



## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 16, 2021

<b>ORIGINATING DEPARTMENT:</b> Administration	<b>PRESENTED BY:</b> Drew Nelson, Administrator
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### **ITEM:**

**Ordinance 2021-01, Amending its Adoption by Reference of Various Technical International Codes, Providing Penalties for the Violation of Same, and Making Conforming Amendments to Chapter 18 of the Salida Municipal Code**

### **BACKGROUND:**

Council has identified certain property maintenance issues as a priority. Through the City's enforcement of particularly egregious cases, staff has noticed some room for improvement in our current options under our Municipal Code.

This Ordinance seeks to streamline the appeal process, as it relates to violations of the International building-related technical Codes, expanding the City's viable legal options, where necessary. This Ordinance also amends an error in the Property Maintenance Code section, to now designate the City's Building Code Official as the Chaffee County Building Department, rather than the City's Chief of Police. This resolves a contradiction and inconsistency between the Salida Municipal Code and the City's existing Intergovernmental Agreement (IGA) with the Chaffee County Building Department.

Additionally, amendments to Chapter 18, or any adoption or amendment of standard Codes by reference, require special notice provisions under state statute. Therefore, while the City is considering amending this Chapter, it made sense to also update other provisions that have been on your attorney's "to-do list" for a while, pursuant to previous Council and staff direction. This includes increasing maximum fines to \$2,650, from the previous \$1,000, thereby making it consistent with all other Municipal Code violations, and current state statute. It also includes "de-criminalizing" the rest of the applicable provisions in our code, by removing imprisonment as a penalty for violation.

Finally, early last year, the Historic Preservation Commission recommended (and Council subsequently directed) that the City "double" the building permit application fee as a fine, should someone begin work on their property without a permit.

### **STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance 2021-01 on second reading

### **SUGGESTED MOTIONS:**

"I move to approve Ordinance 2021-01 on second reading"

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 01  
SERIES OF 2021**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, AMENDING ITS ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL BUILDING CODE; THE 2015 INTERNATIONAL RESIDENTIAL CODE; THE 2015 INTERNATIONAL FIRE CODE; THE 2015 INTERNATIONAL EXISTING BUILDING CODE; THE 2015 INTERNATIONAL PLUMBING CODE; THE 2015 INTERNATIONAL MECHANICAL CODE; THE 2015 INTERNATIONAL FUEL GAS CODE; THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE MOST CURRENT VERSION OF THE NATIONAL ELECTRIC CODE; AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND MAKING CONFORMING AMENDMENTS TO CHAPTER 18 OF THE SALIDA MUNICIPAL CODE**

**WHEREAS**, Colorado Revised Statutes 31-15-103 authorizes the City Council (“Council”) of the City of Salida (“City”) to adopt ordinances necessary to provide for the health, safety and welfare of the City; and

**WHEREAS**, pursuant to Part 2 of Article 16 of Title 31 of the Colorado Revised Statutes, the City possesses the authority to adopt and amend standard codes by reference; and

**WHEREAS**, pursuant to this authority, the City previously adopted by reference and made local amendments to the editions of several technical International and National Codes and codified such Codes and amendments within Chapter 18 of the Salida Municipal Code (“Code”); and

**WHEREAS**, the City still recognizes the value of the various International and National Codes as providing commonly-adopted uniform standards for public health, safety and welfare issues relating to the subject matter of each and as the standards recommended by staff; and

**WHEREAS**, after due and proper notice and in accordance with C.R.S. § 31-16-203, the Council conducted a public hearing at second reading, on the amendments to the City’s adoption of said technical codes, as set forth in this ordinance; and

**WHEREAS**, penalties for violating said technical International and National Codes adopted hereby are set forth in full in this Ordinance in accordance with § 31-16-204; and

**WHEREAS**, the Salida City Council now therefore desires to amend the City’s adoption the aforementioned International and National Codes, provide penalties for violating the same, and make conforming amendments to Chapter 18 of the Salida Municipal Code, as further set forth herein.

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

**Section 1.** The aforementioned recitals are hereby fully incorporated herein.

**Section 2.** Code Section 18-1-30, adopting certain amendments to the International Building Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-1-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(5) Section 113 is amended to read in its entirety:

**113 Board of Appeals.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 3.** Code Section 18-1-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-1-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IBC. Violations of this Section and/or the IBC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 4.** Code Section 18-2-30, adopting certain amendments to the International Residential Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-2-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section R112 is amended to read in its entirety:

**R112 Board of Appeals.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be

based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 5.** Code Section 18-2-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-2-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IRC. Violations of this Section and/or the IRC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (**\$2,650**1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 6.** Code Section 18-3-30(5), adopting amendments to the International Fire Code regarding Appeals, is hereby amended as follows:

**Sec. 18-3-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(5) ~~Section 108.1 is amended as follows:~~

~~**108.1 Board of appeals established.** Add "The Board of Appeals shall be the City of Salida Board of Appeals for all matters relating to Fire Codes."~~

**Section 108 is amended to read in its entirety:**

**108 Board of Appeals. Appeals of decisions and determinations made by the Building Official or the fire code official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process.**

**Section 7.** Code Section 18-3-50, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-3-50. - Violations, penalties.**

The municipal court shall have jurisdiction to hear all violations of this Article and, in the event that a violation is of a continuing nature, each day during which such violation continues shall be deemed a separate offense, subject to fine **not to exceed one two thousand six hundred fifty dollars (\$2,650)** ~~and/or imprisonment~~ for each such separate offense pursuant to Section 109.3 of the IFC.

**Section 8.** Code Section 18-4-30, adopting certain amendments to the International Existing Building Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-4-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 112 is amended to read in its entirety:

**112 Board of Appeals.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 9.** Code Section 18-4-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-4-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IEBC. Violations of this Section and/or the IEBC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 10.** Code Section 18-5-30, adopting certain amendments to the International Plumbing Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-5-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 109 is amended to read in its entirety:

**109 Means of Appeal.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 11.** Code Section 18-5-40, concerning Violations, Penalties, is hereby

amended to read as follows:

**Sec. 18-5-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IPC. Violations of this Section and/or the IPC shall be punishable by a fine not to exceed ~~one~~ two thousand six hundred fifty dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 12.** Code Section 18-6-30, adopting certain amendments to the International Mechanical Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-6-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 109 is amended to read in its entirety:

**109 Means of Appeal.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 13.** Code Section 18-6-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-6-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IMC. Violations of this Section and/or the IMC shall be punishable by a fine not to exceed ~~one~~ two thousand six hundred fifty dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 14.** Code Section 18-7-30, concerning Violations, Penalties, of the National Electric Code is hereby amended to read as follows:

**Sec. 18-7-30. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the NEC. Violations of this Section and/or the NEC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 15.** Code Section 18-8-10, concerning Appeals, is hereby amended to read as follows:

**Sec. 18-8-10. - Appeal.**

An order, decision or interpretation based upon any of the codes adopted by this Chapter may be appealed to the Board of Appeals, **to a Hearing Officer selected and engaged by the City Administrator as needed on the basis of experience and/or training in building construction matters, or, if permitted, to a nearby jurisdiction's Board of Review or Building Board of Appeals, at decision and discretion of the Community Development Director.**

**Section 16.** Code Section 18-8-20, concerning Appeal contents, is hereby amended to read as follows:

**Sec. 18-8-20. - Appeal contents.**

The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within ~~forty-five~~ **ten** (~~45~~**10**) days of the date of the order, decision or interpretation. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:

- (1) Facts and reasons. The facts and reasons for the appeal, including any relevant citations to any rule, regulation or code section relied upon.
- (2) Copy. A copy of the order, decision or interpretation being appealed if the same was issued in writing.

**Section 17.** Code Section 18-8-30, concerning Actions following receipt of appeal, is hereby amended to read as follows:

**Sec. 18-8-30. - Actions following receipt of appeal.**

Upon receipt of the appeal, the Community Development Director shall notify the Building Official **and the appellant,** and schedule the appeal **hearing in front of either** ~~for~~ a regular or special meeting before the Board of Appeals, **or a Hearing Officer selected and engaged by the City Administrator as needed on the basis of experience and/or training in building construction matters, or, if permitted, a nearby jurisdiction's Board of Review or Building Board of Appeals,** within a maximum time frame of thirty-one (31) days.

**Section 18.** Code Section 18-8-40, concerning Notice, is hereby amended to read as follows:

**Sec. 18-8-40. - Notice.**

Written notice of the time, date and location of the hearing shall be delivered not less than ~~one~~ five (~~15~~) days prior to the hearing to the appellant and the Building Official.

**Section 19.** Code Section 18-8-50, concerning Decision by appeal body, is hereby amended to read as follows:

**Sec. 18-8-50. – Decision of appeal ~~by appeal body~~.**

All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and be promptly mailed by regular mail to the applicant. The burden of persuasion on appeal shall rest with the appellant; and the unexcused absence of the appellant from the appeal hearing, absent good and just cause at the discretion of the appeal body or hearing officer, shall result in the dismissal of the appeal, and no further action shall be taken thereon. All decisions on appeal shall be final and may be appealed to the District Court as provided for in Colorado Rules of Civil Procedure.

**Section 20.** Code Section 18-12-30, adopting certain amendments to the International Fuel Gas Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-12-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 109 is amended to read in its entirety:

**109 Means of Appeal.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 21.** Code Section 18-12-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-12-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IFGC. Violations of this Section and/or the IFGC shall be punishable by a fine not to exceed ~~one~~ two thousand six hundred fifty dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.



**Section 22.** Code Section 18-13-30, adopting certain amendments to the International Energy Conservation Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-13-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section C109 is amended to read in its entirety:

**C109 Board of Appeals.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 23.** Code Section 18-13-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-13-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IECC. Violations of this Section and/or the IECC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 24.** Subsections (4), (5), (8), and (9) of Code Section 18-14-30, adopting certain amendments to the International Property Maintenance Code, are hereby amended to read as follows, and Section 18-14-30 is renumbered accordingly:

**Sec. 18-14-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(4) Section 103.1 is amended to read:

**"103.1 General.** The Department of Property Maintenance Inspection is hereby created ~~within the Salida Police Department., and The Chief of Police~~ **the Chaffee County Building Department Official shall serve as** is the **building** code official."

(5) Section 103.3 is amended to read:

**"103.3 Deputies.** The ~~Building Official~~ **Chief of Police**, Fire Chief and Code Enforcement Officer shall be deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have

the authority to appoint other deputy code officials, other related technical officers, inspectors and other employees."

**(8) Section 111 is amended to read in its entirety:**

**111 Means of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.**

~~(8) Section 111.2 is amended to read:~~

~~"111.2. All appeals to this code shall be made to the City of Salida Board of Appeals. The appeals process is described in Section 18-8-10 of the Salida Municipal Code."~~

~~(9) Sections 111.2.1 through 111.2.5, 111.3, 111.4, 111.5 and 111.6 are deleted in their entirety.~~

**Section 25.** Code Section 18-14-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-14-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant, or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the IPMC. Violations of this Article and/or the IPMC may be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated. As an alternate remedy, after complying with the Notice and Order provisions of IPMC Section 107, the City shall have the right, but not the obligation, to enter the violating property and conduct repairs and/or maintenance necessary to abate a non-emergency violation. The City Administrator shall prepare a statement enumerating the actual costs of abatement and collection plus a surcharge of ten percent (10%) of the abatement costs to cover inspection and other administrative costs. Such charge shall be payable by the owners at the time of the assessment, personally, and also shall be a perpetual lien upon the respective lots or parcels served relating back to the date upon which the abatement actions were performed. Any such lien may be foreclosed in the same manner as provided by the laws of this state for the foreclosure of mechanics' liens.

**Section 26.** Code Section 18-15-30, adopting certain amendments to the 1997 Uniform Code for the Abatement of Dangerous Buildings, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-15-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 205 is amended to read in its entirety:

**205 Board of Appeals.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 27.** A new Code Section 18-15-40, concerning Violations, Penalties, is hereby created to read as follows:

**Sec. 18-15-40. - Violations, penalties.**

**It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the Uniform Code for the Abatement of Dangerous Buildings. Violations of this Section and/or the Uniform Code for the Abatement of Dangerous Buildings shall be punishable by a fine not to exceed two thousand six hundred fifty dollars (\$2,650). A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.**

**Section 28.** Code Section 18-16-30, adopting certain amendments to the International Swimming Pool and Spa Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

**Sec. 18-16-30. - Amendments.**

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 108 is amended to read in its entirety:

**108 Means of Appeal.** Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

**Section 29.** Code Section 18-13-40, concerning Violations, Penalties, is hereby amended to read as follows:

**Sec. 18-13-40. - Violations, penalties.**

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert or equip any swimming pool or spa in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this

Section. Violations of this Section shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (\$~~2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

**Section 30.** Code Section 18-17-60, concerning Appeals, Building Permit Administration, is hereby amended to read as follows:

**Sec. 18-17-60. - Appeals.**

An appeal ~~to the Board of Appeals~~ **in compliance with the process and procedures set forth in Chapter 18, Article VIII of this Code** may be taken by any person aggrieved by his or her inability to obtain a building permit or certificate or by the Building Official or any City department or representative affected by the grant or refusal of a building permit or certificate. An appeal may be made ~~to the Board of Appeals~~ **in compliance with the process and procedures set forth in Chapter 18, Article VIII of this Code** from any decision of the Building Official based upon or made in the course of the administration or enforcement of the building code, including without limitation a failure of an inspection or a claim that the provisions of the City's building codes do not apply or the true intent and meaning of the City's building codes have been misconstrued or wrongly interpreted.

**Section 31.** A new Code Section 18-17-70, concerning Violations, Penalties, Building Permit Administration is hereby created to read as follows:

**Sec. 18-17-70. - Violations, penalties.**

**It shall be unlawful for any person, owner, occupant or contractor to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City, or cause the same to be done, without obtaining a building permit from the City. Violations of this Section shall be required to pay double the building permit application fee, as a fine for violating this Section. This does not preclude other applicable enforcement mechanisms, fines or penalties, including penalties punishable by a fine not to exceed two thousand six hundred fifty dollars (\$2,650), consistent with this Chapter and Code. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.**

**Section 32.** Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, on February 2, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this 5th day of February, 2021 and set for second reading and public hearing on the 16<sup>th</sup> day of February, 2021.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on this 16<sup>th</sup> day of February, 2021.

City of Salida

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Mayor P.T. Wood

ATTEST:

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City Clerk/Deputy City Clerk