

ORDINANCE 1717

AN ORDINANCE AMENDING CHAPTER 1 (BUILDING CODE) OF TITLE 18 (BUILDING CODES) OF THE FOUNTAIN MUNICIPAL CODE, AS AMENDED, CONCERNING BUILDING CODE AND ADOPTING AMENDMENTS TO THE PIKES PEAK REGIONAL BUILDING CODE, 2017 EDITION, SETTING FORTH THE ENTIRE TEXT OF SUCH AMENDMENTS.

WHEREAS, by an intergovernmental agreement, the City of Fountain uses the services of the Pikes Peak Regional Building Department to administer and enforce building and construction codes; and

WHEREAS, in 2017 the Pikes Peak Regional Building Department adopted changes to the Pikes Peak Regional Building Code, 2017 Edition, that the participants in the intergovernmental agreement adopted for purposes of uniformity; and

WHEREAS, the amendments adopted by the Pikes Peak Regional Building Department are incorporated into the Pikes Peak Regional Building Code ("Code"), 2017 Edition; and

WHEREAS, pursuant to this authority, by Ordinance No. 1707, on April 24, 2018 the City Council previously adopted by reference the 1st Printing of the 2017 Edition of the Code, as codified at Chapter 1 of Title 18 of the Fountain Municipal Code; and

WHEREAS, the Pikes Peak Regional Building Department has promulgated a 2nd Printing of the 2017 Edition of the Code, addressing building regulations to ensure life safety and welfare of the City of Fountain community through efficient and consistent application of adopted codes and standards, and more specifically, addressing changes mandated by the Federal Emergency Management Agency (FEMA) with regard to adoption of a new Flood Insurance Rate Map (FIRM) effective December 7, 2018, requiring amendments to the Preface and to Section RBC313 of the Code, which, in accordance with Section 31-16-207, C.R.S., are fully set forth herein; and

WHEREAS, in accordance with Section 31-16-206, C.R.S., responsibility to maintain copies for inspection by the public is hereby delegated to the Regional Building Official and three (3) copies of the 2017 Edition of the Code, 2nd Printing, are on file and available in the office of the Regional Building Official, Pikes Peak Regional Building Department, 2880 International Circle, Suite 100, Colorado Springs, Colorado 80910, and may be inspected or purchased by the public during regular business hours; and

WHEREAS, the City has determined it to be reasonable and necessary to amend the Fountain Municipal Code to adopt by reference the 2nd Printing of the 2017 Edition of the Code; and

BE IT ORDAINED by the City Council of the City of Fountain, Colorado:

Section 1. In accordance with Section 31-16-206, C.R.S., responsibility to maintain copies of the Code for inspection by the public at least 15 days before the public hearing on this ordinance and continuously is hereby delegated to the Regional

Building Official and three (3) copies of the 2017 Edition of the Code, 2nd Printing, adopted by reference herein, are on file and available in the office of the Regional Building Official, Pikes Peak Regional Building Department, 2880 International Circle, Suite 100, Colorado Springs, Colorado 80910, and may be inspected or purchased by the public during regular business hours.

Section 2. Section 18.01. of the Fountain Municipal Code is amended to read as follows in its entirety:

The Pikes Peak Regional Building Code, 2017 Edition, **2nd Printing**, published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, (the Pikes Peak Regional Building Code) is adopted by reference as if set out in its entirety.

Section 3. Without need to change any other provisions of the Fountain Municipal Code, in accordance with Section 31-16-207, C.R.S., the following are the amendments in full set forth in the 2017 Edition of the Code, 2nd Printing,:

(a) Change to Preface. The following language is added to the end of the Preface:

Notwithstanding, amendments or revisions to any regulations, standards, codes, studies, Flood Insurance Rate Maps (FIRM), or Flood Insurance Study (FIS) reports, adopted in the Code by reference, as promulgated by the federal government or the State of Colorado, or by any agency of either of them, are adopted by reference, as if fully set forth herein, without further action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

(b) Section RBC313.8 is amended to read as follows in its entirety:

RBC313.8 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study El Paso County, Colorado and Incorporated Areas" effective as of December 7, 2018, with accompanying Flood Insurance Rate Maps (FIRM) and any amendments or revisions, is adopted by reference without further action by each Jurisdiction and declared to be a part of this section. The Flood Insurance Study (FIS) is part of this section. Amendments or revisions to any FIRM or FIS reports, adopted in the Code by reference, as promulgated by FEMA, are adopted by reference, as if fully set forth herein, without further action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

Section 4. It is hereby declared to be the intention of the City that the sentences, clauses and phrases of this ordinance are severable, and if any sentence,

clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance which shall be severable and severed since the same would have been enacted by the Board without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 5. 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 6. The City Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only. This ordinance shall become effective thirty (30) days after the date of publication as provided by Section 31-16-105, C.R.S.

Introduced, read by title, and passed on first reading, this 13th of November, 2018, by City Council and ordered to be published by title in the El Paso County Advertiser and News with a summary written by the City Clerk, and with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk, 116 South Main Street, Fountain, Colorado 80817.



Attest:

Silvia Huffman
Silvia Huffman, City Clerk

CITY OF FOUNTAIN, COLORADO

By:

Gabriel P. Ortega
Gabriel P. Ortega, Mayor

Introduced, read by title, and passed on second and final reading on the 27th day of November, 2018, and ordered published by title in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

ATTEST:

Silvia Huffman
Silvia Huffman, City Clerk

By:

Gabriel P. Ortega
Gabriel P. Ortega, Mayor

