



**TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM**

To: Mayor Tokunaga and Town Trustees	Meeting Date:
From: Jonathan Gesick, Building Official	Wednesday, June 24 th , 2015
Via: Kent Brown, Town Administrator	

Agenda Item #	Action: X	Discussion:	Information:
Agenda Title: Vote to amend Chapter 18 of the Milliken Code to adopt a Building Code Board of Appeals, amend sections that deal with the violation and abatement process and define a new schedule for permit expiration timeframes.			
Attachments: (1) Ordinance No.714 (2) Chapter 18 Redline - Proposed Revisions			

PURPOSE

To update the Town of Milliken’s Municipal Code and revise certain sections to create a Building Code Board of Appeals that will be appointed by the Board of Trustees to interpret sections of the adopted building codes on building code related issues.

Revise Chapter 18 of the Municipal Code to create a foundation for dealing with future violation cases and the Abatement of dangerous buildings.

The purpose of this change would be to create a more accurate expiration date to avoid unnecessary violations. By decreasing the allowed time for permits, such as a water heater install, if the permit expires we will have a better chance of contacting the owner and installer to resolve the issue.

BACKGROUND

It has been recommended by the building official, staff and the International Code Council that the Boards of Appeals be a separate board from the Board of Trustees. The new board would be made up of people in the community that are non-employees of the Town that have experience and training in the adopted building codes. The board will consist of 5 members with two alternate members. The building official will be an ex officio member and shall have no vote upon any matter.

The 1997 Uniform Code for the Abatement of Dangerous Buildings lays out the process and legal aspects on how to deal with dangerous buildings and the repayment of funds to the Town if a building is demolished. The changes that are being made allow the use of the 1997 UCADB in handling these matters.

The current version of Chapter 18, Section 18-2-30 (7) allows a permit to be extended as long as an inspection is completed within 180 days. There were 113 expired permits that are known to staff. It is not known if the work has been completed without inspection or not. ProCode Inc. is in the process of contacting each permit holder to verify the work and complete any inspections that are needed. We are finding that in some cases the house, that the work was done in, has new owners. They were unaware of any permit but were glad to have the item inspected.

BUDGET IMPLICATONS

None

STAFF RECOMMENDATION

Staff recommends the new amendments to Chapter 18 of the Milliken Municipal Code.

SUGGESTED MOTION

“I move to adopt Ordinance 714, amending Chapter 18 of the Milliken Municipal Code and amending the 2012 editions of the International Building Code, International Residential Code, and the International Property Maintenance Code and also amending the 1997 edition of the Uniform Abatement of Dangerous Buildings promulgated by the International Code Council. “

ORDINANCE NO. 714

AN ORDINANCE AMENDING CHAPTER 18 OF THE MILLIKEN MUNICIPAL CODE AND AMENDING THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND THE 1997 UNIFORM ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL.

WHEREAS, the Town Board finds that updates to the Milliken Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, Milliken's current International Codes for buildings are out of date; and

WHEREAS, pursuant to Section 1-1-40 of the Milliken Municipal Code, the Town Board is authorized to adopt other codes by reference as allowed under state law; and

WHEREAS, the Milliken Town Board wishes to update its Municipal Code and amend the International Building Code (2012 Edition); The International Residential Code for One – and Two – Family Dwellings (2012 Edition); The International Property Maintenance Code (2012 Edition); and the 1997 Uniform Code for the Abatement of Dangerous Buildings (1997 Edition); Promulgated by the International Code Council, Inc, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, with specified amendments to each.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO THAT:

Section 1. Chapter 18, Article II, Section 18-2-30 of the Milliken Municipal Code is hereby revised to read as follows:

Sec. 18-2-30 Amendments is revised to read as follows:

1. **Section (7)** is revised to read as follows:

IBC Section 105.5 (Expiration)

“Every original permit issued by the Building Official under the provisions of this Building Code shall expire by limitation and become null and void after the given utilization period has elapsed. The utilization period begins on the date of permit issuance. The expiration date for the building permit shall be specified on the permit in accordance with Table 18.1 below, based on the type of permit issued.

Table 18.1

Type of Permit Issued	Utilization Period
Over the Counter Permit-MEP, AC, HVAC	90 Days
Solar/PV System	90 Days
New Single-Family Dwelling	180 Days
Manufactured Homes and Buildings	90 Days
Commercial – Tenant Finish	180 Days
Commercial New	1 Year
Industrial	As Determined by the Building Official

After expiration and before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."

2. **Section (11)** is revised to read as follows:

IBC Section 113.1 (General) is revised to read as follows:

"In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a Building Code board of appeals.

3. **Section (12)** is deleted in its entirety.

4. **Section (13)** is revised to read as follows:

IBC Section 114.2 (Notice of violation) is amended by addition of the following language to the end of the paragraph:

"Notice of Violations shall be delivered in accordance with section 107 of the IPMC or Chapter 4 of the 1997 Abatement of Dangerous Buildings."

Section 2. Chapter 18, Article VII, Section 18-7-30 of the Milliken Municipal Code is hereby revised to read as follows:

Sec. 18-7-30 Amendments is revised to read as follows:

The code adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

(1) Section 203 to read as follows:

"203 – VIOLATIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

"Upon conviction thereof, the person, firm or corporation shall be punished by a fine not to exceed \$300.00 or by imprisonment not to exceed ninety (90) days in jail or both such fine and imprisonment. Each separate day or portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided."

(2) Amend Section 205 as follows:

"205 – BOARD OF APPEALS. 205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a building code board of appeals..."

(3) Amend Section 205 as follows:

"501.1 Form of Appeal. 1. A heading in the words: "Before the building code board of appeals of the Town of Milliken."

(4) Amend Section 801.1 as follows:

"801.1 Procedure. When any work of a repair or demolition is to be done pursuant to Section 701.3, Item 3, of this Building Code, the Town Board of Trustees shall issue an order directing the work to be accomplished by personnel of the Town of Milliken or by a private contract under the direction of a designated employee of the Town. The plans and specifications therefor may be prepared by said employee, or he may employ such architectural and engineering assistance on a contractual basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Town of Milliken contractual procedures shall be followed."

(5) Add Section 801.2.1:

"801.2.1: To provide for and compel the removal of any building or structure, except for a building or structure on affected land subject to the "Colorado Mined Land Reclamation

Act", as the term "affected land" is defined in section 34-32-103 (1.5), C.R.S., or on lands subject to the "Colorado Surface Coal Mining Reclamation Act", pursuant to article 33 of title 34, C.R.S., the condition of which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, at such time, upon such notice, and in such manner as the Town Board of Trustees may prescribe by ordinance, including the removal performed by the Town upon notice to and failure of the property owner to remove such building or structure, and to assess the whole cost of such removal, including incidental costs and a reasonable fee for inspection which fee shall not exceed five percent of the total amount due in connection therewith, upon the property from which such building or structure has been removed. Any assessment pursuant to this paragraph shall be a lien against such property until paid. If such assessment is not paid within a reasonable time as specified by ordinance, it may be certified by the Town clerk, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected." C.R.S. 30-15-401(q)

(6) Delete Section 802.

(7) Amend Section 901 by substituting "Town of Milliken" for "director of public works."

(Ord. 379 §4, 1998; Ord. 481 §1, 2003)

Section 3. Chapter 18, Article II, Section 18-10-20 of the Milliken Municipal Code is hereby revised to read as follows:

Sec. 18-10-20 Amendments is revised to read as follows:

1. Section (4) is revised to read as follows:

IRC Section R105.5 (Expiration)

“Every original permit issued by the Building Official under the provisions of this Building Code shall expire by limitation and become null and void after the given utilization period has elapsed. The utilization period begins on the date of permit issuance. The expiration date for the building permit shall be specified on the permit in accordance with Table 18.1 below, based on the type of permit issued.

Table 18.1

Type of Permit Issued	Utilization Period
Over the Counter Permit-MEP, AC, HVAC	90 Days
Solar/PV System	90 Days
New Single-Family Dwelling	180 Days
Manufactured Homes and Buildings	90 Days
Commercial – Tenant Finish	180 Days
Commercial New	1 Year
Industrial	As Determined by the Building Official

After expiration and before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."

5. **Section (9)** is revised to read as follows:

(9) **IRC Section R112.1 (General)** is revised to read as follow:

"In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a Building Code Board of appeals.

6. **Section (10)** is deleted in its entirety.

7. **Section (11)** is revised to read as follows:

IRC Section 113.2 (Notice of violation) is amended by addition of the following language to the end of the paragraph:

"Notice of Violations shall be delivered in accordance with section 107 of the IPMC or Chapter 4 of the 1997 Abatement of Dangerous Buildings."

Section 4. Chapter 18, Article XII, Section 18-12-20 of the Milliken Municipal Code is hereby revised to read as follows:

Sec. 18-12-30 Amendments is revised to read as follows:

1. **Sec. 18-12-30(4)** is deleted in its entirety.
2. **Sec. 18-12-30(5)** is deleted in its entirety.
3. **Sec. 18-12-30(6)** is deleted in its entirety.
4. **Sec. 18-12-30(7)** is deleted in its entirety.
5. **Sec. 18-12-30(8)** is deleted in its entirety.
6. **Sec. 18-12-30(9)** is deleted in its entirety.
7. **Sec. 18-12-30(10)** is deleted in its entirety.
8. **Sec. 18-12-30(11)** is deleted in its entirety.

Section 5. That as provided in Milliken Municipal Code Section 2-2-100, requirements for adoption of this Ordinance shall be deemed satisfied if the title of the proposed ordinance is read and the entire text of the proposed ordinance or of any code which is to be adopted by reference is submitted in writing to the Board of Trustees before adoption.

PASSED AND ADOPTED, SIGNED AND APPROVED, following public hearing this _____ day of _____, 2015.

ATTESTED:

TOWN OF MILLIKEN, COLORADO

Cheryl Powell, Town Clerk

Milt Tokunaga, Mayor

APPROVED AS TO FORM:

Town Attorney

ARTICLE II

Building Code

Sec. 18-2-10. Adoption.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2012 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 35 inclusive and Appendix Chapter I, to have the same force and effect as if set forth herein in every particular.

(b) The subject matter of the adopted code referenced above includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in the Town for the purpose of protecting the public health, safety and general welfare and providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such, all of which are on file in the office of the Town. (Ord. 386 §1, 1999; Ord. 481 §1, 2003; Ord. 490 §1, 2004; Ord. 680 §1, 2013)

Sec. 18-2-20. Copy on file.

At least one (1) copy of the Building Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003; Ord. 490 §1, 2004)

Sec. 18-2-30. Amendments.

The International Building Code, 2012 Edition, adopted herein is hereby modified by the following amendments:

(1) IBC Section 101.1 (Title) is amended by the addition of the term "Town of Milliken" where indicated.

(2) IBC Section 101.4.3 (Plumbing) is amended by deletion of the last sentence.

(3) IBC Section 101.4.5 (Fire prevention) is amended by replacing "International Fire Code" with "adopted fire code."

(4) IBC Section 101.4.6 (Energy) is amended by replacing the language "International Energy Conservation Code" with "2009 International Energy Conservation Code."

(5) IBC Section 105.1 (Required) is amended by replacing the words "building official" with "town."

(6) IBC Section 105.2 (Work exempt from permit) is amended as follows:

a. Exception #1 under the subcategory "Building" is revised to read as follows:

"One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure."

b. Exception #2 under the subcategory "Building" is revised to read as follows:

"Fences not over 6 feet (2,134 mm) high."

c. A new Exception #14 is added under the subcategory "Building," to read as follows:

"Shingle repair or replacement work not exceeding one hundred (100) square feet in area of covering per building."

(7) IBC Section 105.5 (Expiration) is revised to read as follows:

"Every original permit issued by the Building Official under the provisions of this Building Code shall expire by limitation and become null and void after the given utilization period has elapsed. The utilization period begins on the date of permit issuance. The expiration date for the building permit shall be specified on the permit in accordance with Table 18.1 below, based on the type of permit issued.

Table 18.1

Type of Permit Issued	Utilization Period
Over the Counter Permit-MEP, AC, HVAC	90 Days
Solar/PV System	90 Days
New Single-Family Dwelling	180 Days
Manufactured Homes and Buildings	90 Days
Commercial – Tenant Finish	180 Days
Commercial New	1 Year
Industrial	As Determined by the Building Official

~~"Every permit issued by the *building official* under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. After expiration and before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."~~

(8) IBC Section 109.4 (Work commencing before permit issuance) is revised to read as follows:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued."

(9) IBC Section 109.6 (Refunds) is revised to read as follows:

"The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

(10) IBC Section 111.3 (Temporary occupancy) is amended by replacing the words "building official" in the first and second sentence with the word "Town."

(11) IBC Section 113.1 (General) is revised to read as follows:

"In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a **Building Code** board of appeals. ~~The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.~~"

~~(12) IBC Section 113.3 (Qualifications) is amended by deleting the section in its entirety.~~

(13) IBC Section 114.2 (Notice of violation) is amended by addition of the following language to the end of the paragraph:

"Notice of Violations shall be delivered in accordance with section 107 of the IPMC **or Chapter 4 of the 1997 Abatement of Dangerous Buildings.**"

(14) IBC Section 202 (Definitions) is amended by the addition of the following:

" 'Sleeping Room' (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, an area that is used as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

(15) IBC Section 1013.2 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm)

measured perpendicular from the building, shall be protected with guards conforming to this section around the entire opening, or be provided with an equivalent barrier."

(16) IBC Section 1029.5.1 (Minimum size) is amended by the addition of the following paragraphs:

"For all building permits issued prior to the adoption of the 1997 Uniform Building Code, all escape and rescue windows requiring a window well pursuant to the International Building Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

"With regard to building permits issued prior to the adoption of the 1997 Uniform Building Code, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Town's regulations if said window well meets the dimensions set forth in the 1991 edition of the Uniform Building Code, previously in effect in the Town."

(17) IBC Section 1301.1.1 (Criteria) is amended by replacing "International Energy Conservation Code" with the "2009 International Energy Conservation Code."

(18) IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "Town of Milliken" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the Town, August 1, 1979, where indicated in [Date of Issuance].

(19) IBC Section 3401.3 (Compliance with other codes) is amended by replacing the language "International Fire Code" with "adopted fire code," and by deleting the language "International Private Sewage Disposal Code, and replacing the language "NFPA 70" with National Electrical Code adopted by the State of Colorado."

(20) IBC Section 3412.2 (Applicability) is amended by the insertion of the following date, May 8, 2013, in the slot where it is provided. (Ord. 680 §2, 2013)

Sec. 18-2-40. Building foundations.

All homes built in the Town shall be installed only upon permanent, perimeter foundations meeting all requirements of all adopted building codes. (Ord. 343 §1, 1996)

Sec. 18-2-50. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 386 §2, 1999;

ARTICLE VII

Dangerous Buildings Code

Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the dangerous buildings code for the Town, by reference thereto, the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, Chapters 1 through 9, published by the International Conference of Building Officials (ICBO), 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive regulations governing a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished in the Town; providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Uniform Code for the Abatement of Dangerous Buildings is hereby referred to, adopted and made a part hereof as if fully set out in this Article. (Ord. 379 §2, 1998; Ord. 481 §1, 2003)

Sec. 18-7-20. Copy on file.

At least one (1) copy of the Uniform Code for the Abatement of Dangerous Buildings, certified to be a true copy, has been and is now on file and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 379 §1, 1998; Ord. 481 §1, 2003)

Sec. 18-7-30. Amendments.

The code adopted herein is hereby modified by the following **amendments** additions, deletions, insertions and changes as follows: ~~Section 203 of Chapter 2, Violations, shall be amended to read as follows:~~

(1) Section 203 to read as follows:

"203 – VIOLATIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

"Upon conviction thereof, the person, firm or corporation shall be punished by a fine not to exceed \$300.00 or by imprisonment not to exceed ninety (90) days in jail or both such fine and imprisonment. Each separate day or portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided."

(2) Amend Section 205 as follows:

"205 – BOARD OF APPEALS. 205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a building code board of appeals..."

(3) Amend Section 205 as follows:

"501.1 Form of Appeal. 1. A heading in the words: "Before the building code board of appeals of the Town of Milliken."

(4) Amend Section 801.1 as follows:

"801.1 Procedure. When any work of a repair or demolition is to be done pursuant to Section 701.3, Item 3, of this Building Code, the Town Board of Trustees shall issue an order directing the work to be accomplished by personnel of the Town of Milliken or by a private contract under the direction of a designated employee of the Town. The plans and specifications therefor may be prepared by said employee, or he may employ such architectural and engineering assistance on a contractual basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Town of Milliken contractual procedures shall be followed."

(5) Add Section 801.2.1:

"801.2.1: To provide for and compel the removal of any building or structure, except for a building or structure on affected land subject to the "Colorado Mined Land Reclamation Act", as the term "affected land" is defined in section 34-32-103 (1.5), C.R.S., or on lands subject to the "Colorado Surface Coal Mining Reclamation Act", pursuant to article 33 of title 34, C.R.S., the condition of which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, at such time, upon such notice, and in such manner as the Town Board of Trustees may prescribe by ordinance, including the removal performed by the Town upon notice to and failure of the property owner to remove such building or structure, and to assess the whole cost of such removal, including incidental costs and a reasonable fee for inspection which fee shall not exceed five percent of the total amount due in connection therewith, upon the property from which such building or structure has been removed. Any assessment pursuant to this paragraph shall be a lien against such property until paid. If such assessment is not paid within a reasonable time as specified by ordinance, it may be certified by the Town clerk, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected." C.R.S. 30-15-401(q)

(6) Delete Section 802.

(7) Amend Section 901 by substituting "Town of Milliken" for "director of public works."

(Ord. 379 §4, 1998; Ord. 481 §1, 2003)

ARTICLE X

Residential Code

Sec. 18-10-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Residential Code*, 2012 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 43 inclusive and Appendix Chapters G and H, is hereby adopted by reference as the Town of Milliken Residential Building Code, to have the same force and effect as if fully set out herein in every particular. (Ord. 490 §1, 2004; Ord. 680 §3, 2013)

Sec. 18-10-20. Amendment.

The International Residential Code, 2012 Edition, adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

(1) IRC Section R101.1 (Title) is amended by the addition of the term "Town of Milliken" where indicated.

(2) IRC Section R105.1 (Required) is amended by replacing the words "building official" with "Town."

(3) IRC Section R105.2 (Work exempt from permit) is amended with the following:

a. Exception #1 under the subcategory "Building" is revised to read as follows:

"One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure."

b. Exception #2 under the subcategory "Building" is deleted in its entirety.

c. Exception #10 is added under the subcategory "Building" is deleted in its entirety and revised to read as follows:

"Shingle repair or replacement work not exceeding one hundred (100) square feet in area of covering per building."

(4) IRC Section R105.5 (Expiration) is revised to read as follows:

"Every original permit issued by the Building Official under the provisions of this Building Code shall expire by limitation and become null and void after the given utilization period has elapsed. The utilization period begins on the date of permit issuance. The expiration date for the building permit shall be specified on the permit in accordance with Table 18.2, below.

Table 18.2

Type of Permit Issued	Utilization Period
Over the Counter Permit-MEP, AC, HVAC	90 Days
Solar/PV System	90 Days
New Single-Family Dwelling	180 Days
Manufactured Homes and Buildings	90 Days
Commercial – Tenant Finish	180 Days
Commercial New	1 Year
Industrial	As Determined by the Building Official

~~"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. After expiration and before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."~~

(5) IRC Section R108.4 (Related fees) is amended by creation of a new subsection R108.4.1, to read as follows:

"R108.4.1 Investigation fees. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued."

(6) IRC Section R108.5 (Refunds) is revised to read as follows:

"The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

(7) IRC Section R109.1.5 (Other inspections) is amended by the addition of a new Subsection R109.1.5.2, to read as follows:

"R109.1.5.2 Insulation inspection. Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed."

(8) IRC Section R110.4 (Temporary occupancy) is amended by replacing the words "building official" in the first and second sentence with the word "Town."

(9) IRC Section R112.1 (General) is revised to read as follow:

"In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building Code Board of appeals. The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment."

~~(10) IRC Section 112.3 (Qualifications) is amended by deleting the section in its entirety.~~

(11) IRC Section R113.2 (Notice of violation) is amended by addition of the following language to the end of the paragraph:

"Notice of Violations shall be delivered in accordance with section 107 of the IPMC and/or Chapter 4 of the 1997 Abatement of Dangerous Buildings."

(12) IRC Section R202 (Definitions) is amended by the addition of the following definition:

" 'Sleeping Room' (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, an area that is used as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

ARTICLE XII

Property Maintenance Code

Sec. 18-12-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Property Maintenance Code*, 2012 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 5 inclusive, is hereby adopted by reference as the Town of Milliken Property Maintenance Code, to have the same force and effect as if set forth herein in every particular. (Ord. 680 §14, 2013)

Sec. 18-12-20. Copy on file.

At least one (1) copy of the International Property Maintenance Code, 2012 Edition, certified to be a true copy, is now on file and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 680 §14, 2013)

Sec. 18-12-30. Amendments.

The International Property Maintenance Code, 2012 Edition, adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

(1) IPMC Section 101.1 (Title) is amended by the addition of the term "Town of Milliken" where indicated.

(2) IPMC Section 102.3 (Application of other codes) is amended by the deletion of the last sentence.

(3) IPMC Section 103.5 (Fees) is amended by deleting the section in its entirety.

~~(4) IPMC Section 111.2 (Membership of board) is amended by deletion of this section in its entirety and insertion of the following language:~~

~~"The members of the Board of Appeals shall be comprised of the members of the Town Board."~~

~~(5) IPMC Section 111.2.1 (Alternate members) is amended by the deletion of this section in its entirety.~~

~~(6) IPMC Section 111.2.2 (Chairman) is amended by the deletion of this section in its entirety.~~

~~(7) 111.2.3 (Disqualification of member) is amended by the deletion of this section in its entirety.~~

~~(8) IPMC Section 111.2.4 (Secretary) is amended by the deletion of this section in its entirety.~~

~~(9) IPMC Section 111.2.5 (Compensation of members) is amended by the deletion of this section in its entirety.~~

~~(10) IPMC Section 111.3 (Notice of meeting) is amended by the deletion of this section in its entirety.~~

~~(11) IPMC Section 111.4 (Open hearing) is amended by the deletion of this section in its entirety.~~

(12) IPMC Section 302.3 (Sidewalks and driveways) is amended by the deletion of this section in its entirety.

(13) IPMC Section 302.4 (Weeds) is amended by the deletion of this section in its entirety.

(14) IPMC Section 302.8 (Motor vehicles) is amended by the deletion of this section in its entirety.

(15) IPMC Section 304.14 (Insect screens) is amended by the deletion of this section in its entirety.

(16) IPMC Section 308 (Rubbish and Garbage) is amended by the deletion of this section in its entirety.

(17) IPMC Section 309 (Pest Elimination) is amended by the deletion of this section in its entirety.

(18) IPMC Section 604.2 (Service) is amended by replacing the language "NFPA 70" with "Electrical Code adopted by the State of Colorado." (Ord. 680 §14, 2013)