

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on March 30, 2001 there were present:

F. Eugene Vick, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Pete L. Kjosness, Commissioner	Present
Robert J. Safranek, County Attorney	Present
Paula J. Stroud, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

AMENDED RESOLUTION #400 It was moved by Commissioner Beedy and seconded by Commissioner Kjosness to adopt the following amended resolution:

RE: AN ORDINANCE ADOPTING AT A MINIMUM THE 1994 UNIFORM BUILDING CODE WITH DELETIONS AND AMENDMENTS AS THE LINCOLN COUNTY BUILDING CODE

WHEREAS, the Board of County Commissioners is authorized by State law to adopt and amend a County Building Code, pursuant to Title 30, Article 28, Section 201 of the Colorado Revised Statutes; and

WHEREAS, the code adopted by this Resolution shall be known as the "Lincoln County Building Code" and may be cited as such and will be referred to herein as "this code"; and

WHEREAS, the purpose of this code is to provide for and promote the health, safety and welfare of the general public; and

WHEREAS, Amendment #400 requires amending due to the adoption of the 1997 and 2000 Uniform Building Codes by the International Conference of Building Officials;

NOW, THEREFORE BE IT RESOLVED AND BE IT ORDAINED by the Board of County Commissioners of Lincoln County that:

SECTION I. The Board of County Commissioners of Lincoln County hereby adopts the building code as follows:

At a minimum, the UNIFORM BUILDING CODE, 1994 Edition, Volumes I, II and III, published by the International Conference of Building Officials (ICBO), with additions, deletions and amendments as follows:

LISTING OF AMENDMENTS, 1994 UNIFORM BUILDING CODE (UBC):

1. Delete Section 102 and substitute as follows:

102 All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or

public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment is, for the purpose of this section, an unsafe use. Any dilapidated building or structure of whatever kind which is unused by the owner or uninhabited because of deterioration or decay, which condition constitutes a fire-hazard, or subjects adjoining property to danger of damage by storm, soil erosion or rodent infestation, or which becomes a place frequented by trespassers and transients, for the purpose of this section is unsafe. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.

102.1 All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in subsections 102.1.2, 102.1.3, 102.1.4, and 102.1.5 of this section.

102.1.2 Notice to Owner. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portion thereof, and all such work shall be completed within 90 days from the date of notice unless otherwise stipulated by the Building Official.

Proper service of such notice shall be by personal service upon the owner of record, or such service may be made upon said owner by certified mail; provided that, if such notice is by certified mail, the designated period within which said owner or persons in charge is required to comply with the order of the Building Official shall begin as of the date he received such notice.

If no address can be found for the owner of said property, the notice may be served by publishing a copy of the notice once in a newspaper of general circulation within Lincoln County, setting forth the address of the premises involved, if any, and the legal description of said premises and stating defects complained of and the time in which said defects shall be corrected. Said notice shall be considered served three (3) days after the publication date of said newspaper.

102.1.3 Posting of Signs. The Building Official shall cause to be posted at each entrance of such building a notice to read: "DANGER, KEEP OUT. THIS STRUCTURE IS UNSAFE FOR OCCUPANCY". Such notice shall remain posted until the required repairs, demolition, or removal is completed. Such notice shall not be removed without permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or demolishing the building.

102.1.4 Right to Demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the County Commissioners may order the owner of the building prosecuted as a violator of the provisions of the Code and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work will be transmitted to the County Commissioners who shall cause the same to be paid and levied as a special assessment against the property.

102.1.5 Costs. Costs incurred under subsection 102.1.4 shall be paid out of the County General Fund. The whole costs, including incidental costs and a reasonable fee for inspection, which fee shall not exceed five percent of the total amount due in connection therewith, upon the property from which such building or structure has been removed. Any assessment pursuant to this Section shall be a lien against such property until paid. If such assessment is not paid within 90 days, it shall be certified by the Clerk and Recorder to the County Treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection.

2. Section 106.2 Add a new subsection as follows: 12. Detached Group U occupancies
3. Add a new Section as follows: 110.

Incorporate an Occupancy Permit along with a minimum of the 1994 UBC codes. Group U Occupancy (all agricultural buildings, private garages and sheds) of any size shall be **excluded** from the UBC codes except when Group U Occupancy is attached/connected to any other Occupancy. In addition to all other requirements of this code, Group R Division 3 Occupancies shall be provided with the following:

1. The Occupancy shall have as a minimum a single storage of useable and potable water of 500 gallons or a well capable of pumping 2 gallons per minute of potable water.
2. Group R Occupancy shall have electricity supplied by REA unless approved by the Lincoln County Commissioners.
3. An approved and inspected septic system or waste disposal system.
4. The applicant shall provide proof of electrical and plumbing inspections from the state electrical and plumbing inspectors and all costs associated shall be borne by the applicant.

SECTION 2. The provisions of this code shall apply to the erection, construction, reconstruction, alteration, remodeling, or the change of use of all dwellings, buildings and structures except detached Group U Occupancies and buildings or structures used for the purpose of providing shelter for agricultural implements, farm products, livestock, or poultry within the unincorporated territory of Lincoln County, and shall include the authority over existing buildings and structures provided in Section 102 and Chapter 34 of the 1994 Uniform Building Code

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SECTION 3. Pursuant to Title 30, Article 28, Section 114 and 205 of the Colorado Revised Statutes, the County Building Inspector, also referred to herein as the "building official", shall be authorized by the Board of County Commissioners to administer and enforce this code.

SECTION 4. This Resolution and Ordinance shall be, and is hereby declared to be in full force and effect thirty days after publication or August 1, 1997, whichever shall last occur.

SECTION 5. This Resolution and Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the Chairman of the Board of County Commissioners and the County Clerk and Recorder.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance and Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance and Resolution. The Board of County Commissioners hereby declares that it would have passed this Ordinance and Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. All other Resolutions and Ordinances or parts thereof in conflict herewith are hereby repealed.

Upon roll call the vote was:

Commissioner Kjosness, Yes; Commissioner Beedy, Yes; Commissioner Vick, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board