

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 6
(SERIES 2022)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 18 – BUILDING REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE RELATED TO MOVING AND SETTING STRUCTURES WITHIN TOWN BOUNDARIES

WHEREAS, the Town Board of Trustees previously adopted Ordinance 1, Series 1994 and Ordinance 11, 2002; and

WHEREAS, in codification of the Unified Development Code with adoption of Ordinance 3, Series 2015, previously existing Article XX Building Moving was overwritten; and

WHEREAS, the Board of Trustees finds it in the best interests of the public health, safety and welfare to amend the Fairplay Municipal Code to restore rules and regulations related to moving structures within the Town's boundaries;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, ORDAINS:

SECTION 1. Chapter 18 – Building Regulations of the Fairplay Municipal Code is hereby amended by the addition of a new Article XIV entitled "Building Moves & Sets" to read as follows:

ARTICLE XIV Building Moves & Sets

[Sec. 18-14-10. Purpose.](#)

[Sec. 18-14-20. Permits required.](#)

[Sec. 18-14-30. Procedures.](#)

Sec. 18-14-10. Purpose.

The purpose of move and set permits is to ensure compliance with all Town, state and public utility requirements related to the movement of buildings upon public and quasi-public rights-of-ways and easements, and to ensure the structural stability of any structure to be moved.

Sec. 18-14-20. Permits required.

No building, structure or improvement shall be moved from or set upon land located in the Town or transported upon any public street in the Town until a permit to move and set has been obtained therefor and said building, structure or improvement complies with the provisions of this Article.

Sec. 18-14-30. Procedures.

- (a) All buildings, structures and improvements to be moved and set shall comply with the Building Code, as adopted by the Town.
- (b) An application shall be submitted for said permit, along with a footing and foundation plan and construction plans for any new construction, which plans shall comply with the Building Code.
- (c) The applicant shall submit a statement from the County Treasurer showing that all past and current taxes have been paid before any permit shall be issued.
- (d) Upon receipt of the above items, the Building Official shall inspect said building, structure or improvements and the proposed location where the same will be set within the Town. Upon determining that the proposed development complies with the Building Code and this Chapter, the Building Official shall issue a permit to move and set.
- (e) The Building Official shall charge a reasonable fee, in addition to the normal fees set forth in the Building Code, to cover costs of investigation and inspection for determining the structural soundness of buildings, structures or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures or improvements into compliance with the Building Code should the building not comply. This fee is not returnable. If buildings, structures or improvements are found to be capable or complying with the Building Code, a building permit will be issued at the regular fee as determined by the valuation of said building, structure or improvements as published in the Building Code.
- (f) No permit to move and set shall be issued until the applicant has first obtained any necessary permits from the public utility company, railroad companies, Colorado Department of Transportation and County Road Supervisor, unless it can be shown by the applicant that these agencies are not involved in the move.
- (g) No person shall transport, move or set any building, structure or improvement in the Town until and unless such person shall post with the Building Official a good and sufficient indemnity bond in favor of the Town. Such bond shall be made by a surety corporation authorized to do business in this State; said bond may be issued on an annual basis but shall not be in excess of such period of time.
- (h) A certificate of liability insurance in an amount determined by the Building Official shall be given to and kept on file by the Building Official. Appeals may be made to the Board of Trustees for the amount of insurance required only.

SECTION 3. Safety Clause. The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

SECTION 4. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

SECTION 5. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 4th
day of APRIL, 2022.



TOWN OF FAIRPLAY, COLORADO

Approved: _____

Frank Just, Mayor

Attest: _____

Janeil Sciacca, Town Clerk