

**ORDINANCE NO. 336**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AMENDING SECTION 2(A) OF ORDINANCE NO. 274 TO REQUIRE A BUILDING PERMIT FOR CERTAIN REMODELING AND RESTORATION ACTIVITIES AND SECTION 2(B) OF ORDINANCE NO. 274 REGARDING ADMINISTRATIVE AND LEGAL PROCEDURES IN THE EVENT OF A VIOLATION OF THE ORDINANCE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.**

WHEREAS, Ordinance No. 274 requires that owners of property undertaking certain construction or building activities obtain a building permit prior to commencing such work; and

WHEREAS, the Board of Trustees desires to expand the categories of construction or building activities that require a building permit; and

WHEREAS, the Board further desires to clarify administrative and legal procedures for alleged violations of Ordinance No. 274, as amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:**

**Section 1**

Section 2(A) of Ordinance No 274 is hereby repealed and replaced as follows:

**A. Administration**

1. **Enforcing Official.** The provisions of this zoning ordinance shall be administered and enforced by any officer, staff personnel or member of the Board of Trustees ("Board") as authorized by the Board.

2. **Building Permit.** Except as specified in Section 2(A)(3) below, no building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

3. **Exempt Activities.** The following construction activities, buildings and structures are exempt from the requirements of Section 2(A)(2):

- a. One-story detached accessory buildings with a total square footage of 120 square feet or less.
- b. Decks.
- c. Fences which do not exceed six (6) feet in height.
- d. Retaining walls which do not exceed four (4) feet in height

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measured from the bottom of the footing to the top of the wall.

- e. Platforms, walks and driveways.
- f. Prefabricated swimming pools in which the pool walls are entirely above the adjacent grade.
- g. Roofing and siding.
- h. Construction activity consisting solely of remodeling, structural alteration, restoration, conversion, or enlargement of an existing building or structure, provided that:

- (1) the estimated total cost of construction materials does not exceed \$5000;
- (2) complete plans for the project are filed with the Town Clerk prior to commencing the construction activity; and
- (3) an accurate estimate of the cost of materials is filed with the Town Clerk prior to commencing the construction activity. The Building Official may require the submission of receipts or other proof of the actual cost of construction materials.

**Section 2**

Section 2(B) of Ordinance No. 274 is hereby repealed and replaced as follows:

1. **Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this ordinance, or when the enforcing official has reasonable cause to believe that there exists a condition which is contrary to or in violation of this ordinance which makes the building or premises unsafe, dangerous or hazardous, the enforcing official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the enforcing official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, or no person having charge or control over the building or premises can be located, the enforcing official shall obtain a warrant from the Rico municipal court authorizing the enforcing official to make entry into the building or premises.

2. **Liability.** The enforcing official or any duly authorized representative charged with enforcement of this ordinance acting in good faith and without malice shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties, and such official shall be entitled to all immunities and limitations as provided to public employees under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 et seq.

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3. **Administrative and Legal Procedure.** If a violation is found to exist, the enforcing official may take any or all of the following actions:

- a. Notify the owner or any other responsible person of the violation and order correction of the violation within a prompt, reasonable period of time.
- b. Issue a stop work order by notice in writing posted at the location of the violation.
- c. Issue a citation for the violation into the Rico Municipal Court.

**Section 3**

The officers of the town are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

**Section 4**

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

**Section 5**

This ordinance is necessary to protect the public health, safety and welfare of the residents of the town, and covers matters of local concern.

**Section 6**

The Board of Trustees deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available at the office of the town clerk for public inspection and copying.

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**INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 15th day of July, 1998.**

TOWN OF RICO

By:

  
\_\_\_\_\_  
Joe Croke  
Mayor

ATTEST

  
\_\_\_\_\_  
Linda Yellowman  
Town Clerk

**HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 15 day of July, 1998.**

TOWN OF RICO

By:

  
\_\_\_\_\_  
Joe Croke  
Mayor

ATTEST

  
\_\_\_\_\_  
Linda Yellowman  
Town Clerk