

ORDINANCE NO. 4

SERIES 2024

**AN ORDINANCE OF THE CRESTED BUTTE TOWN
COUNCIL AMENDING THE CRESTED BUTTE
MUNICIPAL CODE: CHAPTER 18, ARTICLE 13, SECTION
18-13-40,**

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

WHEREAS, pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, and Title 31, Article 23, and Title 20, Article 29, C.R.S., the Town has the authority to enact and enforce building construction regulations;

WHEREAS, under Section 4.14 of the Town of Crested Butte Charter, the Town may adopt by reference standard codes, promulgated by the Federal Government, the State of Colorado, or by any agency of either of them, or by any political subdivision within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof;

WHEREAS, the Town's Building Regulations, Chapter 18, Article 13 and Article 1.5, of the Crested Butte Municipal Code (the "Code"), regulates Building Inspector and Building Permits Code;

WHEREAS, the Town of Crested Butte seeks to amend Section 18-13-40 to amend performance deposit requirements and Section 18-1.5-30 International Green Construction Code Amendments Errata;

WHEREAS, the Town Council finds that the below amendments are in the best interests of the health, safety and general welfare of the Town.

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

Section 1. Chapter 18, Article 13, Sec. 18-13-40 is hereby amended as set for on Exhibit A attached hereto.

Section 2. Amend Chapter 18, Article 1.5, Sec. 18-1.5-30 is hereby amended as set forth on Exhibit A attached hereto.

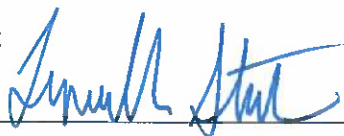
INTRODUCED, READ AND SET FOR PUBLIC HEARING May 6th, 2024.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 20th DAY OF May 2024

TOWN OF CRESTED BUTTE, COLORADO

By: 

Ian Billick, Town Mayor

ATTEST: 

Lynelle Stanford, Town Clerk

Exhibit A

Sec. 18-13-40. Building permit.

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- (c) No building permit shall be issued unless and until permit fee a ~~performance deposit~~ has been paid deposited with to the Building Department
- (1) ~~The amount of the performance deposit shall be the amount of the valuation of the structure for which a building permit is sought multiplied by fifty hundredths percent (.50%).~~
- (2) ~~The performance deposit will be released upon the issuance of a certificate of occupancy for the structure for which the building permit is sought, if the Building Department determines that all improvements have been completed in accordance with the approved plans, including landscaping and parking requirements. The performance deposit will be released upon request within a two-year period only after issuance of certificate of occupancy date.~~
- (3) ~~Two hundred fifty dollars (\$250.00) per violation may be retained by the Town where the applicant has failed to perform any building, construction, structural alteration, movement, demolition or change work to any building or other structure in strict compliance with the approved plans and specifications therefor. Such retained deposit amounts shall represent the estimated costs and expenses of the Building Inspector in processing and handling said failures. Following such failure to perform, the Building Inspector shall notice the applicant of such failure and thereafter may retain the same without further action on the part of the Town. Nothing contained herein shall prohibit the Town from exercising any other remedies provided at law or in equity, including, without limitation, an action for attorneys' fees, costs and expenses in connection with any such failure to comply.~~
- (d) No building permit shall be issued until written approval of the application is given by the Building Inspector and the Board when the latter is required under the terms of this Article.
- (e) No permit shall be issued after February 1st, 2023 unless a current building contractor license is submitted. The building contractor license shall meet Gunnison County building contractor licensing program requirements.
- (f) No building permit shall be issued unless the proposed erection, construction, alteration or change of the building or use of the building or land is in full conformance with this Article.
- (g) Upon issuance of the building permit, the applicant shall perform all work thereunder in strict accordance and compliance with the application, plans and specifications, representations to the Board and Building Inspector, and any memoranda of agreement. The Building Inspector, members of the Board and other Town officials shall monitor and inspect the work being performed and, upon the discovery of any deviation from the plans, application or representations, shall report the deviation to the Building Inspector who shall order all work on the structure to cease until the Board considers, at its next regular meeting, if the deviation is substantial, in which case a new building permit shall be required.
- (h) After the issuance of a building permit, any substantial deviation from the plans, application or representations shall require a new building permit, which shall be applied for and considered in the same fashion as a new application.
- (i) Any application or other request under this Article shall be made by an owner of the property or his or her legal representative as evidenced by a written power of attorney. Any permits, approvals, conditions or other decisions under this Article shall benefit and/or bind such applicant, the owner, other co-owners of the property and their heirs or assigns.
- (j) Penalties; enforcement. No person shall build, construct, structurally alter, move, demolish or change any building or other structure for which a building permit is required without compliance with the requirements of the Section. Any person who violates this Section shall be guilty of a misdemeanor and subject to the
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Exhibit A

~~violation and penalty provisions set forth in Chapter 1, Article 4 of this Code. a maximum fine of one thousand dollars (\$1,000.00) per offense, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Each day any such building or structure is out of compliance with this Section shall be a separate offense hereunder. The Marshal's Department, the Building Inspector or the Town Manager may enforce the penalties provided hereunder, including, without limitation, by proper summons to appear in a court of competent jurisdiction. The Town may also institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this Section. Remedies provided in this Section are cumulative and concurrent and not intended to be exclusive, and the same are in addition to all other rights provided at law and in equity.~~

Sec. 18-1.5-30. Selected sections to be adopted by reference and amendments thereto.

The following selected sections of the Green Construction Code are hereby adopted in their entirety and amended as follows:

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- (6) The following sections of IgCC Chapter 8 "Indoor Environmental Quality" shall be adopted in their entirety: Section 801.3.1 (Indoor air quality); Section ~~801.4.3.4~~ 801.3.4.1 (Soil-gas control); and Section 801.4.2 (Materials).