

TOWN OF HOT SULPHUR SPRINGS,
COLORADO

ORDINANCE NO. 2011-12-1 - 383

AN ORDINANCE REPEALING AND RENACTING CHAPTER 1 OF TITLE 8 OF THE TOWN OF HOT SULPHUR SPRINGS MUNICIPAL CODE TO ADOPT BY REFERENCE THE GRAND COUNTY BUILDING CODE AS ADOPTED BY RESOLUTION 2009-10-42 OF THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY WHICH ADOPTS BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2009 EDITION, AS AMENDED; THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION, AS AMENDED; THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION, AS AMENDED; THE INTERNATIONAL PLUMBING CODE, 2009 EDITION, AS AMENDED; THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION, AS AMENDED; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION, AS AMENDED; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION, AS AMENDED; AND CERTAIN LOCAL AMENDMENTS AS SET FORTH IN THE GRAND COUNTY BUILDING CODE; AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

WHEREAS, pursuant to Part 2, Article 16, Title 31 of the Colorado Revised Statutes, the Town of Hot Sulphur Springs, Colorado ("Town") possesses the authority to adopt uniform codes and manuals by reference; and

WHEREAS, the Board of Trustees of the Town of Hot Sulphur Springs ("Board") possesses the authority to enact ordinances for the promotion of health pursuant to C.R.S. §31-15-401 and has the authority to enact ordinances for the regulation of building pursuant to C.R.S. §31-15-601; and

WHEREAS, pursuant to this authority, the Town previously adopted the Grand County Building Code and the uniform building codes adopted thereby as primary and secondary codes, as codified in Chapter 1 of Title 8 of the Town of Hot Sulphur Springs Municipal Code; and

WHEREAS, Grand County, Colorado has subsequently adopted a new County resolution, Resolution 2009-10-42, which updates, amends and modifies the building codes adopted by Grand County; and

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the Town of Hot Sulphur Springs ("Town"), the Town Board of Trustees desires to update its ordinances to include the Grand County Building Code as adopted by the County by County Resolution 2009-10-42 and the international building codes adopted as amended therein ("Codes"); and

WHEREAS, after due and proper notice in accordance with C.R.S. § 31-16-203, the Board conducted a public hearing on the adoption of this Ordinance and the Codes, at which all interested parties were afforded an opportunity to be heard; and

WHEREAS, certified copies of the Codes adopted by reference herein were filed with the Town Clerk at least fifteen (15) days prior to public hearing on this Ordinance and the same remains open to public inspection and purchase in accordance with C.R.S. § 31-16-206; and

WHEREAS, the Board therefore wishes to adopt by reference the Codes and make conforming amendments to the Municipal Code.

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES FOR THE TOWN OF HOT SULPHUR SPRINGS, COLORADO:

Section 1. Chapter 1 of Title 8 of the Town of Hot Sulphur Springs Municipal Code is hereby repealed and reenacted to read as follows in its entirety:

CHAPTER 1
BUILDING CODE

SECTION:

- 8-1-1: Adoption of Grand County Building Code as Primary Code
- 8-1-2: Purposes of the Grand County Building Code
- 8-1-3: Modifications to the Grand County Building Code
- 8-1-4: Penalties for Violations of Primary and Secondary Codes Adopted Hereby
- 8-1-5: Water and Sewer Connection Fees Required
- 8-1-6: Local Contractor Licensing and Fees
- 8-1-7: Local Building Permit

8-1-1: ADOPTION OF GRAND COUNTY BUILDING CODE AS PRIMARY CODE. Pursuant to title 31, article 16, part 2, Colorado Revised Statutes, the Grand County Building Code, adopted by the Board of County Commissioners of the County of Grand, State of Colorado, by Resolution 2009-10-42, and Exhibits A through Q thereof, is hereby adopted by reference as a primary code, which code adopts by reference the International Building Code, 2009 edition, as amended; the International Residential Code, 2009 edition, as amended; the International Mechanical Code, 2009 edition, as amended; the International Plumbing Code, 2009 edition, as amended; the International Fuel Gas Code, 2009 edition, as amended; the International Energy Conservation Code, 2006 edition, as amended; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as amended; ICC/ANSI A117.1-2003 Accessible and Usable Buildings and Facilities; GA-600-09 Fire Resistance Design Manual, 19th Edition, as amended; and certain local amendments as set forth in the Grand County Building Code; as contained within Resolution 2009-10-42 and Exhibits A through Q thereof, of the County of Grand, State of Colorado. Unless otherwise noted, the adoption includes all supplements to the codes.

The following exhibits and attachments to Resolution 2009-10-42 are adopted in full and amended as set forth in this Chapter:

- Exhibit A- 2009 International Residential Code
- Exhibit B- Local Amendments to 2009 International Residential Code
- Exhibit C- 2009 International Building Code
- Exhibit D- Local Amendments to 2009 International Building Code
- Exhibit E- 2009 International Mechanical Code
- Exhibit F- Local Amendments to 2009 International Mechanical Code
- Exhibit G- 2009 International Plumbing Code
- Exhibit H- Local Amendments to 2009 International Plumbing Code
- Exhibit I- 2009 International Fuel Gas Code
- Exhibit J- Local Amendments to 2009 International Fuel Gas Code
- Exhibit K- 2006 International Energy Conservation Code
- Exhibit L- 1997 Uniform Code for the Abatement of Dangerous Buildings
- Exhibit M- Local Amendments Regarding Contractor Licensing
- Exhibit N- ICC/ANSI A117.1-2003 Accessible and Usable Buildings and Facilities
- Exhibit O- GA-600-09 Fire Resistance Design Manual, 19th Edition
- Exhibit P- *Middle Park Times* Proof of Publication
- Exhibit Q- Grand County Planning Commission Resolution No. 2009-8-2

8-1-2: PURPOSES OF THE GRAND COUNTY BUILDING CODE.

- (A) The purpose of the Grand County Building Code and the codes adopted by therein as set forth in Section 8-1-1 other than the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as amended, is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, plumbing systems and mechanical systems in the Town within the Town and certain equipment

specifically regulated in the Uniform Building Code.

- (B) A further purpose of the Grand County Building Code adopting by reference the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Grand County Building Code or otherwise available by law, whereby buildings or structures which may, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.

8-1-3: MODIFICATIONS TO THE GRAND COUNTY BUILDING CODE.

The Grand County Building Code adopted by the Board of County Commissioners in Resolution 2009-10-42, with all incorporated amendments and deletions, is subject to the following modifications:

- (A) Throughout all exhibits containing amendments and deletions, references to “the unincorporated area of Grand County, Colorado” are deleted and replaced with “the Town of Hot Sulphur Springs, Colorado”.
- (B) Throughout all exhibits containing amendments and deletions, references to “Grand County” are deleted and replaced with “the Town of Hot Sulphur Springs, Colorado”.
- (C) Throughout the primary and secondary codes and all exhibits adopted hereby, references to the building official shall mean the Grand County Building Official who shall serve as the building official for the Town pursuant to an agreement between the Town and Grand County.
- (D) All violation and penalty provisions set forth in the primary and secondary codes and in all exhibits to County of Grand Resolution No. 2009-10-42 are hereby deleted.

8-1-4: PENALTIES FOR VIOLATIONS OF PRIMARY AND SECONDARY CODES ADOPTED HEREBY.

- (A) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or equipment in the Town, or to cause or permit the same to be done in violation of any of the primary or secondary codes as adopted by this Ordinance. Maintenance of any condition which was unlawful at the time it was initiated and which would be unlawful under any of the primary and secondary codes adopted by this Ordinance, if installed after the effective date hereof, shall constitute a continuing violation. Any person violating any of the provisions of any of the primary or secondary codes, as adopted hereby, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the primary or secondary codes occurs and/or continues, and upon conviction of any such violation, the violator shall be subject to a fine of not more than five hundred dollars (\$500.00) for each and every offense. In addition to any and all other remedies, the Town may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling or use.
- (B) It shall be unlawful for any person to erect, construct, enlarge, alter or change the use of any building or other structure within the Town without first obtaining all permits required by any of the primary or secondary codes as adopted hereby. No permit shall issue unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning ordinances and other applicable regulations of the Town.

8-1-5: WATER AND SEWER CONNECTION FEES REQUIRED. Any

provisions to the contrary notwithstanding, no building permit shall be issued pursuant to the primary and secondary codes adopted herein unless and until all water and sewer plant connection fees and other water/sewer charges shall first have been paid to the

Town.

8-1-6: LOCAL CONTRACTOR LICENSING AND FEES.

A. The licensing of contractors within the Town shall be in accordance with the Grand County Building Code adopted herein by reference and no contractor shall hire, employ, contract with or engage another person to perform any construction work unless the person so hired, employed, contracted with or engaged to perform construction work shall be licensed or registered as provided in this section and in the Grand County Building Code adopted herein by reference.

B. Fees for contractor licensing shall be payable to Grand County in accordance with the Grand County Building Code adopted herein by reference

8-1-7: LOCAL BUILDING PERMIT.

(A) Purpose: The purpose of this Section 8-1-7 is to establish a local building permit process for the erection, construction, enlargement, alteration, repair, improvement, demolition, or occupancy of any building or structure within the Town.

(B) Definitions: For purposes of this section, certain terms, phrases and words shall be construed according to the definitions contained in the Grand County Building Code, as adopted by reference by the Town pursuant to Section 8-1-1. Specifically, as used herein, "Town" shall mean and include a designated town official, such as the public works director or any other person designated by the Town Board of Trustees to administer the provisions of this Section. Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

(C) Permit Required: No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Town. This local permit shall be in addition to, and not a substitute for, a building permit issued through Grand County. Approval of a permit through the County shall be a precondition of approval of a permit issued pursuant to this Section. The requirements of this Section shall apply to all buildings and structures, including but not limited to the following:

- (1) Accessory buildings of any size used as tool and storage sheds, playhouses, and similar uses;
- (2) Fences;
- (3) Retaining Walls;
- (4) Roofs;
- (5) Buildings or structures used for the sole purpose of housing agricultural implements, farm products, livestock, or poultry.

(D) Building Permit Application: The Town shall provide application forms for a local building permit application. At a minimum, a building permit application shall include the following information and plans:

- (1) Name and address of applicant;
- (2) Description of property, by legal description or street address, upon which work is performed;
- (3) Description of work to be covered by the permit;

- (4) Use or occupancy for which the proposed work is intended;
 - (5) Location of work on the property in relation to setbacks from the property lines and other structures or buildings on the property;
 - (6) Signature of the applicant;
 - (7) Plans, specifications, engineering calculations, diagrams, and other data necessary to evaluate the work for which the application was made.
- (E) Plans and Specifications: Plans and specifications shall be drawn to scale and shall provide sufficient detail and clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Town Code, including but not limited to applicable building, zoning and setback requirements. Where the plans and specifications identified in Subsection D(7) above are not prepared by an architect or engineer, the Town may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Town may waive the submission of plans, calculations and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Section.
- (F) Permit Issuance: The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Town. Such plans may be reviewed by Town staff or Town consultants to verify compliance with any applicable laws and regulations. The Town shall have thirty (30) days from the date of acceptance of a completed application in which to review a permit application. If the Town finds that the work described in the application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the Hot Sulphur Springs Town Code and other pertinent laws and ordinances and that the fees specified in Section 8-1-7(H) have been paid, the Town shall issue a permit therefor to the applicant. If the Town determines that the work does not conform to the requirements of the Hot Sulphur Springs Town Code or other pertinent laws and ordinances, the permit shall be denied; provided that the Town provides justification for the denial, in writing, to the applicant.
- (G) Suspension or Revocation: The Town may suspend or revoke a permit issued under the provisions of this Section whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of the Town Code, or any pertinent law or regulation. The notice of suspension or revocation shall be in writing and sent to the applicant, via certified mail return receipt, to the address set forth in the application.
- (H) Permit Fees:
- 1. County Permit Fees. The fees for building permits issued by the County shall be as set forth in the County's approved schedule of fees.
 - 2. Town Permit Fees. The Board of Trustees shall establish, by resolution, application and site inspection fees to cover the administrative costs associated with review of a building permit application, associated plans, as well as any site inspections of the work for which the permit is sought. Such fees shall be paid at the time of submittal of the application. No local building permit shall be issued until all permit fees have been paid by the applicant. Failure to timely pay the permit fees shall constitute a violation of the Hot Sulphur Springs Town Code.
- (I) Appeals: Any applicant aggrieved by a decision or determination rendered by a designated Town official may appeal said decision or determination to the Town Board of Trustees.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hot Sulphur Springs, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Copy on File. At least one (1) certified true copy of the above-referenced Codes are on file at the office of the Town Clerk and may be inspected during regular business hours.


Section 4. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Lochbuie that the provisions of this Ordinance are severable.

Section 3. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105.

READ AND INTRODUCED this 15th day of September, 2011, and referred to a public hearing scheduled for December 15th, 2011.

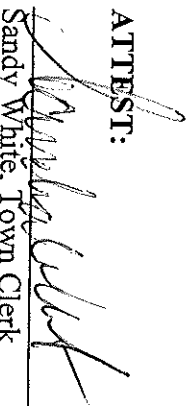
**TOWN OF HOT SULPHUR SPRINGS
COLORADO**



Hershah Deputy, Mayor

I hereby certify that the above Ordinance was introduced to the Board of Trustees of the Town of Hot Sulphur Springs at its meeting of September 15, 2011; and a notice of public hearing was published twice in *Middle Park Times* newspaper on September 22, 2011, December 1st, and 8th, 2011.

ATTEST:

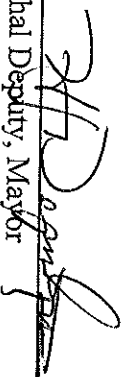


Sandy White, Town Clerk

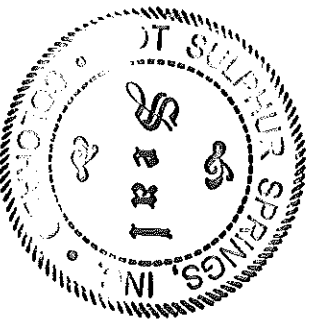
[SEAL]

PASSED, ADOPTED, AMENDED AND ORDERED PUBLISHED, following public hearing, this 15th day of December, 2011.

**TOWN OF HOT SULPHUR SPRINGS
COLORADO**



Hershah Deputy, Mayor



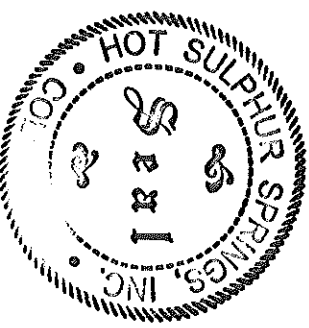
I hereby certify that the above Ordinance was finally adopted by the Board of Trustees of the Town of Hot Sulphur Springs at its meeting of December 15th, 2011, and ordered published, one time by the *Middle Park Times* newspaper on December 22nd, 2011.

[SEAL]

ATTEST:


Sandy White, Town Clerk

Publication Date Following Adoption: December 22nd, 2011
Effective Date: January 21st, 2011 (30 days after publication)



MIDDLE PARK TIMES

I, Matt Sandberg, do solemnly swear that I am the publisher of the Middle Park Times, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and interruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

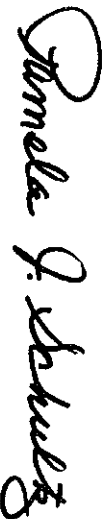
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 12/22/2011 and that the last publication of said notice was dated 12/22/2011 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 12/23/2011.



Matt Sandberg
Publisher

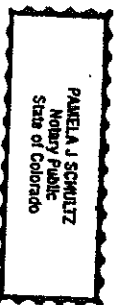
Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 12/23/2011.



Pamela J. Schultz, Notary Public
My Commission expires: November 1, 2015

TIAL CODE, 2008 EDITION, AS AMENDED; THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION, AS AMENDED; THE INTERNATIONAL PLUMBING CODE, 2008 EDITION, AS AMENDED; THE INTERNATIONAL FIRE ALARMS AND SIGNALING CODE, 2008 EDITION, AS AMENDED; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2008 EDITION, AS AMENDED; THE INTERNATIONAL ABATEMENT OF DANGEROUS BUILDINGS CODE, 1997 EDITION, AS AMENDED; AND CERTAIN LOCAL AMENDMENTS AS SET FORTH IN THE GRAND COUNTY BUILDING CODE AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

Sandy White
Town Clerk
Hot Sulphur Springs
Published in the Middle Park Times December 22,
2011. (7365479)



Name: HOT SULPHUR SPRINGS, TOW
Address: PO BOX 116

Acct: 1095219
Phone: (970)725-3933
E-Mail:
Client:
Caller: Sandy White
Receipt

City: HOT SULPHUR SPG
State: CO **Zip:** 80451

Ad Name: 7365479A
Editions: 8MPT/
Start: 12/22/11
Color:

Original Id: 0
Class: 0990
Stop: 12/22/11

Copyline: 7365479 Ordinance No. 2011-12-1

Issue 1
Rep: Pam Schultz

TOWN OF HOT SULPHUR SPRINGS,
COLORADO

ORDINANCE NO. 2011-12-1 383

Lines:	36
Depth:	3.01
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	15.10
Payment	0.00

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Sandy White
Town Clerk
Hot Sulphur Springs

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2011. (7365479)

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Date 12/20/2011

Time 8:20 AM

**TOWN OF HOT SULPHUR SPRINGS,
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