

ORDINANCE NO. 14
SERIES 1996

AN ORDINANCE ADOPTING BY REFERENCE THE "BOULDER COUNTY BUILDING CODE," RESOLUTION 94-215 OF THE BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS, DATED DECEMBER 6, 1994, AND ENACTING AMENDMENTS THERETO, INCLUDING AS SECONDARY CODES REFERENCED THEREIN THE 1994 EDITION OF THE UNIFORM BUILDING CODE, THE 1994 EDITION OF THE UNIFORM MECHANICAL CODE, THE 1991 EDITION OF THE UNIFORM PLUMBING CODE, THE 1993 EDITION OF THE NATIONAL ELECTRIC CODE, AND THE 1989 EDITION OF THE MODEL ENERGY CODE (APPENDIX CHAPTER 13 OF THE UNIFORM BUILDING CODE); ADOPTING BY REFERENCE THE 1994 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; REPEALING ORDINANCE NO. 1, SERIES 1988; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH CODES.

WHEREAS, national building and construction standards have been developed and from time to time amended and updated, as set forth in various uniform codes, and it is deemed in the best interest of the citizens of Jamestown, and in the interest of the public health, safety, and general welfare to adopt by reference thereto said uniform codes and amendments thereof; and

WHEREAS, by resolution, Boulder County has adopted the "Boulder County Building Code" incorporating therein by reference various uniform national building codes, as amended by Boulder County; and

WHEREAS, The Board of Trustees is authorized by Article 16 of Title 31, Colorado Revised Statutes, to adopt by reference such uniform codes and other compilations of regulations and standards published by political subdivisions of the state; and

WHEREAS, the Board of Trustees, after proper notice as required by law, has held a public hearing on this ordinance providing for the adoption of said codes; and

WHEREAS, the codes and amendments thereof have been submitted to the Board of Trustees and the Board of Trustees has determined that the uniform codes and amendments thereof should be adopted as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. **Title.** This ordinance shall be known as the "Town of Jamestown Building Code".

Section 2. Building Code Adopted. Pursuant to Title 31, Article 16, Part 2, and §31-15-601, C.R.S., as amended, the "Boulder County Building Code", Resolution 94-215 of the Boulder County Board of County Commissioners, including as secondary codes referenced therein the Uniform Building Code, 1994 Edition, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601, the Uniform Mechanical Code, 1994 Edition, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601, the Uniform Plumbing Code, 1991 Edition, published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California, 91789, the National Electric Code, 1993 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA., and the Model Energy Code, 1989 Edition (Appendix Chapter 13 of the Uniform Building Code), is hereby adopted by reference thereto. The "Boulder County Building Code" is adopted and published by the Board of County Commissioners, Boulder County, Colorado, 1325 Pearl St., Boulder, Colorado, 80302, by Resolution 94-215 dated December 6, 1994. The purpose and subject matter of the Boulder County Building Code include regulating construction aspects of building through comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, equipping, use, height, area, and maintenance of buildings and structures, including the design, construction, installation, quality of materials, locations, operation, and maintenance or use of electrical, plumbing, mechanical, heating, ventilation, cooling refrigeration systems, incinerators and other miscellaneous components, and providing greater safety to the public by uniformity in building laws. Except as otherwise provided or amended herein, the Boulder County Building Code is adopted in full. In all sections of this ordinance where a reference is made to the Building Code, said reference shall be to the Boulder County Building Code adopted by this Ordinance.

Section 3. Amendments to Building Code. The following amendments are hereby made to the Building Code:

- A. Each reference in the Building Code to "County of Boulder", "Boulder County", or jurisdiction are hereby amended to read "Town of Jamestown", unless the context requires otherwise.
- B. Each reference in the Building Code to "unincorporated area(s) of Boulder County" or like terms, are hereby deemed to include the Town of Jamestown, unless the context requires otherwise.
- C. Each reference in the Building Code to the "Board of County Commissioners" is hereby amended to "Board of Trustees of the Town of Jamestown", and each reference to the "governing body" or like terms shall be deemed as a reference to the Board of Trustees of the Town of Jamestown, unless the context requires otherwise.

- D. Each reference in the Building Code to the Land Use Director, the Land Use Department or like terms shall be deemed to include the Board of Trustees of the Town of Jamestown and its designated representative(s) acting to enforce and/or administer the Building Code.
- E. Reference to the Board of Review in Section 105 shall be deemed as a reference to the Town of Jamestown Board of Appeals.
- F. Any reference to any function in the Building Code which is not otherwise provided for herein is hereby amended to provide for the exercise of such function by the Board of Trustees of the Town of Jamestown or its designated representative.
- G. Section 105 of the Uniform Building Code, as amended by the Building Code, is further amended by the addition of the following paragraph to read:

The application fee for an appeal to the Board of Review shall be one hundred dollars payable at the time application is made. If a special meeting is requested on a day other than the time of the regular meeting, the application fee shall be one hundred fifty dollars.

Section 4. Uniform Code for the Abatement of Dangerous Buildings Adopted. The Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601, is hereby adopted by reference thereto and made the dangerous building code of the Town. The purpose and subject matter of the code include the provision of just, equitable and practical procedures for the classification and abatement of dangerous buildings. Except as otherwise provided herein, the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, is adopted in full, including the outline of contents and index contained therein.

Section 5. Copies available. At least one copy of each Code adopted by reference by this Ordinance and each secondary code shall be available for public inspection at the office of the Town Clerk. The Town Clerk shall at all times maintain a reasonable supply of copies of the codes available for purchase by the public at a moderate price.

Section 6. Penalty. A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done, in violation of the provisions of this Ordinance or of the codes or standards adopted and incorporated herein. Any

person who violates any provision of this Ordinance or of the provisions of any code or standard adopted and incorporated herein, and upon conviction of any such violation, shall be punished by a fine of not more than \$300 or by imprisonment not to exceed 90 days or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person shall be a separate offense.

B. In addition to any and all other remedies provided by law, the Town of Jamestown 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.

C. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct, alter, or change the use of any building or other structure within the Town of Jamestown without first obtaining all permits required by this ordinance or by the codes adopted herein. No such permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to the ordinances and other applicable regulations of the Town.

Section 7. The Board of Trustees herewith finds, determines, and declares that this ordinance is necessary for the preservation of the public health and safety.

Section 8. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. The repeal or modification of any provision of any ordinance of the Town of Jamestown by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 10. Ordinance No. 1, Series 1988 is hereby repealed in its entirety. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED this 1ST day of JULY, 1996 and notice of public hearing ordered to be published, once at least 15 days preceding the hearing and once at least 8 days preceding the hearing.

5th READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this day of AUGUST, 1996.

TOWN OF JAMESTOWN, COLORADO

James M. Argenio
James M. Argenio, Mayor

Attest:

Mary Ellen Burch
Town Clerk

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