

ORDINANCE NO. 601

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING ALL OF TITLE IV, CHAPTER 1 OF THE MONTROSE MUNICIPAL CODE RELATING TO THE BUILDING CODE AND RE-ENACTING SAID TITLE AND CHAPTER TO PROVIDE FOR ADOPTION BY REFERENCE OF 1967 EDITION OF THE UNIFORM BUILDING CODE PROMULGATED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO:

TITLE IV, CHAPTER 1 OF THE MONTROSE MUNICIPAL CODE is hereby repealed and re-enacted to read as follows:

4-1-1. ADOPTION OF BUILDING CODE: Pursuant to Chapter 139, Article 34, Colorado Revised Statutes, 1963, there is hereby adopted for the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City, the Uniform Building Code, 1967 Edition, together with all appendices thereto, promulgated by the International Conference of Building Officials, 50 South Los Robles, Pasadena, California, as the same may be amended or revised, of which three copies are now filed in the office of the City Clerk and may be inspected during regular business hours, the same being adopted as if set out at length, save and except the following provisos:

(a) Notwithstanding anything to the contrary contained in said Uniform Building Code, the minimum height for ceilings shall be 7 feet.

(b) Notwithstanding anything to the contrary contained in said Uniform Building Code, the maximum span for Engelmann Spruce joists and rafters in residential structures shall be as stated in that certain publication entitled "Maximum Spans for Joists and Rafters in Residential Construction" issued in February, 1961, by the International Lumber Manufacturers, three copies of which said publication are now filed in the office of the City Clerk and may be inspected during regular business hours, the said publication being hereby adopted as if set out at length.

(c) Notwithstanding anything to the contrary contained in said Uniform Building Code, and particularly in Section 2517(a) thereof, four foundation wall ventilators shall be provided, one located at each corner of the space, having an aggregate net free ventilating area not less than 1/150th of the area of the basementless space, or ground space treatment shall be provided in the form of a vapor barrier material having a transmission rate not exceeding one perm plus at least two foundation wall ventilators having an aggregate net free ventilating area not less than 1/1500th of the area of the basementless space.

(d) Notwithstanding anything to the contrary contained in said Uniform Building Code, no self-closing doors between Group I space and Group J space (as such terms are defined in Table 5B of said Uniform Building Code) shall be required.

4-1-2. PENALTY: It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the City of Montrose, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Upon the conviction of any such violation, such persons shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

4-1-3: WORK MAY BE STOPPED: Whenever any building work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged or causing such work to be done and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

4-1-4: USE MAY BE DISCONTINUED: Whenever any structure is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure or portion thereof vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure or portion thereof comply with the requirements of this Code; provided however that in the event of an unsafe building, Section 203 of such Code shall apply.

4-1-5: BUILDING OFFICIALS ACTIONS LIMITED: Wherever in this Code it is provided that anything must be done to the approval or subject to the direction of the Building Official, this shall be construed to give such Building Official only the discretion of determining whether the rules and standards established by this Code have been complied with; and no such provision shall be construed as giving any such Building Official discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by Code or to enforce Code provisions in an arbitrary or discriminatory manner.

4-1-6: WHEN 1961 EDITION APPLIES: All regulations including the 1961 Edition of the Uniform Building Code and such Sections of the Official Code of the City of Montrose as pertain thereto are hereby repealed, provided however, that the 1961 Edition of the Uniform Building Code as adopted and amended shall remain in effect for the completion of work authorized by permits issued under such Code.

4-1-7: EXEMPTIONS: The City of Montrose, the County of Montrose, the State of Colorado and the United States of America shall be exempt from paying any fee for building permits.

4-1-8: APPEALS: Interpretations and decisions by the Building Official may be appealed to the Board of Appeals as provided in Section 204 of the Uniform Building Code by filing a written appeal with the Building Official, setting forth in full the reasons for such appeal and specifying the relief prayed for. The Building Official shall within three (3) working days review such appeal and endorse thereon, or attach thereto his written recommendations and transmit the said appeal to the Board of Appeals.

The decision of the Board of Appeals shall be final, unless the appellant shall have filed in the office of the City Clerk within ten (10) days after receipt of such decision and appeal to the City Council, appealing from the decision of the Board of Appeals and setting forth his reasons for such appeal.

4-1-9: DEVIATIONS FROM BUILDING CODE: The City Council may in its discretion by resolution authorize deviation or variance from the Building Code in individual cases when in its judgment strict compliance with the Building Code is unnecessary or unreasonable.

All applications for deviation or variance from the Building Code shall be made in writing and shall be filed with the Building Official. All such applications shall set forth clearly the deviation or variance desired, and the reasons therefor and shall be supported by such drawings, plans, and specifications as the Building Official may require.

The Building Official shall promptly review all applications for deviation or variance from the Building Code, endorse thereon, or attach thereto his recommendations and transmit such applications to the Board of Appeals.

The Board of Appeals shall promptly review all applications for deviation or variance from the Building Code received from the Building Official, endorse thereon or attach thereto the recommendations of the Board and transmit such applications to the City Clerk for attention and action by the Council.

No person shall commence nor prosecute any work, or part thereof, in violation of, or in nonconformance with the Building Code, unless and until an application to deviate or vary from the Building Code has been approved by the City Council.

PASSED on first reading this 5th day of October, 1967.

Don L Johnson
Mayor

ATTEST:

Nancy Wittgus
City Clerk

PASSED on final reading this 17th day of October, 1967.

Don L Johnson
Mayor

ATTEST:

Nancy Wittgus
City Clerk