

PALMER LAKE, COLORADO

ORDINANCE NO. 11 OF 2018

AN ORDINANCE REPEALING AND READOPTING CHAPTER 14.04 OF THE PALMER LAKE MUNICIPAL CODE CONCERNING BUILDING CODES AND ADOPTING BY REFERENCE THE PIKES PEAK REGIONAL BUILDING CODE, 2017 EDITION, AND SETTING THE PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, PURSUANT TO PART 2, ARTICLE 16, TITLE 31 OF THE COLORADO REVISED STATUTES, THE TOWN OF PALMER LAKE, COLORADO (THE "TOWN") POSSESSES THE AUTHORITY TO ADOPT UNIFORM CODES AND MANUALS BY REFERENCE; AND

WHEREAS, PURSUANT TO THIS AUTHORITY, THE TOWN PREVIOUSLY ADOPTED CERTAIN UNIFORM CODES AS CODIFIED AT CHAPTER 14.04 OF TITLE 14 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE; AND

WHEREAS, THE TOWN IS PARTY TO AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO WHICH THE PIKES PEAK REGIONAL BUILDING AUTHORITY WAS CREATED TO ADMINISTER AND ENFORCE BUILDING CODES WITHIN THE JURISDICTION OF EACH OF THE PARTICIPATING ENTITIES; AND

WHEREAS, THE PIKES PEAK REGIONAL BUILDING DEPARTMENT HAS PROMULGATED THE *PIKES PEAK REGIONAL BUILDING CODE*, 2017 EDITION ("PPRBC") ADDRESSING BUILDING REGULATIONS TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE PALMER LAKE COMMUNITY; AND

WHEREAS, THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ("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, IN ACCORDANCE WITH C.R.S. § 31-16-206, RESPONSIBILITY TO MAINTAIN COPIES FOR INSPECTION BY THE PUBLIC IS HEREBY DELEGATED TO THE REGIONAL BUILDING OFFICIAL AND THREE COPIES OF THE 2017 EDITION OF THE PPRBC 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 BY THE PUBLIC DURING REGULAR BUSINESS HOURS; AND

WHEREAS, AFTER DUE AND PROPER NOTICE IN ACCORDANCE WITH C.R.S. § 31-16-203, THE BOARD CONDUCTED A PUBLIC HEARING ON THE DATE, TIME AND PLACE NOTICED ON THE ADOPTION OF THIS ORDINANCE, AT WHICH ALL INTERESTED PARTIES WERE AFFORDED AN OPPORTUNITY TO BE HEARD; AND

WHEREAS, THE BOARD OF TRUSTEES HAS DETERMINED, BASED ON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARING, THAT THE ADOPTION OF THE PPRBC WITHOUT AMENDMENT WILL FURTHER THE HEALTH, SAFETY AND WELFARE OF THE INHABITANTS OF THE TOWN.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. In accordance with C.R.S. § 31-16-206, responsibility to maintain copies of the PPRBC 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 copies of the 2017 edition of the PPRBC 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. Chapter 14.04 of the Palmer Lake Municipal Code shall be repealed and readopted to read as follows in its entirety:

CHAPTER 14.04

BUILDING CODE

Sections:

- 14.04.010 Adoption by Reference.
- 14.04.020 Violations and Penalties.

Section 14.04.010 Adoption by Reference.

(a) Adoption. *The Pikes Peak Regional Building Code, 2017 Edition*, as published by the Pikes Peak Regional Building Authority, 2880 International Circle, Colorado Springs, Colorado 80910, all Chapters and Appendices thereof (“PPRBC”), is hereby adopted by reference as the Town of Palmer Lake Building Code, as if fully set out in this Chapter.

(b) Compliance Required. No building shall be hereafter constructed, erected, enlarged, altered, repaired, improved, removed, converted, demolished, equipped, used, occupied, maintained or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the PPRBC as adopted.

(c) Purpose. The purpose of the PPRBC is to provide minimum standards to protect the public health and safety by regulating and controlling buildings, structures, and equipment including but not limited to heating, ventilating, comfort cooling, refrigeration systems; signs and sign structures; elevators, dumbwaiters, escalators; boilers and pressure vessels; plumbing and drainage systems; electric conductors and equipment; and the storage

and handling of hazardous materials; and adopting uniform codes, consistent with and generally conforming to similar ordinances and regulations throughout the Pikes Peak region, and to effect this purpose by acting with other governmental bodies in the Pikes Peak region in the promulgation of measures and procedures, and the establishment of committees and boards as provided in the PPRBC, and establishing procedures for licensing contractors.

(d) Amendments. There are no additions, deletions, or amendments to the PPRBC.

14.04.020 Violations and Penalties.

(a) It shall be unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure, or cause or permit the same to be done in violation of the PPRBC.

(b) Any person violating the PPRBC or any provision of the PPRBC shall, upon conviction thereof, be punished as provided in Chapter 1.16 of this Code.

(c) The Building Official may impose an administrative fine in an amount of up to one thousand dollars (\$1,000.00) on any person or entity engaged in any construction consulting work or construction work covered by this chapter who engages in this work in violation of any provisions of this chapter. Appeals to this action may be made as provided for elsewhere in the adopted PPRBC.

(d) A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues.

(e) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of this Code or of any provision of the PPRBC, the Town Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use

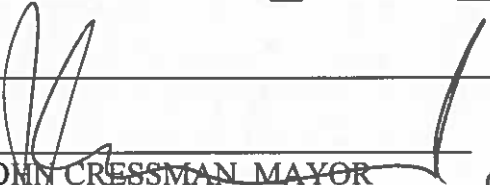
Section 3. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid 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 of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 4. 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 5. Publication and Effective Date. The Town 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 C.R.S. § 31-16-105.

ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS ___ DAY OF _____, 2018 BY A VOTE OF __ FOR AND __ AGAINST.



JOHN CRESSMAN, MAYOR

ATTEST:


VERLA BRUNER, TOWN CLERK

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of _____, 2018, and ordered published by title only by _____ newspaper on _____, 2018.



Verla Bruner, Town Clerk

Enlarged

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Published in The CS Gazette May 29, and June 2, 2018.