

ARTICLE 2, 3, 4

BUILDING CODE

ELECTRICAL CODE

PLUMBING CODE

TOWN OF HOTCHKISS, COLORADO INTERNATIONAL RESIDENTIAL CODE

SECTION 1. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Hotchkiss, Colorado, being marked and designated as the *International Residential Code*, 2006 edition, including Appendix Chapters A through P, inclusive, (see *International Residential Code* Section R 102.5, 2006 edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Hotchkiss, in the State of Colorado for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Hotchkiss, Colorado, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections are hereby revised:

Section R101.1. Insert: Town of Hotchkiss, Colorado
Section R301.2 (1) Insert: Official Climatic and Geographic
Criteria for the area
Section P2603.6.1 Insert: 30" below finished grade
Section P3103.1 Insert: roof extension 6" from vent pipes

(included)

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That construction of improvements governed by this Building Code shall conform to the minimum requirements of an Energy Efficiency Code, if any, of the State of Colorado, as such may be amended from time to time, the terms of which are adopted herein by reference.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6. That nothing in this ordinance or in the Residential Code hereby adopted 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 Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. That the Town Clerk of the Town of Hotchkiss, Colorado, is hereby ordered and directed to cause this ordinance to be published.

SECTION 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

SECTION 9. It is found and determined that an emergency exists in that the above ordinance needs to be immediately approved, executed and recorded so as to provide for the immediate preservation and protection of the public health and safety, to assure that it shall be in full force and effect immediately upon its publication in accordance with the provisions of the laws of the State of Colorado.

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

**TOWN OF HOTCHKISS, COLORADO
INTERNATIONAL BUILDING CODE**

SECTION 1. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Hotchkiss, Colorado, being marked and designated as the *International Building Code*, 2006 edition, including Appendix Chapters A through J, inclusive, (see *International Building Code* Section R 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the Town of Hotchkiss, in the State of Colorado for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town of Hotchkiss, Colorado, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following section are hereby revised:

Section 101.1. Insert: Town of Hotchkiss, Colorado

Section 1612.3 Insert: Town of Hotchkiss, Colorado

Section 1612.3 Insert: "Flood insurance Study" dated July 3, 1985

Section 3410.2 Insert: Date of Building Code Adoption:

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That construction of improvements governed by this Building Code shall conform to the minimum requirements of an Energy Efficiency Code, if any, of the State of Colorado, as such may be amended from time to time, the terms of which are adopted herein by reference.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6. That nothing in this ordinance or in the Building Code hereby adopted 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 Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. That the Town Clerk is hereby ordered and directed to cause this ordinance to be published.

SECTION 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption, adoption and publication.

SECTION 9. It is found and determined that an emergency exists in that the above ordinance needs to be immediately approved, executed and recorded so as to provide for the immediate preservation and protection of the public health and safety, to assure that it shall be in full force and effect immediately upon its publication in accordance with the provisions of the laws of the State of Colorado.

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

6.03 BOARD OF ADJUSTMENT

A Board of Adjustment, hereinafter referred to as the "Board", is hereby created.

ORGANIZATION. The Board shall have five residents of the Town as members, one membership shall be filled by a current member of the Town Planning Commission. Appointment to membership shall be by the Town Board for a term of three (3) years. Vacancies on the Board shall be filled for the unexpired term in the same manner as the initial appointment. The Board shall elect from its membership a chairman, secretary, and such other officers as it may deem necessary during its first meeting of each calendar year, and adopt such rules as may be necessary for conduct of its business.

MEETINGS: Meetings of the Board shall be held at the call of the chairman. All meetings shall be open to the public. Membership of the Board shall be notified at least 24 hours prior to the time of the meetings. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

POWERS AND DUTIES. Upon appeal, the Board shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant there is error in any order, requirement, decision or refusal by an administrative official or agency based on or made in the enforcement of the Subdivision Regulations.
2. To hear and decide appeals wherein there is question on the interpretation of the zone district map or similar questions as they may arise in the administration of the zoning ordinance.
3. To hear and decide appeals for special exceptions to the provisions of the Subdivision Regulations, such exceptions to be known as variances.

PROCEDURES.

1. Appeals to the Board may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the Subdivision Regulations. Appeal may be taken by an offer, department, board or bureau of the Town affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the Subdivision Regulations. Appeals to the Board must be made in writing and filed with the Town Clerk no later than 4:00 P.M. of the seventh day following the action or decision from which the appeal is taken. In the event the seventh day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the seventh day. The day of the action or decision shall not be included in the seven day calculation.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay, in his opinion, would cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or a court of record on application, after notice to the officer from whom the appeal is taken and on due cause shown.

3. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the Subdivision Regulations, or by reason or exceptional topographic conditions or other extraordinary and exceptional situation or conditions of such piece of property, the strict application of any regulation enacted under the Subdivision Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship provided, however:

a. That the variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of said property.

b. That such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Subdivision Regulations.

c. That the circumstances found to constitute a hardship were not created by the appellant, are not due to or the result of general conditions in the district and cannot be practically corrected.

HEARINGS. All hearings on appeals to the Board shall be held within thirty (30) days of filing of the appeal, unless continued for good cause or at the request of the appellant. Hearings held in regard to variance from strict application of the provisions of the Subdivision Regulations shall be conducted at a public hearing following public notice requirements as provided herein.

FEE. For all applications for a variance or interpretation of the code a fee shall be charged to cover the costs of staff time, advertising and processing. The amount of the fee shall be established by resolution of the Town Board.

DECISIONS: The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or agency to decide in favor of the appellant.

REQUIRED PUBLIC NOTICE. For appeals, variance requests, or rezoning requests to the Board of Adjustment, the following public notice requirements shall be met:

1. A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.

2. Notice shall be sent to all property owners within two hundred feet (200') of the property in question at least ten (10) days in advance of the hearing.

3. A notice shall be posted on the subject property at least ten (10) days prior to the hearing. The applicant shall be required to post the notice on the property in the manner prescribed and as directed by the Town Clerk.

4. In the case of rezoning of a large area, the entire Town or a portion of the Town, initiated by the Planning Commission and Town Board, public notice shall be as follows:

a. A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the public hearing. Such notice shall include a map of the boundaries of the proposed zone changes.

b. Notices shall be posted at various places throughout the area(s) to be rezoned and along the perimeter of the area. Such notices shall be posted at least ten (10) days prior to the hearing.

5. In determining the time periods for notice requirements the day of the action or public hearing is not included in the calculation.

NOTICE INFORMATION. All notices shall include the following information:

1. The name of the applicant or appellant and the description of the property, and
2. A description of the nature of the request, and
3. The time, date and place of the public hearing, and
4. The agency or office and phone number where further information may be obtained.

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