

## ORDINANCE #2006-3

### AN ORDINANCE ADOPTING THE 2003 INTERNATIONAL FIRE CODE

#### BE IT ORDAINED BY THE TOWN OF PONCHA SPRINGS:

**WHEREAS**, the Town of Poncha Springs, and the CCFPD have a commitment to the protection of the health, safety and welfare of the citizens of the Town of Poncha Springs; and

**WHEREAS**, design, construction and installation of fire protection elements within residential and commercial areas are a necessary element in protecting the health, safety and welfare of the citizens of Poncha Springs; and

**WHEREAS**, CRS §32-1-1002(d) permits the adoption of fire codes by the fire protection districts, but provides that no such code shall apply within a municipality unless the municipality adopts a resolution stating the code or specific portions of the code shall be applicable within the fire districts boundaries.

1. Adoption of the 2003 International Fire Code, The Town of Poncha Springs hereby adopts by reference the 2003 International Fire Code, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041. The 2003 edition of the International Fire Code is adopted as if set out at length except that such code shall be amended by the changes set forth in Exhibit A to this Ordinance as it set out at length (such amended fire code is referred to in this Ordinance as the “Fire Code”).

2. Code Copies. Copies of the Fire Code have been and are now on file in the office of the CCFPD and the office of the Chaffee County Building Inspector and may be inspected by any interested person between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excepting holidays.

3. Applicability. The Fire Code shall apply to the Town of Poncha Springs, Colorado and shall only be applicable to commercial or multi-family residential structure not legally in existence at the time of adoption of this code or the reconstruction or alteration of such structure which requires a building permit.

4. Inspection. It shall be unlawful to erect, construct, reconstruct, alter or change the use of any commercial or multifamily residential structure in violation of the Fire Code, since the Town of Poncha Springs contracts with the Chaffee County Building Inspector for services. The County Building Inspector shall have the duty to enforce the provisions of the Fire Code for the duration of time in which the building permit is active. Following closure of a permit by issuance of a certificate of occupancy, or expiration or termination of such permit, the Fire Protection District shall have the duty and responsibility to perform any required inspections of the properties and enforce the Fire Code. The Fire Protection District will be permitted to adopt fee schedules to conduct fire inspections for

property tax exempt entities. The County Building Inspector and authorized Fire District Code Officials are hereby granted the authority to enter on all premises within the Town of Poncha Springs for the purpose of carrying out the duties and responsibilities associated with enforcement of the Fire Code.

5. Modification. During the building process the County Building Inspector shall have the power to modify any of the provisions of the Fire Code upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. Following issuance of a certificate of occupancy the Fire District shall have the power to modify the codes in the manner described above. The particulars of such modification when granted or allowed and the decision of the Building Inspector or Fire Code Official shall be entered upon the records of each party, and a signed copy shall be furnished to the applicant.

6. Appeals. All disputes related to the Fire Code, whether during building permit review, construction inspection, or following issuance of a certificate of occupancy, shall be heard by the Poncha Springs Board of Trustees. The applicant or the Fire District may appeal such matter to the Poncha Springs board of Trustees within 30 days of the date of the decision.

7. Violations. Fire Code violations may be remedied in accordance with Colorado statutes, specifically and without limiting the forgoing, the penalty provisions of CRS § 30-28-210 and CRS §30-28-210 are hereby adopted by reference. If a violation of the Fire Code is brought to the attention of the Poncha Springs Board of Trustees or Fire District via a written complaint or if the Poncha Springs Board of Trustees or Fire District otherwise have actual knowledge of the violation, the Board of Trustees or Fire District may first send a certified letter to the property owner, with a copy to the other party, advising the owner of the potential violation and advising the owner that if the problem is not remedied, the violator may be subject to criminal and civil penalties in accordance with Colorado statutes and a letter may be filed and recorded with the Chaffee County Clerk that indicates that structures on the property may violate Fire Code and that no land use applications or building permits for additions to or new structures will be issued unless the current structure is brought up to code. If the problem is not corrected within 30 days of the date of such certified letter, the Board of Trustees or applicable Fire District shall endeavor to proceed with filing and recording such letter with the Chaffee County Clerk, in addition to other remedies provided by statute, ordinance or resolution with respect to Fire Code violations. The entity enforcing the violations shall be responsible for any expenses incurred in pursuing enforcement of the violation. No entity shall have the obligation to prosecute violations. It is within the discretion of the entity enforcing the violation to determine whether to pursue the civil penalties set forth in this section, criminal remedies, or both.

8. Safety. The adoption of the Ordinance is in the best interest, safety and welfare of the citizens of and visitors to the Town of Poncha Springs. The Poncha Springs Board of Trustees and the Board of Directors of the CCFPD have considered the fire codes in

accordance with the public health, safety and general welfare and the safety and protection of Town dwellings and structures.

9. Severability. All provisions of this Ordinance are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Ordinance. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

10. Repealer. All previous Fire Codes adopted by the Town of Poncha Springs are hereby repealed. In addition to the resolutions, ordinances and portions of resolutions and ordinances specifically repealed by this Ordinance, all resolutions, ordinances or parts thereof, in conflict with this Ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions or ordinances nor revive any resolution or ordinance thereby.

**PASSED AND APPROVED THIS 27<sup>th</sup> DAY OF FEBRUARY 2006, BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO.**

~S~ \_\_\_\_\_  
Mark F. Thonhoff, Mayor

Attest:

~S~ \_\_\_\_\_  
Diana K. Heeney  
Clerk/Treasurer