

ORDINANCE # 196

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE TOWN OF CREEDE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, MINERAL COUNTY, COLORADO, A TOWN:

SECTION 1: ADOPTION . Pursuant to the authority conferred by Article 31, Chapter 12, Colorado Revised Statutes, 1975, there is hereby adopted as the Building Code for the City of Creede, the UNIFORM BUILDING CODE * 1973 EDITION

Section 2: PURPOSE AND SCOPE . The UNIFORM BUILDING CODE* 1973 Edition is published by The International Conference of Building Officials, 5360 S. Workman Road, Whittier, California, for the purpose of providing 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 within the City and certain equipment specifically regulated therein.

Section 3: COPIES ON FILE . At least three (3) copies of the UNIFORM BUILDING CODE * 1973 EDITION are on file at the office of the City Clerk and may be inspected during regular business hours.

Section 4: AMENDMENTS . Table No. 3 - A of Section 303 (a) of the UNIFORM BUILDING CODE * 1973 EDITION, be and the same is hereby amended to read as follows:

<u>TOTAL VALUATION</u>	<u>FEE</u>
Less than \$100.00	No fee
\$100.00 to and including \$500.00	\$1.00
More than \$500.00 to and including \$1000.00....	\$2.00
More than \$1000.00 up to and including \$10000.00, \$2.00 per \$1000.00, up to.....	\$20.00
More than \$10,000.00	\$20.00 plus \$1.00 per \$1000.00 to \$30000.00
More than \$30,000.00	\$40.00 plus \$.50 per additional \$1000.00

Section 5: Additional Amendment . Chapter 2, Organization and Enforcement, is hereby amended by adding the following Sections to such Chapter, to wit:

Section 206: The BUILDING OFFICIAL shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site

is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- (ii) use construction materials and utility equipment that are resistant to flood damage, and
- (iii) use construction methods and practices that will minimize flood damage; and

Section 207: The BUILDING OFFICIAL shall review subdivision proposals and other proposed new developments to assure that:

- (i) all such proposals are consistent with the need to minimize flood damage,
- (ii) all public facilities and public utilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and
- (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

Section 208: The BUILDING OFFICIAL shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Section 6: PENALTIES: 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 in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Ordinance.

Any person firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and each such person 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 this Ordinance is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Section 7: EFFECT OF ORDINANCE: If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section 8: REPEAL: All other former Building Ordinances of this municipality are hereby repealed, and all ordinances or

parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 9: EMERGENCY: In the opinion of the Board of Trustees of the City of Creede, an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health and safety, by virtue of the prerequisites of the National Flood Insurance Program, and this Ordinance shall be in full force and effect upon the expiration of Five (5) days from and after its final passage and publication in accordance with Resolution #1, dated June 1, 1971, which Resolution permits and requires Publication by posting in three conspicuous places, to wit:

At the United States Post Office
At the Tompkins Hardware Store
At the Mineral County Court House.

Read in full, passed, adopted and approved on first reading, this 5th day of May, 1975, being a Regular Meeting of the Board.

(SEAL)

J Howard Lamb
Mayor

Attest:

E. Emma H. Gunnhart
Clerk

Passed first reading this 5th day of May, 1975 and ordered published as hereinabove set-forth.

(SEAL)

E. Emma H. Gunnhart
City Clerk

Notice of Public Hearing, set for May 20th, 1975, at the hour of 6:00 o'clock P.M. in the District Courtroom of the Mineral County Courthouse, Creede, Colorado, published by posting as above set-forth, 15 days prior to such hearing.

(SEAL)

E. Emma H. Gunnhart
City Clerk

Notice of Special Meeting of Board of Trustees of The City of Creede, set for May 20th, 1975, at the hour of 8:00 o'clock P.M. in the District Courtroom of the Mineral County Court House, Creede, Colorado, published by posting as above set-forth, 15 days prior to such meeting.

(SEAL)

E. Emma H. Gunnhart
City Clerk

Passed on second and final reading this 20th day of May, 1975 and ordered published.

(Seal)

Mayor

Attest:

Emma Swinehart
City Clerk

Certification of Publication:

I certify that posting of the above and foregoing Ordinance was completed on the 20th day of May, 1975, and that said Ordinance will be and become effective upon the expiration of Five (5) days from and after the date of posting.

In witness whereof, I have hereunto set my hand and seal of the said Town, at my office in Creede, Colorado, this 20th day of May, 1975.

(Seal)

Emma H. Swinehart
Emma H. Swinehart
City Clerk

Certification of authenticity:

I hereby certify that the foregoing is a true and correct copy of Ordinance # 196 as of record in the City of Creede, Colorado, a town. Dated this 20 day of May, 1975.

(Seal)

Emma H. Swinehart
Emma H. Swinehart
City Clerk

The foregoing was sworn to and acknowledged before me by Emma H. Swinehart, personally known to me to be the City Clerk of Creede, Colorado.

My commission expires _____.

Chloe Rivers
Notary Public

(Seal)