TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM

To: Mayor Woodcock and Town Trustees From: Jonathan Gesick, Building Official Via: Kent Brown, Town Administrator	Meeting Date: Wednesday, August 24, 2016

Agenda Item #	Action: X	Discussion:	Information:
Building Inspection Code Board of Appeals			
Attachments: Ordinance 714, Applications			

PURPOSE

In June 2015, the Town Board passed Ordinance 714 which created the Building Inspection Code Board of Appeals. This Board's responsibilities would be to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the Code.

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.

Staff is now in receipt of five (5) applications for this Board. Jonathan Gesick who is the Town's Building Official has reviewed and approved the applications for this Board.

BUDGET IMPLICATONS

None

STAFF RECOMMENDATION

Staff recommends that the Town Board approve the applications for the Building Inspection Code Board of Appeals.

SUGGESTED MOTION

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WHEREAS, Milliken's current International Codes for buildings are out of date; and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, THERFORE 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
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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 24 day of JUNE, 2015.

ATTESTED:

Cheryl Powell, Town Clerk

TOWN OF MILLIKEN, COLORADO

Milt Tokunaga, Mayor

APPROVED AS TO FORM:

Town Attorney

Town of Milliken

Board, Commission, & Committee Application

Boards Commission, Committees

- [ ] Board of Trustees
- [ ] Planning Commission
- [ ] Housing Authority
- [ ] Keep Milliken Beautiful
- [ ] Great Outdoors Milliken
- [ ] Community Justice Council
- [ ] Water/Wastewater Commission
- [x] Building Inspection Code Board of Appreals

Boost

- [ ] Economic Development
- [ ] Emergency Preparedness
- [ ] Housing
- [ ] Infrastructure
- [ ] Parks/Education/Recreation/Culture

(Print Please)

Name: John C. Smedley III

Address: 2141S School House Dr. City Milliken Zip 80543

Home Phone: _____ Business Phone: 970-578-9532 Cell Phone: 3-437-7043

Email Address: smedleyiii@gmail.com

Date Available to Start: 6-21-16

Are you a resident of Milliken? Yes X No ____ If yes, for how long? 2 years

Tell us briefly about yourself, why are you interested in being appointed to this Board or Commission, and what specific talents or expertise would you bring to this Board, Commission or Committee if you were appointed?

see attached

Please attach a resume.

Applicant Signature _____ **Date** 6-20-16

Thank you for applying. We appreciate your desire to serve.

John C. Smedley III

I am interested in a volunteer position to help our town grow and thrive. With 28 years of experience as a trades man and building professional I believe I can positively assist our town with upcoming building code decisions, and recommendations for the board.

86-90 - Carpenter and Corian fabricator - Mark One surfaces
90-96 - Field Engineer / construction superintendent - Roche Constructors
96-08 - Residential Construction Manager - Structural Systems Inc.
08-11 - Mining & Industrial Construction Manager – TYPE Construction
11-Present – Home Builder, Owner/Managing partner Braylea Homes LLC.

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(Print Please)

Name: JOHN BAILEY

Address: 6637 Spanish Bay Drive City Windsor Zip 80550

Home Phone: _____ Business Phone: _____ Cell Phone: (970) 599-2137

Email Address: 2valleybuilders@gmail.com

Date Available to Start: IMMEDIATELY

Are you a resident of Milliken? Yes _____ No ✓ If yes, for how long? _____

Tell us briefly about yourself, why are you interested in being appointed to this Board or Commission, and what specific talents or expertise would you bring to this Board, Commission or Committee if you were appointed?

Served on other Boards in Milliken and would like to give back to the Community because it is a great place to work

Please attach a resume.

John T. Bailey
Applicant Signature

6·8·2016
Date

Thank you for applying. We appreciate your desire to serve.

Town of Milliken

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(Print Please)

Name: Matthew Johnson

Address: 1000 Mill Iron Rd City Milliken Zip 80543

Home Phone: 303-809-4976 Business Phone: _____ Cell Phone: 303-809-4976

Email Address: mjmnjohnson@what-wire.com

Date Available to Start: 2/1/16

Are you a resident of Milliken? Yes X No _____ If yes, for how long? 13 years

Tell us briefly about yourself, why are you interested in being appointed to this Board or Commission, and what specific talents or expertise would you bring to this Board, Commission or Committee if you were appointed?

I have worked on the construction industry for over 25 years. I hold a Class A construction certificate and I currently am licensed Denver and Fort Collins for the company at which I am employed. I am of the understanding that there is a need for this position to be filled and thought it would be a good way to give back to the Milliken community.

Please attach a resume.

Matthew T Johnson
Applicant Signature

1/27/16
Date

Thank you for applying. We appreciate your desire to serve.

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(Print Please)

Name: RON BLACKMER

Address: 120 KATHELEEN AVE City MILLIKEN Zip

Home Phone: 587-2467 Business Phone: Cell Phone: 405-7205

Email Address:

Date Available to Start: IMMEDIATELY

Are you a resident of Milliken? Yes ✓ No ___ If yes, for how long? 45 yrs

Tell us briefly about yourself, why are you interested in being appointed to this Board or Commission, and what specific talents or expertise would you bring to this Board, Commission or Committee if you were appointed?

GENERAL CONTRACTOR/CARPENTER FOR 34 yrs

Please attach a resume.

Ronald D Blackmer
Applicant Signature

January 11, 2016
Date

Thank you for applying. We appreciate your desire to serve.

Town of Milliken

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- [ ] Housing
- [ ] Infrastructure
- [ ] Parks/Education/Recreation/Culture

(Print Please)

Name: Lisa Hall

Address: 301 Centennial Drive City Milliken Zip 80543

Home Phone: " Business Phone: " Cell Phone: 970-397-2454

Email Address: Lisa@mywindmillhomes.com

Date Available to Start: Jan, 2016

Are you a resident of Milliken? Yes ____ No X If yes, for how long? ____

Tell us briefly about yourself, why are you interested in being appointed to this Board or Commission, and what specific talents or expertise would you bring to this Board, Commission or Committee if you were appointed?

I want to see improvement to Codes made in the right direction

Please attach a resume.

Applicant Signature

1/14/16
Date

Thank you for applying. We appreciate your desire to serve.

101 Broad Street * PO Box 290 * Milliken, CO 80543 * Phone: 970.587.4331 * Fax: 970.587.2678