

ORDINANCE NO. 324

AN ORDINANCE ENACTING AND ADOPTING BY REFERENCE A PRIMARY CODE OF ORDINANCES FOR THE TOWN OF BERTHOUD, COLORADO, IN PUBLISHED FORM, TO BE KNOWN AS THE "MUNICIPAL CODE OF THE TOWN OF BERTHOUD" WHICH SAID PRIMARY CODE IN TURN ADOPTS BY REFERENCE AS SECONDARY CODES THE UNIFORM BUILDING CODE, SHORT FORM, VOL. 1, 1964 EDITION, ISSUED AND PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, THE TECHNICAL PLUMBING CODE ISSUED AND PUBLISHED IN 1961 BY THE COLORADO STATE DEPARTMENT OF PUBLIC HEALTH, THE NATIONAL ELECTRICAL CODE, 1965, ISSUED AND PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION INTERNATIONAL, THE BUILDING EXITS CODE, 1963, ISSUED AND PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION INTERNATIONAL, THE HEATING, COOLING AND VENTILATING CODE OF THE CITY OF AND COUNTY OF DENVER, BEING CHAPTER 52 OF ITS BUILDING CODE, ISSUED AND PUBLISHED JANUARY 16, 1965, BY THE CITY AND COUNTY OF DENVER, COLORADO, AND THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, 1966, ISSUED AND PUBLISHED BY THE STATE OF COLORADO HIGHWAY SAFETY COUNCIL, on February 17, 1966; MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR ALL CLASSES OF STREETS AND HIGHWAYS, AS ADOPTED May 19, 1952, BY STATE DEPARTMENT OF HIGHWAYS; AND PROVIDING FOR PENALTY CLAUSES WHICH MAY APPEAR IN ANY CODE WHICH IS ADOPTED BY REFERENCE AND ALL CHANGES AND ADDITIONS TO ANY CODE; and PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. MUNICIPAL CODE OF THE TOWN OF BERTHOUD. The published code known as the "Municipal Code of the Town of Berthoud" at least three (3) copies of which have been properly certified as true copies by the Mayor and Clerk of the Town of Berthoud and are now on file in the office of the Town Clerk, is hereby enacted and adopted by reference as a primary code and incorporated herein. The said primary code has been promulgated by the Town of Berthoud as a codification and revision of all the ordinances of the Town of Berthoud which are of a general and permanent nature for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of said Town.

Section 2. UNIFORM BUILDING CODE. The Uniform Building Code, Short Form, Vol. 1, 1964 edition, issued and published by the International Conference of Building Officials, 50 South Los Robles, Pasadena, California, 91101, except for those parts relating to building, exits and heating, cooling and ventilating, at least three (3) copies of which have been certified as true copies by the Mayor and Clerk of the Town of Berthoud and are now on file in the office of the Town Clerk, is hereby enacted and adopted by reference as a secondary code and incorporated herein. The said secondary code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the Town of Berthoud, and its purpose is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the Town of Berthoud and certain equipment specifically regulated therein.

Section 3. TECHNICAL PLUMBING CODE. The Technical Plumbing Codes issued and published by the Colorado State Department of Public Health, 4210 East 11th Avenue, Denver 20, Colorado, as adopted on October 28, 1953 and amended to November 13, 1961, at least three (3) copies of which have been certified as true copies by the Mayor

and Clerk of the Town of Berthoud and are now on file in the offices of the Town Clerk, is hereby enacted and adopted by reference as a secondary code and incorporated herein. The said code regulates and controls the design, construction, quality of materials, workmanship and location of all water, sewer and drainage pipes and all plumbing fixtures which are installed, altered or repaired for use in connection with any building in the Town of Berthoud, and the purpose of the said code is to protect the health, safety, property, and public welfare of the citizens of the Town of Berthoud.

Section 4. NATIONAL ELECTRICAL CODE. The National Electrical Code, 1965 edition, issued and published by the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts, 02110, at least three (3) copies of which have been certified as true copies by the Mayor and Clerk of the Town of Berthoud and are now on file in the office of the Town Clerk, is hereby enacted and adopted by reference as a secondary code and incorporated herein. The said code regulates and controls all electrical wiring, fixtures and appliances, installed, altered or repaired in any building in the Town of Berthoud as to design, construction, quality of materials, workmanship and location. The purpose of this secondary code is to protect the life, property, health and safety of the citizens of the Town of Berthoud,

Section 5. BUILDING EXIT CODE. The Building Exit Code, 1963 edition, issued and published by the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts, 02110, at least three (3) copies of which have been certified as true copies by the Mayor and Clerk of the Town of Berthoud and now are on file in the office of the Town Clerk, is hereby enacted and adopted by reference as a secondary code and incorporated herein. The said secondary code covers the construction, arrangement and use of exit facilities necessary to provide safe means of egress from structures, together with such features of construction and protection as have bearing on safety of egress. The said code covers both new and existing construction. In various sections of the code there are specific provisions for existing structures differing from those of new construction. Except insofar as specifically thus provided, all requirements of the code apply to existing as well as to new construction. Said code recognizes that life safety is more than a matter of exits and accordingly deals with various matters besides exits which are considered essential to life safety, and, in some cases, specifies limits beyond which the hazard is so great that no practical amount of exits can give assurance of any reasonable safety. The purpose of this secondary code is to protect life, health and safety and general welfare of the citizens of the Town of Berthoud.

Section 6. HEATING, COOLING AND VENTILATING CODE. The Heating, Cooling and Ventilating Code of the City and County of Denver, Colorado, being Chapter 52 of its Building Code, issued and published by the City and County of Denver on January 16, 1965, at least three (3) copies of which have been certified as true copies by the Mayor and Clerk of the Town of Berthoud and are now on file in the office of the Town Clerk, is hereby enacted and adopted by reference as a secondary code and incorporated herein, except said code as hereby modified and changed as follows:

(1) Wherever in said Chapter 52 the words "Denver" or "City of Denver" are used, there is substituted therefor the word "Berthoud" or "Town of Berthoud".

(2) Wherever in said Chapter 52 the phrase "Fire Prevention Bureau" is used there is substituted the word "Building Inspector's Department".

(3) Any reference in said Chapter 52 to "Chapter 4, 48, 50, 51, and 53" is deleted.

(4) Whenever the words "Electrical Code" are used in said Chapter 52 there is substituted therefor the phrase "National Electrical Code".

(5) Whenever in said Chapter 52 reference is made to "Chapters 30, 32, 37, 38 or 49", there is substituted therefor "Chapters 30, 32, 37 or 49" of the "Uniform Building Code".

(6) For the phrase "Chapter 50 or 3" as used in Section 5224 of the said Chapter 52, there is substituted the phrase "The Colorado State Plumbing Code or The National Electrical Code."

The said secondary code regulates the construction, installation, alteration, maintenance and repair of all warm air furnaces, stokers, oil burning, solid fuel burning, gas burning and liquefied petroleum gas burning equipment for air heating, ventilating, air conditioning, blower and exhaust appliances and systems, domestic and commercial cooking ranges, plates and hoods. The purpose of this secondary code is to protect the life, safety, health, property and general welfare of the citizens of the Town of Berthoud.

Section 7. MODEL TRAFFIC CODE. The Model Traffic Code for Colorado Municipalities, 1966, issued and published by the Colorado Highway Safety Council, a division of the Executive Department of the State Government, under date of February 17, 1966, at least three (3) copies of which have been certified as true copies by the Mayor and Clerk of the Town of Berthoud and are now on file in the office of the Town Clerk, is hereby enacted and adopted by reference as a secondary code and incorporated herein; save and except the following articles and sections which are declared to be inapplicable to this municipality and are thereby expressly deleted:

1. Section 26-2 at page 59, Penalties for Violation;
2. Section 27-6, Effective Date, page 60;
3. Part E. Appendix, page 61, Article XXVIII, Sections 28-1 through and including 28-12, which is covered by Section 23-12.

The Chief of Police is hereby vested with the responsibility for traffic control and appointed by the Board to serve as traffic engineer in this municipality and he shall cause records to be kept in compliance with Section 23-12 of the "Model Traffic Code for Colorado Municipalities, 1966".

There is contained in the Model Traffic Code for Colorado Municipalities, 1966, reference to "Manual on Uniform Traffic Control Devices for all Classes of Streets and Highways", as adopted by the State Department of Highways. Said manual was adopted May 19, 1952 and at least three (3) copies have been properly certified as true copies by the Mayor and Clerk of the Town of Berthoud and are now on file in the office of the Town Clerk. Said manual is hereby enacted and adopted by reference as a secondary code and incorporated herein. Said manual sets forth Uniform Systems for Traffic Control Devices. The purpose is to provide for uniformity of traffic control devices and to protect the life, safety, health, property and general welfare of the citizens of the Town of Berthoud.

The said Model Traffic Code for Colorado Municipalities, 1966, shall have the following penalty provisions as hereinafter set forth:

(1) That it is unlawful for any person to violate any of the provisions of the Model Traffic Code for Colorado Municipalities, 1966, and such violation shall be punishable as is hereinafter provided.

(2) Any person who shall be convicted of a violation under the Model Traffic Code, 1966, shall be fined in a sum of not less than One Dollar (\$1.00) nor more than Three Hundred Dollars (\$300.00), or imprisoned for a term not exceeding ninety (90) days, for each offense.

(3) Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense.

The said Model Traffic Code for Colorado Municipalities, 1966, is a complete traffic code which governs the method of operation and equipment of all motor vehicles and regulates all traffic conditions within the Town of Berthoud. Its purpose is to provide rules and regulations which are necessary for the public health and safety and which shall at the same time provide uniformity of application and interpretation with the traffic regulations in other parts of the State of Colorado.

Section 8. PENALTY PROVISIONS. The penalty provisions contained in the "Municipal Code of the Town of Berthoud" are hereinafter set forth in full:

"20.1 Required obedience to Code. It shall be a violation of this code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required, in this code."

"20.2 Fines and Penalties. Any person who shall be convicted of a violation of this code shall be fined in a sum of not less than \$1.00 nor more than \$300.00, or imprisoned for a term not exceeding ninety (90) days, for each offense. Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense."

"20.3 Failure to Pay Fine-Imprisonment. If any defendant shall neglect or refuse to satisfy any fine imposed for a violation of this Code, he shall upon order of the police magistrate, be committed to the town jail or other place of confinement provided for that purpose until such judgment and costs are fully satisfied; provided that no such imprisonment shall exceed ninety (90) days for any one offense."

Section 9. The Board of Trustees herewith finds and determines and designates that this ordinance is necessary for the immediate preservation of the public peace, health and safety; and whereas in the opinion of the Board of Trustees an emergency exists for the reason that there are no published copies of the ordinances of the Town of Berthoud available for sale or distribution, and that the same are necessary for the proper administration and enforcement of the ordinances of the Town; this ordinance shall take effect and be enforced five (5) days after its final passage and adoption.

The above ordinance was passed on first reading by the Board of Trustees of the Town of Berthoud, Colorado, at its regular meeting held June 13, 1967. The above ordinance was passed on second reading and adopted by the Board of Trustees of the Town of Berthoud, Colorado, at its regular meeting held on July 11, 1967.

R. B. Fickel
Mayor

ATTEST:

Armona Williams
Town Clerk

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