

**ORDINANCE**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.04 OF THE MANITOU SPRINGS MUNICIPAL CODE TO ADOPT BY REFERENCE AMENDMENTS TO THE 2017 EDITION OF THE PIKES PEAK REGIONAL BUILDING CODE**

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**WHEREAS**, the City Council has been informed that the Pikes Peak Regional Building Department has drafted amendments to the Pikes Peak Regional Building Code to address the new FIRM adopted by FEMA effective as of December 7, 2018; and

**WHEREAS**, the City Council finds that it is in the best interest of the public health, safety and welfare that the December 7, 2018 amendments to the 2017 edition of the Pikes Peak Regional Building Code be adopted and enacted as an ordinance of this City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** Chapter 15.04 of the Manitou Springs Municipal Code is hereby repealed and reenacted to provide as follows:

**CHAPTER 15.04 BUILDING CODE**

**15.04.010 - Adoption—Modifications.**

The 2017 Pikes Peak Regional Building Code, with the amendments adopted by the Pikes Peak Regional Building Department effective as of December 7, 2018, is adopted by reference pursuant to Section 5.11 of the City Charter and shall have the same force and effect as though it were set out in its entirety in this chapter, with amendments subsequently adopted by the City.

**15.04.020 – Purpose.**

This Chapter maintains local control of building codes, including, but not limited to, building, electrical, energy, mechanical and plumbing codes, and retains Pikes Peak Regional Building Department and Pikes Peak Regional Building Department's Committees and Boards to implement, interpret, and grant variances for building codes within Pikes Peak Regional Building Department's jurisdiction.

**15.04.030 – Amendments.**

The 2017 Pikes Peak Regional Building Code, with the December 7, 2018 amendments adopted by the Pikes Peak Regional Building Department, is hereby amended as follows:

1. Section RBC 313.6, Definitions, is amended to add the following definition:

HISTORIC STRUCTURE means any structure that is:

- i. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - A. By an approved state program as determined by the Secretary of the Interior or
    - B. Directly by the Secretary of the Interior in states without approved programs.
2. Section RBC 313.6, Definitions, SUBSTANTIAL IMPROVEMENT is amended to read as follows:

**SUBSTANTIAL IMPROVEMENT** Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, before the improvement is started. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or an alteration of a "historic structure", provided that the alternation will not preclude the structures' continued designation as a "historic structure".

**15.04.040 - Copies—Maintenance by city clerk.**

Official copies of the 2017 Edition of the Pikes Peak Regional Building Code shall be maintained by the city clerk and made available for public inspection.

**15.04.050 - Violation—Penalty.**

Violations of the Building Code shall be punishable be a fine of not more than five hundred dollars, or imprisonment by not more than ninety (90) calendar days. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration,

maintenance, or use continues. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of the Building Code, the City Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alterations, remodeling, maintenance or use.

**Section 2:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 7th day of November, 2018.

/s/ Donna Kast  
City Clerk Donna Kast

A Public Hearing on this ordinance will be held at the November 20, 2018, City Council meeting. The Council Meeting will be held at 6:00 p.m. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: November 8, 2018 (in full)  
*City's Official Website and City Hall*

Passed on second reading and adopted by City Council this 20<sup>th</sup> day of November, 2018.

/s/ Ken Jaray  
Mayor Ken Jaray

Attest: /s/ Donna Kast  
City Clerk Donna Kast

Published: November 21, 2018 (in full)  
*City's Official Website and City Hall*