

ORDINANCE NO. 9

SERIES 2005

AN ORDINANCE AMENDING THE TOWN CODE TO ADOPT BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 2003 EDITION, THE INTERNATIONAL PLUMBING CODE, 2003 EDITION THE NATIONAL ELECTRICAL CODE 2005 EDITION AND THE INTERNATIONAL FUEL GAS CODE.

WHEREAS, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the construction of safe and sound buildings is inherent in this charge; and

WHEREAS, the adoption of uniform codes is necessary to ensure safe and sound construction of buildings; and

WHEREAS, it is appropriate that the Town amend currently updated codes that reflect industry standards; and

WHEREAS, the Town Council has found that the amendments and adoptions contained herein are necessary to protect the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Repeal Of Current Code and Adoption of International Mechanical Code. The International Mechanical Code, 2003 Edition, including both Appendices, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 ("IMC"), be and is hereby adopted by reference as the Mechanical Code of the Town of Crested Butte, Colorado, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. The fees are set forth in Appendix A to this ordinance.

Section 2. Article 16-5 of the Crested Butte Municipal Code is hereby repealed. The Town Council reenacts the same Article to read as follows:

“Article 16-5 ADOPTION OF INTERNATIONAL MECHANICAL CODE 2003 EDITION.

Section 16-5-1. – The International Mechanical Code, 2003 Edition, including both Appendices, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 (“IMC”), be and is hereby adopted by reference as the Mechanical Code of the Town of Crested Butte, Colorado, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out herein.

Section 16-5-2. – Rules and Regulations. The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith.

Section 16-5-3. – Conflicting Provisions. In the event of a conflict between the IMC and any provisions set forth in Article 15-2 of the Crested Butte Municipal Code, such conflict shall be resolved in favor of Article 15-2.

Section 16-5-4. - Fees. Fees for any permit or inspection required by the IMC are set forth in the Appendix to the Code.”

Section 16-5-5. – Violation, Liability and Penalties.

- (A) Any person (as that term is defined in Article 15-2-3) who violates any provision of the IMC shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.
- (B) Any person (as that term is defined in Article 15-2-3) who violates any provision of the IMC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys’ fees, occasioned by reason of such violation.
- (C) The Town may institute injunction, abatement or any other action to prevent, enjoin, or abate any violation of the IMC.
- (D) The remedies provided by this section are cumulative and not exclusive, and are in addition to any other remedies provided by law.”

Section 3. Repeal Of Current Code and Adoption of International Plumbing Code. The International Plumbing Code, 2003 Edition, excluding Appendix A, as published by the

International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 (“IPC”), be and is hereby adopted by reference as the Plumbing Code of the Town of Crested Butte, Colorado, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 4. Article 16-6 of the Crested Butte Municipal Code is hereby repealed. The Town Council reenacts the same Article to read as follows:

“Article 16-6 ADOPTION OF INTERNATIONAL PLUMBING CODE 2003 EDITION

Section 16-6-1. – The International Plumbing Code, 2003 Edition, excluding Appendix A, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 (“IPC”), be and is hereby adopted by reference as the Plumbing Code of the Town of Crested Butte, Colorado, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out herein.

Section 16-6-2. – Rules and Regulations. The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith.

Section 16-6-3. – Conflicting Provisions. In the event of a conflict between the IPC and any provisions set forth in Article 15-2 of the Crested Butte Municipal Code, such conflict shall be resolved in favor of Article 15-2.

Section 16-5-4. – Violation, Liability and Penalties.

- (A) Any person (as that term is defined in Article 15-2-3) who violates any provision of the IPC shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.
- (B) Any person (as that term is defined in Article 15-2-3) who violates any provision of the IPC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys’ fees, occasioned by reason of such violation.
- (C) The Town may institute injunction, abatement or any other action to prevent, enjoin, or abate any violation of the IPC.
- (D) The remedies provided by this section are cumulative and not exclusive, and

are in addition to any other remedies provided by law.”

Section 5. Repeal Of Current Code and Adoption of National Electrical Code. The NFPA 70 National Electrical Code, 2005 Edition, as prepared by the National Electric Code Committee and acted on by NFPA (“NEC”), be and is hereby adopted by reference as the Electrical Code of the Town of Crested Butte, Colorado, for the purpose of the practical safeguarding of persons and property from hazards arising from the use of electricity; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 6. Article 16-3 of the Crested Butte Municipal Code is hereby repealed. The Town Council reenacts the same Article to read as follows:

“Article 16-3 ADOPTION OF NATIONAL ELECTRICAL CODE 2005 EDITION.

Section 16-3-1. - The NFPA 70 National Electrical Code, 2005 Edition, as prepared by the National Electric Code Committee and acted on by NFPA (“NEC”), be and is hereby adopted by reference as the Electrical Code of the Town of Crested Butte, Colorado, for the purpose of the practical safeguarding of persons and property from hazards arising from the use of electricity; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out herein.

Section 16-3-2. – Rules and Regulations. The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith.

Section 16-6-3. – Conflicting Provisions. In the event of a conflict between the NEC and any provisions set forth in Article 15-2 of the Crested Butte Municipal Code, such conflict shall be resolved in favor of Article 15-2.

Section 16-5-4. – Violation, Liability and Penalties.

- (A) Any person (as that term is defined in Article 15-2-3) who violates any provision of the NEC shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.
- (B) Any person (as that term is defined in Article 15-2-3) who violates any provision of the NEC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys’ fees, occasioned by reason of such violation.
- (C) The Town may institute injunction, abatement or any other action to prevent, enjoin, or abate any violation of the NEC.

(D) The remedies provided by this section are cumulative and not exclusive, and are in addition to any other remedies provided by law.”

Section 7. Adoption Of International Fuel Gas Code. The International Fuel Gas Code, 2003 Edition, including Appendix Chapters, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 (“IFGC”), be and is hereby adopted by reference as The International Fuel Gas Code of the Town of Crested Butte, Colorado, regulating and governing the fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and the collection of fees (as appropriate) therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. A new Article 16-7 shall read as follows:

“Article 16-7 ADOPTION OF INTERNATIONAL FUEL GAS CODE 2003 EDITION.

Section 16-7-1. – The International Fuel Gas Code, 2003 Edition, including both Appendices, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 (“IFGC”), be and is hereby adopted by reference as the Fuel Gas Code of the Town of Crested Butte, Colorado, regulating and governing the fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and the collection of fees (as appropriate) therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Town of Crested Butte are hereby referred to, adopted, and made a part hereof, as if fully set out herein.

Section 16-7-2. – Rules and Regulations. The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith.

Section 16-7-3. – Conflicting Provisions. In the event of a conflict between the IFGC and any provisions set forth in Article 15-2 of the Crested Butte Municipal Code, such conflict shall be resolved in favor of Article 15-2.

Section 16-7-4. - Fees. Fees for any permit or inspection required by the IFGC are set forth in the Appendix to the Code.”

Section 16-7-5. – Violation, Liability and Penalties.

(E) Any person (as that term is defined in Article 15-2-3) who violates any provision of the IFGC shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.

(F) Any person (as that term is defined in Article 15-2-3) who violates any provision of the IFGC shall be liable to the Town for any expense, loss or

damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(G) The Town may institute injunction, abatement or any other action to prevent, enjoin, or abate any violation of the IFGC.

(H) The remedies provided by this section are cumulative and not exclusive, and are in addition to any other remedies provided by law.”

Section 8. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 9. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS _____ DAY OF _____, 2005.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 2005.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James Schmidt, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)