 (part), 1988: prior code §165)

**15-12-070 LICENSE REQUIRED.**

It is unlawful for any person to engage in, commence, conduct, or carry on the business of plumber, subject to the exceptions contained in this chapter, without first obtaining a license to do so from the State of Utah, and furnishing satisfactory proof to the building official of his ability and fitness to do such work. For the purpose of this section a plumber shall be defined as any person who installs, alters, or repairs any waste, drain, vent,

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supply, or gas piping, or any plumbing fixtures/apparatus with the exception of unstopping plugged drains or other such minor repairs. (Ord. 88-7-20 (part), 1988: prior code §166)

**15-12-080 EXCEPTIONS.**

The provisions of Section 15-12-070 shall not apply to the employees of the sewer utility operating within the City of Enterprise who confine their efforts to work on the lines and apparatus of the City. Section 15-12-070 shall further not be construed as prohibiting a property owner from doing his own plumbing work, but such work must be done in accordance with the standards prescribed in this chapter and shall be subject to the inspection and payment of fees provided for in this chapter. (Ord. 88-7-20 (part), 1988: prior code §167)

**15-12-090 BUSINESS LICENSE — REVOCATION.**

The business license of any plumber may be revoked by the City Council of the City of Enterprise at any time upon notice and hearing for the violation of any of the provisions of this chapter. No person, whose business license has been revoked as provided for in this chapter, shall thereafter be granted a new business license until the expiration of six months after such revocation. (Ord. 88-7-20 (part), 1988: prior code §170)

**15-12-110 VIOLATION — PENALTY.**

Any plumber or other person who shall install any plumbing or who shall do any plumbing work within the City of Enterprise, which does not comply with the requirements of this chapter, or who shall violate any other provision of this chapter shall be guilty of a Class “B” Misdemeanor. Every day’s continuation of the violation of any of the provisions of this chapter shall be deemed a separate and distinct offense. (Ord. 88-7-2B (part), 1988: prior code §327)

**Chapter 15-20**  
**FLOOD DAMAGE PREVENTION**

**Sections:**

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- 15-20-010 Statutory authorization.
- 15-20-020 Findings of Fact.
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**ARTICLE II. DEFINITIONS**

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- 15-20-080 Abrogation and greater restrictions.
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**ARTICLE I. GENERAL PROVISIONS**

**15-20-010 STATUTORY AUTHORIZATION.**

The legislature of the state of Utah has in UCA Section 10-9-1 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Council of the City of Enterprise, Utah does ordain as follows in this chapter: (Ord. 2009-02, 2009)

**15-20-020 FINDINGS OF FACT.**

1. The flood hazard areas of the City of Enterprise are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are created, in part, by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage. (Ord. 2009-02, § 2009)

**15-20-030 PURPOSE.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a flood area. (Ord. 2009-02, 2009)

**15-20-040 METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this title includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 2009-02, 2009)

**ARTICLE II. DEFINITIONS**

**15-20-110 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Defined terms throughout this ordinance may be both capitalized and un-capitalized.

***“Alluvial fan flooding”*** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

***“Apex”*** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

***“Area of shallow flooding”*** means a designated AO, AH, or VO zone on a City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

***“Area of special flood hazard”*** means the land in the floodplain within the City which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V. **BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year.

***“Basement”*** means any area of the building having its floor sub-grade (below ground level) on all sides.

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**“Critical feature”** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**“Development”** means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**“Elevated building”** means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**“Existing construction”** means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**“Existing manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**“Expansion to an existing manufactured home park or subdivision”** Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**“Flood or flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**“Flood insurance rate map” or “FIRM”** means an official map of a City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

**“Flood insurance study”** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any source (see definition of flooding).

**“Floodplain management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**“Floodplain management regulations”** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local



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regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**“Flood protection system”** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**“Flood proofing”** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**“FLOODWAY” or “REGULATORY FLOODWAY”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**“Highest adjacent grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historic structure”** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or;
  - b. directly by the Secretary of the Interior in states without approved programs.

**“Levee”** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**“Levee system”** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**“Lowest floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

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**“Manufactured home”** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**“Manufactured home park or subdivision”** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**“Mean sea level”** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**“New construction”** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**“New manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**“Recreational vehicle”** or **“R.V.”** means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“Start of construction”** means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“Structure”** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a Manufactured Home.

**“Substantial damage”** means damage of any origin sustained by a Structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.

**“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before "start of construction" of the improvement. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

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1. Any project for improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "Historic Structure", provided that the alteration will not preclude the structure's continued designation as a "Historic Structure."

**"Variance"** means a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. Any request for a Variance from any provision of this Ordinance may only be approved in compliance with Utah Code Ann. § 10-9a- and the requirements of Section 60.6 of the National Flood Insurance Program regulations (as amended).

**"Violation"** means the failure of a structure or other development to be fully compliant with the City's Floodplain Management Regulations. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60-3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**"Water surface elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 2009-02, 2009)

**ARTICLE III**  
**GENERAL PROVISIONS**

**15-20-050      LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Enterprise. (Ord. 2009-02, 2009)

**15-20-060      BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), Number H 01, dated April 1, 1987, is adopted by reference, and declared to be part of this chapter. The FIRM is on file at 375 South 200 East. (Ord. 2009-02, 2009)

**15-20-065      ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance. (Ord. 2009-02, 2009)

**15-20-070      COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. (Ord. 2009-02, 2009)

**15-20-080      ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**15-20-090      INTERPRETATION.**

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In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of City; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 2009-02, 2009)

**15-20-100 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Enterprise any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under. (Ord. 2009-02, 2009)

**ARTICLE IV**  
**ADMINISTRATION**

**15-20-110 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The City (by and through the City Council) shall hereby appoint a Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ord. 2009-02, 2009)

**15-20-120 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve, or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and any coordinating agency within Washington County and the State of Utah, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

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9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the City **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision). (Ord. 2009-02, 2009)

**15-20-130 PERMIT PROCEDURES**

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B) (1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area. (Ord. 2009-02, 2009)

**15-20-140 VARIANCE PROCEDURES**

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1. The City's Board of Adjustments shall be the "Appeal Board" established by the City shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision to the District Court in and for Washington County, State of Utah.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
  - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - b. Variances shall only be issued upon:
    1. showing a good and sufficient cause;
    2. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
    4. a showing of compliance with all requirements set forth in Utah Code Ann. § 10-9a-702.
  - c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - a. the criteria outlined in Article 4, Section D(1)-(10) are met, and
  - b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 2009-02, 2009)

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**ARTICLE V.**  
**PROVISIONS FOR FLOOD HAZRD REDUCTION**

**15-20-150 GENERAL STANDARDS.**

In all areas of special flood hazards, the standards set out in this article are required for all new construction and substantial improvements:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed using methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction and substantial improvements shall be constructed with electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 2009-02, 2009)

**15-20-160 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.
3. **Enclosures** - New Construction and Substantial Improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other

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than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**4. Manufactured Homes –**

- a. Require that all manufactured homes to be placed within Zone A on a City's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the City's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the City's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
  1. the lowest floor of the manufactured home is at or above the base flood elevation, or
  2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

**5. Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City's FIRM either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use, or
- c. meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (Ord. 2009-02, 2009)

**15-20-170 STANDARD FOR SUBDIVISION PROPOSALS**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this chapter.



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2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this chapter.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this chapter.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. 2009-02, 2009)

**15-20-180 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of **non-residential** structures;
  - a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified), or;
  - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures. (Ord. 2009-02, 2009)

**15-20-190 FLOODWAYS**

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

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3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the City **first** applies for a conditional FIRM and floodway revision through FEMA. (Ord. 2009-02, 2009)

**ARTICLE VI  
MISCELLANEOUS**

**15-20-200 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class B Misdemeanor. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2009-02, 2009)

**15-20-210 SEVERABILITY**

If any section, clause, or portion of this chapter is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect. (Ord. 2009-02, 2009)

**15-20-220 CONFLICTS**

This chapter repeals the provisions of any prior ordinances and chapters in conflict herewith. (Ord. 2009-02, 2009)

**15-20-230 EFFECTIVE DATE/CERTIFICATION**

It is hereby found and declared by the City of Enterprise that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval. (Ord. 2009-02, 2009)

**Chapter 15-24  
HISTORIC PROPERTIES**

**Sections:**

- 15-24-010 Historic sites list.
- 15-24-020 Historic sites list--Criteria for designation.
- 15-24-030 Historic sites--Designation procedures.
- 15-24-040 Historic sites list--Results of designation.
- 15-24-050 Historic sites list--Removal of properties.

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- 15-24-060 Historic landmark register.
- 15-24-070 Historic landmark register--Criteria for designation.
- 15-24-080 Historic landmark register--Designation procedures.
- 15-24-090 Historic landmark register--Results of designation.
- 15-24-100 Enforcement.
- 15-24-110 Standards for rehabilitation.

**15-24-010 HISTORIC SITES LIST.**

The preservation commission may designate historic properties to the historic sites list as a means of providing recognition to and encouraging the preservation of historic properties in the community. (Ord. 15.30 §7(part), 1992)

**15-24-020 HISTORIC SITES LIST--CRITERIA FOR DESIGNATION.**

Any district, building, structure, object, or site may be designated to the historic sites list if it meets all the criteria outlined below:

- A. It is located within the official boundaries of the City.
- B. It is at least fifty years old.
- C. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
- D. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (January 1990 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files. (Ord. 15.30 §7(A), 1992)

**15-24-030 HISTORIC SITES--DESIGNATION PROCEDURES.**

Any person, group, or government agency may nominate a property for listing in the Enterprise historic sites list. The nomination and listing procedures are as follows:

- A. Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the historic preservation commission.
- B. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals, though no nomination will be reviewed if it is submitted to the commission less than forty-eight hours prior to the meeting.
- C. The historic preservation commission will review the documentation for completeness, accuracy, and compliance with the criteria for designating historic properties to the Enterprise historic list and will make its decision accordingly. (Ord. 15.30 §7(B), 1992)

**15-24-040 HISTORIC SITES LIST--RESULTS OF DESIGNATION.**

- A. Owners of officially designated historic sites may obtain a historic site certificate from the historic preservation commission. The certificate contains the historic name of the property, the date of designation, and signatures of the Mayor and the historic preservation commission chairperson.

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- B. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
1. The City will delay issuing a demolition permit for a maximum of one week and will notify a member of the historic preservation commission which will take responsibility for the documentation.
  2. Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.
  3. The demolition permit will be issued after one week of the initial application whether or not the commission has documented the building. The permit may be issued earlier if the commission completes its documentation before the one-week deadline.
  4. The documentation will be kept in the commission's historic site files, which are open to the public. (Ord. 15.30 §7(C), 1992)

**15-24-050 HISTORIC SITES LIST--REMOVAL OF PROPERTIES.**

Properties which; in the opinion of the historic preservation commission, no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the committee. (Ord. 15.30 §7(D), 1992)

**15-24-060 HISTORIC LANDMARK REGISTER.**

Significant historic properties may be designated to the historic landmark register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation. (Ord. 15.30 §8(part), 1992)

**15-24-070 HISTORIC LANDMARK REGISTER--CRITERIA FOR DESIGNATION.**

Any district, building, structure, object, or site may be designated to the historic landmark register if it meets all the criteria outlined below:

- A. It is located within the official boundaries of the City.
- B. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
  1. Associated with events that have made a significant contribution to the broad patterns of our history; or
  2. Associated with the lives of persons significant in our past; or
  3. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  4. Have yielded, or may be likely to yield, information important in prehistory or history (archaeological sites, for example).
- C. The owner of the property approves of the action to designate his/her property to the historic landmark register and has submitted to the commission a written statement to that effect. (Ord. 15.30 §8(A), 1992)

**15-24-080 HISTORIC LANDMARK REGISTER--DESIGNATION PROCEDURES.**

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- A. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the commission chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the national register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by commission members, private citizens, local officials, or others regarding designation of the property.
- B. Upon receipt of the written request for designation, the commission chairperson shall arrange for the nomination to be considered at the next commission meeting, which shall be held at a time not to exceed thirty days from the date the request was received.
- C. The decision by the commission shall be based on the eligibility of the property in terms of meeting the criteria for designating properties to the enterprise historic landmark register; the commission shall forward its recommendation in writing to the City Council within fourteen days.
- D. The City Council may, by approval and passage of an appropriate resolution, designate properties to the historic landmark register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of the ordinance codified in this chapter.
- E. After a property has been formally designated to the historic landmark register, the designation may be amended or rescinded in the same manner as the original designation was made.
- F. Upon official designation, the commission shall record the designation with the county Recorder's office to indicate such designation on the official title thereof. (Ord. 15.30 §8(B), 1992)

**15-24-090 HISTORIC LANDMARK REGISTER--RESULTS OF DESIGNATION.**

- A. Properties designated to the historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
- B. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with Section 104(F) of the Uniform Building Code (1997 Edition), which deals with historic buildings, or the Uniform Code for Building Conservation, a special code for existing buildings.
- C. Owners of historic landmarks may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating their properties.
- D. Proposed repairs, alterations, or additions to historic landmarks are subject to the review of the historic preservation commission and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.
  - 1. Applications for permits pertaining to historic landmark properties shall be forwarded by the building official to the historic preservation commission prior to their issuance.
  - 2. At its next scheduled meeting, the commission shall review the applications and proposed work for compliance with the secretary of the interior's "Standards for Rehabilitation" hereafter referred to as the "standards" (see Section 15-24-110).
  - 3. The commission's recommendation shall be forwarded within three days to the City Council for its consideration in reviewing the applications. The recommendation must indicate which of the Standards the commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the building official and the property owner at the same time.
  - 4. The City Council shall schedule the matter for its next City Council meeting and, upon review of the historic preservation commission's recommendation and other comments given at the

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meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a certificate of historical appropriateness which authorizes the building permit to be issued. (Ord. 15.30 §8(C), 1992)

**15-24-100 ENFORCEMENT.**

The provisions of Sections 15-24-060 through 15-24-090 are subject to the enforcement provisions established in Chapter 1-16. (Ord. 15.30 §8(D), 1992)

**15-24-110 STANDARDS FOR REHABILITATION.**

The following standards for rehabilitation shall be used by the historic preservation commission and City Council when determining the historic appropriateness of any application pertaining to historic landmark properties:

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive features finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary physical or pictorial evidence.
- G. Chemical or physical treatments, such as sand-blasting, that cause damage to historic materials shall not be used. The surface cleaning of structure, if appropriate, shall be undertaken using the gentlest means possible.
- H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (Ord. 15.30 §9, 1992)