

ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.04 OF THE MANITOU SPRINGS MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2017 EDITION OF THE PIKES PEAK REGIONAL BUILDING CODE

WHEREAS, the City Council has been informed that the Pikes Peak Regional Building Department has developed a new edition of the Pikes Peak Regional Building Code; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare that the 2017 edition of the Pikes Peak Regional Building Code be adopted and enacted as an ordinance of this City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Chapter 15.04 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

CHAPTER 15.04 BUILDING CODE

15.04.010 - Adoption—Modifications.

The 2017 edition of the Pikes Peak Regional Building Code, and all appendices, is adopted by reference pursuant to Section 5.11 of the City Charter and shall have the same force and effect as though it was set out in its entirety in this chapter, with amendments subsequently adopted by the City.

15.04.020 – Purpose.

This Chapter maintains local control of building codes, including, but not limited to, building, electrical, energy, mechanical and plumbing codes, and retains Pikes Peak Regional Building Department and Pikes Peak Regional Building Department's Committees and Boards to implement, interpret, and grant variances for building codes within Pikes Peak Regional Building Department's jurisdiction.

15.04.030 – Amendments.

The 2017 edition of Pikes Peak Regional Building Code is amended as follows:

1. Section RBC 313.6, Definitions, is amended to add the following definition:

HISTORIC STRUCTURE means any structure that is:

- i. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior or
 - B. Directly by the Secretary of the Interior in states without approved programs.

2. Section RBC 313.6, Definitions, **SUBSTANTIAL IMPROVEMENT** is deleted and replaced with the following:

SUBSTANTIAL IMPROVEMENT. Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, before the improvement is started. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or an alteration of a "historic structure", provided that the alteration will not preclude the structures' continued designation as a "historic structure".

15.04.040 - Copies—Maintenance by city clerk.

Official copies of the 2017 Edition of the Pikes Peak Regional Building Code shall be maintained by the city clerk and made available for public inspection.

15.04.050 - Violation—Penalty.

Violations of the Building Code shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment by not more than ninety (90) calendar days, or both. 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. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of the Pikes Peak Regional Building Code, the City 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, alterations, remodeling, maintenance or use.

Section 2: In addition to the penalty set forth in Section 1 of this Ordinance, above, the following fines and penalties in the Pikes Peak Regional Building Code are hereby adopted and set forth in this adopting Ordinance pursuant to Section 5.11 of the Manitou Springs Municipal Charter:

1. 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 ordinance. Appeals to this action may be made as provided for elsewhere in the Pikes Peak Regional Building Code. *See* RBC103.12.
2. All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within seventy-two (72) hours after commencement of the emergency work. *See* RBC105.2.3.
3. No person or entity convicted by a court having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, for work related to any license issued by this jurisdiction, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in this jurisdiction. *See* RBC201.6.6.
4. Failure to renew a license within the (45) calendar day period after the expiration date of the license will require payment of a penalty at (½) of the license fee if renewed within ninety (90) days of the expiration date. After (90) days to (135) days, the penalty will be equal to the license fee; after (135) days up to (180) days, the penalty will be equal to twice the license fee. All requests for renewals after (180) days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective Committee, and approval by the Board of Review of the Pikes Peak Regional Building Department. *See* RBC201.10.4.
5. The following provisions of Appendix B:
 - P. Investigation Fee: Work without a Permit.
Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would be required by this Code if a permit were issued. The payment of such an

investigation fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.

Equal to two times the Permit Fee.

Q. Re-inspection Fees:

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.

This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.

Re-inspection fees may be assessed when the permit card is not properly posted on the work site; the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.

\$50.00 for 1st incident.

\$100.00 for 2nd incident.

\$200.00 for 3rd incident.

Plus 2 work day inspection delay.

Section 3: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 20th day of March, 2018.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the April 3, 2018, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: March 22, 2018 (in full)
City's Official Website and City Hall

Passed on second reading and approved by Council this 3rd day of April, 2018.

/s/ Ken Jaray
Mayor, Ken Jaray

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: April 5, 2018 (in full)
City's Official Website and City Hall