

**ORDINANCE NO. 2015-10**

**AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, SECTION 16.04.145 - CONDOMINIUM PROJECTS, 16.57.020 - DEFINITIONS, AND 16.57.050 - OWNER OCCUPANCY.**

**WHEREAS**, the City Council finds that the regulation of condominium projects within the City is necessary for orderly growth and conduct of business within the City, and;

**WHEREAS**, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

**WHEREAS**, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

**BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:**

**Section 1. Section 16.04.145 is hereby amended to read as follows**

**16.04.145 Condominium projects.**

A real estate condominium ~~a plan or~~ project where ~~by two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale, together with an undivided interest in any common areas and facilities of the property. Condominium project shall also mean the property when the context so requires.~~ ~~ownership of a single unit in a multi unit project, together with an undivided interest in common areas and facilities of the property, is transferred; a plan or project whereby four (4) or more apartments, rooms, office spaces or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all~~ ~~Such projects shall meet all~~ requirements of the Condominium Ownership Act of the State of Utah. (PZSC § 03-15-029)

**Section 2. Section 16.57.020 is hereby amended to read as follows**

**16.57.020 Definitions.**

For purposes of this chapter, the following terms shall be defined as follows:

- A. "Building" means a structure containing units, and comprising a part of a property.
- B. "City" means Vernal, Utah.
- C. "Condominium" means the ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.
- D. "Condominium Project" ~~see Section 16.04.145.~~ ~~means a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial~~

~~or industrial buildings, or structures or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property when the context so requires.~~

E. "Condominium Unit" means a unit, together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this act to a condominium unit includes both a physical unit, together with its appurtenant and undivided interest in the common areas and facilities, and a time period unit, together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

F. "Conversion" means a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership, such as an apartment house or multi-family dwelling into a "condominium project," as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.

G. "Common Areas and Facilities", unless otherwise provided in the declaration or lawful amendments thereto, mean and include:

1. The land included within the condominium project, whether leasehold or in fee simple;
2. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
3. The basements, yard, gardens, parking areas and storage spaces;
4. The premises for lodging of janitors or persons in charge of the property;
5. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;
6. The elevators, tanks, pumps, motors, fans, compressors, ducts and, in general, all apparatus and installations existing for common use;
7. Such community and commercial facilities as may be provided for in the declaration; and
8. All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

H. "Common Expenses" mean and include:

1. All sums lawfully assessed against the unit owners;
2. Expenses of administration, maintenance, repair or replacement of the common areas and facilities;
3. Expenses agreed upon as common expenses by the association of unit owners; and
4. Expenses declared common expenses by provisions of this Chapter, or by the declaration or the bylaws.

I. "Declarant" means all persons who execute the declaration or on whose behalf the declaration is executed. From the time of the recordation of any amendment to the declaration expanding an expandable condominium, all persons who execute that amendment or on whose behalf that amendment is executed shall also come within this definition. Any successors of the persons referred to in this subsection who come to stand in the same relation to the condominium project as their predecessors did shall also come within this definition.

J. "Declaration" means a recorded declaration containing covenants, conditions and restrictions relating to the condominium project which shall be prepared in conformance with the provisions of Section 57-8-10, Utah Code Annotated, 1953, as amended.

K. "Limited Common Areas and Facilities" mean and include those common areas and facilities designated in the declaration as reserved for use of a certain unit or units to the exclusion of the other units.

L. "Open Space" means landscaped areas that are not occupied by buildings, structures, parking areas, streets or alleys and are devoted to recreation use or preservation of natural features.

M. "Property" means and includes the land, whether leasehold or in fee simple, the building, if any, all improvements and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith.

N. "Person" means any person, firm, corporation, partnership or association.

O. "Planned Residential Unit Development" means a development as defined in Chapter 16.16 of Vernal City Code.

P. "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Q. "Unit" means either a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building.

R. "Unit Number" means the number, letter or combination thereof designating the unit in the declaration and on the record of survey map.

S. "Unit Owner" means the person or persons owning a unit in fee simple and an undivided interest in the fee simple estate of the common areas and facilities in the percentage specified and established in the declaration.

**Section 3. Section 16.57.050 is hereby amended to read as follows**

**16.57.050 Owner occupancy.**

All residential condominium projects shall have written in their declaration the requirement that sixty percent (60%) of all units within the development be owner occupied. Such declaration shall be submitted to Vernal City concurrently with the final plat for review and approval. Each residential condominium plat shall state on the face of the plat, in language approved by the City Attorney, the owner occupancy requirement and that said provision shall run with the land and may not be changed without approval of Vernal City in the same manner as is required for amendment of a plat. **Exceptions to this requirement shall be in accordance with the Condominium Act of the State of Utah.**

**SECTION A. REPEALER.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

**SECTION B. SEVERABILITY.** The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

**SECTION C. EFFECTIVE DATE.** This ordinance shall take effect the day after publication the 13th day of May, 2015.

*Sonja Norton*  
Mayor Sonja Norton

ATTEST:

*Kenneth L. Bassett*  
Kenneth L. Bassett, City Recorder



Date of Publication: May 12, 2015.