

## TITLE IV Building Regulations

### CHAPTER 1 Building Department Administration and Contractor's Licenses

#### *Article I General Provisions*

##### **Sec. 4-1-1. Title.**

This Chapter shall be known as the "Building Department Administration and Contractor's Licensing Codes," may be cited as such and may be referred to herein as "this Chapter."

##### **Sec. 4-1-2. Definitions.**

- (a) *Department* means the Pueblo Regional Building Department.
- (b) *Commission* means the Pueblo Regional Building Commission.
- (c) *Building Official* means the Building Official appointed by the Commission or the Building Official's authorized representative.
- (d) *Chief Inspector* means the person designated by the Building Official as the Chief Inspector for each of the major codes.
- (e) *Major codes* means the International Building Code as adopted with amendments by Chapter 2 of this Title, herein International Building Code; the International Residential Code as adopted with amendments by Chapter 6 of this Title; herein International Residential Code, the National Electrical Code as adopted with amendments by Chapter 3 of this Title, herein National Electrical Code; the International Plumbing Code as adopted with amendments by Chapter 4 of this Title, herein International Plumbing Code; and the International Mechanical Code as adopted with amendments by Chapter 5 of this Title, herein International Mechanical Code.
- (f) *Minor or secondary codes* means any other building code which is adopted by reference, directly or indirectly, in whole or in part by ordinance or by express provisions of a major code including without limitation, the Unsafe Structures Regulations, Chapter 7 of this Title, herein Unsafe Structures Regulations; the International Property Maintenance Code as adopted with amendments by Chapter 1 of Title VIII of this Code, herein International Property Maintenance Code; and the International Energy Conservation Code.
- (g) *Agreement* means the amended and restated agreement entered into June 1, 2012, by and between the City of Pueblo, Colorado, a municipal corporation and the Board of County Commissioners of the County of Pueblo, Colorado, pursuant to resolution and ordinance duly adopted and under the authority of Section 29-1-203, C.R.S. Whenever the phrase "Board of Appeals" appears in Title IV of this Code or in any major or minor or secondary code, the same shall be taken and construed to mean the applicable Board of Review created by the agreement which created the Pueblo Regional Building Department.

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- (h) *Board* means the Electrical Board of Review, Plumbing Board of Review, Mechanical Board of Review or the Building Board of Review established by the Agreement as the context of this Chapter or the Agreement so requires.
  - (i) *Person* means a natural person eighteen (18) years of age or older or an organization.
  - (j) *Organization* means a corporation, trust, partnership or association, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.
  - (k) *City* means the City of Pueblo, Colorado, a municipal corporation.
  - (l) *County* means the Board of County Commissioners of the County of Pueblo, Colorado, or the County of Pueblo.
  - (m) *Construction work* means and includes any and all work or services performed or to be performed in the building, constructing, altering, renovating, modifying, repairing, moving, wrecking, demolishing or adding additions to any building or structure.
  - (n) *Construction business* means engaging in, undertaking or offering to undertake the performance of construction work.
  - (o) *Administrative authority, responsible official, Building Official, Chief Inspector, Code Enforcement Officer, or other similar term* used in this Chapter or any major code or minor code shall be construed to mean the Building Official or the Building Official's authorized representative where the context so requires or the source so indicates.
  - (p) *Deputy, assistant, authorized representative or other similar term* used in this Chapter or any major code or minor code shall be construed to mean the authorized representative of the Building Official where the context so requires.
  - (q) *Supporting authority, governing body, jurisdictional authority or other similar term* used in this Chapter or any major code or minor code shall be construed to mean the City or the Department where the context so requires or the source so indicates.
  - (r) *Jurisdiction* used in this Chapter or any major or minor code shall be construed to mean the City of Pueblo, Colorado.
- (Ord. No. 4994, 8-23-82; Ord. No. 6291 §2, 2-23-98; Ord. No. 6665 §1, 4-9-01; Ord. No. 7380 §1, 10-11-05; Ord. No. 8596 §1, 5-28-13; Ord. No. 8890 §1, 7-13-15)

### **Sec. 4-1-3. Department.**

The Department is created by the agreement which is incorporated herein as if set out in full. The agreement establishes the Commission as the governing body of the Department with authority to appoint the Building Official.

### **Sec. 4-1-4. Building Official.**

- (a) The Building Official is hereby authorized, empowered and directed to interpret and enforce all provisions of this Chapter and each major code or minor code.
- (b) Permits issued for the construction work authorize the construction work to be performed pursuant to the requirements of this Title and do not create any right or vest any property interest in the person to whom the permit is issued (the "Permittee") or the owner of the property upon which the construction work is to be performed (the "Owner"). Upon receipt of written notice by the Department signed by the Owner, or the general contractor if the Permittee is a subcontractor, that the Permittee has been discharged from further

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performance of the construction work, or has abandoned the construction work, the Building Official shall cancel the permit and notify the permittee in writing by first class mail addressed to the Permittee at the Permittee's address appearing on the permit, that the permit has been cancelled.

(Ord. No. 4994, 8-23-82; Ord. No. 6291 §3, 2-23-98)

#### **Sec. 4-1-5. Chief Inspector.**

The Building Official shall designate a Chief Inspector of each major code. The Chief Inspector of each major code subject to the direction and authority of the Building Official is hereby authorized to interpret and enforce all provisions of the major codes for which the Chief Inspector is appointed Chief Inspector. The Chief Inspector's interpretation under such code shall be final unless appealed to the Board of Review for such code. The Building Official or the Building Official's authorized representative shall be the Chief Inspector of the International Building Code, the International Residential Code and all minor codes and is authorized to interpret and enforce the International Building Code, the International Residential Code and all minor codes.

#### **Sec. 4-1-6. Board of Appeals.**

The Board of Appeals of each major and minor code is hereby authorized, empowered and directed to perform the duties set forth in the agreement and this Chapter.

#### **Sec. 4-1-7. Reports and records.**

The Building Official shall keep complete records of all licenses, permits, inspections, reinspections, fees and other monies collected and other official actions performed under the agreement or this Chapter. The Building Official or the Building Official's duly authorized representative shall act as secretary to the Commission and Boards of Appeal and keep an accurate and permanent record of all proceedings before the Commission and Boards of Appeal. All records and reports of the Department shall be public records.

#### **Sec. 4-1-8. Appeals and authority of Board of Appeals.**

- (a) Any person aggrieved by any decision or order of the Building Official or the Building Official's authorized representative or any chief inspector relating to the enforcement or interpretation of this Code or any minor code or major code may appeal such decision or order to the appropriate Board of Appeals. Every such appeal shall be perfected within ten (10) calendar days of the date of the decision or order appealed from by filing with the Building Official in duplicate a written appeal upon a form to be provided by the Department and the payment of an appeal fee. The appeal shall state the decision or order being appealed. The Building Official shall upon receipt thereof transmit to the appropriate Board the written appeal and all related Department records.
- (b) A perfected appeal shall not stay any action or proceedings in connection with the decision or order appealed from, unless and until the Building Official shall certify in writing to the appropriate Board that performance of the work in violation or contrary to the order or decision would not increase the hazard to the health or safety of persons or property. In that event, all actions and proceedings in connection with the decision or order shall be stayed until ordered otherwise by the Board or a court of competent jurisdiction. Any work performed in violation of or contrary to the decision or order appealed from shall be removed or corrected if the Board affirms such decision or order. The fact that such work continued after the issuance of the order or decision and pending appeal shall not be considered by the Board as a mitigating or extenuating circumstance.

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- (c) The Board shall set a time and place for a hearing on the appeal which shall not be more than thirty (30) days after perfection of the appeal. Notice of the hearing shall be given by the Building Official to the appellant by first class mail addressed to the appellant at the address set forth in the appeal. The hearing shall be open to the public, and all interested persons shall be entitled to be heard. The Board by majority vote of all of its members may sustain, modify or reverse any appealed decision or order.
  - (d) The Department, the Commission, the appellant and any other person aggrieved by the order or decision of the Board may seek review thereof within twenty-eight (28) days after entry of the Board's order or decision pursuant to Rule 106(a)(4), C.R.C.P. in the District Court in and for the County of Pueblo, Colorado. Review shall not be extended further than to determine whether the Board exceeded its jurisdiction or abused its discretion. The decision or order of the Board shall remain in full force and effect pending appeal unless stayed by order of the District Court.
  - (e) A Board of Appeals may grant a variance from the strict terms and provisions of the involved code to avoid extreme hardship, provided such variance can be granted without increasing the hazards to health or safety of persons or property and if such variance will not violate the intent and purpose of such code. Mere inconvenience to a person shall not be grounds for granting a variance.
  - (f) A Board of Appeals is authorized to determine the suitability of alternate materials, methods or installation under that code which the Board is empowered to enforce and to recommend to the Commission new legislation relating to such code or this Chapter.
  - (g) The Building Official shall enforce and execute all orders and decisions of the Boards of Appeals.
- (Ord. No. 4994, 8-23-82; Ord. No. 6291 §7, 2-23-98; Ord. No. 8596 §2, 5-28-13)

#### **Sec. 4-1-9. Owner obtained permits.**

The record owner of a single-family dwelling or manufactured home, including the usual accessory buildings and quarters used exclusively for living purposes, may perform construction work on such dwelling or manufactured home without a license provided the dwelling or manufactured home upon which the work is to be performed will be occupied by the owner as the owner's principal place of residence, and a permit is issued by the Department for such work. No building permit shall be issued to an owner to construct a new single-family dwelling or manufactured home more often than once every thirty-six (36) months after the date of the Certificate of Occupancy.

#### **Sec. 4-1-10. Manufactured structures.**

- (a) **Permits Required.** The installation of factory-built structures shall comply with all applicable zoning laws and regulations and all provisions of the Building Code, except that plans for the Manufactured Housing Units are not required when either of the following items are provided to the Department.
  - (1) A data compliance sheet for HUD-approved manufactured housing units.
  - (2) A copy of the Colorado approved label (seal) with the legible factory-built certification number.
- (b) **Seal.** A Colorado Division of Housing approval label (seal) must be permanently affixed to each factory-built structure.
- (c) **Inspection and Notice.** The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCA, Section 5401 to 5426 and the Colorado Housing Act of 1980 as amended, Title 24, Article 32, Part 7, C.R.S. preempt the Building Code in relation to manufactured structures and therefore the Department does not inspect them. However, the Department shall inspect the foundation, installation of utilities and the installation of the factory-built structures to the foundation.

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- (1) The following notices shall be given to all persons applying for any permit relating to manufactured homes and factory-built structures from any agency of the City:

"In accordance with Federal and Colorado law, this manufactured structure has not been inspected by the Pueblo Regional Building Department and may or may not meet requirements of the Pueblo Building Codes.

"It shall be the obligation of the permit applicant to forward this notice to the owner of the manufactured home or factory-built structure."

- (2) The notice set forth in Paragraph (1) above shall be permanently installed in a visible location by the permit applicant adjacent to the data plate required by the Federal Act or in the furnace closet on manufactured structures.

(Ord. No. 4994, 8-23-82; Ord. No. 5121, 12-27-83; Ord. No. 5448, 1-11-88; Ord. No. 6291 §9, 2-23-98)

## ***Article II Licenses and Registration***

### **Sec. 4-1-11. Licenses required.**

Except as specifically otherwise provided in this Code:

- (1) It shall be unlawful for any person to perform construction work or to engage in the construction business within the City without first having received the appropriate license or registration from the appropriate Board.
- (2) It shall be unlawful for any person to hire, employ, contract with or engage another person to perform any construction work unless the person so hired, employed, contracted with or engaged to perform construction work shall be licensed or registered as provided in this Code.
- (3) Any person who for hire or gain of any kind, shall hold himself or herself out to or contract with any other person to do any act for which a license or registration is required by this Code shall be presumed to be engaged in the construction business or in the performance of construction work.
- (4) It shall be unlawful for any person licensed to engage in the construction business under this Code to whom a permit has been issued for construction work at a construction site to fail to give notice that such person is performing construction work at such site by posting a notice to that effect in some conspicuous place at the site or by identifying all trucks or vehicles used at the site with the licensed person's name in legible letters at least two (2) inches in height.
- (5) It shall be unlawful for any person to advertise in any manner or use the title of a Journeyman, Master or Contractor without being licensed or registered in that field of construction as set forth in this Chapter.

### **Sec. 4-1-12. Applications for examinations.**

Any person who desires to be licensed or registered to engage in the construction business or to perform construction work, for whom a license or registration is required by this Code or any major code or minor code shall apply to the Building Official on application forms furnished by the Department. The completed application form shall include the name of the applicant, the applicant's home and business addresses and a brief resume of the applicant's education, training and experience or such other information as may be reasonably required by the Board.

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**Sec. 4-1-13. Investigation of applicant by Board.**

The appropriate Board shall examine the applicant and investigate or cause to be investigated the character, training, experience and financial responsibility of the applicant for the license and the organization for which such applicant is employed if such organization is responsible for the work performed by the applicant. A license shall not be issued if the applicant fails to pass the requisite examination, if any, or if the application and other evidence before the Board indicate the applicant lacks experience, training or financial responsibility and such deficiency indicates in the judgment of the appropriate Board a danger to the public health, safety or welfare, or indicates the applicant is not qualified or capable to engage in the construction business or to perform the construction work for which the applicant seeks a license. In examining applicants, the Board may utilize examinations adopted or approved by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

**Sec. 4-1-14. Reserved.**

Editor's note(s)—Ord. No. 8890 , §3, adopted July 13, 2015, repealed §4-1-14 which pertained to reexaminations and derived from Ord. No. 4994 adopted Aug. 23, 1982, and Ord. No. 6291, §13, adopted Feb. 23, 1998.

**Sec. 4-1-15. License fees and expiration dates.**

- (a) The fees and charges for licenses, examinations, permits, inspections, reinspections and all other services or activities performed by the Department, the Building Official and the Boards shall be established by the resolution of the City Council. Unless specifically provided otherwise in this Title IV or in any major code or minor code, no fee or charge shall be pro-rated or refunded.
- (b) Before any license or registration is issued, the applicant shall pay an annual license or registration fee. All licenses or registrations shall become delinquent on December 31 of the year issued and shall be renewed annually upon application and payment of the license or registration fee; subject, however, to the following limitations:
  - (1) Renewal fees.
    - a. For all licenses renewed between December 1 and January 31 of the following year, the fee shall be equal to the annual fee.
    - b. For licenses renewed between February 1 and March 31 of each year, the fee shall be the annual license fee plus a penalty of fifty percent (50%) of the annual fee.
    - c. For licenses renewed between April 1 and May 31 of each year, the fee shall be twice the annual license fee. No license or registration shall be renewed after June 1.
  - (2) Application fee. An application fee as set by City Council shall be paid when an application is submitted to the Department. After review and acceptance of the application, the applicant will be notified of the outcome.
- (c) No permit shall be issued to any unlicensed or unregistered person engaged in the construction business, or to any licensed or registered person who is delinquent in paying the annual license or registration fee, who has failed to comply with a provisional order, whose license or registration is suspended or revoked, who is in any manner indebted to the Department or whose insurance has expired.

(Ord. No. 4994, 8-23-82; Ord. No. 6291 §14, 2-23-98; Ord. No. 6665 §4, 4-9-01; Ord. No. 7380 §3, 10-11-05; Ord. No. 8890 §4, 7-13-15)

**Sec. 4-1-16. Reserved.**

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#### **Sec. 4-1-17. Insurance requirements.**

- (a) Before any license or registration shall be issued to engage in the construction business or to perform construction work, an applicant shall file with the Building Official a certificate of Commercial General Liability insurance with personal injury and property damage limits at a combined single limit of not less than two hundred fifty thousand dollars (\$250,000) per occurrence and five hundred thousand dollars (\$500,000) aggregate. Products and completed operations are not required to be part of this policy. In addition, before any such license or registration is issued, the applicant shall file proof that the applicant has obtained Workers' Compensation Insurance as required by and in accordance with the laws of the State.
- (b) Such insurance certificates shall include the policy numbers, the name of the applicant, the effective and expiration dates, the limits of such policies and a description of coverage by the insurance carrier. The Pueblo Regional Building Department shall be listed as the certificate holder.

(Ord. No. 4994, 8-23-82; Ord. No. 6291 §16, 2-23-98; Ord. No. 7383 §1, 10-11-05; Ord. No. 7564 §1, 2-12-2007)

#### **Sec. 4-1-18. Revocation or suspension of a contractor's license; causes; hearing.**

- (a) Any license or registration issued pursuant to this Chapter may be revoked or suspended by the appropriate Board, or when so provided by the Building Official, after notice and hearing, for any of the following causes:
  - (1) Abandonment of a contract without legal justification.
  - (2) Diversion or misapplication of funds or property received to perform or complete a contract or for a specified purpose in the performance or completion of a contract; application or use of such funds for any other contract, obligation or purpose; or the failure, neglect or refusal to use such funds or property to perform or complete such contract.
  - (3) Substantial departure from, or disregard of plans or specifications in any material respect, without consent of the owner or the owner's duly authorized representative.
  - (4) Willful or deliberate disregard or violation of applicable major codes or minor codes.
  - (5) Failure to comply with any lawful order of the Building Official or a Chief Inspector.
  - (6) Failure to keep records for a period of one (1) year after completion of each separate contract, showing all receipts and disbursements of the licensee or registrant in all transactions as a contractor, and to produce the same for examination by the appropriate Board when required.
  - (7) Fraud or misrepresentation of a material fact by applicant in obtaining a license or registration.
  - (8) Committing any willful or fraudulent act by the licensee or registrant as a contractor.
  - (9) Using a license or registration to obtain permits for another reason.
  - (10) Carelessness or negligence in providing reasonable safety measures to protect workers or the public.
  - (11) Canceling or not renewing required insurance coverage: provided; however, that such license or registration shall only be suspended for this cause, and shall be reinstated upon refilling proof of insurance as approved by the Building Official.
  - (12) Being convicted of a felony relating to performing construction contract.
  - (13) Failing to timely pay any indebtedness or obligation owed to the Department; provided, however, that such license or registration shall only be suspended for this cause and shall be reinstated upon payment of such debt or obligation.

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- (14) Failing to notify the Building Department of a change of address and/or telephone number, provided however, that such license or registration shall only be suspended for this cause and shall be reinstated upon notification of said new address and/or telephone number. Three (3) violations of this Subsection will cause the Board of Appeals to review license for further disciplinary action.
- (b) Upon receiving a report that any of the above causes have been committed, the appropriate Board may issue a provisional order to comply to the contractor or registrant, or, in its discretion, the Board may proceed directly to a hearing, as provided in Subsection (c).
- (c) Notice of hearing for revocation of a license or registration shall be given in writing, setting forth specifically the causes or grounds of the complaint and the time and place of the hearing. Such notice may be served personally on the licensee or registrant or may be sent by first class mail, postage prepaid, to the licensee's or registrant's address shown on the records of the Department, at least five (5) days before the hearing.
- (d) If the Board finds against the registrant or licensee, the Board in its sole discretion may suspend, revoke, or decline to renew the license or registration. If a license or registration is suspended, the Board may assess a suspension for any period up to six (6) months. If the license or registration is to be revoked, another such license or registration shall not be issued to such person within a period to be determined by the Board not to exceed twenty-four (24) months after the effective date of revocation.
- (e) Within twenty-eight (28) days after any decision or order of the appropriate Board, the Building Official, licensee or registrant or any person who is aggrieved by such decision or order may seek review pursuant to Rule 106 (a)(4) of the Colorado Rules of Civil Procedure in the District Court for the County. Review shall not be extended further than to determine whether the Board exceeded its jurisdiction or abused its discretion.
- (Ord. No. 4994, 8-23-82; Ord. No. 6291 §17, 2-23-98; Ord. No. 8596 §3, 5-28-13)

#### **Sec. 4-1-19. License and registration; nontransferable.**

No license or registration issued under this Code shall be transferable. It shall be unlawful for any licensee or registrant to transfer or attempt to transfer such license or registration or to allow it to be used, directly or indirectly, by another person. The license or registration of any organization shall remain in effect only during the time the person who was examined therefor remains a full-time active employee of such licensee or registrant. Whenever the examinee, that is, the person who was examined for such license or registration, ceases to be a full-time active employee of the licensee or registrant, such person shall immediately notify in writing, the Building Official. Failure to timely notify the Building Official shall be grounds to suspend or revoke the license or registration.

### ***Article III Contractor's License***

#### **Sec. 4-1-20. Contractor's license.**

It shall be unlawful for any person to engage in any construction business in the City without first obtaining a contractor's license or registration issued by the Department and, if required by this Code, after qualification and examination by the appropriate Board of Appeals.

#### **Sec. 4-1-21. Building contractors.**

For the purpose of providing for the regulation and licensing of building contractors, building contractors are divided into classes as follows:



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- (1) Building Contractor-A (General). The holder of this license is authorized to construct, alter or repair any type or size of structure permitted by the International Building Code, as amended.
  - (2) Building Contractor-B (General Limited). The holder of this license is authorized to construct, alter or repair any structure covered by the International Building Code except buildings requiring type I or II fire construction, or buildings in occupancy groups A-1, A-2, A-3 with an occupant load of three hundred (300) or more, E or I as defined in the International Building Code, as amended.
  - (3) Building Contractor-C (Home Builder). The holder of this license is authorized to construct, alter or repair buildings of three (3) stories or fewer in R-3 and U occupancies as defined in the International Residential Code, as amended.
  - (4) Building Contractor-D (Specialty). A holder of this license is authorized only to perform construction work in the trade or particular kind of construction work specified in the specialty license and such other work as may be incidental thereto, but such holder shall not contract to do any work other than that specified in such license. Nothing in this Chapter shall prohibit the issuance of one (1) or more specialty licenses for different trades or particular kinds of work to the same person provided, however, that such person shall be first duly examined and qualified by the appropriate board as to each trade or particular kind of construction work.
  - (5) Apprentices. Apprentices or trainees employed to assist a licensed building contractor need not be licensed, provided such apprentice or trainee performs such work under the supervision of the contractor or an employee of the contractor qualified to perform such work. A licensed contractor who employs any apprentice or trainee shall be responsible for the work performed by such apprentice or trainee.

#### **Sec. 4-1-22. Electrical contractors.**

- (a) It shall be unlawful for any person to perform electrical work or engage in the business of an electrical contractor within the City without first being currently registered as an electrical contractor with the Department. A person may register as an electrical contractor upon showing a current Colorado electrical contractor's license and the name and address of the master electrician under whose name the contractor has qualified. No electrical contractor shall be registered by the Department until the contractor complies with the service of process and insurance requirements of this Code.
- (b) It shall be unlawful for any person not currently licensed by or holding a permit issued by the State to engage in or work at the trade or business of a journeyman electrician, master electrician, or residential wireman within the City if such electrical work requires a permit or license under the laws of the State. A residential wireman shall not perform electrical work which is beyond that authorized by such license.
- (c) It shall be unlawful for any person licensed by or holding a permit issued by the State to refuse to exhibit proof of such license or permit to the Building Official or to any Department inspector upon the request of the Building Official or an inspector.
- (d) Any person may work as an electrician apprentice or trainee working at the trade but shall not do any electrical wiring for or installation of electrical apparatus or equipment for light, heat or power except under the direct supervision of a licensed electrician or residential wireman. Any electrical contractor, journeyman electrician, master electrician or residential wireman who is the employer or supervisor of any electrical apprentice or trainee shall be responsible for the work performed by such apprentice or trainee.

(Ord. No. 4994, 8-23-82; Ord. No. 6291 §21, 2-23-98; Ord. No. 9247 §1, 3-26-18)

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### **Sec. 4-1-23. Plumbing contractors.**

- (a) It shall be unlawful for any person to perform plumbing work or engage in the business of a plumbing contractor in the City without first being currently registered as a plumbing contractor with the Department. A person may be registered as a plumbing contractor upon showing a current Colorado plumbing contractor's license and the name and address of the master plumber under whose name the contractor qualified. No plumbing contractor shall be registered by the Department until the contractor pays an annual registration fee and complies with the service of process and insurance requirements of this Code.
- (b) It shall be unlawful for any person not currently licensed by or holding a permit issued by the State to engage in the trade or business of a plumber, master plumber, journeyman plumber or residential plumber within the City if such plumbing work requires such a permit or license under the laws of the State.
- (c) It shall be unlawful for any person licensed by or holding a permit issued by the State to refuse to exhibit proof of such permit or license to the Building Official or any Department inspector upon the request of the Building Official or an inspector.
- (d) Any person may work as a plumbing apprentice for a licensed plumber but shall not do any plumbing work for which a license is required by the law of the State except under the direct supervision of a licensed plumber. Supervision requires the licensed plumber to be present at the work site to adequately supervise the apprentice at such site. Any plumbing contractor, master plumber, journeyman plumber or residential plumber who is the supervisor or employer of any plumbing apprentice shall be responsible for the work performed by such apprentice.
- (e) It shall be unlawful for any person not registered as a plumbing contractor to engage in the business of a plumbing utility contractor without first being licensed therefor by the Plumbing Board of Appeals. A plumbing utility contractor includes any person who engages in the business of installing one (1) or more of the following: water service lines, building sewers, private fire mains and similar specialty plumbing installations. A person may be licensed to install one (1) or more of such items, but in no event shall such license authorize the licensee to install waste, drain or venting piping. A person licensed as a plumbing contractor or master plumber by the State may be licensed as a plumbing utility contractor to install water service lines and building sewers without examination. In addition, the plumbing utility contractor must meet any related public works requirements.

(Ord. No. 4994, 8-23-82; Ord. 6291 §22, 2-23-98; Ord. No. 8890 §6, 7-13-15)

### **Sec. 4-1-24. Mechanical contractors**

- (a) It shall be unlawful for any person to perform mechanical work or engage in the business of a mechanical contractor in the City without a mechanical contractor's license issued by the Department after examination by the Mechanical Board of Appeals. No plumbing contractor shall be registered by the Department as a Mechanical C contractor limited to gas until the contractor pays the annual license fee and complies with the service of process and insurance requirements of this Code.
- (b) It shall be unlawful for any person not currently licensed by the Pueblo Regional Building Department to engage in the trade or business of a master mechanical contractor, journeyman sheet metal worker, journeyman gas fitter or refrigeration technician within the City if such work requires such as required by this Chapter.
- (c) It shall be unlawful for any person issued a license by the Department to refuse to exhibit proof of such license to the Building Official or any inspector of the Department upon the request of the Building Official or an inspector.

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- (d) Any person may work as a mechanical gas fitter, sheet metal, heating, venting, air conditioning or refrigeration apprentice for a licensed journeyman, but shall not do any work for which a license is required by the Department except under the supervision of a licensed journeyman. Supervision requires the licensed journeyman to be present at the work site to supervise the apprentice at such site. Any mechanical contractor, master or journeyman who is the supervisor or employer of any mechanical apprentice shall be responsible for the work performed by such apprentice.
  - (e) Any plumbing contractor registered as a plumbing contractor with the Department who desires to perform gas piping installation shall be licensed by the Department. In such case the license issued shall be a Mechanical C contractor's license limited to gas piping work. Any plumbing contractor wishing to perform venting of appliances shall pass a sheet metal exam before a license is issued.
  - (f) To provide for the regulation and licensing of mechanical contractors and persons performing mechanical work, such persons shall be divided into classes as follows:
    - (1) Mechanical Contractor-A (HVAC-Refrigeration and Gas). The holder of this license is authorized to the holder thereof to perform any work in the heating, ventilation, air conditioning, refrigeration and gas fields.
    - (2) Mechanical Contractor-C (Limited). The holder of this license is authorized to perform any one (1) of or any combination of four (4) of the following trades: gas piping, heating, ventilating, air conditioning or refrigeration work in any structure.
    - (3) Journeyman Gas Fitter. A person certified by the Mechanical Board of Appeals, after examination, may be licensed as a journeyman gas fitter and shall be authorized to engage in and perform gas fitting work under any permit issued to a mechanical contractor.
    - (4) Journeyman Sheet Metal Worker. A person certified by the Mechanical Board of Appeals, after examination, may be licensed as a journeyman sheet metal worker and shall be authorized to engage in and perform sheet metal work under any permit issued to a mechanical contractor.
    - (5) Gas Fitter-Welder. A person certified by the Mechanical Board of Appeals, after examination, may be licensed as a gas fitter-welder and shall be authorized to engage in and perform gas pipe welding work under any permit issued to a mechanical contractor.
    - (6) Apprentice. An apprentice is a person being trained and is not authorized to do any installation, service, repair or layout unless under the direct supervision of a licensed master or journeyman.

(Ord. No. 6291 §23, 2-23-98; Ord. No. 6889 §1, 9-23-02; Ord. No 7380 §5, 10-11-05; Ord. No. 8890 §7, 7-13-15)

#### **Sec. 4-1-25. Stationary engineers.**

- (a) It shall be unlawful for any person to have charge of or operate any steam boiler or steam engine, either stationary or portable, except an automatically fired, low pressure hot water and low pressure steam boiler, installed under provisions of this Code within the City without first having obtained the appropriate registration from the Mechanical Board of Appeals of the Department or for any owner or user to place any person in charge of a steam boiler or steam engine, either stationary or portable, unless such person placed in charge is a duly registered stationary engineer. A person may be registered as a stationary engineer upon showing proof of a current stationary engineer's license. No stationary engineer shall be registered by the Department until the annual registration fee has been paid. Engineers and boiler tenders operating locomotives under the Interstate Commerce Commission or Surface Transportation Board regulations shall be exempt from the requirements of this Section.
- (b) All steam boilers and other steam-generating plants or apparatus now installed or to be installed in the City shall be inspected and tested by the State Boiler Inspector under the Colorado State boiler inspection law.

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(Ord. No. 4994, 8-23-82; Ord. No. 6291 §24, 2-23-98; Ord. No. 6665 §5, 4-9-01; Ord. No. 8890 §8, 7-13-15)

**Sec. 4-1-26. Offenses; criminal penalties; other enforcement.**

- (a) It shall be unlawful for any person, firm or corporation to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter.
- (b) It shall be unlawful for any person, firm or corporation to refuse or fail to timely comply with any order issued by the Building Official of the Pueblo Regional Building Department or other designated representative pursuant to the provisions of this Chapter.
- (c) It shall be unlawful for any person, firm or corporation to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter.
- (d) Any license or registration issued pursuant to the provisions of this Chapter may be suspended or revoked by the appropriate Board for (1) any of the reasons stated in Section 4-1-18 or (2) any material violation of the terms of such license or registration or the applicable requirements.
- (e) In the event any owner or occupant of premises within the City refuses entry to the Building Official or any inspector or if any premises are locked and the Building Official or any inspector is unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue an inspection or search warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.
- (f) In the event any person, firm or corporation within the City, or any licensed contractor, fails or refuses to comply with any provision of this Chapter, or any license issued, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with said Chapter or license.
- (g) The enforcement remedies set forth in this Section are cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, and the exercise of any one (1) or more of them does not constitute any bar or limitation to the exercise of any other.

(Ord. No. 4994, 8-23-82; Ord. No. 6291 §25, 2-23-98; Ord. No. 7937 §4, 12-8-08; Ord. No. 9239 §5, 2-26-18)

**Sec. 4-1-27. Common interest community conversions.**

Notwithstanding anything in this Title or in any major or secondary code adopted in this Title by reference, the conversion of any building or structure into a residential common interest community, including condominiums, cooperatives and townhomes, shall be treated as a change of occupancy. Before any temporary or regular certificate of occupancy for any newly converted common interest community unit may be issued, the Building Official shall require that the building and the converted unit be made to substantially conform to the requirements of all major and secondary codes adopted in this Title. Additionally, before a certificate of occupancy may be issued, the building and each unit shall each be inspected by the Fire Chief or by a member of the Division of Fire Prevention of the Fire Department and be determined to substantially comply with the Fire Code.

## CHAPTER 2 International Building Code<sup>1</sup>

### Sec. 4-2-1. International Building Code; adoption by reference.

- (a) The International Building Code, 2015 edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, together with the following Appendices: Appendix C (Group U Agricultural Buildings); Appendix H (Signs); and Appendix I (Patio Covers), hereinafter collectively referred to as the "International Building Code" or "I.B.C.," together with the minor codes entitled "International Energy Conservation Code," 2015 Edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, hereinafter referred to as the "I.E.C.C.," and the International Existing Building Code 2015 Edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, hereinafter referred to as the "I.E.B.C.," as amended by this Chapter, are adopted by reference; provided, however, that Sections C109, entitled "Board of Appeals, C405.2.3, entitled "Daylight - responsive controls," C405.2.3.1, entitled "Daylight - responsive control functions," C405.2.3.2, entitled "Sidelight daylight zone," and C405.2.3.3, entitled "Toplight daylight zone" of the I.E.C.C." are not adopted and are expressly deleted. In addition, Sections 607 entitled "Electrical," 609 entitled "Plumbing," 808 entitled "Electrical," 810 entitled "Plumbing," 1008 "Electrical" and 1010 entitled "Plumbing" of the I.E.B.C. are expressly deleted.
- (b) Copies of the I.B.C., I.E.B.C. and I.E.C.C. are available in the office of the Pueblo Regional Building Department for distribution and sale to the public. The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City shall be in compliance with the terms and provisions of this Chapter and the I.B.C., I.E.B.C. and the I.E.C.C.

(1957 Code, §9-1; Ord. No. 4062, 8-11-75; Ord. No. 4800, 10-27-80; Ord. No. 5293, 2-24-86; Ord. No. 5604, 6-11-90; Ord. No. 6293 §1, 2-23-98; Ord. No. 7112 §1, 2-23-04; Ord. No. 7563 §1, 1-22-07; Ord. No. 8157 §1, 3-22-10; Ord. No. 8894 §1, 7-13-15; Ord. No. 9639 §1, 1-13-20)

### Sec. 4-2-2. Amendments.

- (a) Section 103 of the I.B.C., entitled "Department of Building Safety," is amended to read as follows:
- "103 Pueblo Regional Building Department - Enforcement Agency.** Administration and enforcement of this Code and all related and secondary codes are hereby delegated to the Pueblo Regional Building Department. Wherever in this Code the phrase 'building official' appears, it shall be construed to refer to the Building Official of the Pueblo Regional Building Department or the Building Official's designated representative. The Building Official, the Building Official's designated representatives, and such building inspectors as the Building Official may appoint, shall be vested with the authority of a law enforcement officer with respect to enforcing this Code and Chapter 2 of Title IV of the Pueblo Municipal Code, including the authority to issue summons and complaints for the violation thereof."

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<sup>1</sup>Editor's Note: Title IV, Chapter 2, was previously entitled "Fire Zones," and repealed by Ordinance No. 4800, 10-27-80. See also 1957 Code, §12-20; Ord. No. 3580, 7-10-72; Ord. No. 3805, 1-28-74; Ord. No. 4077, 9-8-75; Ord. No. 4292, 3-14-77; Ord. No. 4571, 2-12-79.

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- (b) Section 103.1, entitled "Creation of enforcement agency," Section 103.2, entitled "Appointment," and Section 103.3, entitled "Deputies," of the I.B.C. are hereby deleted.
- (c) Subsection 105.2 of the I.B.C., entitled "Work exempt from permit," Number (9) is amended to read as follows:
- "9. Prefabricated swimming pools accessory to a Group R-3 occupancy, and are installed entirely above ground."
- (d) Section 105 of the I.B.C., entitled "Permits," is amended by the addition of Subsection 105.8 to read as follows:
- "105.8 Issuance of permit.** A building permit shall be issued only to the contractor performing the work covered by the contract between the owner and the contractor. Such permit shall be delivered only to the contractor or the contractor's authorized representative(s). If any portion of the work is excluded from the contract, the application or permit shall state the portions so excluded. If the contractor is discharged or abandons the work, the contractor shall immediately notify the building official in writing. No further work shall be performed until a successor contractor has been selected who shall notify the building official in writing of the contractor's selection to complete the work."
- (e) Subsection 107.1 of the I.B.C., entitled "General" is amended by the addition of the following paragraph:
- "Construction documents will also include all plans and specifications, drawings, diagrams, calculations, computations, reports, specifications and other necessary data to complete the habitable structure, along with the necessary code study to compare and delineate the occupancy use and fire-resistive type of construction within the I.B.C. Each set of plans and specifications shall bear the stamp or seal and signature of an engineer or architect licensed under Title 12 of the Colorado Revised Statutes and in accordance with Sections 12-25-117 and 12-25-317, C.R.S., respectively."
- (f) Subsection 109.2 of the I.B.C., entitled "Schedule of permit fees," is amended by the addition of two (2) new subsections, 109.2.1 and 109.2.2, to read as follows:
- "109.2.1 Permit fees.** The fee for each permit shall be as established in the fee schedule adopted by the City Council by resolution.
- "109.2.2 Plan review fees.** Plan review fees shall be as established in the fee schedule adopted by the City Council by resolution."
- (g) Section 111 of the I.B.C., entitled "Certificate of Occupancy," is amended by the addition of a new Subsection 111.3.1, which shall read as follows:
- "111.3.1 Public improvement requirements for a certificate of occupancy.** Applications for building permits for buildings or structures classified in occupancy Groups A, B, E, F, H, I, M, R-1, R-2, R-4 and S shall be accompanied by a set of plans or a drawing which shows all existing and proposed public improvements required by the ordinances of the City. Such plans shall be prepared by and bear the seal of an architect or engineer licensed to practice in Colorado. Applications for building permits for buildings or structures classified in occupancy Group R-3 shall be accompanied by a set of plans or a drawing which shows all existing and proposed public improvements required by the ordinances of the City.
- "Before any building permit is issued, all applications for building permits and accompanying plans or drawings shall be reviewed by the Director of Public Works to determine whether the proposed construction will require the installation or reconstruction of public improvements. For purposes of this Section, public improvements shall include but not be limited to street paving, curbs, gutters, sidewalks, curb ramps, drainage facilities and the dedication of land for such purposes. Upon request, the Director of Public Works shall provide a written statement of the public improvements that will be required as a condition to issue a building permit and a certificate of occupancy. No certificate of occupancy shall be issued for any structure or building until all public improvements required by the ordinances of the City shall be constructed in full

compliance with City engineering regulations, design standards and construction specifications as adopted by resolution of the City Council. Acceptance of required public improvements shall be completed upon written notification signed by the Director of Public Works.

"If it is determined by the Director of Public Works that any such public improvements are necessitated by the proposed construction, a condition shall be inserted in any building permit to be issued for such proposed construction which shall require the dedication of such land and improvements to the City. The applicant for such building permits, if not the owner, shall notify the owner of the requirements to dedicate to the City such public improvements. The cost of any such improvements shall be borne by the owner, and the construction shall be subject to the provisions of all applicable City ordinances, resolutions, regulations and policies.

"Failure to comply with the provisions for public improvements required by this Section shall be deemed a violation of the Building Code and shall constitute grounds for applicable penalties as provided in Titles IV and IX of the Pueblo Municipal Code and to revoke any issued certificate of occupancy or temporary certificate of occupancy."

(h) Subsection 113.3 of the I.B.C., entitled "Qualification" is amended to read as follows:

**"113.3 Qualifications.** The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction."

(i) Subsection 114.4 of the I.B.C., entitled "Violation penalties," is amended to read as follows:

**"114.4 Violation penalties.** Any person, firm or corporation violating any of the provisions of this code, upon conviction thereof, shall be punished as provided in Section 4-2-5 of the Pueblo Municipal Code. The application of any such penalty shall not be held to prevent the enforced removal of prohibited conditions."

(j) Subsection 116.1 of the I.B.C., entitled "Conditions," is amended by revising the second sentence thereof to read as follows:

"All such unsafe buildings, structures, or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 7 of Title IV of the Pueblo Municipal Code, entitled 'Unsafe Structures.' As an alternative, the building official or other employee or official of the Pueblo Regional Building Department may institute any other appropriate action to prevent, restrain, correct or abate the violation."

(k) Subsection 116.2 of the I.B.C., entitled "Record," is deleted.

(l) Subsection 116.3 of the I.B.C., entitled "Notice," is deleted.

(m) Subsection 116.4 of the I.B.C., entitled "Method of service," is deleted.

(n) Subsection 116.5 of the I.B.C., entitled "Restoration," is deleted.

(o) Subsection 1608 of the I.B.C., entitled "Snow Loads," is amended by the addition of a new Subsection, entitled "Table 1608.3 Pueblo County Snow Loads," as follows:

**"Table 1608.3  
Pueblo County Snow Loads**

Elevation (asl)	Ground Snow Load (PSF)
5,300	20
5,550	23
5,800	25
6,050	27
6,300	30

6,550	33
6,800	35
7,050	38
7,300	40
7,550	41
7,800	43
8,050	44
8,300	45
8,550	46
8,800	48
9,050	49
9,300	50
9,550	51
9,800	52
10,050	54
10,300	55
10,550	56
10,800	58
11,050	59
11,300	60

(p) Subsection 1809.5 of the I.B.C., entitled "Frost protection," Number (1) is amended to read as follows:

"1. Extending below the frost line of twenty-six (26) inches."

(q) Subsection 3001.2 Referenced standards of the I.B.C. is amended to read as follows:

**"3001.2 Referenced standards.** The construction, alteration, repair, service and maintenance of elevators and conveying systems and their components shall comply with the statutory requirements contained in Article 5.5 of Title 9, C.R.S. ("Elevator and Escalator Certification Act"). The administrator, as required by the Elevator and Escalator Certification Act, has promulgated rules which, among other things, adopt the following standards: (1) ASME A17.1, A17.3 and A18.1; and (2) ASCE 21 Parts 1, 2, 3 and 4. In addition, the administrator has adopted ASME A17.2 as a guide for inspections. The administrative rule adopting these standards is published in 7 C.C.R. 1101-8 at Section 2-2-1, as amended, and the rule adopting ASME A17.2 is published in 7 C.C.R. 1101-8 at Section 2-3-1-1, as amended."

(r) Section 3103 of the I.B.C., entitled "Temporary Structures," is amended by the addition of a new Subsection 3103.5, to read as follows:

**"3103.5 Temporary office units.** Temporary office units ('units') may be used while permanent office facilities are being constructed, provided that the following conditions are met:

"1. Units must be I.B.C.-approved or inspected and approved by an ICC certified inspector.

"2. All required building permits for the units must be issued, and all applicable regulations and ordinances then in effect be complied with.

"3. The units must be removed within 15 days after the permanent office facilities have been substantially completed."

(s) Subsection 3109.4 of the I.B.C., entitled "Residential swimming pools," is deleted.



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- (t) Section 3303 of the I.B.C., entitled "Demolition," is amended by the addition of two (2) new Subsections, 3303.8 and 3303.9, to read as follows:

**"3303.8 Utility removal.** Unless new construction upon the site of the demolished building is contemplated within ninety (90) days after the completion of wrecking operations, the person wrecking the same shall remove all underground utilities to the property line, except the water service line which shall be removed to the main. The contractor shall provide the Pueblo Regional Building Department with proof that all utilities have been secured in accordance with the requirements of the responsible utility companies.

**"3303.9 Final grade after demolition.** After completing the demolition work, all trash, debris, and construction materials shall be removed from the site. Excavations shall not be backfilled with debris or construction materials, but, when approved by the building official, existing structurally sound walls below grade and basement slabs may be left in place. When basement slabs are to be left in place, they shall be broken up or drilled in such manner as to allow proper drainage after they are backfilled. All holes, excavations, basements, cellars, and similar excavations shall be filled with granular materials thoroughly wetted and compacted, and the site left in a clean and graded condition."

- (u) Appendix H, Subsection H101.2 of the I.B.C., entitled "Signs Exempt From Permits," Number (1) is amended to read as follows:

"(1) Signs painted on the surface of a building."

- (v) Appendix H, Subsection H101.2 of the I.B.C., entitled "Signs Exempt From Permits," is amended by the addition of Exemptions (6) and (7), to read as follows:

"(6) Signs lower than six (6) feet above grade.

"(7) Paper, synthetic or other cloth-type nonrigid banners which have thirty (30) square feet or fewer, located on private property and remain no more than sixty (60) days."

- (w) Section H103 of Appendix H of the I.B.C., entitled "Location," is amended by the addition of new subsections H103.2, H103.2.1 and H103.2.2, entitled "Placement or Projection Over Public Property Prohibited."

**"H103.2 Placement or Projection Over Public Property Prohibited.** Unless authorized by revocable permit issued pursuant to Section 16-9 of the Charter or Section 9-10-87 or 9-10-88 of the Pueblo Municipal Code, as amended, and notwithstanding any other provision of this code to the contrary, after the effective date of the ordinance adopting this section, no sign permit shall be granted for, nor shall any sign be placed upon or project over, any public street or alley. Unless authorized by revocable permit or Section 9-10-87 or 9-10-88 of the Pueblo Municipal Code, signs shall not be erected upon structures located within the public right-of-way. In the event any sign exists contrary to this provision on the date of enactment of this provision, it shall be deemed a nonconforming structure which shall be either removed or made to comply with Subsections H103.2.1 and H103.2.2.

**"H103.2.1.** Signs or sign structures shall not project into a public alley below a height of 14 feet above grade, nor project more than 12 inches when the sign structure is located 14 feet to 16 feet above grade. The sign or sign structure may project not more than 36 inches into a public alley when the sign or sign structure is located more than 16 feet above grade.

**"H103.2.2.** Signs shall not project within 2 feet of the curb line of any street or road."

- (x) Subsection H110.1 of Appendix H of the I.B.C., entitled "General," is amended by deleting the last sentence of the first paragraph and by adding a second paragraph, to read as follows:

**"H110.1 General.** Roof signs shall be constructed entirely of metal or other approved noncombustible material except as provided for in Sections H106.1.1 and H107.1. Provisions shall be made for electric grounding of metallic parts. Where combustible materials are permitted in letters or other ornamental features, wiring and tubing shall be kept free and insulated therefrom. Roof signs shall be so constructed as

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to leave a clear space of not less than 6 feet (1,829 mm) between the roof level and the lowest part of the sign and shall have at least 5 feet (1,524 mm) of clearance between the vertical supports thereof.

**"Exception:** Signs on flat roofs with every part of the roof accessible.

"Roof signs may project over public property only if authorized by revocable permit issued pursuant to Section 16-9 of the Charter or Section 9-10-88 of the Pueblo Municipal Code. Roof signs may project beyond a legal setback line if complying with the requirements specified in Section H103 and Section 17-4-31 of the Pueblo Municipal Code."

(1957 Code, §§9-1, 9-2; Ord. No. 3539, 4-10-72; Ord. No. 3754, 9-10-73; Ord. No. 4062, 8-11-75; Ord. No. 4121, 1-12-76; Ord. No. 4372, 9-26-77; Ord. No. 4800, 10-27-80; Ord. No. 4889, 8-10-81; Ord. No. 5006, 10-12-82; Ord. No. 5293, 2-24-86; Ord. No. 5366, 12-8-86; Ord. No. 5448, 1-11-88; Ord. No. 5604, 6-11-90; Ord. No. 6293 §2, 2-23-98; Ord. No. 6650 §1, 2-12-01; Ord. No. 7112 §2, 2-23-04; Ord. No. 7436 §1, 1-9-06; Ord. No. 7563 §2, 1-22-07; Ord. No. 8157 §2, 3-22-10; Ord. No. 8597 §1—4, 5-28-13; Ord. No. 8894 §1, 7-13-15)

### **Sec. 4-2-3. Responsibility for damages; liability of City.**

The provisions of this Chapter and the I.B.C. shall neither release nor discharge any person from any liability imposed by law for any injury to persons or damage to property caused by or resulting from the performance or failure to perform work or furnishing materials covered by this Chapter. Neither the City, the Regional Building Department, nor any of its agents or employees will be held liable for any injury to persons or damage to property by reason of an inspection or failure to perform any inspection authorized or required by this Chapter or the I.B.C. or arising from the issuance or failure to issue any certificate of occupancy as herein provided.

### **Sec. 4-2-4. Interpretation.**

Whenever in the International Building Code as adopted by Section 4-2-1 of this Code as amended by this Chapter or in any secondary code adopted thereunder or by this Code in the adoption of such International Building Code, it is provided that anything must be done to the approval of or subject to the direction of the Building Official or any other officer of the City or the Regional Building Department, this shall be construed to give such official only the discretion of determining whether the requirements and standards established by the International Building Code and all secondary codes adopted thereunder or by this Chapter in the adoption of such International Building Code have been complied with; and no such provision shall be construed as giving any official discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by such code or codes or to enforce the provisions of such code or codes in an arbitrary or discriminatory manner.

### **Sec. 4-2-5. Offenses; criminal penalties; permit revocation; and other enforcement provisions.**

- (a) It shall be unlawful for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or of the International Building Code.
- (b) It shall be unlawful for any person to refuse or fail to timely comply with any order issued by the Building Official, the Director of the Pueblo Regional Building Department or other designated building inspector pursuant to the provisions of this Chapter or the International Building Code.
- (c) It shall be unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the International Building Code.
- (d) Any permit issued pursuant to the provisions of this Chapter or the International Building Code may be suspended, terminated or revoked by the Building Official for:

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- (1) Any of the reasons stated in Subsection 105.6 of the International Building Code; or
  - (2) Any material violation of the terms of said permit or requirements applicable thereof.
- (e) In the event any owner or occupant of premises within the City shall refuse entry to the Building Official or any building inspector, or if any premises are locked and the Building Official or any building inspector has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search or inspection warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.
- (f) In the event any owner or occupant of premises within the City, any licensed contractor or any permittee shall fail or refuse to comply with any provision of this Chapter, the I.B.C. or any license or permit issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with said Chapter, I.B.C., license or permit.
- (g) The enforcement remedies in this Section are expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(1957 Code, §§9-4-1, 9-5; Ord. No. 4800, 10-27-80; Ord. No. 5293, 2-24-86; Ord. No. 6293 §5, 2-23-98; Ord. No. 7112 §5, 2-23-04; Ord. No. 7937 §5, 12-8-08; Ord. No. 8157 §4, 3-22-10; Ord. No. 9239 §6, 2-26-18)

#### **Sec. 4-2-6. Protection of the public during construction or demolition.**

To fully implement Section 3303 of the International Building Code, the following additional requirements shall be applicable to all construction or demolition activities adjacent to a public way or which require or involve any temporary occupancy of public property for fences, walkways or other protective devices:

- (1) Prior to issuance of any building or demolition permit under the International Building Code, the applicant shall submit complete plans and specifications for the work, together with a routing form provided by the Building Official, to the Director of Public Works and to the Traffic Engineer for review. The Director and Traffic Engineer shall thereupon make a preliminary determination whether Section 3303 of the International Building Code will require protection of pedestrians or any temporary use or closure of streets, alleys or sidewalks, and shall notify the applicant and Building Official of such determination, which shall also be recorded upon the routing form. Thereafter, the Building Official shall condition the issuance of any permit upon compliance with the requirements of Section 3303 of the International Building Code and this Section.
- (2) In the event that Section 3303 of the International Building Code or the terms of any building or demolition permit issued under the International Building Code at any time require the erection of any temporary walkway, fence or other protective device upon any street, alley, sidewalk or other public way, the permittee shall not erect same until a separate permit therefor shall have been first applied for and obtained from the Director of Public Works, in the same manner and with the same requirements applicable thereto, as applies for street or sidewalk excavations under Chapter 6 of Title XII of this Code.
- (3) In the event that Section 3303 of the International Building Code, the terms of any building or demolition permit, or public safety, as determined by the Traffic Engineer, requires the temporary closure of any street, alley or sidewalk, or any portion thereof, the permittee shall first make application therefor to the Traffic Engineer and shall comply with all requirements for barricades, flagging, warning devices and detour signage reasonably required by the Traffic Engineer pursuant to Title XV of this Code and the Model Traffic Code adopted therein.

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- (4) Nothing in Subsection (1) above shall operate, nor shall it be construed to bar, e-stop or otherwise limit or restrict the authority of the Director, the Traffic Engineer or the Building Official to require, at any time, walkways or other protective measures to be provided in connection with any construction or demolition, notwithstanding that the same were not made a condition of any permit at the time of permit issuance.
  - (5) It shall be unlawful for any person to place or store any materials or equipment used in or required for construction or demolition work, or to erect any walkway, barricades, canopy, railing or fence upon any public property without having first obtained a permit in writing from the Director of Public Works.
  - (6) No building permit shall be issued by the Building Official until there shall have been obtained such permit from the Director of Public Works.

#### **Sec. 4-2-7. Unlawful to perform work which endangers persons or property.**

It shall be unlawful for any person to perform any work on any building or structure in such manner as to endanger persons and property on the street or public property.

### **CHAPTER 3 Electrical**

The National Electrical Code, 2020 Edition, promulgated and published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471, referred to as the "N.E.C.," is adopted in its entirety, including Informative Annexes A through G inclusive and Informative Annex I, but excluding Informative Annexes H and J, together with the International Code Council Electrical Code Administrative Provisions, 2003 Edition, except the sample ordinance form contained therein, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereinafter referred to as the "I.C.C.E.C.A.P.," as amended by this Chapter, are adopted and enacted by reference; provided, however, that the following portions of the I.C.C.E.C.A.P. are not adopted and are expressly deleted:

Paragraph 5 of Section 401.3, entitled "Work Exempt From Permit," Section 404.2, entitled "Schedule of Permit Fees," Section 1102, entitled "Membership" and Section 1103, entitled "Procedures."

Copies of the N.E.C., including adopted Informative Annexes A through G and Informative Annex I and the I.C.C.E.C.A.P., are available in the office of the Pueblo Regional Building Department ("Department") for distribution and sale to the public. Any reference in this Chapter to the "N.E.C." shall mean the National Electrical Code, 2020 Edition, adopted by this Section.

#### **Sec. 4-3-2. N.E.C. amendments.**

- (a) Section 230.70(A) of the N.E.C. is amended by the addition of a new Subparagraph (4), to read as follows:

"(4) Meter Base. The length of service entrance conductors from the meter base to the main disconnecting means shall be located immediately back to back or side to side of the meter."
- (b) Section 312.5 of the N.E.C., Cabinets, Cutout Boxes, and Meter Socket Enclosures, is amended by the addition of a new Paragraph (D), to read as follows:

"(D) Meter socket height for new structures. The height of meter enclosure shall be installed between four (4) feet and five and one-half (5½) feet from bottom of the meter enclosure to finish grade."
- (c) Section 408.18 of the N.E.C., Clearances, is amended by the addition of a new Paragraph (C), to read as follows:

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"(C) Above finish grade. Clearances shall be provided between bottom of panel and finish grade a minimum of 24 inches above finish grade."

- (d) Section 408.36 of the N.E.C. is amended by the addition of a new Paragraph (E) thereto, to read as follows:

"(E) Additional Space in Panelboards. A new panelboard shall have sufficient ampacity and space for at least four (4) full-size circuit breakers for future usage."

(Ord. No. 6205, 6-9-97; Ord. No. 7031 §2, 8-11-03; Ord. No. 7437 §2, 1-23-06; Ord. No. 7892 §2, 10-14-08; Ord. No. 8456 §2, 3-26-12; Ord. No. 9250 §2, 4-9-18)

### **Sec. 4-3-3. Administrative Provisions Code amendments.**

- (a) Section 301.1 of the I.C.C.E.C.A.P., entitled "Creation of enforcement agency," is amended to read as follows:

**"301.1. Creation of enforcement agency.** Whenever the terms 'Building Official' or 'Department' or 'Code Official' are used in the I.C.C.E.C.A.P., in the N.E.C. or in Chapter 3 of Title IV of the Pueblo Municipal Code, such terms shall be construed to mean the chief electrical inspector or, in the absence of a chief electrical inspector, then the building official, or the building official's authorized representative(s), of the Department. Whenever the phrase 'Authority Having Jurisdiction' is used, such phrase shall mean the City of Pueblo.

"The building official is hereby authorized and directed to enforce all the provisions of this Code. For such purposes, the building official shall have the powers of a law enforcement officer.

"The building official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of the Code."

- (b) Section 401.1, Permits required, of the I.C.C.E.C.A.P. is hereby amended by the addition of two (2) new paragraphs, to read as follows:

"Permits for low voltage control and signaling systems, as defined in Articles 725 through 830 of the N.E.C., may be issued to persons not licensed as electrical contractors, provided such persons register with the Department, and otherwise comply with all codes with respect to installation and permits.

"All systems supplying power that may normally be supplied by an electrical utility, such as, but not limited to, solar, wind, hydro and other generated sources, shall require a permit and inspection."

- (c) Section 1003.1, Penalties, of the I.C.C.E.C.A.P. is amended to read as follows:

**"1003.1 Penalties.** Any person, firm or corporation violating any of the provisions of this Code shall, upon conviction thereof, be punished as provided in Section 4-3-8 of the Pueblo Municipal Code. The application of any such penalty shall not be held to prevent the enforced removal of prohibited conditions."

- (d) Section 1101 of the I.C.C.E.C.A.P., entitled "Board of Appeals established," is amended to read as follows:

**"1101. Board of Appeals established.** There is hereby created an Electrical Board of Appeals to perform the functions set forth in Chapter 1 of Title IV of the Pueblo Municipal Code."

(Ord. No. 6205, 6-9-97; Ord. No. 6460, 7-26-99; Ord. No. 7031 §3, 8-11-03; Ord. No. 7437 §3, 1-23-06; Ord. No. 7892 §3, 10-14-08; Ord. No. 8456 §3, 3-26-12)

### **Sec. 4-3-4. Reserved.**

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### **Sec. 4-3-5. Responsibility for damages; nonliability of City and Department.**

The provisions of this Chapter shall neither release or discharge nor be construed to release or discharge any person from any liability imposed by law for any injury to persons or damage to property caused by or resulting from the performance or failure to perform work or furnishing materials covered by this Chapter. Neither the City, the Department nor any of their agents or employees will be held liable for any injury to persons or damage to property because of an inspection or failure to perform any inspection authorized or required by this Chapter or by the issuance or failure to issue a certificate of approval.

### **Sec. 4-3-6. Interpretation.**

- (a) Whenever in the N.E.C. or I.C.C.E.C.A.P. it is provided that anything must be done to the approval of, required by, acceptable to or subject to the direction of the Department, this shall be construed to give only the discretion to determine whether the rules and standards established by the N.E.C. have been complied with. No such provision shall be construed to give any inspector discretionary powers to determine what regulations or standards shall be, or power to require conditions not prescribed by the N.E.C. or the I.C.C.E.C.A.P. in an arbitrary or discriminatory manner.
- (b) The provisions of this Chapter shall be held to meet the minimum requirements adopted to promote and protect the public health, safety and welfare. When the requirements of this Chapter are at variance with the requirements of any statute, code, rule, regulation or ordinance, the more restrictive or that imposing the highest standards shall apply.

(Ord. No. 4935, 1-25-82; Ord. No. 5176, 9-24-84; Ord. No. 5601, 6-11-90; Ord. No. 5803, 4-26-93; Ord. No. 6205, 6-9-97; Ord. No. 7437 §4, 1-23-06; Ord. No. 7892 §4, 10-14-08; Ord. No. 8456 §4, 3-26-12)

### **Sec. 4-3-7. Reserved.**

Editor's note(s)—Ord. No. 9250 §3, adopted April 9, 2018, repealed § 4-3-7, which pertained to electrical inspectors and derived from Ord. No. 4935, adopted Jan. 25, 1982; Ord. No. 5176, adopted Sept. 24, 1984; Ord. No. 7892 §4, adopted 14, 2008; Ord. No. 8456 §4, adopted March 26, 2012.

### **Sec. 4-3-8. Offenses; criminal penalties; permit revocation; other enforcement.**

- (a) It shall be unlawful for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter, the N.E.C. or the I.C.C.E.C.A.P.
- (b) It shall be unlawful for any person to refuse or fail to timely comply with any order issued by the Building Official, the Director of the Pueblo Regional Building Department or other designated building inspector pursuant to the provisions of this Chapter, the N.E.C. or the I.C.C.E.C.A.P.
- (c) It shall be unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirements of this Chapter, the N.E.C. or the I.C.C.E.C.A.P.
- (d) Any permits issued pursuant to the provisions of this Chapter, the N.E.C. or the I.C.C.E.C.A.P. may be suspended, terminated or revoked by the Building Official for: (1) any of the reasons stated in Section 403.7 of the I.C.C.E.C.A.P., or (2) any material violation of the terms of said permit or requirements applicable thereto.
- (e) In the event any owner or occupant of premises within the City shall refuse entry to the Building Official or any electrical inspector, or any premises are locked and the Building Official or any electrical inspector has

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been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.

- (f) In the event any owner or occupant of premises within the City, any licensed contractor or any permittee shall fail or refuse to comply with any provisions of this Chapter, the N.E.C., the I.C.C.E.C.A.P., or any license or permit issued thereunder, the City, the Department or both may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with said Chapter, N.E.C., I.C.C.E.C.A.P., license or permit.
- (g) The enforcement remedies set forth in this Section are hereby expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) of them constitute any bar or limitation to the exercise of any other.

(Ord. No. 6205, 6-9-97; Ord. No. 6460, 7-26-99; Ord. No. 7437 §5, 1-23-06; Ord. No. 7892 §4, 10-14-08; Ord. 7937 §6, 12-8-08; Ord. No. 8456 §4, 3-26-12; Ord. No. 9239 §7, 2-26-18)

## **CHAPTER 4 Plumbing<sup>2</sup>**

### **Sec. 4-4-1. International Plumbing Code; adoption by reference.**

The International Plumbing Code, 2018 Edition, including all appendices and tables, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, referred to as the "International Plumbing Code" or "I.P.C.," together with the minor codes entitled, "International Swimming Pool and Spa Code," 2018 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478 (I.S.P.S.C.) and NFPA 24 Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2013 Edition, published by the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02169-7471 (N.F.P.A.), are hereby adopted and enacted by reference, and made a part hereof as if set forth in full; provided, however, that the following portions of the I.P.C. are not adopted and are expressly deleted:

Section 109 entitled "Means of Appeal," Chapter 12 entitled "Special Piping and Storage Systems," Appendix A entitled "Plumbing Permit Fee Schedule" and Appendix E entitled "Sizing of Water Piping System."

In addition, Chapters 1 Scope and Administration, 4 Public Swimming Pools, 5 Public Spas and Public Exercise Spas, 6 Aquatic Recreation Facilities, 7 Onground Storable Residential Swimming Pools, and 9 Permanent Residential Spas and Permanent Residential Exercise Spas of the I.S.P.S.C. are not adopted and are expressly deleted.

Copies of these codes are available in the office of the Pueblo Regional Building Department for distribution and sale to the public. All plumbing and drainage pipes, equipment and systems or parts thereof within the City shall be regulated by and installed, constructed, altered and repaired in conformance with the terms and provisions of this Chapter and the I.P.C. as adopted herein.

### **Sec. 4-4-2. Amendments to I.P.C.**

- (a) Section 103.1 General of the I.P.C. is amended to read as follows:

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<sup>2</sup>Ord. No. 9965 §3, adopted July 12, 2021, repealed the headings, only, of Arts. I and II, which pertained to plumbing and exclusions, respectively.

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**103.1 Pueblo Regional Building Department - Enforcement Agency:** Administration and enforcement of this code and all related and secondary codes are hereby delegated to the Pueblo Regional Building Department. Wherever in this code the phrase "Building Official" appears, it shall be construed to refer to the Building Official of the Pueblo Regional Building Department or the Building Official's designated representative. The Building Official, the Building Official's designated representatives, and such plumbing inspectors as the Building Official may appoint, shall be vested with the authority of a law enforcement officer with respect to enforcing this code and Chapter 4 of Title IV of the Pueblo Municipal Code, including the authority to issue summons and complaints for the violation thereof.

- (b) Section 106.6.2 Fee Schedule of the I.P.C. is amended to read as follows:

**106.6.2 Fee Schedule.** Fees shall be as set forth in the fee schedule adopted by the City.

- (c) Section 305.4 Freezing of the I.P.C. is amended to read as follows:

**305.4 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 48 inches below grade.

- (d) Section 305.4.1 Sewer depth of the I.P.C. is amended to read as follows:

**305.4.1 Sewer Depth.** *Building sewers* that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. *Building sewers* shall be installed not less than 12 inches below grade.

- (e) Table 403.1 of the I.P.C. is amended to add Footnote g as follows:

g. Mop sinks or service sinks shall not be installed in restrooms.

- (f) Subsection 405.3.1 of the I.P.C., entitled "Water closets, urinals, lavatories and bidets," is amended by the addition of a paragraph to read as follows:

Where more than one (1) water closet or water closets and urinals are installed in a room, they shall be separated by an approved partition wall. Urinals set next to each other or another fixture shall have an approved splash guard.

- (g) Section 605.3 Water service pipe of the I.P.C. is amended by the addition of the following exception to read as follows:

**EXCEPTION:** All new or replaced water service piping smaller than two (2) inches (51 mm) from the main to the meter shall be no lighter than Type L Copper or PEX, PE-AL-PE, and PEX-AL-PEX pipe. A blue 14-gauge tracer wire shall be installed with all nonmetallic water services. All service piping two (2) inches (51 mm) or larger shall be Type K Copper, Class 50 or Ductile Iron, Class 150 Asbestos Cement, or PVC American Water Works Association approved pressure pipe or other approved material. Water service piping shall be installed to a minimum of forty-eight (48) inches (1219.2 mm) depth from the top of the pipe.

- (h) Section 608.1 General of the I.P.C. is amended by the following addition:

All new or remodeled public buildings shall have a reduced pressure-type backflow preventer installed on the water service supplying such buildings or any portion thereof.

- (i) Section 701.2 Sewer Required is amended by the addition of a new Section to read as follows:

**701.2.1 Connections.** Taps made to existing sanitary sewers for building sewers draining into the existing sanitary sewer system of the City shall be made by an approved mechanical cutting device and an approved saddle or by removing a section of sewer pipe, and the installation of a new pipe section or sections with a wye fitting and an approved coupling to make the joint at the juncture of the new pipe with the existing system. Such work shall be done by either a Plumbing Contractor or Plumbing Utility Contractor



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who is licensed to do such work as provided by Title IV, Chapter 1 of the Pueblo Municipal Code. Connections to new sanitary sewers or newly repaired sanitary systems and installations of building sewers from the main sewer to the building drain shall be installed by a Plumbing Contractor or a Plumbing Utility Contractor who is licensed to do such work. When a sewer main is installed in the street or alley right-of-way, the building sewer, as defined in this code, shall be installed to the property line and properly marked with magnetic ductile tape for the full length of said sewer line. Building sewers, including each tap and wye, shall be inspected by personnel of either the Pueblo Regional Building Department or the City Department of Wastewater.

(j) Section 903.1 Roof extension of the I.P.C. is amended to read as follows:

**903.1 Roof extension.** Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

(k) Section 903.2 Frost Closure of the I.P.C. is deleted in its entirety.

(l) Section 904.1.2 Size of the I.P.C., is amended to read as follows:

**904.1.2 Size.** The required vent size shall not be less than the aggregate cross-sectional area of the largest required building drain.

(m) Section 918.3 Where Permitted of the I.P.C. is amended to read as follows:

**918.3 Where permitted.** Air Admittance Valves may be permitted for use on fixtures located on the same floor at the following locations: Islands, Peninsulas, under windows, at bearing walls and other applications where conventional venting methods are not possible due to the existing constructions and structural locations.

(Ord. No. 8891 §2, 7-13-15; Ord. No. 9965 §2, 7-12-21)

Editor's note(s)—Ord. No. 8891 , §2, adopted July 13, 2015, repealed §4-4-2 and enacted a new section as set out herein. The former §4-4-2 pertained to amendments to the Uniform Plumbing Code and derived from Ord. No. 8154, §2, adopted March 22, 2010.

### **Sec. 4-4-3. Amendments to minor codes.**

(a) Section 3.2.2 Authority Having Jurisdiction of the N.F.P.A., is amended to read as follows:

**3.2.2 Authority Having Jurisdiction.** This phrase shall mean administration and enforcement of this code and all related codes are delegated to the Pueblo Regional Building Department.

(Ord. No. 5603, 6-11-90; Ord. No. 6300 §3, 3-23-98; Ord. No. 7201 §3, 9-13-04; Ord. No. 8154 §3, 3-22-10; Ord. No. 8891 §3, 7-13-15)

### **Sec. 4-4-4. Interpretation of the International Plumbing Code.**

Wherever in the International Plumbing Code it is provided that anything must be done to the approval of or subject to the direction of the authority having jurisdiction, this shall be construed to give such officer only the discretion to determine whether the rules and standards established by the International Plumbing Code have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by the International Plumbing Code or to enforce the provisions of the International Plumbing Code in an arbitrary or discriminatory manner.

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#### **Sec. 4-4-5. Exclusions for Water Board.**

This Chapter shall not be construed to interfere with the Pueblo Board of Water Works to install and repair of water mains in the City, to install or repair water meters, water service lines and appurtenances, or to inspect property to protect the public water supply, to insure delivery of water which is free from potential backflow and cross-connection hazards, to detect waste or theft of potable water and to set water rates. Neither a license nor permits shall be required for the Board of Water Works or its employees to do such work.

#### **Sec. 4-4-6. Reserved.**

#### **Sec. 4-4-7. Domestic appliances.**

- (a) For the purpose of this Code, the term domestic appliance shall include apparatus and equipment used for household purposes where the same are connected to the water supply system and are not connected to a drainage system. Included, without limiting the generality of the foregoing, are washing machines, dishwashing machines, lawn sprinkling systems, humidifiers and ice cube makers.
  - (1) The term water heating appliances shall include those having a heating capacity not in excess of two hundred (200) gallons per hour, based on a temperature rise of sixty degrees (60°) per hour, other than those used for building heating purposes exclusively.
  - (2) The term water conditioning appliances shall include equipment which is designed to soften or otherwise treat water but is not connected to a drainage system.
  - (3) The term connection to a water supply system shall not be construed to include connections to existing faucets.
- (b) Any person who shall make a connection to a water supply system for the purpose of installing, altering or repairing any appliance as defined in this Section shall be licensed as a "water connected appliance contractor" as provided in Article III, Chapter 1 of Title IV of this Code.
- (c) All connections made to a water supply system for the purpose of installing, altering or repairing water service pipes, domestic appliances, water heating appliances and water conditioning appliances as herein defined shall be made in conformance with all other provisions of this Code.
- (d) In all cases where a permit shall have been obtained for another purpose directly connected with the installation, alteration or repair of such appliance, it shall not be required that a separate permit be obtained under the provisions of this Chapter; provided; however, that in any case wherein a permit is not required for other purposes in the installation, alteration or repair of such appliance, a permit for such installation, alteration or repair shall be obtained under the provisions of this Chapter.

(1957 Code, §9-55.1; Ord. No. 4095, 10-27-75; Ord. No. 5312, 4-28-86; Ord. No. 5603, 6-11-90; Ord. No. 8154 §6, 3-22-10)

#### **Sec. 4-4-8. Plumbing utility contractor.**

It shall be unlawful for any person not registered as a plumbing contractor to engage in the business of a plumbing utility contractor without first being licensed by the Plumbing Board of Appeals. A plumbing utility contractor includes any person who engages in the business of installing one (1) or more of the following: water service lines, building sewers, private fire mains and similar installations. A person may be licensed to install one (1) or more of such items, but in no event shall such license authorize the licensee to install waste, drain or venting piping. A person licensed as a plumbing contractor or master plumber by the State may be licensed as a plumbing

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utility contractor to install water service lines and/or building sewers without examination. In addition, the plumbing utility contractor shall comply with all requirements of the City Department of Public Works.

**Sec. 4-4-9. Offenses; criminal penalties; permit revocation; other enforcement.**

- (a) It shall be unlawful for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or of the International Plumbing Code.
- (b) It shall be unlawful for any person to refuse or fail to timely comply with an order issued by the Building Official or other designated plumbing inspector pursuant to the provisions of this Chapter or the International Plumbing Code.
- (c) It shall be unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the International Plumbing Code.
- (d) Any permit issued pursuant to the provisions of this Chapter or the International Plumbing Code may be suspended, terminated or revoked by the Building Official for (1) any of the reasons stated in Section 106.5.5 of the International Plumbing Code, or (2) any material violation of the terms of said permit or requirements applicable thereto.
- (e) In the event any owner or occupant of premises within the City shall refuse entry to the Building Official or any plumbing inspector, or if any premises are locked and the Building Official or any plumbing inspector has been unable to obtain permission of the owner or occupant to enter, the Pueblo Municipal Court is authorized to issue a search or inspection warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules of Procedure.
- (f) In the event any owner or occupant of premises within the City, or any licensed contractor or any permittee, shall fail or refuse to comply with any provision of this Chapter, the I.P.C. or any license or permit issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with this Chapter or the I.P.C., license or permit.
- (g) The enforcement remedies in this Section are expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(Ord. No. 6300, 3-23-98; Ord. No. 6590, 9-25-00; Ord. No. 7201 §6, 9-13-04; Ord. No. 7937 §7, 12-8-08; Ord. No. 8154 §7, 3-22-10; Ord. No. 8891 §5, 7-13-15; Ord. No. 9239 §8, 2-26-18)

## **CHAPTER 5 Mechanical Installations**

**Sec. 4-5-1. International Mechanical Code; adoption by reference.**

- (a) The International Mechanical Code, 2015 Edition, including all appendices, promulgated and published by the International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478, hereinafter referred to as the "International Mechanical Code" or "I.M.C.," as amended by this Chapter, together with the minor code, entitled "International Fuel Gas Code," 2015 Edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, hereinafter referred to as the "I.F.G.C.," are collectively adopted by reference; provided, however, that the following sections of the I.M.C. and I.F.G.C. are not adopted and are expressly deleted: Section 108, entitled "Violations," and Section 109, entitled "Means of Appeal."

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- (b) Copies of these codes are available in the office of the Pueblo Regional Building Department for distribution and sale to the public. The regulation, design, control, construction, installation, quality of materials, location, operation, alteration, repair and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances or parts thereof within the City shall be in compliance with the terms and provisions of this Chapter and the International Mechanical Code, 2015 Edition, except as same may be excluded from and specifically not covered by this Chapter and said International Mechanical Code.

(Ord. No. 8155 §1, 3-22-10; Ord. No. 8892 §1, 7-13-15)

#### **Sec. 4-5-2. Amendments.**

- (a) Section 103.1 of the I.M.C., entitled "General," is amended to read as follows:

**"103.1 Pueblo Regional Building Department - Enforcement Agency.** Administration and enforcement of this Code and all related and secondary codes are hereby delegated to the Pueblo Regional Building Department. Wherever in this Code the phrase 'code official' appears, it shall be construed to refer to the Director of the Pueblo Regional Building Department or the Director's designated representative. The code official, the code official's designated representatives, and such mechanical inspectors as the code official may appoint, shall be vested with the authority of a law enforcement officer with respect to enforcing this Code and Chapter 5 of Title IV of the Pueblo Municipal Code, including the authority to issue summons and complaints for the violation thereof."

- (b) Section 103.2 of the I.M.C., entitled "Appointment," and Section 103.3 of the I.M.C., entitled "Deputies," are deleted.

- (c) Section 106.5.2 of the I.M.C., entitled "Fee schedule," is amended to read as follows:

**"Section 106.5.2 Fee schedule.** Fees shall be as set forth in the fee schedule adopted by the City."

- (d) Section 306.4 of the I.M.C., entitled "Appliances under floors," is amended by the addition of the following sentence to read as follows:

"All access openings to underfloor furnaces shall be provided with a permanent ladder for equipment access."

(Ord. No.8155 §2, 3-22-10)

#### **Sec. 4-5-3. Offenses; criminal penalties; permit revocation; other enforcement.**

- (a) It shall be unlawful for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or the International Mechanical Code.
- (b) It shall be unlawful for any person to refuse or fail to timely comply with any order issued by the Code Official, the Director of the Pueblo Regional Building Department or other designated mechanical inspector pursuant to the provision of this Chapter or the International Mechanical Code.
- (c) It shall be unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the International Mechanical Code.
- (d) Any permit issued pursuant to the provisions of this Chapter or the International Mechanical Code may be suspended, terminated or revoked by the Code Official for: (1) any of the reasons stated in subsection 106.4.5 of the International Mechanical Code' or (2) any material violation of the terms of said permit or requirements applicable thereto.

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- (e) In the event any owner or occupant of premises within the City shall refuse entry to the Code Official or any building inspector, or if any premises are locked and the Code Official or any building inspector has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search or inspection warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.
  - (f) In the event any owner or occupant of premises within the City, or any licensed contractor, or any permittee, shall fail or refuse to comply with any provision of this Chapter, the I.M.C. or any license or permit issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with said chapter, I.M.C., license or permit.
  - (g) The enforcement remedies set forth in this Section are expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(Ord. 6233, 8-25-97; Ord. No. 7937 §8, 12-8-08; Ord. No. 8155 §3, 3-22-10; Ord. No. 9239 §9, 2-26-18)

## **CHAPTER 6 Residential Code**

### **Sec. 4-6-1. International Residential Code; adoption by reference.**

- (a) The International Residential Code, 2015 Edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, together with the following Appendix Chapter: Appendix H, (Patio Covers) and Appendix J (Existing Buildings and Structures), hereinafter collectively referred to as the "I.R.C." or "International Residential Code," as amended by this Chapter, together with the minor code, entitled, International Energy Conservation Code, 2015 Edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, hereinafter referred to as the "I.E.C.C.," are hereby adopted by reference; provided, however that the following portions of the I.R.C. are not adopted and are expressly deleted:
  - (1) Part VII, entitled "Plumbing."
  - (2) Part VIII, entitled "Electrical."
  - (3) All Appendices (except Appendix H and Appendix J), provided however that the following portions of Appendix J are not adopted and are expressly deleted: AJ301.1.2 entitled "Plumbing materials and supplies," AJ301.2 entitled "Water closets," AJ301.3 entitled "Electrical," and AJ501.5 entitled "Electrical equipment and wiring," which includes AJ501.5.1 through AJ501.5.3.5.
- (b) Copies of the I.R.C. and I.E.C.C. are available in the office of the Pueblo Regional Building Department for distribution and sale to the public. The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures regulated by the International Residential Code within the City shall be in compliance with the terms and provisions of this Chapter and the I.R.C.

(Ord. No. 7141 §1, 5-10-04; Ord. No. 8156 §1, 3-22-10; Ord. No. 8893 §1, 7-13-15; Ord. No. 9638 §1, 1-13-20)

### **Sec. 4-6-2. Amendments.**

- (a) Section R103 of the I.R.C., entitled "Department of Building Safety," is amended to read as follows:

**"R103 Pueblo Regional Building Department - Enforcement Agency.**

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"Administration and enforcement of this Code and all related and secondary codes are hereby delegated to the Pueblo Regional Building Department. Wherever in this Code the phrase 'building official' appears, it shall be construed to refer to the Director of the Pueblo Regional Building Department or the Director's designated representative. The building official, the building official's designated representatives, and such building inspectors as the building official may appoint, shall be vested with the authority of a law enforcement officer with respect to enforcing this Code and Chapter 6 of Title IV of the Pueblo Municipal Code, including the authority to issue summons and complaints for the violation thereof."

(b) Section R103.1, entitled "Creation of enforcement agency," Section R103.2, entitled "Appointment," and Section R103.3, entitled "Deputies," are deleted.

(c) Subsection R105.2 of the I.R.C., entitled "Work exempt from permit," number 7., is amended to read as follows:

"7. Prefabricated swimming pools accessory to a Group R-3 occupancy, which are installed entirely above ground."

(d) Section R105 of the I.R.C., entitled "Permits," is amended by the addition of Subsection R105.10, entitled "Issuance of permit," to read as follows:

**"R105.10. Issuance of permit.** A building permit shall be issued only to the contractor performing the work covered by the contract between the owner and the contractor. Such permit shall be delivered only to the contractor or the contractor's authorized representative(s). Should any portion of the work be excluded from the contract, the application or permit shall state the portions so excluded. Should the contractor be discharged or abandon the work, the contractor shall immediately notify the building official in writing. No further work shall be performed until a successor contractor has been selected who shall notify the building official in writing of the contractor's selection to complete the work."

(e) Subsection R106.1 of the I.R.C., entitled "Submittal documents," is amended to read as follows:

"Construction documents will also include all plans and specifications, drawings, diagrams, calculations, computations, reports, specifications and other necessary data to complete the habitable structure, along with the necessary code study to compare and delineate the occupancy use and fire-resistive type of construction within the I.R.C. Each set of plans and specifications shall bear the stamp or seal and signature of an engineer or architect licensed under Title 12 of Colorado Revised Statutes and in accordance with Sections 12-25-117 and 12-4-116, C.R.S., respectively."

(f) Subsection R108.2 of the I.R.C., entitled "Schedule of permit fees," is amended to read as follows:

**"R108.2.1 Permit fees.** The fee for each permit shall be as established in the fee schedule adopted by the City Council by resolution.

**"R108.2.2 Plan review fees.** Plan review fees shall be as established in the fee schedule adopted by the City Council by resolution."

(g) Section R110 of the I.R.C., entitled "Certificate of Occupancy," is readopted without changes to read as follows:

**"R110.3.1 Public improvement requirements for a certificate of occupancy.** Applications for building permits for buildings or structures classified in occupancy Groups R-3 shall be accompanied by a set of plans or a drawing which shows all existing and proposed public improvements required by the ordinances of the City. Such plans shall be prepared by and bear the seal of an architect or engineer licensed to practice in Colorado.

"Before any building permit is issued, all applications for building permits and accompanying plans or drawings shall be reviewed by the Director of Public Works to determine whether the proposed construction will require the installation or reconstruction of public improvements. For purposes of this Section, public

improvements shall include, but not be limited to, street paving, curbs, gutters, sidewalks, drainage facilities and the dedication of land for such purposes. Upon request, the Director of Public Works shall provide a written statement of the public improvements that will be required as a condition for the issuance of a building permit and a certificate of occupancy. No certificate of occupancy shall be issued for any structure or building until all public improvements required by the ordinances of the City shall be constructed in full compliance with City engineering regulations, design standards and construction specifications as adopted by resolution of the City Council. Acceptance of required public improvements shall be completed upon written notification signed by the Director of Public Works.

"If it is determined by the Director of Public Works that any such public improvements are necessitated by the proposed construction, a condition shall be inserted in any building permit to be issued for such proposed construction, which shall require the dedication of such land and improvements to the City. The applicant for such building permits, if not the owner, shall notify the owner of the requirements to dedicate to the City such public improvements. The cost of any such improvements shall be borne by the owner, and the construction shall be subject to the provisions of all applicable City ordinances, resolutions, regulations and policies.

"Failure to comply with the provisions for public improvements required by this Section shall be deemed a violation of the Building Code and shall constitute grounds for applicable penalties as provided in Titles IV and IX of the Pueblo Municipal Code and for revocation of any issued certificate of occupancy or temporary certificate of occupancy."

- (h) Subsection R113.4 of the I.R.C., entitled "Violation penalties," is amended to read as follows:

**"R113.4 Violation penalties.** Any person, firm or corporation violating any of the provisions of this Code, upon conviction thereof, shall be punished as provided in Section 4-6-6 of the Pueblo Municipal Code. The application of any such penalty shall not be held to prevent the enforced removal of prohibited conditions."

- (i) Table R301.2(1) of the I.R.C., entitled "Climatic and Geographic Design Criteria," is amended to read as follows:

**"Table R301.2(1) Climatic and Geographic Design Criteria**

			Subject to Damage From								
Ground Snow Load	Wind Speed (MPH)	Seismic Design Category	Weathering	Frost	Termite	Decay	Winter	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
CS	115	B	Severe	26"	None		0	No		500	52.3"

- (j) Subsection R301.2, entitled "Climatic and Geographic Design Criteria," is amended by the addition of Table R301.2(4), entitled "Pueblo County Ground Snow Loads," to read as follows:

**"Table R301.2(4) Pueblo County Snow Loads**

Elevation (asl)	Ground Snow Load (PSF)
5,300	20
5,550	23
5,800	25

6,050	27
6,300	30
6,550	33
6,800	35
7,050	38
7,300	40
7,550	41
7,800	43
8,050	44
8,300	45
8,550	46
8,800	48
9,050	49
9,300	50
9,550	51
9,800	52
10,050	54
10,300	55
10,550	56
10,800	58
11,050	59
11,300	60"

- (k) Subsection R302.5.1, Opening protection, of the I.R.C., is amended by deleting the words "equipped with a self-closing device" at the end of the second sentence.
- (l) Subsection R313.2 of the I.R.C., entitled "One- and two-family dwellings automatic fire systems," and Subsection R313.2.1 of the I.R.C., entitled "Design and Installation," are deleted.
- (m) Subsection R3142.2 entitled "Alterations, repairs and additions," is amended by deleting Exception #2.
- (n) Subsection R315.2.2 of the I.R.C. entitled "Alterations, repairs and additions," is amended by deleting Exception #2.
- (o) Section N1102 (R402) entitled "Building Thermal Envelope" of the IRC is amended for a period of time expiring March 1, 2017, by deletion of Subsection N1102.4.4 (R402.4.4) and revisions to Table N1102.1.2 (R402.1.2) and Subsection N1102.4.1.2 (R402.4.1.2) as follows:
  1. Table N1102.1.2 (R402.1.2) entitled "Insulation and Fenestration Requirements by Component" is amended by deleting the numbers "15/19" and inserting the numbers "10/13" in the column labeled "Basement Wall R-Value" and applicable to Climate Zone 5 and Marine 4.
  2. Subsection N1102.4.1.2 ((R402.4.1.2) entitled "Testing" is amended by revising the first sentence to read as follows:



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"The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and five air changes per hour in Climate Zones 3 through 8."

3. Subsection N1102.4.4 (R402.4.4) entitled "Rooms containing fuel-burning appliances" is deleted in its entirety.

After March 1, 2017, Section N1102 (R402) shall be effective without regard to the amendments contained immediately above.

- (p) Subsection N1103.3.5 (R403.3.5) entitled "Building cavities (Mandatory)" of the I.R.C., is amended to read as follows:

**"N1103.3.5 (R403.3.5) Building cavities (Mandatory).** Building framing cavities shall not be used as supply ducts."

- (q) Subsection M1305.1.4 of the I.R.C., entitled, "Appliances under floors," is amended by the addition of a sentence after the Exceptions which reads as follows:

"All access openings to underfloor furnaces shall be provided with a permanent ladder for equipment access."

- (r) Subsection M1401.3 of the I.R.C., entitled, "Equipment and appliance sizing," is amended by adding a third exception which reads as follows:

"3. Additions that are 600 square feet or less."

(Ord. No. 7141 §1, 5-10-04; Ord. 7937 §9, 12-8-08; Ord. No. 8156 §1, 3-22-10; Ord. No. 8223 §1, 6-28-10; Ord. No. 8342 §1, 4-25-11; Ord. No. 8893 §2, 7-13-15)

### **Sec. 4-6-3. Reserved.**

### **Sec. 4-6-4. Responsibility for damages; liability of City.**

The provisions of this Chapter and the I.R.C. shall neither release nor discharge any person from any liability imposed by law for any injury to persons or damage to property caused by or resulting from the performance or failure to perform work or furnishing materials covered by this Chapter or the I.R.C. Neither the City, the Regional Building Department nor any of their agents or employees will be held liable for any injury to persons or damage to property by reason of an inspection or failure to perform any inspection authorized or required by this Chapter or the I.R.C. or arising from the issuance or failure to issue any certificate of occupancy as herein provided.

### **Sec. 4-6-5. Interpretation.**

Whenever in the I.R.C., as adopted by this Chapter or in any secondary code adopted thereunder or by this Code in the adoption of such International Residential Code, it is provided that anything must be done to the approval of or subject to the direction of the Building Official or any other officer of the City or the Regional Building Department, this shall be construed to give such official only the discretion of determining whether the requirements and standards established by the International Residential Code and all secondary codes adopted thereunder or by this Chapter in the adoption of such International Residential Code have been complied with; and no such provision shall be construed as giving any official discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by such code or codes, or to enforce the provisions of such code or codes in an arbitrary or discriminatory manner.

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**Sec. 4-6-6. Offenses; criminal penalties; permit revocation; and other enforcement provisions.**

- (a) It shall be unlawful for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or of the International Residential Code.
- (b) It shall be unlawful for any person to refuse or fail to timely comply with any order issued by the Building Official, the Director of the Pueblo Regional Building Department or other designated building inspector pursuant to the provisions of this Chapter or the International Residential Code.
- (c) It shall be unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the International Residential Code.
- (d) Any permit issued pursuant to the provisions of this Chapter or the International Residential Code may be suspended, terminated or revoked by the Building Official for: (1) any of the reasons stated in Subsection R105.6 of the International Residential Code; or (2) any material violation of the terms of said permit or requirements applicable thereto.
- (e) In the event any owner or occupant of premises within the City shall refuse entry to the Building Official or any building inspector, or if any premises are locked and the Building Official or any building inspector has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search or inspection warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.
- (f) In the event any owner or occupant of premises within the City, any licensed contractor or any permittee shall fail or refuse to comply with any provision of this Chapter, the I.R.C. or any license or permit issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with said Chapter, I.R.C., license or permit.
- (g) The enforcement remedies in this Section are expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(Ord. No. 7141 §1, 5-10-04; Ord. No. 7937 §10, 12-8-08; Ord. No. 8156 §6, 3-22-10; Ord. No. 8223 §4, 6-28-10; Ord. No. 8342 §4, 4-25-11; Ord. No. 9239 §10, 2-26-18)

## **CHAPTER 7 Unsafe Structures**

**Sec. 4-7-1. Declaration of nuisance; inspection; abatement required.**

If any building or structure within the City, from any cause, is found or reported as being dangerous to public health, life, safety or property, or in such a dilapidated and/or unsanitary condition as to be unfit for use or to constitute a nuisance, from whatever cause, it shall be the duty of the Chief Building Inspector, together with the Chief of the Fire Department, or both, as the situation may require, or their authorized representatives, to make an inspection of such building or structure. If as a result of such inspection it is found that such building or structure is unsafe or a menace to public life, health, safety, property or welfare, or in such a dilapidated or unsanitary condition as to be unfit for use or to constitute a nuisance or fire hazard, or a hazard to public health or welfare or to adjacent property, such building or structure is hereby declared to be a public nuisance, which nuisance shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure of this Chapter and Chapter 13 of this Title, entitled "Dangerous Buildings Code." (1957 Code §9-105; Ord. No. 6667 §1, 4-9-01)

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### **Sec. 4-7-2. Board-up of vacant and unsafe buildings.**

- (a) As used in this Section, the term vacant and unsafe building shall mean any vacant building or other permanent structure, except accessory structures, which exhibits both of the following characteristics:
  - (1) Has broken or missing doors or windows, or doors or windows which may be readily opened from the outside; and
  - (2) Exhibits signs of unauthorized entry, vandalism, accumulation of rubbish or trash or any infestation of rodents, insects or birds. For purposes of this Section, the term vacant includes structures used as warehouses or storage facilities unless a guard or other person is routinely present on the premises during regular operating hours.
- (b) Whenever the Mayor or his designee shall encounter and find any vacant and unsafe building within the City, he or she shall cause to be served upon the owner of the building and land upon which the building is located a notice ordering such owner to: (1) lock, secure and board up all doors, windows and other openings thereof within twenty (20) days of the date of service of the notice; and (2) remove the boards from any windows facing any street and replace any broken glass in any such windows with intact and unbroken glass, within sixty (60) days of service of the notice. The notice may be served by personal service upon the owner or by certified mail, postage prepaid, addressed to the owner and mailed to the owner's last known address. A copy of such notice shall also be posted in a conspicuous place upon the vacant and unsafe building. Service shall be complete ten (10) days from the date of posting and mailing such notice.
- (c) The Mayor or his designee may cause to be repaired, locked and secured or boarded up all doors, windows and other openings on any vacant and unsafe building within the City if the owner of the unsafe building or the land upon which the building is located has failed to comply with Subsection (b) of this Section within twenty (20) days after service of a notice directing him or her to do so. The cost of such work, together with twenty-five percent (25%) thereof, or one hundred dollars (\$100.00), whichever is greater, for administrative and incidental costs plus interest at the rate of ten percent (10%) per annum, shall be charged against the owner and, upon recording with the County Clerk and Recorder of a statement under oath of the Mayor showing the cost thereof and describing the land and building, such charge shall be and constitute a perpetual lien on the land and building having priority over all other liens except those for general taxes, and such lien shall remain in full force and effect until such charges and interest have been paid in full.
- (d) It shall be unlawful and a municipal offense for any owner to fail or refuse to repair, lock and secure or to board up all doors, windows and other openings within twenty (20) days after service of the notice upon him or her ordering such action. Each day or portion thereof during which the owner fails or refuses to comply with said order shall constitute a separate violation. Upon conviction, the owner shall be punished as provided in Section 1-2-1 of this Code.
- (e) This Section and the remedies provided herein are intended to be supplementary to and not in lieu of any and all other rights and remedies available to the City or the public, whether in law or equity, or available under the provisions of this or any other chapter or title of this Code or any secondary code adopted therein by reference.

(Ord. No. 5430, 10-26-87; Ord. No. 6667 §3, 4-9-01; Ord. No. 6731, 9-10-01; Ord. No. 8179 §1, 4-26-10; Ord. No. 9296 §1, 6-11-18)

### **Sec. 4-7-3. Definitions.**

Chief Building Inspector as used in this Chapter 7 means the Building Official defined in Subsection 4-1-2(c) or his or her authorized representative.

## CHAPTER 8 Property Maintenance Code

### Sec. 4-8-1. Legislative findings and purpose.

- (a) The City Council hereby finds and declares that there are many residential and nonresidential buildings and structures within the City, or parts thereof, which by reason of their structure, equipment, maintenance, occupancy, or use, affect or are likely to adversely affect public health, safety and welfare. To correct and prevent the existence of such adverse conditions and to achieve and maintain such levels of environmental quality as will protect and promote public health, safety and welfare, the establishment of minimum property maintenance standards is necessary.
- (b) The purpose of this Chapter is to protect public health, safety and welfare from the adverse effects of buildings, structures and parts thereof that are not properly maintained and the problems that poor maintenance of buildings and structures cause, including but not limited to unsafe buildings and structures, accidents, injuries, disease, poor sanitation and fire hazards.
- (c) The International Property Maintenance Code provides reasonable and nationally recognized standards for maintenance of residential and nonresidential buildings and structures and properly addresses the problems associated with a failure to maintain buildings and structures in a way that is suitable for the City of Pueblo.
- (d) The City Council finds and declares that property maintenance problems related to residential properties tend to be worst at properties that are rented, rather than owner-occupied. This appears to follow from renters' lack of pride of ownership and the short-term outlook of renters, as well as landlords' desire to derive income and keep maintenance expenses low. Therefore, the I.P.M.C. should first be applied to those properties before considering whether it should be applied to all residential properties.
- (e) The City Council finds and declares that property maintenance problems related to commercial properties tend to be more destructive of neighborhood property values when the commercial property is open to the public, or had been open to the public at anytime within the immediately preceding 24 months, and consists of five thousand (5,000) aggregate square feet or more of enclosed space. Therefore, the I.P.M.C. should first be applied to those properties before considering whether it should be applied to all commercial property.

(Ord. No. 8359 §3, 6-13-11; Ord. No. 8421 §2, 12-12-11)

### Sec. 4-8-2. International Property Maintenance Code adopted by reference.

- (a) The International Property Maintenance Code, 2009 edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, (May 2009) hereinafter collectively referred to as the "I.P.M.C." is adopted by reference; provided that the following portions thereof are not adopted:
  - (1) Preface.
  - (2) Sample Ordinance for Adoption of the I.P.M.C.
  - (3) Section 103.1 General.
  - (4) Section 103.3 Deputies.
  - (5) Section 103.4 Liability.
  - (6) Section 103.5 Fees.

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- (7) Section 104.1 General.
  - (8) Section 110 Demolition.
  - (9) Subsection 111.2.1 Alternate members.
  - (10) Subsection 302.4 Weeds.
  - (11) Subsection 302.9 Defacement of Property.
  - (12) Any reference to the International Zoning Code.
  - (13) Appendix A, Boarding Standard.
  - (14) Section 304.2 Protective Treatment.
  - (15) Section 304.17 Guards for Basement Windows.
- (b) Copies of the I.P.M.C. are available in the Office of the City of Pueblo Land Use Administrator, 211 East "D" Street, Pueblo, CO 81003, for distribution and sale to the public.
  - (c) The minimum conditions and responsibilities of persons for maintenance of structures, equipment and property shall be in compliance with the terms and provisions of the I.P.M.C. as adopted by reference with the deletions and amendments provided in this Chapter.
- (Ord. No. 8359 §3, 6-13-11)

### **Sec. 4-8-3. Applicability.**

- (a) Except as provided in Subsection (b) of this Section, the I.P.M.C. shall apply to the following categories of property:
    - (1) All residential properties;
    - (2) Commercial properties that are open to the public or had been open to the public at any time within the immediately preceding 24 months.
  - (b) Sections 301.3, 302.5, 308 and 309 of the I.P.M.C. shall apply to all property, buildings, structures and accessory structures regardless of use.
- (Ord. No. 8359 §3, 6-13-11; Ord. No. 8421 §3, 12-12-11; Ord. No. 9019 §1, 8-8-16)

### **Sec. 4-8-4. Amendments to the I.P.M.C.**

The following Subsections of the I.P.M.C. are hereby amended to read as follows:

- (1) Subsection 102.10 Other laws.

"The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law. In the event of any conflict between this code and any ordinance or another code adopted by reference, the more restrictive requirement shall apply."

- (2) Subsection 103.2 Appointment.

"The Mayor, Department of Planning and Development, the Building Official (as defined in Chapter 1 of this Title), Code Enforcement Officers designated under Chapter 5 of Title XVII, Pueblo Municipal Code as amended, the Fire Chief, the Police Chief and the Police Department's Police Support Technicians, the Health Officer, Director of Housing, and any of their designees shall each be deemed Code Officials for purposes of the I.P.M.C."

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The following Code Officials shall have responsibility for enforcement of the following Sections of the I.P.M.C., but the Mayor may, from time to time, delegate or reassign responsibility to enforce any section of the I.P.M.C to any Code Official:

- a. Planning and Development and its Code Enforcement Officers: Subsection 301.3, Section 303, Section 306, Section 308 and Section 302, except Subsection 302.5;
  - b. Police Department and its Police Support Technicians Code Enforcement Officers: Section 301.3, Subsection 302.8, Section 303, Section 307.1, Section 308 and Section 302, except Subsection 302.5;
  - c. Building Official: Section 304 and Section 606; and the following Sections, but only as to commercial buildings: Subsection 301.3, Subsection 307.1, Section 504, Section 505, Section 506, Section 507, Section 603, Section 604, Section 605 and Section 607.
  - d. Fire Chief: Subsection 307.1; Section 701, Section 702, Section 703 and Section 704;
  - e. Health Official: Subsection 301.3, Subsection 302.5, Section 308, Section 309; and
  - f. Director of Housing: the following Sections, but only as to residential buildings: Subsection 301.3, Section 305, Section 306, Subsection 307.1, Section 401, Section 402, Section 403, Section 404, Section 501, Section 502, Section 503, Section 504, Section 505, Section 506, Section 507, Section 601, Section 602, Section 603, Section 604, Section 605 and Section 607.
- (3) Subsection 104.3 Right of entry.

"Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request permission to enter the premises. If the owner or other person having charge or control of the structure or premises cannot be located or permission to enter is refused, the code official may obtain a search warrant for entry of the structure or premises. Upon entry, the code official shall present credentials to the occupant."

- (4) Subsection 106.2 Violation procedures.

"The code official may, in his or her discretion, either:

"1. Issue a summons and complaint to the person responsible for such violations without first issuing a notice of violation and order as provided in Section 107;

"2. Issue to the person responsible for such violation a notice of violation and order as provided in Section 107, and if compliance is not obtained within a reasonable time, issue a summons and complaint for both the underlying violation and failure to comply with the notice of violation and order; or

"3. Take any other action authorized by statute or ordinance to ensure compliance with the Pueblo Municipal Code, as amended, or to prevent violation of its provisions."

- (5) Subsection 106.3 Prosecution of violation.

"Any person failing to comply with any provision of this code or with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. Any notice of violation and order or summons and complaint for violation of this code may be charged against the real estate upon which the structure is located and upon recording shall be a lien upon such real estate superior to all other liens and deeds of trust."

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(6) Subsection 106.4 Violation penalties.

"Any person, firm, corporation or other entity violating any of the provisions of this code, upon conviction thereof, shall be punished as provided in Sections 4-8-8 and 4-8-9 of the Pueblo Municipal Code. The application of any such penalty shall not be held to prevent the enforced removal of prohibited conditions, nor to limit or restrict the application or use of any other remedies available under law, including but not limited to those set forth in Section 4-8-7, Pueblo Municipal Code."

(7) Subsection 107.1 Notice to person responsible.

"Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the code official may serve a notice and order upon the responsible person in the manner prescribed in Section 107.2 and 107.3."

(8) Subsection 107.5 Penalties.

"Penalties for noncompliance with orders and notices shall be as set forth in Subsection 106.4 and Section 4-8-9 of the Pueblo Municipal Code, as amended."

(9) Subsection 109.3 Closing streets.

"Closing streets. When necessary for public safety, the code official shall temporarily close structures and may request that the City close sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized."

(10) Subsection 111.1 Application for appeal.

"Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Maintenance Appeal Official, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means."

(11) Subsection 111.2 Membership of Board.

"Whenever the term "board" or phrase "board of appeals" is used in this code, it shall mean the Property Maintenance Appeal Official. The Property Maintenance Appeal Official shall be a person designated by the Mayor to hear and determine an appeal, who may be an employee of the City, provided that the Appeal Official shall not have acted as the Code Official or a Code Enforcement Officer with respect to the subject matter of the appeal, nor be subject to supervision by the Code Official whose decision is being appealed."

(12) Subsection 111.2.4 Staff Support for Board.

"The Department of Planning and Development shall provide staff support for the Property Maintenance Appeal Official. The Department responsible for the notice and order or other decision made against a person or property shall be responsible for presenting the evidence and other information in support of the notice and order or other decision on appeal to the Appeal Official."

(13) Subsection 301.2 Responsibility.

"The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in this code and Pueblo Municipal Code, as amended. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in sanitary and safe condition and which do not comply with the requirements of this chapter and Pueblo Municipal Code, as amended. Occupants of a dwelling unit, rooming unit, or housekeeping unit, and the

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owner thereof, are jointly responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they own, occupy, or control."

(14) Subsection 303.2 Enclosures.

"Private swimming pools, hot tubs and spas, containing more than 24 inches of water (610 cm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 cm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 cm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a way that reduces its effectiveness as a safety barrier.

"Exceptions:

"(a) Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this Section; and (b) above ground pools, hot tubs, and spas."

(15) Subsection 306.1.1 Unsafe Conditions - (First Sentence)

"Where any of the following conditions cause the component or system to be unsafe, the same shall be repaired or replaced to comply with the International Building Code as required for existing buildings:"

(16) Subsection 308.3.1 Garbage facilities.

"The owner of every dwelling shall supply either an approved mechanical food waste grinder in each dwelling unit or an approved leakproof, covered, outside garbage container."

(Ord. No. 8359 §3, 6-13-11; Ord. No. 8421 §4, 12-12-11; Ord. No. 9296 §1, 6-11-18)

#### **Sec. 4-8-5. Responsibility for damages; liability of City.**

- (a) The provisions of this Chapter and the I.P.M.C. shall neither release nor discharge any person from any liability imposed by law for any injury to persons or damage to property caused by or resulting from the performance or failure to perform work or furnishing materials covered by this Chapter.
- (b) Nothing in this Chapter or the I.P.M.C. is intended to create any duty upon the City, the Pueblo Regional Building Department, or the Pueblo City-County Health Department or any of their officers, directors, agents or employees. Neither the City nor any of its agents or employees will be held liable for any injury to persons or damage to property by reason of any act or failure to perform any act authorized or required by this Chapter or the I.P.M.C.

(Ord. No. 8359 §3, 6-13-11)

#### **Sec. 4-8-6. Interpretation.**

Whenever in the I.P.M.C., as adopted and amended by this Chapter, or in any secondary code adopted by the I.P.M.C., it is provided that anything must be done to the approval of or subject to the direction of the Code Official or any other officer of the City, this shall be construed to give such official only the discretion to determine whether the requirements and standards established by the I.P.M.C. and all secondary codes adopted by the I.P.M.C. have been complied with; and no such provision shall be construed as giving any official discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by such code or codes or to enforce the provisions of such code or codes in an arbitrary or discriminatory manner.



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### **Sec. 4-8-7. Enforcement.**

- (a) In the event any owner or occupant of premises within the City refuses entry of premises to the Code Official, or if any premises are locked and the Code Official has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search or inspection warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.
- (b) In the event any owner or occupant of premises within the City or their agent, employee or contractor refuses to comply with any provision of this Chapter or the I.P.M.C., the City may initiate a civil action for injunctive relief in any court of competent jurisdiction to compel compliance with this Chapter and the I.P.M.C.
- (c) The enforcement remedies and criminal penalties in this Chapter are declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy or penalty, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(Ord. No. 8359 §3, 6-13-11)

### **Sec. 4-8-8. Offenses.**

- (a) It shall be unlawful and a Class 1 municipal offense for any person to violate, disobey, omit, neglect, refuse, fail to comply with, or resist the enforcement of any provision of this Chapter or of the I.P.M.C. as adopted and amended by this Chapter.
- (b) It shall be unlawful and a Class 1 municipal offense for any person to fail, neglect or refuse to promptly comply with any order issued by the Code Official pursuant to this Chapter or the I.P.M.C.
- (c) It shall be unlawful and a Class 1 municipal offense for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the I.P.M.C.
- (d) It shall be unlawful and a Class 1 municipal offense for any person to fail, neglect or refuse to promptly comply with any search warrant, injunction or other court order issued by any court of competent jurisdiction to enforce any provision of this Chapter or the I.P.M.C.
- (e) Each day that such offense exists or continues shall constitute a separate count of such offense.
- (f) In addition to the penalties provided herein, any person convicted of violating any provision of this Chapter or the I.P.M.C. as adopted and amended by this Chapter, shall be assessed a surcharge for each count of such conviction, to be known as the Keep Pueblo Beautiful Surcharge, in the amount of twenty-five dollars (\$25.00). In the case of an unemancipated minor, the parents or guardians of the minor shall be jointly and severally liable for this surcharge and shall be ordered to pay the same. This surcharge may only be waived by the Court upon a bona fide finding that the Defendant is indigent, or in the case of a minor, that the minor's parents or guardians are indigent. This surcharge shall be collected by the Municipal Court and paid into the City's general fund.

(Ord. No. 8359 §3, 6-13-11; Ord. No. 9248 §1, 3-26-18)

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**Sec. 4-8-9. Reserved.**

Editor's note(s)—Ord. No. 9248 §1, adopted March 26, 2018, repealed § 4-8-9, which pertained to penalties and surcharge and derived from Ord. No. 8359 §3, adopted June 13, 2011; Ord. No. 9239 §11, adopted Feb. 26, 2018

**CHAPTER 9 Vacant Buildings**

**Sec. 4-9-1. Definitions.**

As used in this Chapter, unless the context otherwise requires:

- (1) *Accessible property* means a property that is accessible through a compromised/breached gate, fence, wall, etc.
- (2) *Accessible structure* means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.
- (3) *City Official* means the Mayor, Fire Chief, Chief of Police or Director of the Pueblo City-County Health Department.
- (4) *Days* means consecutive calendar days.
- (5) *Evidence of vacancy* means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions' include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation or commercial occupancy, statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.
- (6) *Neighborhood standard* means those conditions required by the ordinances of the City of Pueblo as they presently exist or as they may be from time to time amended.
- (7) *Owner* means any person, partnership, association, corporation, limited liability company or fiduciary having a legal or equitable title or any interest in any real property including the holder of a certificate of purchase or certificate of redemption.
- (8) *Owner of record* means the person having recorded title to the property at any given point in time the record is provided by the appropriate county clerk and recorder's office.
- (9) *Property* means any improved real property, or portion thereof, including surrounding unimproved property, situated in the City of Pueblo, and includes the buildings or structures located on the property regardless of condition.
- (10) *Securing* means such measures as may be directed by the City Official or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of doors, windows and/or other openings.
- (11) *Vacant* means a building/structure that is not legally occupied for a total of thirty (30) days or more in any period of three hundred sixty-four (364) days.

( Ord. No. 9930 §1, 5-17-21; Ord. No. 10059 §1, 11-22-21)

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## **Sec. 4-9-2. Registration.**

- (a) Any Property which is vacant or shows evidence which would cause a reasonable person to believe it is vacant, is, by this Section, deemed abandoned and a nuisance and the Owner or Owner of Record shall register the property with the Director of Finance or his or her designee on forms provided by the City. The registration shall contain the name of the Owner or Owner of Record (business entity or individual), the direct street/office mailing address of the Owner or Owner of Record (no P.O. boxes), a direct contact name and phone number and e-mail address for the Owner or Owner of Record, and as applicable, the local property management company or asset management company or real estate broker responsible for the security, maintenance and marketing of the property.
- (b) An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1 of each year and must be received no later than January 31 of the year due. Registration fees will not be prorated.
- (c) This Section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a deed of trust or holder of a certificate of purchase or certificate of redemption involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (d) Properties subject to this Chapter shall remain under the annual registration requirement, security and maintenance standards of this Chapter as long as they remain vacant.
- (e) Any person, firm or business entity that has registered a property under this Chapter must report any change of information contained in the registration within ten (10) days of the change.

( Ord. No. 9930 §1, 5-17-21; Ord. No. 10059 §2, 11-22-21)

## **Sec. 4-9-3. Maintenance requirements.**

- (a) The front and side yards of properties subject to this Chapter shall be, in comparison to the neighborhood standard, kept free of weeds, dry brush, dry vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned. The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure. Front and side yards shall also be landscaped and maintained to the neighborhood standard at the time registration was required.
- (b) Lawful landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Unlawful landscape includes, but is not limited to, weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material. Maintenance includes but is not limited to regular watering, irrigation, cutting, pruning and mowing of lawful landscape and removal of all trimmings.
- (c) Adherence to this Section does not relieve the Owner or Owner of Record of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.
- (d) The Owner or Owner of Record or beneficiary of a deed of trust or the holder of a certificate of purchase or a certificate of redemption or their agents and employees may legally enter upon the property to fulfill the maintenance and security obligations imposed by this Chapter.

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( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-4. Security requirements.**

- (a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes but is not limited to the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows, securing means the reglazing or boarding of the window.
- (b) The person or entity responsible for maintenance shall inspect the property monthly to determine if the property is in compliance with the requirements of this Section.

( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-5. Additional authority.**

The City Official or his or her designee shall have the authority to require the Owner or Owner of Record, any holder of a certificate of purchase or certificate of redemption of any property affected by this Chapter to implement additional maintenance and/or security measures, including but not limited to, securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, or any other measures as may be reasonably required to correct the unlawful condition of the property.

( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-6. Appeal.**

Any aggrieved party who believes the alleged violation or penalty imposed pursuant to this Chapter is unfounded, incorrect or inappropriate may appeal the issue to the Mayor or his or her designee. Such appeal shall be in writing and shall state with specificity the grounds for the appeal. The appeal shall be filed within fourteen (14) days of receipt of the notice of violation by the aggrieved party. The Mayor or designee shall hold a hearing within thirty (30) days of receipt by the Mayor of the appeal. The Mayor shall issue a written finding on the appeal within fourteen (14) days of the hearing. The appellant may waive the hearing and request the Mayor to decide the matter on the City's records and the written documents submitted by the appellant. The Mayor's decision is final.

( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-7. Notices.**

Any notice required by this Chapter shall be personally served on the person. In the case of a business entity, service may be made upon the agent for service of process as shown upon the records of the secretary of state. Such notice may also be served by United States Postal Service (USPS) traceable mail. A certificate or notice of delivery issued by the USPS shall create a rebuttable presumption that such notice was properly served.

( Ord. No. 9930 §1, 5-17-21)

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**Sec. 4-9-8. Fees.**

The fee for registering a vacant property and each annual renewal fee and the fee for failure to register a vacant property shall be five hundred dollars (\$500.00). The procedures for a notice of violation of this Section and all the required notices, abatement procedures and recovery of costs and creation of liens shall be according to the procedures and requirements set out in Section 7-1-3 of this Code, except that the term "owner" shall have the same definition as contained in Section 4-9-1 above. Failure to pay the fee for registration of a vacant property or the fee for failure to register a vacant property shall result in the creation of a lien against the property as described and enforced in Section 7-1-3 of this Code.

( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-9. Violation/penalty.**

Violations of this Chapter shall be treated as a strict liability offense regardless of intent. It shall be unlawful and a Class 1 municipal offense for any Owner or Owner of Record of Property in the City to violate any requirements or provisions of this Chapter. Any person, firm and/or corporation that violates any portion of this Chapter shall be subject to prosecution and/or administrative enforcement.

( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-10. Enforcement of other chapters of this Code.**

The requirements of this Chapter are in addition to and shall not be considered to conflict with or abrogate, any and all other requirements of this Code, including but not limited to, the property maintenance requirements set forth in other chapters of this Code and all codes adopted by reference in this Code. Nothing in this Chapter shall operate to eliminate, mitigate or otherwise affect the legal responsibilities and duties of each Owner or Owner of Record to comply with each and every other law applicable to real property located in the City of Pueblo, including but not limited to building, housing, nuisance, and zoning regulations.

( Ord. No. 9930 §1, 5-17-21)

**Sec. 4-9-11. Severability.**

Should any provision, paragraph, sentence or word of this Chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences or words of this Chapter shall remain in full force and effect.

( Ord. No. 9930 §1, 5-17-21)

## CHAPTER 10 Numbering of Buildings

**Sec. 4-10-1. Required.**

It shall be the duty of all owners or occupants of all buildings situated in the City to number them in the manner herein provided.

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**Sec. 4-10-2. Number specifications; defacing.**

The numbers shall be clear and legible, of size and design easily readable in daylight from the sidewalk or front property line and so placed upon the building as to clearly and conspicuously designate the front entrance of the building on the portion thereof so numbered. Any person defacing, tearing down, taking off or in any manner mutilating or injuring any number placed upon any building for the purpose of designating the number thereof shall be deemed guilty of violating this Code.

**Sec. 4-10-3. Numbering system.**

The address numbering system shall have a point of reference of City Center Drive and Santa Fe Avenue in the City. From that point of reference, street numbers shall comply with the Pueblo City-County Addressing Standards, published May 2010, on file in the Office of the City Clerk, or as subsequently amended by resolution of the City Council.

**Sec. 4-10-4. Official responsible; notice to owner.**

The numbering of houses shall be under the supervision and control of the Building Official. The Building Official is authorized and directed to notify the owner and occupant of any change of a building number. Any person who is the owner or occupant of any building in the City who shall fail, refuse or neglect, for the period of ten (10) days after notice upon him or her by an officer of the Police Department, to number such building in accordance with such notice, shall be subject to a penalty as provided in Section 1-2-1 of this Code. Such notice shall assign the proper number to be placed upon the building by the owner or occupant thereof and shall also give specific directions as to all requirements in respect to such numbering.

**CHAPTER 11 Reserved**

(Repealed by Ord. No. 7382 §1, 10-11-05)

**CHAPTER 12 Solid Wastes Disposal Sites and Facilities**

**Sec. 4-12-1. Definitions.**

- (a) As used in this Chapter, the terms solid wastes, solid wastes disposal, solid wastes disposal site and facility and certificate of designation shall have the same meanings ascribed to those terms in the State Solid Wastes Disposal Sites and Facilities Act, Section 30-20-100.5, et seq., C.R.S.
- (b) As used in this Chapter, the term:
  - (1) *Director* shall mean the City's Director of Public Works.
  - (2) *State Act* shall mean the Solid Wastes Disposal Sites and Facilities Act, Section 30-20-100.5, et seq., C.R.S.
  - (3) *Subtitle D regulations* shall mean the regulations promulgated by the United States Environmental Protection Agency pursuant to Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901, et seq.), including but not limited to the regulations published at 40 C.F.R. Part 258 (1993).

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- (4) *State requirements* shall mean all requirements and standards imposed under state laws, including but not limited to the State Act, and all regulations adopted pursuant to such state laws, including but not limited to the Solid Wastes Disposal Sites and Facilities regulations, 6 CCR 1007-2.
  - (5) *Major modification* shall mean and include any sale, transfer or assignment of a certificate of designation or the solid wastes site and facility to which it is applicable, and any change or modification to the terms and requirements of a certificate of designation or to the solid wastes disposal site and facility to which it is applicable requiring technical review by the Colorado Department of Health and determined by the Director to be a substantial change or modification.
  - (6) *Minor modification* shall mean any change or modification to the terms and requirements of a certificate of designation or to the solid wastes disposal site and facility to which it is applicable which is not a major modification.

(Ord. No. 5996, 7-24-95)

#### **Sec. 4-12-2. Certificate of designation required; exemption.**

- (a) It shall be unlawful and a municipal offense for any person to operate a solid wastes disposal site and facility within the City without having first obtained a certificate of designation from the City Council.
- (b) The certificate of designation requirements shall be in addition to all other approvals, permits and licenses which may otherwise be required under state law and City ordinances.
- (c) A certificate of designation shall not be required for disposal of nonhazardous solid waste generated on site pursuant to the exemption set forth in Section 30-20-102(3), C.R.S., provided that such disposal is in compliance with Colorado Department of Public Health and Environment solid waste regulations, and further provided that all other approvals, permits and licenses which may be required under state law and city ordinances have been first obtained.
- (d) A certificate of designation shall not be required for any site and facility operated for the purpose of recycling, processing or reclaiming recyclable materials pursuant to the exemption set forth in Section 30-20-102(5), C.R.S. provided that such site and facility is in compliance with Colorado Department of Public Health and Environment solid waste regulations, including but not limited to, 6 CCR 1007-2:1-8:1.1 et seq., and further provided that all other approvals, permits and licenses which may be required under state law and City ordinances have been first obtained. "Recyclable materials" means any type of discarded waste material that is not regulated under Section 25-8-205(1)(e), C.R.S., or considered hazardous waste under Section 25-15-101(6)(a), C.R.S., and can be reused, remanufactured, reclaimed, or recycled, or scrap that is composed of worn out metal or metal product that has outlived its original use, commonly referred to as obsolete scrap.

(Ord. No. 5996, 7-24-95; Ord. 7265 §1, 1-24-05; Ord. No. 8965 §1, 1-25-16)

#### **Sec. 4-12-3. Application requirements.**

- (a) Any person who desires to obtain a certificate of designation to own or operate a solid wastes disposal site and facility shall submit an application therefor to the City Council by filing an original and five (5) complete copies thereof with the City Clerk, accompanied by the application fee provided in Subsection (c) of this Section.
- (b) Any person to whom a certificate of designation has been issued who desires to undertake a major modification or minor modification shall submit an application therefor by filing an original and five (5) complete copies thereof with the City Clerk, accompanied by the application fee provided in Subsection (c) of this Section.

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(c) Until modified by duly adopted resolution of the City Council, the following nonrefundable application fees are established for applications for certificates of designation, major modifications and minor modifications, based upon anticipated costs, the City may incur in the application review and approval process:

- (1) For new certificate of designation applications: ten thousand dollars (\$10,000.00).
- (2) For applications for major modifications: three thousand dollars (\$3,000.00).
- (3) For applications for minor modifications: two thousand dollars (\$2,000.00).

The foregoing fees shall be in addition to any fees or charges required to be paid by the applicant to the Colorado Department of Health. Application fees shall be waived for any operator of a solid wastes disposal site and facility within the City who is contractually obligated to pay the City not less than ten percent (10%) of all tipping or user fees, excluding state user fees, collected from persons disposing of solid waste within such solid wastes disposal site and facility.

- (d) An application for a certificate of designation shall contain all of the information required by state requirements to be set forth in an application, and shall contain a complete legal description of the property where the facility is proposed, a map depicting all parcels of real property located within one-fourth (1/4) mile of the boundary of the property where the proposed facility is located, and a list of the name and address of the owners of each of said parcels. An application for a major modification or minor modification shall contain a complete description of the proposed modification with such supporting documentation as may be reasonably required to demonstrate the nature of the change sought and justification therefor, and compliance with the State Act, state requirements and Subtitle D regulations.
- (e) Upon receipt of an application and the application fee, the City Clerk shall file the original application and transmit copies of the application to the Director, the Zoning Administrator, the City-County Health Department and the Colorado Department of Health for review.
- (f) After referral of the application to the Colorado Department of Health, the applicant shall file with the City Clerk five (5) copies of any revisions made to the application or of any supplementary information furnished to or at the request of the Colorado Department of Health to establish completeness of the application.
- (g) Except with respect to applications for minor modifications, upon final completion of review of the application by the Colorado Department of Health and receipt by the City of its comments and recommendations, the application shall be scheduled for public hearing before the City Council in accordance with the requirements of Section 30-20-104, C.R.S. At such hearing, the applicant shall have the burden of persuasion that the application should be granted. Applications for minor modifications may be granted without notice and hearing, by the Director in his or her discretion.

(Ord. No. 5996, 7-24-95)

#### **Sec. 4-12-4. Factors to be considered.**

- (a) In considering whether to grant a certificate of designation, the City Council shall take into account:
  - (1) The effect that the solid wastes disposal site and facility will have on the surrounding property taking into consideration the types of processing to be used, surrounding property uses and values and wind and climatic conditions;
  - (2) The convenience and accessibility of the solid wastes disposal site and facility to potential users;
  - (3) The ability of the proposed facility to comply with Subtitle D regulations, all state requirements and the rules and regulations as may be prescribed by the Colorado Department of Health; and
  - (4) Consistency of the proposed site and facility with the land use and zoning ordinances of the City.



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- (b) No certificate of designation nor any major modification or minor modification thereto shall be granted if the Colorado Department of Health has recommended disapproval of the same.

(Ord. No. 5996, 7-24-95)

#### **Sec. 4-12-5. Issuance of certificate.**

If the City Council deems that a certificate of designation should be granted, or that a major modification be approved, it shall issue the certificate of designation or modification thereto with such terms and conditions as the City Council shall require in the public interest; and such certificate of modification shall be displayed in a prominent place at the site and facility. Except as provided in Section 4-12-4 of this Chapter, issuance of a certificate of designation or major modification thereto shall be discretionary with the City Council.

#### **Sec. 4-12-6. Revocation of certificate.**

The City Council, after reasonable notice and public hearing, may temporarily suspend or revoke a certificate of designation that has been granted by it for failure of a solid wastes disposal site and facility to comply with any term or requirement of the certificate of designation, applicable laws, the Subtitle D regulations, state requirements or any ordinances of the City.

#### **Sec. 4-12-7. Enforcement.**

- (a) It shall be unlawful for any person to violate any provision of this Chapter, or to violate any term or requirement of a Certificate of Designation issued hereunder.
- (b) If any person engages in activities contrary to any requirement of this Chapter, in violation of any state requirements or in violation of any term or requirement of a certificate of designation, such activity or condition shall be deemed a nuisance and the City may commence an action for appropriate relief including injunctive relief in any court of competent jurisdiction.

(Ord. No. 5996, 7-24-95; Ord. No. 9239 §12, 2-26-18)

#### **Sec. 4-12-8. Disclaimer of liability.**

The City shall not be liable or obligated in any manner for any solid wastes disposal site and facility for which it grants a certificate of designation, nor does the City by this Chapter or any provision hereof or the granting of a certificate of designation assume or undertake any liability or obligation with respect to any solid wastes disposal site and facility nor any obligation or liability to inspect any solid wastes disposal site or to evaluate or enforce compliance with the State Act, state requirements or the approved design and operations report which is part of the certificate of designation.

## **CHAPTER 13 Dangerous Buildings Code**

#### **Sec. 4-13-1. Adoption of the Uniform Code for the Abatement of Dangerous Buildings.**

- (a) The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, published and promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601-2298, herein referred to as the Uniform Dangerous Buildings Code or U.D.B.C., as amended by Section 4-13-2 of this Code, is hereby adopted and enacted by reference and made a part hereof as if set out herein

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in full, and all references and footnotes to the Uniform Building Code contained in the Uniform Dangerous Buildings Code shall be construed to be and shall be references and footnotes to as the International Building Code, 2003 edition, as amended and adopted by Chapter 2, Title IV of this Code.

- (b) Three (3) copies of the Uniform Code for the Abatement of Dangerous Buildings, all certified to be true copies, shall be on file in the office of the City Clerk. Copies of said Uniform Dangerous Buildings Code shall be available for sale in the office of the Pueblo Regional Building Department.

(Ord. No. 6369, §2, 11-23-98; Ord. No. 7384 §1, 10-11-05)

#### **Sec. 4-13-2. Amendments.**

- (a) Section 201.2 entitled "Inspections" of the U.D.B.C. is amended to read as follows:

"Inspections. The Building Official, the Chief of the Pueblo Fire Department, and the Director of the Pueblo City-County Health Department and their respective authorized representatives are hereby authorized to make such inspections and to take such actions as may be required to enforce the provisions of this Code."

- (b) Section 201.3 entitled "Right of Entry" of the U.D.B.C. is amended by the addition of the following paragraph:

"The Municipal Court or any judge thereof shall have power, upon complaint made before it by the Building Official or the Building Official's authorized representative that any person has refused the Building Official or the Building Official's duly authorized representative entrance into or upon the building or premises owned or occupied by such person for the purpose of inspecting the same to determine the condition thereof, to issue a warrant commanding such building or premises to be inspected in the daytime, upon any day of the week except Sunday."

- (c) Section 201 of the U.D.B.C. is amended by the addition of a new Section to read as follows:

"201.3.1 Notwithstanding the provisions of Section 201.3 of this Code to the contrary, neither the Building Official nor the Building Official's authorized representatives shall enter any building or structure occupied by the owner thereof without the consent of said owner except pursuant to a search warrant issued by a Judge of the Municipal Court upon affidavit made by:

"a. A person over eighteen (18) years of age that he has personally observed conditions inside said building or structure which make such building or structure a dangerous building as described in Section 302 of this Code, or

"b. The Building Official or the Building Official's authorized representative that the exterior of said building or structure or the area adjacent to said building or structure is in such poor repair and condition that he has reasonable cause to believe that there exists in said building or structure conditions which make such building or structure a dangerous building as defined in Section 302 of this Code."

- (d) Section 205 entitled "Board of Appeals" of the U.D.B.C. is amended to read as follows:

"The authority and power to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder is vested in the Building Board of Review of the Pueblo Regional Building Department (herein "Board"). The Building Official shall be an ex officio member of and shall act as Secretary to said Board. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals to the Board shall be processed in accordance with the provisions contained in Chapters 5 and 6 of this Code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official who shall make them freely accessible to the public."

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- (e) Section 203 entitled "Violations" of the U.D.B.C. is amended to read as follows:

"No person, firm or corporation, whether as owner, agent, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, rent, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the Building Official hereunder. Any person convicted of violating the provisions of this Section shall be punished as prescribed in Section 4-13-5 of the Pueblo Municipal Code."

- (f) Section 301 entitled "General" of the U.D.B.C. is hereby amended by the addition of the following new definitions:

"'Building Official' means and includes the director of the Pueblo Regional Building Department, the building official appointed by the Pueblo Regional Building Commission, and the Building Official's authorized representatives.

"'Misdemeanor' means and includes a Class 2 Municipal Offense.

"'Health officer' means and includes the Director or Acting Director of the Pueblo City-County Health Department and the health officer's authorized representatives.

"'Fire Marshal' means and includes the Chief of the Pueblo Fire Department and his authorized representatives.

"'Legislative body of this jurisdiction' means the City Council of the City of Pueblo.

"'This jurisdiction' means the City of Pueblo, a municipal corporation."

- (g) Section 302 entitled "Dangerous Building" of the U.D.B.C. is hereby modified by amending the first and introductory paragraph thereof to read as follows and by the addition of the following subsection 19:

"For purposes of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, limb, health, safety, property, or general welfare of the public, neighborhoods, or adjoining property, or its occupants are endangered or injuriously affected:

"19. Whenever any building or structure because of inadequate maintenance, dilapidation, decay, damage, lack of compliance with building or housing codes, or other cause, tends to depress adjoining property values."

- (h) Subsection 3.1 of Section 401.2 entitled "Notice and Order" of the U.D.B.C. is hereby amended to read as follows:

"If the Building Official has determined that the building or structure must be repaired, the order shall require that (i) all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty [60] days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances, and (ii) if the repairs are not commenced and/or completed within the times specified in the order, the building or structure must be demolished within ninety (90) days after the expiration of the applicable times specified in the order."

- (i) Section 401.3 entitled "Service of Notice and Order" of the U.D.B.C. is hereby amended to read as follows:

"The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner or, if unknown or unable to be served within the City, the order and notice shall be posted on the property and a copy thereof mailed by first class mail, postage prepaid, to the record owner at his last known address as shown in the records of the Pueblo County Assessor; and one (1) copy thereof shall be mailed by first class mail, postage prepaid, to each of the following if known to the Building Official or disclosed from the Pueblo County Assessor's records: the occupant of the property; the holder of any

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mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section or any other Section of this Code."

- (j) Section 401.4 entitled "Method of Service" of the U.D.B.C. is hereby amended to read as follows:

"Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally, or in the manner set forth in Section 1-1-11(5) of the Pueblo Municipal Code, or by mailing a copy of such notice and order by certified mail, postage prepaid, to each such person at their address as it appears on the records of the Pueblo County Assessor. If no address of any such person so appears or is not known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Code. Service by certified mail in the manner herein provided shall be effective on the date of mailing."

- (k) Section 402 entitled "Recordation of Notice and Order" of the U.D.B.C. is hereby amended to read as follows:

**"SECTION 402 - RECORDATION OF NOTICE AND ORDER**

"If the repairs described in the order are either not commenced or not completed within the time specified therein, or no appeal has been properly and timely filed within thirty days of the effective date of service of the order, the Building Official shall file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. The Building Official may record a copy of the order as such certificate. Whenever the repairs ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate."

- (l) Section 403 entitled "Repair, Vacation and Demolition" of the U.D.B.C. is amended to read as follows:

"The following standards shall be followed by the Building Official (and by the Board of Appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

"1. Any building or structure declared a dangerous building or structure under this Code shall be made to comply with one (1) of the following:

"1.1 The building or structure shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

"1.2 The building shall be demolished either at the option of the owner, or by order of the Building Official (or by the Board of Appeals if an appeal is taken) if the owner has failed within a reasonable time (not to exceed one hundred eighty [180] days after service of the notice and order) to repair the building or structure.

"2. If the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public, the neighborhood, adjacent property, or its occupants, it shall be ordered to be vacated."

- (m) Section 404.2 entitled "Compliance" of the U.D.B.C. is hereby amended to read as follows:

"Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove

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or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the International Building Code. Any person who shall be convicted of a violation of this Section shall be punished as prescribed in Section 4-13-5 of the Pueblo Municipal Code."

- (n) Section 601.3 entitled "Reporting" of the U.D.B.C. is hereby amended to read as follows:

"The proceedings at the hearing shall also be reported by a certified reporter if requested by any party thereto in writing delivered to the Secretary of the Board at least five (5) days prior to the hearing. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the direct cost involved plus fifteen percent (15%) for expenses directly incurred."

- (o) Section 603.3 entitled "Penalties" of the U.D.B.C. is hereby amended to read as follows:

"Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his or her possession or under his or her control as required by any subpoena served upon such person as provided for herein shall be deemed to have violated this Code and upon conviction shall be punished as prescribed in Section 4-13-5 of the Pueblo Municipal Code."

- (p) Section 605.8 entitled "Effective Date of Decision" of the U.D.B.C. is hereby amended to read as follows:

"The effective date of decision shall be stated therein. The decision may be reviewed by the District Court, Tenth Judicial District, under Rule 106(a)(4), Colorado Rules of Civil Procedure. Petition for review shall be filed within twenty-eight (28) days after the effective date of the decision."

- (q) Section 701.1 entitled "General" of the U.D.B.C. is hereby amended to read as follows:

"After any order of the Building Official or the Building Board of Review made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any person who shall be convicted of violating this Section shall be punished as prescribed in Section 4-13-5 of the Pueblo Municipal Code."

- (r) Item 1 of Section 701.3 entitled "Failure to Commence Work" of the U.D.B.C. is hereby amended to read as follows.

"1. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**"DANGEROUS BUILDING  
DO NOT OCCUPY**

"It is a violation of the Uniform Code for the Abatement of Dangerous Buildings to occupy this building or to remove or deface this notice. Building Official"

- (s) Section 801.1 entitled "Procedure" of the U.D.B.C. is hereby amended to read as follows:

"When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3 of this Code, the Building Official may issue a request therefor to the Director of Public Works, and the work may be accomplished by City personnel or by private contract under the direction of said Director. Plans and specifications therefor may be prepared by said Director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Public Works contractual procedures shall be followed."

- (t) Section 801.2 entitled "Costs" of the U.D.B.C. is hereby deleted.

- (u) Section 802.1 entitled "General" of the U.D.B.C. is hereby amended to read as follows:

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"The City Council may annually, out of the General Fund of the City, budget funds to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary work of repair or demolition of dangerous buildings. Said funds shall be designated Repair and Demolition Funds and shall be expended and paid upon the request of the Director of Public Works."

(v) Section 802.2 entitled "Maintenance of Funds" of the U.D.B.C. is hereby deleted.

(w) Section 905.1 entitled "General" of the U.D.B.C. is hereby amended to read as follows:

"The City Council may thereupon order that said charge shall be made a personal obligation of the property owner, or assess said charge against the property involved, or order that said charge be both a personal obligation and assessment. Upon recording in the Pueblo County Clerk and Recorder's office a statement under oath of the Mayor or the Mayor's designee showing the cost of repairs or demolition and describing the land, such costs and interest thereon at the rate of ten percent (10%) per annum shall be and constitute a perpetual lien on the land having priority over all other liens except general tax liens. Such lien shall remain in full force and effect until such costs and interest have been paid in full. The remedies of the City hereunder shall be cumulative."

(x) Section 909 entitled "Report to Assessor and Tax Collector: Addition of Assessment to Tax Bill" of the U.D.B.C. is hereby amended to read as follows:

"After confirmation of the report, certified copies of the assessment shall be given to the Director of Finance."

(y) Section 910 entitled "Filing Copy of Report with County Auditor" of the U.D.B.C. is hereby amended to read as follows:

"The Director of Finance shall file a certified copy of the assessment with the Pueblo County Treasurer with his warrant for the collection of same. The description of the parcels reported shall be those used for the same parcels on the Pueblo County Assessor's map books for the current year."

(z) Section 911 entitled "Collections of Assessment: Penalties for Foreclosure" of the U.D.B.C. is hereby amended to read as follows:

"The amount of the assessments, penalties and interest shall be collected in the same manner as special assessments for local improvements are collected pursuant to Chapter 1, Title XII of the Pueblo Municipal Code, and shall be subject to the same penalties, procedure and sale in case of delinquency as special assessments for local improvements. All ordinances applicable to the collection and enforcement of assessments for local improvements and municipal taxes shall be applicable to such assessments."

(aa) Section 912 entitled "Repayment of Repair and Demolition Fund" of the U.D.B.C. is hereby amended to read as follows:

"All money collected in payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the Director of Finance who shall credit same to the General Fund."

(Ord. No. 6369, §2, 11-23-98; Ord. No. 6396, §1, 2-22-99; Ord. No. 7384 §2, 10-11-05; Ord. No. 8269 §1, 10-12-10; Ord. No. 8598, §1, 5-28-13; Ord. No. 9239 §13, 2-26-18; Ord. No. 9296 §1, 6-11-18)

### **Sec. 4-13-3. Conflict with other ordinances.**

In any case where a provision of the Uniform Code for the Abatement of Dangerous Buildings or this Chapter is found to be in conflict with any other provision of this Code, or any secondary code adopted thereby, that provision which establishes the higher or more restrictive standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

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#### **Sec. 4-13-4. Severability.**

If any part, section, subsection, sentence, clause or phrase of this Chapter or of the Uniform Dangerous Building Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter or of the Uniform Dangerous Building Code.

#### **Sec. 4-13-5. Offenses; criminal penalties; permit revocation; civil liability; other enforcement.**

- (a) It shall be unlawful for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or the Uniform Dangerous Building Code.
- (b) It shall be unlawful for any person to refuse or fail to timely comply with any order issued by the Building Official or other designated building inspector pursuant to the provisions of this Chapter or the Uniform Dangerous Building Code.
- (c) It shall be unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the Uniform Dangerous Building Code.
- (d) Any permit issued pursuant to the provisions of this Chapter or the Uniform Dangerous Buildings Code may be suspended, terminated or revoked by the Building Official for:
  - (1) Any of the reasons stated in Subsection 105.6 of the International Building Code, or
  - (2) Any material violation of the terms of said permit or requirements applicable thereto.
- (e) In the event that any owner or occupant of premises within the City shall refuse entry to the Building Official or any building inspector, or if any premises are locked and the Building Official or any building inspector has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.
- (f) In the event that any owner or occupant of premises within the City, or any licensed contractor or any permittee, shall fail or refuse to comply with any provisions of this Chapter, the Uniform Dangerous Building Code or any permits issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with this Chapter, the Uniform Code for the Abatement of Dangerous Buildings or permit.
- (g) The City may also seek and obtain a money judgment against any owner, occupant, contractor, or permittee for the actual and/or estimated costs to repair or demolish any structure and recover damages, if any, resulting from the failure or refusal to comply with any provisions of this Chapter, the Uniform Abatement of Dangerous Building Code or any permits issued thereunder. The members, officers and/or directors of any entity which is the record owner of a premises subject to an order issued hereunder may be joined in the action and be held jointly and severally liable upon any monetary judgment obtained in favor of the City, upon showing that such member, officer and/or director knew or should have known of the order and the entity failed to comply. It shall be an affirmative defense for a member, officer and/or director that the member, officer and/or director lacked the ability to cause the entity to comply or that compliance by the entity was impossible.
- (h) A dangerous building is hereby declared to be a public nuisance. It shall be unlawful for any person to own, keep, maintain, use or occupy a dangerous building.
- (i) The enforcement remedies set forth in this Section and in this Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Housing Code and the International Building Code are hereby expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the

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exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(Ord. No. 6369, §2, 11-23-98; Ord. No. 7384 §3, 10-11-05; Ord. No. 7937 §11, 12-8-08; Ord. No. 8269 §2, 10-12-10; Ord. No. 9239 §14, 2-26-18)

## CHAPTER 14 Historic Preservation Code

### Sec. 4-14-1. Intent.

The Council hereby declares as a matter of public policy that the identification and preservation of Landmarks and Historic Districts of distinctive character and which possess special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or importance or that reflect the multicultural-multiethnic heritage of the City are cultural assets and public necessities required to promote the educational, cultural, economic, and aesthetic attributes of the City and the general safety, health and welfare of the citizens of Pueblo. This Chapter shall be known as the "Historic Preservation Code" and may be cited as such and may be referred to herein as "this Chapter."

### Sec. 4-14-2. Statement of purpose.

The purpose of this Chapter is to:

- (1) Identify, designate and preserve those buildings, objects, monuments, structures and sites which reflect outstanding elements of the community's architectural and cultural heritage.
- (2) Preserve and enhance the environmental quality of neighborhoods.
- (3) Strengthen the City's economic base through the stimulation of the tourist industry.
- (4) Stabilize and improve property values.
- (5) Foster economic development.
- (6) Promote the growth of the City in concert with its heritage.
- (7) Encourage new buildings and developments that will be harmonious with existing Landmarks and Historic Districts.

### Sec. 4-14-3. Definitions.

The following terms shall have the meanings indicated:

- (1) *Alteration* means any act or process which changes one (1) or more of the exterior architectural features of a Landmark or element within a Historic District, including, but not limited to, the erection, construction or reconstruction of any Landmark or element within a Historic District.
- (2) *Area* means a specific geographic division of the City of Pueblo.
- (3) *Building* means any structure, such as a house, barn, church, hotel, public or commercial structure. Building may refer to a historically related context such as a courthouse and jail or house and barn.
- (4) *Certificate of Appropriateness* means a certificate issued or deemed issued by HPC authorizing any proposed alteration, construction, restoration or relocation of a designated Landmark or element within a designated Historic District in accordance with the provisions of this Chapter.



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- (5) *Certificate of Economic Hardship* means a certificate issued or deemed issued by HPC authorizing the alteration, restoration, removal, relocation or demolition of a designated Landmark or an element within a designated Historic District in accordance with the provisions of this Chapter, even though a Certificate of Appropriateness has previously been denied.
  - (6) *Certified local government* means status granted to the City by the State Historic Preservation Officer according to the applicable provisions of the National Historic Preservation Act, as amended.
  - (7) *Colorado Register of Historic Properties* means the official listing of state-designated cultural resources.
  - (8) *Construction* means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
  - (9) *Contributing element* or *element* means a building, object, monument, structure or site that has historic significance through location, design, setting, materials, workmanship or association and adds to the sense of time, place and development in a Historic District.
  - (10) *Cultural resource* means any individual building, object, monument, structure, site or geographically definable area, such as a historic district that possesses a significant concentration, linkage or continuity of buildings, objects, monuments, structures and sites united by past events, or aesthetically by plan or physical development, that possess distinctive character and special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or importance, or reflect the multicultural-multiethnic heritage of the City. All properties listed on the National Register of Historic Places and the Colorado Register of Historic Properties are cultural resources.
  - (11) *Demolition* means any act or process that destroys in part or in whole a cultural resource. The term includes the removal of any material constituting part of a structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure.
  - (12) *Demolition by neglect* means any total or partial destruction of or damage to a structure or any portion thereof due to the failure to adequately maintain or repair the structure.
  - (13) *Demolition Permit* means a permit issued or deemed issued by HPC authorizing the demolition of a designated Landmark or an element within a designated Historic District in accordance with the provisions of this Chapter.
  - (14) *Design guidelines* or *Standards of Appropriateness* means guidelines recommended by HPC and approved by Council by ordinance outlining criteria and standards for the review of applications for Certificates of Appropriateness.
  - (15) *Exterior appearance* means the character and general composition of the exterior of a cultural resource, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, sips and appurtenant elements.
  - (16) *Exterior feature* means the design, architectural style, general arrangement, ornament and components of all the outer surfaces of a cultural resource, including but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to said structure or improvement.
  - (17) *Historic District* means a geographically definable area designated by Council by ordinance conveying a sense of time and place due to the historic and architectural merits of the area or the multicultural-multiethnic heritage of the City. A Historic District may also comprise contributing and noncontributing elements separated geographically but linked by association or history.
  - (18) *HPC* means the Historic Preservation Commission of the City.

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- (19) *Improvement* means any building, structure, place, work of art, or other object constituting a physical betterment of real property or any part of such betterment, including improvements on public property.
  - (20) *Integrity* means the authenticity of a cultural resource's historic identity evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.
  - (21) *Landmark* means a cultural resource as defined in this Chapter and designated as such by Council by ordinance.
  - (22) *Maintenance* means all activities necessary to prolong the useful life and aesthetic appearance of a cultural resource.
  - (23) *Monument* means a building, object, structure, or site closely linked in remembrance of a person or event.
  - (24) *National Register of Historic Places* means the national list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
  - (25) *Object* means a material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
  - (26) *Owner* means the person, corporation, or other legal entity, including government who owns or who has any legal or equitable interest in property and who is so listed as owner on the records of the Pueblo County Assessor's Office.
  - (27) *Preservation* means the identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of cultural resources. For the purposes of development of cultural resources, the act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
  - (28) *Protection* means the act or process of applying measures designed to affect the physical condition of a cultural resource by defending or guarding it from deterioration, loss, or to cover or shield the cultural resource from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent.
  - (29) *Pueblo Inventory of Cultural Resources* means the official list of cultural resources of the City approved by the Council by resolution, from time to time and located in and maintained by the Planning and Development Department.
  - (30) *Reconstruction* means the act or process of reproducing by new construction the exact form and detail of a vanished cultural resource, or part thereof, as it appeared at a specific period of time.
  - (31) *Rehabilitation* means the act or process of returning a cultural resource to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the cultural resource which are significant to its historical, architectural and cultural values.
  - (32) *Relocation* means moving a cultural resource to a different location, either temporarily or permanently.
  - (33) *Repair* means the replacement of deteriorated materials which are impractical to save, such as broken window glass or severely rotted wood and the repair or reclamation of items worn to the point that they can no longer perform their intended function. Material used for repairs on cultural resources

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should be as close as possible to the original in composition of materials, in method of fabrication and in manner of erection.

- (34) *Restoration* means the act or process of accurately recovering the form and details of a cultural resource and its setting as it appeared at a particular period of time by means of the removal of later work or by replacement of missing earlier work.
- (35) *Secretary of the Interior's Standards for the treatment of historic properties* means the preservation, rehabilitation, restoration and reconstruction standards adopted by the U.S. Department of the Interior.
- (36) *Site* means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
- (37) *Stabilization* means the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated cultural resource while maintaining the essential form as it exists at present.
- (38) *Structure* means a work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man and may be an engineering project large in scale.

#### **Sec. 4-14-4. Historic Preservation Commission (HPC).**

- (a) There is hereby created the Pueblo Historic Preservation Commission (HPC) consisting of seven (7) members who have resided in the City for at least one (1) year preceding their appointment.
- (b) All appointments to HPC shall be made by the Mayor, subject to Council confirmation. In the event of a vacancy occurring during the term of an HPC member, the Mayor shall make an appointment, subject to Council confirmation, to fill the vacancy for the balance of the unexpired term.
- (c) The initial terms of the members of HPC shall be three (3) members for four (4) years, two (2) members for three (3) years and two (2) members for two (2) years. Following the initial terms, the terms of all members shall be four (4) years. No member shall serve more than two (2) successive terms. A member shall continue in office after expiration of his or her term until a successor has been appointed by the Mayor, subject to Council confirmation. Members of HPC may be removed by the Mayor at any time, with or without cause.
- (d) Members of HPC shall serve without compensation. To the extent authorized by the Mayor and funds are budgeted and appropriated therefor, members may be reimbursed for actual expenses necessarily incurred, such as training, or incidental to the performance of their duties for HPC.
- (e) All HPC members shall have demonstrated interest, experience, knowledge or training in fields closely related to historic preservation. To the extent available, the Mayor shall appoint, subject to Council confirmation, members to HPC who have backgrounds in history, architecture, landscape architecture, architectural history, archaeology, planning or other historic preservation related disciplines, such as the building trades, cultural geography, cultural anthropology, education, ethnic organizations, fine arts, finance, commerce, real estate or law. Also, to the extent available, the Mayor shall appoint, subject to Council confirmation, one (1) member who is a tenant or real property owner from the Historic Business Zone District (HB). The Mayor shall attempt to maintain the balance of interests and skills of the members of HPC; however, at least three (3) members of HPC should be professionals in historic preservation related fields.
- (f) HPC shall elect a Chairperson and Vice Chairperson, each serving, a one-year term and eligible for reelection. HPC shall develop and adopt bylaws governing its activities consistent with this Chapter, and it shall conduct its business in accordance with Robert's Rules of Order, except as modified by bylaws or this Chapter.

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- (g) HPC shall conduct its activities at its regular monthly meetings, or at any special meeting as called by the Chairperson or Vice Chairperson. The bylaws shall specify the time and place for regular monthly meetings. Notice and agenda of all HPC meetings must be posted and meetings shall be open to the public at all times in compliance with the Colorado Open Meetings Law.

(Ord. No. 6888 §1, 9-9-02; Ord. No. 8078 §1, 9-28-09; Ord. No. 9296 §10, 6-11-18)

#### **Sec. 4-14-5. HPC staff.**

- (a) The Mayor may assign City staff to HPC, which may, from time to time, be required to carry out the clerical, administrative or technical work of HPC. If so assigned, staff will:
- (1) Provide for the keeping of minutes, tape recordings and records of all meetings and proceedings of HPC.
  - (2) Be responsible for publication and distribution of copies of the minutes, staff reports, packets and decisions of HPC to the members of HPC and all other applicable agencies and interested individuals.
  - (3) Give notice as provided herein or by law for all public meetings and hearings conducted by HPC.
  - (4) Advise the City Clerk of vacancies on HPC and expiring terms of its members.
  - (5) Perform other duties when so directed by the Mayor.
  - (6) At the direction of the Mayor, the City Attorney or his designee may act as legal advisor to HPC.
  - (7) HPC, subject to funds being budgeted and appropriated therefor, and with the approval of the Mayor, may retain consultants to advise HPC.

(Ord. No. 6888 §1, 9-9-02; Ord. No. 9296 §1, 6-11-18)

#### **Sec. 4-14-6. Powers and duties of HPC.**

Unless otherwise specified herein, the powers and duties of HPC shall be as follows:

- (1) HPC shall have the power to make reasonable rules necessary for the performance of its duties as set forth in this Chapter.
- (2) HPC shall recommend to the Council guidelines and standards deemed necessary by Council to carry out the identification, designation and preservation purposes of this Chapter.
- (3) HPC or its designee may from time to time survey the community to identify cultural resources reflective of the community's architectural and cultural heritage and shall prepare and submit a comprehensive inventory of cultural resources to Council for approval. Such inventory shall be referred to as the Pueblo Inventory of Cultural Resources.
- (4) HPC shall review all applications for designation of significant cultural resources as Landmarks or Historic Districts and shall recommend to the Planning and Zoning Commission, the designation of such resources.
- (5) HPC shall prepare and maintain a register of all properties and structures that have been designated as Landmarks or Historic Districts, including all information required for such designation and shall ensure that there is a register of such designations distributed and maintained in the City Clerk's Office.
- (6) HPC shall, pursuant to the provisions of this Chapter, issue or deny Certificates of Appropriateness, Demolition Permits, or Certificates of Economic Hardship affecting designated Landmarks or elements within a designated Historic District.

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- (7) HPC may recommend an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one Landmark or Historic District to another.
  - (8) HPC may confer recognition upon the Owners of Landmarks or elements within Historic Districts by means of certificates, plaques or markers.
  - (9) HPC may advise and assist owners of Landmarks and elements within Historic Districts on physical, technical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places, Colorado Register of Historic Properties and designation as Landmarks or Historic Districts.
  - (10) HPC may, with the approval of the Owner, nominate individual cultural resources and Historic Districts to the National Register of Historic Places or the Colorado Register of Historic Properties, and may review and comment on any National or State Register nominations referred to Council for comment.
  - (11) HPC may inform and educate the citizens of Pueblo concerning the historic and architectural heritage of the City, and preservation techniques by publishing appropriate maps, newsletters, brochures and pamphlets, by holding programs, seminars and workshops and through computer links such as the Internet.
  - (12) HPC may encourage and assist in the establishment of educational and cultural programs, tours and events to advance the purpose of this Chapter.
  - (13) HPC may make recommendations to the Mayor concerning the utilization of grants from Federal, State and local agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of significant cultural resources.
  - (14) HPC, subject to City's appropriation and budgetary procedures and approval of the Mayor, may spend funds which it may lawfully receive from any and every source for the purpose of carrying out the provisions of this Chapter.
  - (15) HPC may, with the consent of the Mayor, request any appropriate public information, cooperation or assistance from any City Department, board, agency, or commission and from any joint City-County department, board, agency or commission.
  - (16) HPC may appoint committees it deems necessary from both within and outside its membership.
  - (17) HPC may testify before all boards and commissions, including the Planning and Zoning Commission and the Zoning Board of Appeals, on any matter affecting cultural resources.
  - (18) HPC may recommend to the Mayor that the City purchase or assist in the relocation of preservation-essential resources where private preservation is not feasible.
  - (19) HPC may make recommendations to the Mayor concerning State Historic Fund Grant applications, the acquisition of development rights, facade easements, and the imposition of other restrictions, and the negotiation of historical property contracts for the purposes of historic preservation.
  - (20) HPC shall, if requested by the Mayor, assist in the development of and periodically review and update the Historic Preservation Component of the Pueblo Regional Comprehensive Development Plan of the City and submit recommendations to the Planning and Zoning Commission.
  - (21) HPC shall report annually to Council. The report shall include a review of HPC's decisions rendered during the year, a general survey addressing the appearance and condition of historic buildings in the City and comments of the community and trends effecting historic preservation.

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- (22) HPC may, with the approval of the Mayor and at the direction of Council, prepare an application for and participate in the Certified Local Government (CLG) program of the National Historic Preservation Act, as amended.
  - (23) HPC may perform such other functions which may be designated by resolution or ordinance of Council.

#### **Sec. 4-14-7. Surveys and research.**

There is hereby established the Pueblo Inventory of Cultural Resources, which shall be maintained by the City and be located in the City Clerk's Office and consist of all cultural resources in the City designated as Landmarks or Historic Districts under this Chapter, or listed on the National Register of Historic Places, the Colorado Register of Historic Properties and the Colorado Cultural Resource Inventory. HPC may continue to survey and research cultural resources in the City to identify and evaluate buildings, objects, monuments, structures and sites of distinctive character and which possess special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or importance or reflect the multicultural-multiethnic heritage of the City. In such identification, HPC shall place particular emphasis upon evaluating and incorporating the findings of studies and surveys already completed and upon preserving the oral history of the City by appropriate methods.

#### **Sec. 4-14-8. Designation of Landmark or Historic District.**

- (a) A building, object, monument, structure or site may individually be designated as a Landmark, or one or more buildings, objects, monuments, structures or sites which are united by past events or aesthetically by plan or physical development may be designated as a Historic District, if they have distinctive character and have:
  - (1) Special historic or prehistoric interest or importance:
    - a. has significant character, interest or value, as part of the development, heritage, or cultural characteristics of the City, State or Nation; or is associated with the life of a person significant in the past; or
    - b. is the site of a historic event with a significant effect upon society; or
    - c. exemplifies the cultural heritage of the community; or has yielded, or may be likely to yield, important prehistoric information.
  - (2) Special architectural, engineering or aesthetic interest or importance:
    - a. portrays the environment in an era of history characterized by a distinctive architectural style; or
    - b. embodies those distinguishing characteristics of an architectural-type or engineering specimen; or
    - c. is the work of a designer whose individual work has significantly influenced the development of the City; or
    - d. contains elements of design, detail, materials or craftsmanship which represent a significant innovation.
  - (3) Special geographic interest or importance:
    - a. by being part of or related to a square, park or other distinctive area, which should be developed or preserved according to a plan based on a historic, cultural or architectural motif, or
    - b. owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or City.

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- (b) Designation of a Landmark or Historic District may be initiated by application of Council, HPC or the Owner of the cultural resource to be designated. Where such application is for the designation of a Historic District, the application may be initiated by, or on behalf of the Owners of cultural resources within the proposed Historic District. All such applications shall be filed with HPC for review and recommendation, upon forms prescribed by HPC, and shall include all data required by HPC. No application shall be processed until the fee therefor established by Resolution of the Council is paid.
- (c) Upon receipt of a complete application and fee, HPC staff shall immediately send notice of an application for proposed designation to the Regional Building Department and to the Planning and Community Development Department, schedule the application for hearing on the next available meeting agenda of HPC, and give notice of public hearing, as follows:
- (1) No less than thirty (30) days prior to a public hearing on the proposed designation, HPC shall send notice to all City agencies having previously requested notice of such proceedings, to all owners of the cultural resource proposed for Landmark or Historic District designation, and to other parties customarily informed by HPC of such proceedings announcing the date, time and place of a public hearing by HPC to consider said designation. The notice shall include a description of the cultural resource proposed for designation and a statement of its historical and cultural significance. The notice shall also advise the Owners of the reasons for, and effect of its proposed designation.
  - (2) Post signs indicating the proposed action and the time, date and place of the hearing for a period of not less than ten (10) days immediately preceding the hearing on all cultural resources proposed for Landmark designation and on the boundaries of all areas proposed for Historic District designations, such signs to be prominently displayed and easily read from abutting public ways.
  - (3) Publish a legal notice indicating the nature of the hearings, the cultural resource involved, and the time, date and place of the scheduled public hearing in a local newspaper of general circulation at least once not less than fourteen (14) days prior to the public hearing.
  - (4) Post a notice of the public hearing in the designated notice area for HPC meetings.
- (d) Prior to the designation or amendment of a designation of any Landmark or Historic District, a staff report reviewing the cultural resource's distinctive character or special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or value as a Landmark or Historic District shall be prepared and distributed to HPC and Owner, and made available upon request to any interested parties. All recommendations of HPC shall be made taking into consideration the guidelines set forth in (a) above and the City's comprehensive plan.
- (e) A public hearing shall be held for the purpose of determining whether the cultural resources being proposed for designation complies with the guidelines for designation as a Landmark or Historic District and City's comprehensive plan. The hearing shall allow reasonable opportunity for all interested parties to present testimony and evidence regarding the proposed designation. HPC may solicit expert testimony or evidence to be presented at the hearing regarding the eligibility of the proposed Landmark or Historic District. HPC shall afford the Owner of the cultural resource reasonable opportunity to present testimony or evidence regarding the designation of the proposed Landmark or Historic District, the right of representation by counsel, and reasonable opportunity to cross-examine witnesses at the hearing. Any other interested party may also present testimony or evidence regarding the proposed designation at the public hearing. However, nothing contained herein shall be construed to prevent HPC from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations.
- (f) HPC shall act on each proposed designation request after the public hearing. HPC may recommend approval, denial, modification or continue the hearing for up to sixty (60) days pending receipt of additional information on any designation, but no Historic District designation may be extended beyond the boundaries of the area described in the original application unless the notice and hearing procedure is repeated for the enlarged boundaries. If more than one (1) cultural resource is involved in the application, HPC may approve

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in part and deny in part. Each recommendation shall then be treated as a separate action. HPC shall send a copy of each recommendation to the applicant and Owner. If HPC fails to act within thirty (30) days following the close of public hearing, the designation shall be deemed to have been denied and the designation procedure terminated. A notice to this effect will be sent to the applicant and Owner.

- (g) Within fifteen (15) days after making a recommendation to approve, HPC shall transmit its written recommendation to the Planning and Zoning Commission including the findings of fact which constitute the basis for HPC recommendation. The Planning and Zoning Commission shall without public hearing review HPC's recommendation and the designation application at its next available meeting and submit its recommendations thereon to Council. All recommendations of the Planning and Zoning Commission shall be made taking into consideration any comprehensive plan, zoning requirements, projected public improvements, and existing and proposed renewal and development plans applicable to the section of the City to be affected by the designation or amendment of a designation.
- (h) Within twenty (20) days after a recommendation by the Planning and Zoning Commission, the Planning and Zoning Commission shall transmit to Council, HPC's and Planning and Zoning Commission's written recommendations including HPC's findings of fact which constitute the basis for HPC's recommendation together with a draft of a proposed ordinance.
- (i) Council shall act on the ordinance in accordance with procedures for the enactment of ordinances, except that the public hearing on the ordinance shall be held not less than fourteen (14) days after approval on first presentation. Notice of the date, time and location of the public hearing on the ordinance shall be mailed to the Owner at least ten (10) days prior to the date of the hearing, by first-class mail, postage prepaid, at the Owner's address in the records of HPC.
- (j) Within twenty (20) days after final approval of an ordinance designating the cultural resource as a Landmark or Historic District, HPC shall send written notice to the Owner of each cultural resource so designated, or to each cultural resource within the designated Historic District, the Department of Planning and Community Development, the City Clerk, and the Regional Building Department, which notice shall include the designation, findings for such designation, and the benefits, obligations and restrictions which result from such designation. A certified copy of the ordinance designating the Landmark or Historic District shall be recorded in the records of the Pueblo County Clerk and Recorder by the City Clerk.
- (k) Any owner of a cultural resource designated by ordinance as a Landmark or within a Historic District may seek judicial review of such designation by the District Court, County of Pueblo, Colorado, in the manner provided in Rule 106(a)(4), C.R.C.P. A complaint seeking such review shall be filed in said District Court not later than twenty-eight (28) days after approval of the ordinance making such designation.
- (l) All cultural resources listed with the consent of the then owners thereof on the National Register of Historic Places as of the date of the enactment of this Chapter or any subsequent properties, upon listing with the consent of the Owner thereof, will automatically be included in the Pueblo Inventory of Cultural Resources as designated Landmarks or as designated Historic Districts and shall be subject to the provisions of this Chapter. An Owner of a property subject to automatic inclusion pursuant to this subsection (l), may file an application with the HPC for exclusion from the Pueblo Inventory of Cultural Resources, provided that such application is filed within one hundred eighty (180) days of the property first being registered on the National Register of Historic Places. For properties included in a newly listed National Register Historic District, owner(s) of said property may petition in writing to the HPC to decline inclusion in a future attendant Pueblo Historic District. Said petition shall demonstrate opposition by a simple majority of owners in such future Pueblo Historic District. The application shall be granted or denied, in whole or in part, pursuant to the procedures set forth subsections (d) through (k) above.

(Ord. No. 6888 §1, 9-9-02; Ord. No. 9867 §1, 1-11-21; Ord. No. 10152 §2, 4-11-22)



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### **Sec. 4-14-9. Interim protection.**

Except as provided in Sections 4-14-13 and 4-14-14, no demolition or building permit shall be issued by the Regional Building Department after the Regional Building Department receives written notice from HPC that a complete application has been filed to initiate designation of a Landmark or Historic District for any specific cultural resource, which permit authorizes the alteration, construction, reconstruction, restoration, demolition or remodeling of the identified cultural resource. The provisions of this Section shall not be applicable to a permit issued on or before the date of receipt of such written notice by the Regional Building Department and such permit has not expired or been canceled or revoked.

### **Sec. 4-14-10. Amendment or recession of designation.**

A Landmark or Historic District designation may be amended or rescinded in the same manner as the original designation was made.

### **Sec. 4-14-11. Certificate of Appropriateness.**

- (a) HPC shall develop and recommend for adoption to Council, Standards of Appropriateness for the alteration, new construction, reconstruction, restoration, rehabilitation and relocation of a Landmark or element within a Historic District which standards shall consider, among other things:
  - (1) The intent and purpose of this Chapter.
  - (2) The special character, interest or value of the Landmark or Historic District and its environs.
  - (3) The adverse effect of the proposed work on the exterior features of the Landmark upon which such work is to be done.
  - (4) The extent to which proposed improvements would be harmonious with the character of a Historic District; and the relationship between the results of such work and the exterior features of other neighboring elements in such Historic District.
  - (5) Scale, form, and composition of principal facades and relationship to the street.
- (b) It is the intent that such standards not discourage contemporary architectural expression nor encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail within Landmarks or Historic Districts. Compatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement and use of a new building or structure in relationship to existing buildings and structures and to the setting thereof.
- (c) Except as otherwise provided in this Chapter, no Owner or any other person shall carry out or cause to be carried out on a designated Landmark or an element within a designated Historic District any alteration, construction, reconstruction, restoration, rehabilitation, or relocation requiring a building permit, or to undertake or cause to be undertaken any action for which a building permit is not required, which would result in any alteration that would negatively impact the quality of the Landmark or Historic District which qualified it for designation under this Chapter, without prior issuance of a Certificate of Appropriateness therefor.
- (d) Nothing in this Section shall be construed to prevent any work for the purpose of repairing any deterioration or decay of or damage to a structure or any part thereof in order to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

(Ord. No. 6888 §1, 9-9-02)

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## **Sec. 4-14-12. Application for Certificate of Appropriateness.**

- (a) Any Owner desiring to materially alter, restore, construct on, relocate, remove, or in any way significantly change the feature of the cultural resource designated as a Landmark or to an element within a designated Historic District shall submit to HPC an application for a Certificate of Appropriateness on a form prescribed by HPC and available at the Planning and Community Development Department.
- (b) All applications for a Certificate of Appropriateness shall be submitted by the Owner to the Planning and Community Development Department. HPC shall establish procedures for the filing of applications for a Certificate of Appropriateness, which shall include, but not be limited to, the submission, of plans, drawings, elevations, photographs, models, specifications and material samples describing the activity for which the Certificate of Appropriateness is required.
- (c) Upon the receipt of a completed application for a Certificate of Appropriateness and the fee therefor established by Council by Resolution, HPC shall schedule the application for hearing at its next available monthly meeting. The Chairperson of HPC may, at the request of the Owner, schedule a special meeting of HPC to hear the application for a Certificate of Appropriateness. The hearing shall be conducted as near as practicable in accordance with the procedures set forth in Section 4-14-8(e).
- (d) If at the hearing on an application for a Certificate of Appropriateness, HPC finds that the proposed work conforms with the Standards of Appropriateness, HPC shall issue a Certificate of Appropriateness to the Owner.
- (e) Changes in work found by the Owner to be necessary after the issuance of a Certificate of Appropriateness which will not affect the design integrity or proposed preservation activity may be approved by HPC staff.
- (f) If the proposed work does not conform with the Standards of Appropriateness, HPC shall deny the Certificate of Appropriateness, or continue action thereon for up to sixty (60) days with recommendation for amendments which the Owner may wish to submit in a revised application.
- (g) All work performed on a designated Landmark or on an element within a designated Historic District shall conform to the conditions, restrictions and limitations set forth in the Certificate of Appropriateness.
- (h) The decision of HPC to grant or deny, or grant with modifications, an application for a Certificate of Appropriateness shall contain written findings of fact applying the Standards of Appropriateness enacted by Council to the designated Landmark or element within the designated Historic District for which an application for Certificate of Appropriateness has been filed.
- (i) If HPC fails to act upon a completed application for a Certificate of Appropriateness within ninety (90) days after the date of filing the application, the application shall be deemed to have been approved and HPC shall issue the requested Certificate of Appropriateness. The ninety-day period may be extended by the mutual consent of the Owner and HPC.
- (j) The decision of HPC on an application for a Certificate of Appropriateness shall be final. HPC shall deliver a copy of its findings and decision by first-class mail, postage prepaid, to the Owner and the Regional Building Department together with notice of the Owner's right to appeal the decision under Section 4-14-17.

(Ord. No. 6888 §1, 9-9-02)

## **Sec. 4-14-13. Demolition Permits.**

- (a) HPC shall develop and recommend for adoption to Council, Demolition Standards for the issuance of Demolition Permits. Such Demolition Standards shall consider, among other things:
  - (1) The public's interest in the preservation of the cultural resource.

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- (2) The ability of the cultural resource to reasonably meet National, State or local criteria for designation as a landmark.
  - (3) The age of the cultural resource, its unusual or uncommon design, texture, and/or material and its ability to be reproduced without unreasonable difficulty and/or expense.
  - (4) The ability of the cultural resource to help preserve and protect a historic place or prehistoric site or area of historic interest in the City.
  - (5) The ability of the cultural resource to promote the general welfare of the City by:
    - a. encouraging the study of American History, architecture and design;
    - b. by developing an understanding of the importance and value of the American culture and heritage; and
    - c. by making the City a more attractive and desirable place in which to live.
  - (6) The cost and economic feasibility of restoring the cultural resources.
- (b) Except as otherwise provided in this Section, the Regional Building Department shall not issue a permit to demolish a designated Landmark or an element within a designated Historic District until after a Demolition Permit therefor is issued by HPC pursuant to this Section. No Owner or any other person shall demolish or undertake to demolish a designated Landmark or an element within a designated Historic District without a Demolition Permit therefor.
  - (c) Applications for a Demolition Permit to demolish a designed Landmark or an element within a designated Historic District shall be filed by the Owner with the Planning and Community Development Department on forms prescribed by HPC together with the fee established by Council by Resolution. HPC shall conduct a hearing upon an application for Demolition Permit no later than forty-five (45) days after the application is filed. The hearing shall be conducted as near as practicable in accordance with the procedures set forth in Section 4-14-8(e).
  - (d) Notice of the time, date and place of the hearing on an application for a Demolition Permit shall be mailed by first-class mail, postage prepaid, to the Owner at least ten (10) days before the hearing.
  - (e) If HPC fails to act upon a completed application for a Demolition Permit within sixty (60) days after the date of filing the application, the requested Demolition Permit shall be deemed to have been issued by HPC. The sixty (60) day period may be extended by the mutual consent of HPC and the Owner.
  - (f) The decision of HPC to grant or deny a Demolition Permit shall contain written findings of fact applying the Demolition Standards for issuance of Demolition Permits enacted by Council to the designated Landmark or element within the designated Historic District for which an application for a Demolition Permit has been filed.
  - (g) No Demolition Permit shall be required to be issued by HPC for the demolition of any designated Landmark or element within a designated Historic District determined to be a dangerous building or structure pursuant to the provisions of Chapter 13, Title IV of this Code and ordered to be demolished by the Building Board of Appeals.
  - (h) The decision of HPC shall be final. HPC shall deliver a copy of its findings and decision by first-class mail, postage prepaid, to the Owner and the Regional Building Department together with notice of the Owner's right to appeal the decision under Section 4-14-17.

(Ord. No. 6888 §1, 9-9-02)

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#### **Sec. 4-14-14. Emergencies.**

Notwithstanding any provision of this Chapter to the contrary, if any designated Landmark or element within a designated Historic District is damaged by fire, act of God, or other casualty, the Building Official, Chief of the Fire Department, or other public authority having the power to do so, may order or direct the construction, reconstruction, alteration, repair, relocation or demolition of such damaged Landmark or element within a Historic District for the purpose of remedying or eliminating conditions which constitute an imminent danger to life, health or property. A copy of any such order directing the construction, reconstruction, alteration, repair, relocation or demolition shall be sent to HPC and the Department of Planning and Community Development.

#### **Sec. 4-14-15. Certificate of Economic Hardship.**

- (a) An application for a Certificate of Economic Hardship may be submitted by the Owner of a designated Landmark or an element in a designated Historic District to HPC on forms to be prescribed by HPC and payment of the fee established by Council by Resolution. The application shall include plans for any proposed alteration, reconstruction, removal, relocation or demolition.
- (b) HPC may, at its discretion, solicit testimony, schedule a public hearing, or require that the Owner for a Certificate of Economic Hardship make submissions concerning any or all of the information set forth below before it makes a determination on the application.
  - (1) An estimate of the cost of the proposed alteration, restoration, construction, removal, restoration or demolition and an estimate of any additional cost that would be incurred to comply with the recommendations of HPC for changes necessary for the issuance of a Certificate of Appropriateness;
  - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the Landmark or element within a Historic District and its suitability for rehabilitation;
  - (3) The estimated market value of the Landmark or element within a Historic District in its current condition; after completion of the proposed alteration, restoration, construction, removal, relocation or demolition; after any changes recommended by HPC; and, in the case of a proposed demolition, after renovation for continued use;
  - (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing Landmark or element within a Historic District;
  - (5) The amount paid for the Landmark or element within a Historic District, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the Owner and the person from whom the Landmark or element within a Historic District was purchased, and any terms of financing between them;
  - (6) If the Landmark or element within a Historic District is income-producing, the annual gross income therefrom for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
  - (7) The remaining balance on any mortgage or other financing secured by the Landmark or element within a Historic District and annual debt service, if any, for the previous two (2) years;
  - (8) All appraisals obtained within the previous two (2) years by the Owner in connection with the purchase, financing, or ownership of the Landmark or element within a Historic District;
  - (9) Any listing of the Landmark or element within a Historic District for sale or rent, the purchase price asked and offers received, if any, within the previous two (2) years;

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- (10) The actual valuation and assessed value of the Landmark or element within a Historic District according to the two (2) most recent assessments;
  - (11) The form of ownership or operation of the Landmark or element within a Historic District, whether individual, sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and
  - (12) Any other information the Owner chooses to provide.
- (c) In the event that any of the information is not reasonably available to the Owner, cannot be obtained by the Owner, or may not be disclosed without a substantial adverse impact on the Owner, the Owner may file with HPC a description of the information which cannot be provided and describe the reasons that the information cannot be provided.
  - (d) HPC shall review all the evidence and information required of an Owner for a Certificate of Economic Hardship and make a determination whether the denial of a Certificate of Economic Hardship has deprived, or will deprive, the Owner reasonable use of, or economic return on, the Landmark or element within a Historic District. Failure of HPC to act within sixty (60) calendar days after the date a completed application is received, unless an extension is agreed upon in writing by the Owner and HPC, shall be deemed to constitute approval and a Certificate of Economic Hardship shall be issued by HPC authorizing the proposed alteration, restoration, construction, removal or demolition.
  - (e) Upon a finding by HPC that without approval of the proposed alteration, restoration, construction, removal, relocation, or demolition, all use of, or economic return from a Landmark or element within a Historic District will be denied the Owner, HPC shall issue a Certificate of Economic Hardship authorizing the proposed alteration, restoration, construction, removal or demolition.
  - (f) Upon a finding by HPC that without approval of the proposed alteration, restoration, construction, removal, relocation or demolition, the Landmark or the element within a Historic District cannot be put to reasonable use or the Owner cannot obtain a reasonable economic return therefrom, HPC shall issue a Certificate of Economic Hardship authorizing alteration, restoration, construction, removal, relocation or demolition which may not be in strict conformance with the Standards of Appropriateness but are consistent with the purposes of this Chapter. If HPC finds differently, it shall deny the application for a Certificate of Economic Hardship.
  - (g) The decision of HPC shall be final. HPC shall deliver a copy of its findings and decision by first-class mail, postage prepaid to the Owner and Regional Building Department together with notice of the Owner's right to appeal the decision under Section 4-14-17.

(Ord. No. 6888 §1, 9-9-02)

#### **Sec. 4-14-16. Maintenance.**

Designated Landmarks and elements within designated Historic Districts shall be maintained to meet requirements of Title IV and Chapter 1 of Title VIII of this Code. HPC, on its own initiative, may file a complaint with the Building Official or Health Officer requesting that said official proceed under the applicable provisions of this Code to require correction of such defects or to make required repairs.

#### **Sec. 4-14-17. Review and appeals.**

- (a) Any Owner adversely affected by a final decision of HPC with respect to an application for a Certificate of Appropriateness, Demolition Permit or Certificate of Hardship may seek review by the City Council of such decision by filing with the City Clerk, within twenty (20) days after the date of decision of HPC, a written request for review, specifying in detail the provisions of the HPC's written findings and decision the Owner

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asserts are arbitrary or capricious or beyond the jurisdiction of HPC, and the grounds and reasons in support thereof, together with a copy of HPC's written findings and decision. The City Council shall conduct a hearing on review limited to the provisions asserted to be arbitrary or capricious or beyond the jurisdiction of HPC, and the grounds and reasons in support thereof specified in the request for review. The Owner and HPC shall be given written notice of the date, time and place of the hearing on review at least ten (10) days prior to the date of the hearing. Notice to the Owner shall be given by first-class mail, postage prepaid, at the Owner's address as shown in the records of HPC. No other notice need be given for such hearing. The City Council shall sustain the decision of HPC if it finds that HPC did not exceed its jurisdiction or act in an arbitrary or capricious manner. If the City Council finds that HPC exceeded its jurisdiction or acted in an arbitrary or capricious manner, the City Council shall return the matter back to the HPC for redetermination consistent with the City Council's written findings. The hearing on review shall be conducted as near as practicable in accordance with the procedures set forth in Chapter 7 of Title I of this Code. The decision of HPC shall be stayed pending review by the City Council.

- (b) Any Owner or other interested person adversely affected by a final decision of HPC, by a decision of HPC sustained by City Council or by a decision of HPC on redetermination as provided in Subsection (a) above, with respect to an application for a Certificate of Appropriateness, Demolition Permit or Certificate of Economic Hardship, may seek judicial review by the District Court, Pueblo County, Colorado, in the manner provided in Rule 106(a)(4), C.R.C.P. A complaint seeking such review shall be filed in said District Court not later than twenty-eight (28) days after the date of the final decision of HPC if a timely request for review by the City Council has not been filed with the City Clerk as provided in Subsection (a) above; or, if such request for review has been timely filed, not later than twenty-eight (28) days after the date City Council sustains the decision of HPC or the date of the decision of HPC on redetermination, whichever occurs first.

(Ord. No. 6888 §1, 9-9-02; Ord. 7268 §1, 1-24-05; Ord. No. 10152 §3, 4-11-22)

#### **Sec. 4-14-18. Penalties.**

- (a) Any person who violates any provision of this Chapter shall be guilty of a Class 2 municipal offense and shall be punished by a fine of not more than one thousand dollars (\$1,000.00).
- (b) For purposes of this Chapter, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provision.

(Ord. No. 6888 §1, 9-9-02; Ord. No. 7937 §12, 12-8-08)

#### **Sec. 4-14-19. Injunction.**

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of Sections 4-14-11(c), 4-14-12(h), or 4-14-13(b), the Mayor may direct the City Attorney to file an action in the District Court, County of Pueblo, Colorado for an order enjoining the act or practice, or requiring the person to refrain from the prospective violation, or to remedy the violation by restoring the affected property to its previous condition. The District Court shall, in addition to any other relief, award City its costs and expenses of such action including reasonable attorney fees.

#### **Sec. 4-14-20. Severability.**

The requirements and provisions of this Chapter are severable. If any article, section, paragraph, sentence or portion hereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, such declaration shall not affect the validity or applicability of this Chapter as a whole or of any part hereof other than the part held void, invalid, or otherwise inoperative.

