

ORDINANCE NO. 1
Series 2007

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, REPEALING AND REENACTING SUBSECTIONS 15.4-1 THROUGH 15.4-4 OF THE LAKE CITY MUNICIPAL CODE PROVIDING REVISED REGULATION FOR BUILDING AND RESIDENTIAL CONSTRUCTION, AND OTHER RELATED MATTERS, AND ADOPTING BY REFERENCE THE 2003 EDITIONS OF THE INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE, AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AS FOLLOWS:

SECTION 1:

Subsections 15.4-1 through 15.4-4 of the Lake City Municipal Code are hereby repealed and reenacted to read as follows:

15.4-1 Adoption of Codes:

(A) There is hereby adopted, for the purpose of providing minimum standards to safeguard life, limb, health, property and public welfare, the International Building Code, 2003 Edition, as published by the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795, the subject matter of which is regulation of the conditions and maintenance of all property, buildings and structures. Said Code provides standards for supplied utilities and facilities and other physical things and conditions essential to ensure that such property, buildings and structures are safe, sanitary and fit for occupation and use; and provides for condemnation of buildings and structures unfit for human occupancy and use and for the demolition of such structures; and provides for the issuance of related permits and collection of related fees.

(B) There is hereby further adopted for the purpose of providing minimum standards to protect persons and property the International Residential Code, 2003 Addition, as published by the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795, the subject matter of which is regulation of the construction, alteration, movement, enlargement, replacement, repair, equipping, location, removal and demolition of dwelling units, including multiple family dwellings having separate means of egress and which provides for the issuance of related permits and collection of related fees.

(C) One complete copy of each of the above referenced Codes are on file in the office of the Town Clerk and may be inspected during regular business hours. Additional copies are available for purchase.

15.4-2 Changes and Exceptions to the Adopted Codes:

(A) Certain provisions of each of the two Codes adopted by reference in subsection 15.4-1 herein above are hereby amended to conform precisely with those amendments of the same Codes adopted on July 19, 2006 by the Board of County Commissioners of Hinsdale County, Colorado pursuant to Resolution No. 25, Series 2006. A copy of the specific schedule of amendments being approved by this ordinance and referred to in the aforementioned County resolution is attached hereto as Exhibit A.

(B) In addition to the amendments contemplated by Exhibit A, Section 107.1 of the subject International Building Code and Section R107.1 of the subject International Residential Code are each hereby amended by the addition of the following provisions:

Temporary permits shall be limited as follows:

(1) No temporary permit shall be approved by the building inspector for any building or structure that is to be used for purposes involving retail sales, wholesale sales, manufacturing or providing of services to the public unless the building or structure is located upon the same property as, and ancillary to the use of, an existing permanent building that is contemporaneously used for the same business or commercial purpose as that proposed for the temporary permit. No temporary permit shall be issued for the business or commercial use of any such ancillary building or structure unless its total floor space is less than the total floor space of the contemporaneously used permanent building

(2) Except for the temporary buildings or structures referred to in the preceding subparagraph (1), and except for structures needed for occupancy during construction work in progress, no temporary permit issued by the Building Official shall exceed one hundred twenty (120) days.

15.4-3 General Provisions:

If there is any conflict between any provision of this Section 4 of Chapter 15 of the Lake City Municipal Code, or of the two building codes adopted by reference therein, with any other provision of any ordinance of the Town or other applicable State or Federal regulations, those regulations providing the more stringent or more strict requirements shall apply.

15.4-4 Violations and Penalties:

(A) It shall be unlawful for any person to violate any provision of this Section 4 or of the two building codes adopted by reference therein. Any person convicted of such a violation may be punished by a fine of up to \$1,000.00, or a sentence of imprisonment of up to six months or by both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of any imprisonment except for contempt of Court. Each day that a violation of this Section 4 continues shall be considered a separate violation.

(B) Any violation of the provisions of this Section 4, or of the two building codes

adopted by reference therein, is hereby declared to be a nuisance and may be abated in accordance with law.

(C) In addition to all other remedies available to the Town, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of, or compel compliance with, any provision of this Section 4 or of the two building codes adopted by reference therein.

(D) The Town may refuse to issue any permits or approvals required by Town ordinance or regulation if the applicant for the permit is in violation of any of the provisions of this Section 4 or of the two building codes adopted by reference therein.

SECTION 2:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a Court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

SECTION 3:

The repeal and reenactment of various provisions of the Lake City Municipal Code in this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

INTRODUCED, READ, AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado on the _____ day of _____, 2007.

TOWN OF LAKE CITY, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk