

ORDINANCE 2008 - 1

AN ORDINANCE OF SAN JUAN COUNTY, COLORADO REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, USE AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN SAN JUAN COUNTY

Whereas the Board of County Commissioners of San Juan County, Colorado previously adopted resolutions requiring building permits and generally regulating construction and building within San Juan County; and

Whereas the Board of County Commissioners of San Juan County has determined that recent additions to state law and changes in technology require that the issue of building codes be revisited in order to promote the health, safety and welfare of the public within San Juan County;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO as follows:

1. The International Building Code (2006 edition), the International Residential Code (2006 edition), the International Energy Conservation Code (2006 edition), the International Mechanical Code (2006 edition), the International Fuel Gas Code (2006 edition), and the International Fire Code (2003 edition), all as published by the International Code Council and (including all volumes, parts, and appendices E-K of the Building and Residential Codes) and the Uniform Code for the Abatement of Dangerous Buildings (1997 edition), as published by the International Conference of Building Officials, together with the amendments and deletions as set forth herein are hereby adopted pursuant to C.R.S. 30-15-401.5 and 30-28-201 et seq. All of the above codes shall have the same force and effect as if set forth herein in every particular. The subject matter and purpose of the adopted codes is the comprehensive regulation of the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, and maintenance of all buildings or structures located within San Juan County, Colorado.
2. Unless otherwise required by State law, the provisions of the electrical code adopted by the State of Colorado in effect at the time of application for building permit shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
3. Unless otherwise required by State law, the provisions of the plumbing code adopted by the State of Colorado in effect at the time of application for building permit shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.
4. The following provisions shall apply to and shall supersede and replace any inconsistent provisions contained in any of the codes being adopted by this ordinance:

### **A. Duties and Powers of Building Official or Other Enforcing Official**

The County Building Inspector appointed pursuant to resolution of the Board of County Commissioners or otherwise is hereby designated as the Building Official where such term or a term of similar meaning or import is used in any of the aforesaid codes. The County Building Inspector is hereby authorized and directed to enforce the provisions of each of the codes adopted hereby unless the provisions of the codes expressly provide for enforcement by some other person or official. The County Building Inspector or other official charged with enforcing the provisions of the codes adopted hereby shall have the authority to render interpretations of any such codes which he or she enforces and to adopt policies and procedures in order to clarify the application of the provisions of any such code. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in any code.

### **B. Temporary Structures and Uses**

The building official is authorized to issue a permit for temporary structures and temporary uses at a cost set from time to time by resolution of the Board of County Commissioners or, in the absence of such resolution, on the same terms as a building permit. A permit must be issued prior to the placement of any temporary structures within San Juan County. A temporary structure permit is valid for a period of 90 days and is renewable for the same no more than three (3) times within a calendar year or up to eight (8) times within two years only when such a permit is associated with the construction of a primary structure.

### **C. Fees**

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be given until the additional fee, if any, has been paid. A fee for each permit shall be paid as required in accordance with the schedule as established from time to time by resolution of the Board of County Commissioners.

### **D. Enforcement and Violations**

The provisions of the codes adopted pursuant to this Ordinance shall be enforced according to their terms and may be enforced by any means provided by state law. Any violation of any provision of any code adopted pursuant to this Ordinance shall be punishable by imposition of civil penalties and/or fines and/or imprisonment, or by any two or more of such remedies or by any other remedy authorized by law, all as permitted by and subject to the minimums and maximums set by state statute including but not limited to C.R.S. 30-15-402, 30-28-209 and 210. In the absence of any provision of state statutes fixing the civil penalties, fines or imprisonment permissible hereunder, the civil penalty shall be not less than Five Hundred Dollars and not more than One Thousand Dollars for each day a violation exists, the fine shall not exceed one hundred dollars (\$100) for each day a violation exists and the imprisonment shall not exceed ten (10) days for each day a violation exists. Civil penalties, fines and imprisonment or any combination thereof may be imposed in each instance of a violation of

this Code. Each day or partial day during which a violation of any code adopted pursuant to this Ordinance arises, exists or persists shall be deemed to be a separate offense. In addition to obtaining civil penalties, fines and/or imprisonment against any violator of this Code, San Juan County shall be entitled to obtain any other relief otherwise permitted by law for violations of building codes including injunctive, mandamus, or abatement, it being the intent of San Juan County to automatically avail itself of all remedies under state law as may now exist or as may hereafter be granted in the future, all without further action by the County.

#### **E. Shipping Containers and Portable Storage Units**

i. If permitted by County zoning, land use or other regulations as an accessory use, any shipping container or portable storage unit shall require a building permit for that purpose to be issued by the Building Official at such a fee established from time to time by resolution of the Board of County Commissioners. Such a permit is valid for a single calendar year (January-December) and is renewable indefinitely so long as all applicable guidelines are followed. A shipping container is also eligible for a temporary structure permit but is ineligible for a standard building permit.

ii. Shipping containers or portable storage units of any kind shall conform to all structural strength and fire safety provisions imposed by any code adopted pursuant to this Ordinance, and shall have two points of egress as necessary to ensure public health, safety, and general welfare. Shipping containers or storage units do not require a footing or foundation as is required by the building code, but are required to be adequately anchored as to ensure public health, safety, and general welfare.

iii Shipping containers and portable storage units shall be used only for the purpose of storing materials or personal possessions and for no other purpose whatsoever. No shipping container, portable storage unit or other structure or object not specifically and expressly designed and built for human habitation and otherwise meeting all of the requirements of the codes adopted pursuant to this Ordinance shall be used as a residence or for any type or form of human habitation within San Juan County.

#### **F. Definitions**

**Shipping Container:** A roofed or unroofed box or object having a floor and walls which is placed outdoors and used for the storage of goods, materials, or merchandise, and which is used in connection with and accessory to a lawful principal use of the lot. The term storage container includes, but is not limited to, semi-trailers, roll-off containers, slide-off containers, portable storage units, and “piggy-back” containers.

**Temporary Structure:** A structure without any foundation or footing and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Temporary structures include, but are not limited to utility trailers, shipping containers, lean-tos, open sheds, bleachers, booths, and tents of all types, not including wood piles (covered or otherwise) or vehicles. Non-permanent structures (i.e.

Campers) with specific provisions detailed elsewhere in the Zoning and Land Use Regulations shall be subject to separate regulations.

5. The following amendments are made to the International Building Code:

A. Section 105, Permits, 105.2 Building (amend subsections), regarding activities for which building permits are not required is revised to read:

- 7. Painting, papering, tiling, carpeting, and similar finish or decorating work.
- 14. Building activities with a total valuation of less than \$500, including labor and materials.

B. Chapter 16, Structural Design, is revised as follows:

- 1612.3. Insert: "San Juan County"
- 1612.3. Insert: "March, 1978"

C. Section 3103, Temporary Structures, 3103 General, is revised to read:

The provisions of this section shall apply to structures erected for a period of less than 270 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with the International Fire Code. Those erected for a longer period of time shall comply with applicable sections of this code.

D. Chapter 34, Existing Structures, is revised as follows:

- 3410.2 Insert: January 1, 1973.

6. The following amendments are made to the International Residential Code:

A. Chapter 3, Building Planning, Table R301.2(1), Climatic and Geographic Design Criteria is revised to read:

- Required minimum roof live load (Snow Load): 90 lbs
- Wind speed: 70 mph
- Seismic design category: C
- Weathering: Severe
- Frost depth: 42"
- Termite: Negligible
- Winter design temperature: -20 F
- Ice barrier underlayment required: Yes
- Flood hazards: Adopted 9/1/1978
- Air freezing index: 2355
- Mean annual temperature: 35.7

B. All provisions contained in the International Residential Code relating to plumbing and electrical are repealed to the extent they are inconsistent with, or covered by, any provision of any other code adopted pursuant to this Ordinance.

7. The following amendments are made to the International Mechanical Code:

A. Section 106.5.2 insert: As adopted from time-to-time by resolution of the Board of County Commissioners

B. Section 106.5.3 insert: 80% in two locations.

8. The following amendments are made to the International Fuel Gas Code:

A. Section 106.5.2 insert: As adopted from time-to-time by resolution of the Board of County Commissioners

B. Section 106.5.3 insert: 80% in two locations.

9. The following amendments are made to the International Fire Code:

A. Section 103, Department of Fire Prevention, shall read as follows:

Section 103.1 General. San Juan County shall utilize the services of the Silverton Volunteer Fire Department as the County Bureau of Fire Prevention. The Chief of the Silverton Volunteer Fire Department and such other individuals as he may from time to time designate in writing are hereby designated as the County fire code official.

B. Section 111, Stop Work Order shall read as follows:

Section 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a violation of this Code.

C. Chapter 33, Explosives and Fireworks, shall be amended as follows:

Delete sections 3301.1.1- 3301.8.1.4 and 3304-3307

10. If any part, section, subsection, sentence, clause, or phrase of this Ordinance or of the Code adopted hereby is for any reason held to be invalid, such decisions shall not affect the validity of the remaining sections of this Ordinance or of said Code; the Board of County Commissioners hereby declares that it would have passed this Ordinance and adopted said Code in each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

11. Any or all Ordinances or parts of Ordinances or resolutions of San Juan County, in conflict or inconsistent herewith are hereby repealed, provided, however, that the repeal of an Ordinance or parts of Ordinances of the San Juan County shall not revive any section of an Ordinance or Ordinances heretofore repealed or superseded

12. Whenever the provisions of this Ordinance or of the codes adopted pursuant hereto shall conflict with each other or with the provisions of any other San Juan County Codes, Standards, or Regulations, the more restrictive requirements shall apply.


13. Nothing in this ordinance or the Code adopted hereby shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.


14. After adoption by the Board of County Commissioners, the full text of this Ordinance shall be published one time in the Silverton Standard newspaper prior to becoming effective. This Ordinance shall become effective thirty days after such publication or on August 17<sup>th</sup>, 2008, whichever occurs later.

15. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to C.R.S. 30-15-402, shall be paid to the County Treasurer of San Juan County, Colorado in accordance with C.R.S. 30-15-408.

READ, PASSED AND ADOPTED on second reading this 9<sup>th</sup> day of July, 2008 by the Board of County Commissioners of San Juan County, Colorado.

  
Ernest Kuhlman, Chairman

  
Peter McKay

  
Terry Rhoades