

TOWN OF PONCHA SPRINGS, COLORADO
RESOLUTION 2010- 5

**ADOPTING AMENDMENTS TO THE CHAFFEE COUNTY BUILDING CODES
REGARDING THE EXPIRATION OF BUILDING PERMITS**

WHEREAS, The Town of Poncha Springs uses the Chaffee County Building Department as the Town's building official pursuant to an intergovernmental agreement between the Town and Chaffee County contained in Town Resolution 2007-2.

WHEREAS, Pursuant to Town Resolution 2007-2, the Town agreed to adopt the same building code used by Chaffee County.

WHEREAS, C.R.S. § 30-28-201 authorizes the Board of County Commissioners to adopt ordinances and a building code consistent with the Uniform Building Code, 1988 edition, as promulgated by the International Conference of Building Officials and as revised from time to time, in all or part of the county, and not embraced within the limits of any incorporated city or town. It further authorizes the Board of County Commissioners to adopt and enforce a building energy code that meets or exceeds the standards in the 2003 version of the International Energy Conservation Code.

WHEREAS, pursuant to Resolution 2007-52 and Ordinance 2007-01, the Board of Commissioners of Chaffee County (the "Board") adopted the 2006 International Building Code with amendments, the 2006 International Residential Code with amendments, the 2005 National Electric Code with amendments, the 2006 International Fuel Gas Code, the 2006 International Mechanical Code, the 2006 International Plumbing Code, the 2006 International Energy Conservation Code, and the 2006 International Existing Building Code.

WHEREAS, the adopting Resolution and Ordinance provide, in Section 12, that permits are effective for a period of one year and that up to two extensions may be requested, but that permit may not be valid for more than three years or for more than two years following the adoption of a new version of the applicable building code, whichever is less. (Such Section is based on a version of the building code adopted in 2004 pursuant to Resolution 2004-32.) The result of this provision is that several active permits would expire, even though the permit holders have been diligently working through the process, resulting in undue hardship and expense.

WHEREAS, C.R.S. § 30-28-204 authorizes the Board from time to time by resolution to alter and amend any county building code after public hearing, notice of which hearing shall be given by at least one publication in a newspaper of general circulation in the County at least fourteen days prior to said hearing.

WHEREAS, a public hearing was held on February 16, 2010 following publication of the meetings on January 22, 2010 in the *Mountain Mail* and the *Chaffee County Times*, newspapers of general circulation in Chaffee County.

WHEREAS, the Board has requested the input of the Chaffee County Board of Review and the Chaffee County Building Department regarding the need for such amendments.

WHEREAS, the people of Chaffee County have had an opportunity to review the proposed changes to County's Building Code and have had an opportunity to make public comment for or against adoption of the proposed amendment.

WHEREAS, the Board has had an opportunity to review public comments with respect to the proposed changes and finds that publication of notice of the public hearing has been properly published and the requirements have been satisfied with respect to the public hearing.

WHEREAS, the Board has determined that the proposed amendment will better promote the health, safety, and welfare of the citizens of and visitors to Chaffee County if it adopts the proposed changes.

WHEREAS, the Board of County Commissioners unanimously resolved on March 2, 2010, Resolution 2010-22 as follows:

1. Amendment of Section 12. Section 12 of Chaffee County Resolution 2007-52 and Ordinance 2007-01 is hereby repealed in its entirety to read as follows:

Section 12. Building Permit Effective Periods and Extensions.

12.01. Notwithstanding provisions in the applicable Building Codes to the contrary, permits issued under the County Building Codes shall remain active for one year or, if longer, shall remain active without request by the applicant, provided no more than 365 days have elapsed between inspections.

12.02. If more than 365 days have elapsed between inspections, upon a written request for an extension by the applicant, a permit may be extended for additional one-year periods. Up to two extensions may be requested, provided that a permit may not be valid for more than three years, or for more than two years following the adoption of a new version of the applicable building code, whichever is less, unless a permit has been automatically extended by obtaining an inspection within 365 days of the last inspection, or a waiver has been obtained from the building official, upon a showing that unusual circumstances or hardship has prevented the issuance of a certificate of occupancy within the above time period and reinstatement would not substantially impair the intent of the building codes. For example, if a plumbing permit is issued on February 1, 2010 and a new version of the plumbing code is adopted on May 1, 2010, the maximum date to which the permit can be effective, including extensions, would be April 30, 2012 (unless a waiver is obtained or no more than 365 days have elapsed between inspections).

12.03. With respect to reinstatement of permits where rough-in inspections have

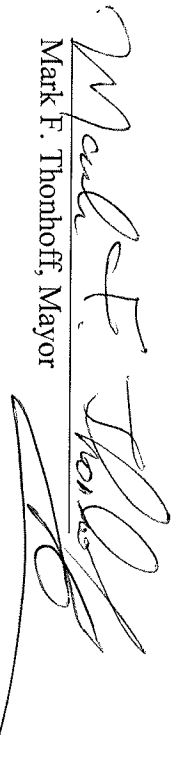
been completed, the building official will act under the code in effect when the permit was originally issued and may charge fees adequate to cover the cost of required inspections. Otherwise, permittees shall pay a new full permit fee.

2. Repealer. In addition to the portions of resolutions specifically repealed by this Resolution, all resolutions or ordinances, or parts thereof, in conflict with this Resolution are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolution or ordinance nor revive any resolution thereby.

3. Effective Date. This Resolution shall be in full force and effect immediately upon approval.

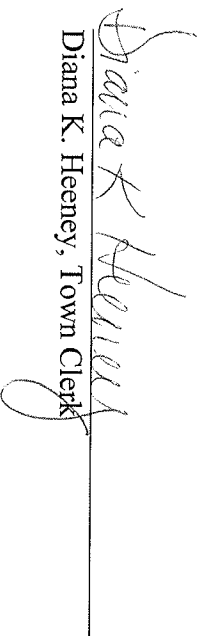
NOW THEREFORE, be it resolved by the Poncha Springs Board of Trustees that the Town of Poncha Springs adopts in whole the amendments to the Chaffee County Building Code contained in Chaffee County Colorado Resolution 2010-22 listed above.

ADOPTED BY THE PONCHA SPRINGS BOARD OF TRUSTEES this 12TH day of April, 2010.


Mark F. Thonhoff, Mayor

STATE OF COLORADO)
) ss.
CHAFFEE COUNTY)

ATTEST:


Diana K. Heeney, Town Clerk