

## ORDINANCE 2021-2

### AN ORDINANCE OF THE TOWN OF HOTCHKISS, COLORADO UPDATING CERTAIN PROVISIONS OF THE TOWN BUILDING REGULATIONS

WHEREAS, the Town of Hotchkiss (the "Town") is a duly organized statutory town of the State of Colorado; and

WHEREAS, the Town of Hotchkiss Municipal Code (the "Code") contains building regulations further enumerated under Chapter X, Building Regulations; and

WHEREAS, on June 11, 2020, the Town adopted Ordinance No. 2020-02, adopting certain provisions of the 2018 International Building Code, International Residential Code, the 2018 International Existing Building Code and the 2015 International Energy Conservation Code; and

WHEREAS, the Town wishes to amend certain provisions of Chapter X of the of the Hotchkiss Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO, AS FOLLOWS:

Section 1. Findings of the Board of Trustees. The foregoing recitals are incorporated by the Town Board of Trustees.

Section 2. Amendment to the Town Code. The following provisions of the Town Code are Amended to read as follows:

#### **Section 10.01.080 Code Exemptions and Amendments.**

(6)(b) Fences

(7) For all decks a building permit and a site-plan are required and subject to approval with regards to setback requirements. Exempted from this provision is any minor repair or component replacement for decks.

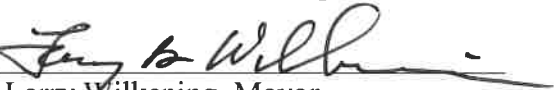
Section 3. Applicability. This Ordinance shall apply to all property within the Town of Hotchkiss or within any area hereinafter annexed to the Town.

Section 4. Effective date. This Ordinance shall become effective thirty days following publication. Section 5. Conflict and Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 5. Effect. 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in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution or other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same theretofore repealed and superseded.

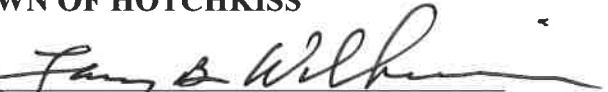
**INTRODUCED, READ, AND REFERRED to public hearing before the Board of Trustees of the Town of Hotchkiss, Colorado, this 12<sup>th</sup> day of August, 2021.**

**TOWN OF HOTCHKISS**

By:   
Larry Wilkening, Mayor

**HEARD AND FINALLY ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO THIS 9<sup>TH</sup> DAY OF September, 2021.**

**TOWN OF HOTCHKISS**

By:   
Larry Wilkening, Mayor

ATTEST:

  
Ginger Redden, Town Clerk

Approved as to Form:

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BO JAMES NERLIN, Town Attorney

## EXHIBIT 1

Pursuant to Section 10.01.080 of Ordinance 2020-02 the following Code Exemptions and Amendments are adopted as a part of the Town's adoption of certain 2018 International Code Council Books and Amendments:

### **Section 10.01.080 Code Exemptions and Amendments.**

The following Code Sections are hereby revised to read:

- (1) References in Section 101.1 and elsewhere to "jurisdiction" shall mean the Town of Hotchkiss, Colorado.
- (2) Section 101.4.1 is amended to read: The provisions of the International Fuel gas Code as amended and adopted by the State of Colorado Plumbing Board (per 3 CCR 720-1 of the Code of Colorado Regulations).
- (3) Section 101.4.3 is amended to read: The provisions of the International Plumbing Code as amended and adopted by the State of Colorado Plumbing Board (per 3 CCR 720-1 of the Code of Colorado Regulations).
- (4) Section 101.4.4 is hereby deleted.
- (5) Sections 104.10.1, 1612.3 and 1612.4 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by the Municipal Code of the Town of Hotchkiss, Colorado.
- (6) Section 105.2 is amended to read:
  - (a) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 120 square feet. Such structures shall be located in accordance with Section 705.3 with respect to other structures on the same lot.
  - (b) Fences 6 feet or less do not require a building permit.
  - (c) Window and door replacement provided no structural changes are needed or proposed.
- (7) Neither a site plan nor a building permit is required for decks less than 25 square feet (18.58 m<sup>2</sup>) in area, and less than 18 inches (762 mm) above grade at any point. For all other decks a site-plan is required and subject to approval with regards to setback requirements. Exempted from this provision is any minor repair or component replacement for decks.
- (8) Section 109.2 is amended to read: 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
- (9) Section 109.6 is amended to read: Refunds shall not be allowed.
- (10) Section 109.4 is amended to read: 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall

(28) N1103.5.1 and R403.5.1 (Mandatory recirculation for hot water) mandatory recirculation for hot water is exempt as a requirement (N1103.5.1 and R403.5.1).

(29) N1103.5.4 and R403.5.4 (Drain water heat recovery) drain water heat recovery is exempt as a requirement (N1103.5.4 and R403.5.4).

(30) N1103.6 and R403.6 (mandatory whole-house ventilation) mandatory whole-house ventilation is exempt as a requirement (N1103.6 and R403.6).