

TOWN OF MONUMENT

ORDINANCE NO. 23-2018

AN ORDINANCE AMENDING SECTION 15.04.010 OF THE TOWN MUNICIPAL CODE, CHAPTER 15.04, CONCERNING BUILDING CODE AND ADOPTING AMENDMENTS TO THE PIKES PEAK REGIONAL BUILDING CODE, 2017 EDITION, SETTING FORTH THE ENTIRE TEXT OF SUCH AMENDMENTS

WHEREAS, in accordance with Section 31-15-401, Colorado Revised Statutes, as amended (C.R.S.), the Board of Trustees of the Town of Monument (the "Board") possesses certain general police powers, including but not limited to the authority to enact ordinances; and

WHEREAS, in accordance with Section 31-15-601, C.R.S., the Board has the authority to enact ordinances in relation to building regulations; and

WHEREAS, the Town of Monuments is a party to an intergovernmental agreement pursuant to which the Pikes Peak Regional Building Department administers and enforces building codes within the jurisdictions of each of the participating entities; and

WHEREAS, in accordance with Part 2, Article 16, Title 31 of C.R.S., the Board possesses the authority to adopt statutes, rules, regulations, standards, or uniform codes by reference; and

WHEREAS, pursuant to this authority, by Ordinance No. 06-2018, on March 5, 2018, the Board previously adopted by reference a 1st Printing of the 2017 Edition of the Code, as codified at Chapter 15.04 of Title 15 of the Town Municipal Code; and

WHEREAS, the Pikes Peak Regional Building Department has promulgated a 2nd Printing of the 2017 Edition of the Code, addressing building regulations to ensure life safety and welfare of the Town of Monument community through efficient and consistent application of adopted codes and standards, and more specifically, addressing changes mandated by the Federal Emergency Management Agency (FEMA) with regard to adoption of a new Flood Insurance Rate Map (FIRM) effective December 7, 2018, requiring amendments to the Preface and to Section RBC313 of the Code, which, in accordance with Section 31-16-207, C.R.S., are fully set forth herein; and

WHEREAS, in accordance with Section 31-16-206, C.R.S., responsibility to maintain copies for inspection by the public is hereby delegated to the Regional Building Official and three (3) copies of the 2017 Edition of the Code, 2nd Printing, are on file and available in the office of the Regional Building Official, Pikes Peak Regional Building Department, 2880 International Circle, Suite 100, Colorado Springs, Colorado 80910, and may be inspected or purchased by the public during regular business hours; and

WHEREAS, the Board has determined it to be reasonable and necessary to amend the Town Municipal Code to adopt by reference the 2nd Printing of the 2017 Edition of the Code; and

WHEREAS, the Board finds that it has complied with all approval and notice requirements related hereto, if any.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, COLORADO, as follows:

Section 1. In accordance with Section 31-16-206, C.R.S., responsibility to maintain copies of the Code for inspection by the public at least 15 days before the public hearing on this ordinance and continuously is hereby delegated to the Regional Building Official and three (3) copies of the 2017 Edition of the Code, 2nd Printing, adopted by reference herein, are on file and available in the office of the Regional Building Official, Pikes Peak Regional Building Department, 2880 International Circle, Suite 100, Colorado Springs, Colorado 80910, and may be inspected or purchased by the public during regular business hours.

Section 2. Section 15.04.010 of the Town Municipal Code is amended to read as follows in its entirety:

The Pikes Peak Regional Building Code, 2017 Edition, 2nd Printing, as published by the Pikes Peak Regional Building Department, is hereby adopted by reference and applied and enacted as the building code of the Town of Monument, Colorado.

Section 3. Without need to change any other provisions of the Town Municipal Code, in accordance with Section 31-16-207, C.R.S., the following are the amendments in full set forth in the 2017 Edition of the Code, 2nd Printing,:

(a) Change to Preface. The following language is added to the end of the Preface:

Notwithstanding, amendments or revisions to any regulations, standards, codes, studies, Flood Insurance Rate Maps (FIRM), or Flood Insurance Study (FIS) reports, adopted in the Code by reference, as promulgated by the federal government or the State of Colorado, or by any agency of either of them, are adopted by reference, as if fully set forth herein, without further action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

(b) Section RBC313.8 is amended to read as follows in its entirety:

RBC313.8 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study El Paso County, Colorado and Incorporated Areas" effective as of December 7, 2018, with accompanying Flood Insurance Rate Maps (FIRM) and any amendments or revisions, is adopted by reference without further action by each Jurisdiction and declared to be a part of this section. The Flood Insurance Study (FIS) is part of this section. Amendments or revisions to any FIRM or FIS reports, adopted in the Code by reference, as promulgated by FEMA, are adopted by reference, as if

fully set forth herein, without further action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

Section 4. It is hereby declared to be the intention of the Board that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance which shall be severable and severed since the same would have been enacted by the Board without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 5. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only. This ordinance shall become effective thirty (30) days after the date of publication as provided by Section 31-16-105, C.R.S.

INTRODUCED, APPROVED AND ADOPTED this 19th day of November 2018, by the Board of Trustees of the Town of Monument by a vote of 6 for and 0 against the ordinance.

ATTEST:

TOWN OF MONUMENT

By: Laura Hogan
Laura Hogan, Town Clerk

By: Don Wilson
Don Wilson, Mayor

