

ORDINANCE NO. 1293

AN ORDINANCE AMENDING CHAPTER 11 OF THE MUNICIPAL CODE OF THE TOWN OF BERTHOUD BY ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES TO REQUIRE THAT STRUCTURES BE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; WITH TOWN OF BERTHOUD LOCAL AMENDMENTS THERETO.

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the Town of Berthoud (the "Town"), the Board of Trustees desires to adopt by reference the International Property Maintenance Code, 2021 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478 ("IPMC"); and

WHEREAS, Section 31-16-202, C.R.S., as amended, permit the adoption by reference of such codes upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

WHEREAS, copies of the IPMC are available at the office of the Town Clerk located at 807 Mountain Ave, Berthoud, CO 80513, for review and inspection by the public; and

WHEREAS, the Board of Trustees held a public hearing, with proper notice provided, to consider adoption of the IPMC as required by law; and

WHEREAS, the Town Board of Trustees has determined, based on the evidence and testimony presented at the public hearing, that the IPMC, as amended herein, will further the health, safety and welfare of the inhabitants of the Town.

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

Section 1. Chapter 11 of the Municipal Code of the Town of Berthoud is hereby amended to add the following Section 11-16:

Section 11-16 – International Property Maintenance Code

Pursuant to parts 1 and 2 of article 16 of title 31, C.R.S., there is hereby adopted by reference the International Property Maintenance Code, 2021 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478 ("IPMC"); provided that any penalty provisions are expressly not adopted. The subject matter of the IPMC relates primarily to the conditions and maintenance of all property, buildings, and structures within the Town. The purpose of this Section and the IPMC adopted herein is to provide consistent regulations for the maintenance of all property and for condemnation of buildings and structures unfit for human occupancy and use. Three (3) copies of the IPMC adopted herein are now filed in the office of the Clerk of the Town of Berthoud, Colorado, and may be inspected during regular business hours.

Section 11-16.1 – Amendments

The International Property Maintenance Code is hereby amended as follows:

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

IPMC Section 103 IPMC Section 103 (Code Compliance Agency) is amended by deleting the section in its entirety.

IPMC Section 104 IPMC Section 104 (Fees) is amended by deleting the section in its entirety.

IPMC Section 107.1 IPMC Subsection 107.1 (Means of Appeal) is amended by deleting the subsection in its entirety and inserting the following:

"**107.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be comprised of one hearing officer appointed by the Berthoud Board of Trustees who shall hold office at the board's pleasure."

IPMC Section 107.5 IPMC Subsection 107.5 is added to include the following:

"**107.5 Board of Appeals Decision Review.** Appeal from a board of appeals decision shall be pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

IPMC Section 108 IPMC Section 108 (Board of Appeals) is amended by deleting the section in its entirety.

IPMC Section 109 IPMC Section 109 (Violations) is amended by deleting the section in its entirety.

IPMC Subsection 111.4 IPMC Subsection 111.4 (Notice) is amended by deleting the subsection in its entirety.

IPMC Subsection 302.4 IPMC Subsection 302.4 (Weeds) is amended by deleting this section in its entirety.

IPMC Subsection 302.8 IPMC Subsection 302.8 (Motor Vehicles) is amended by deleting this section in its entirety.

IPMC Subsection 304.14 IPMC Section 304.14 (Insect screens) is amended by deleting this section in its entirety.

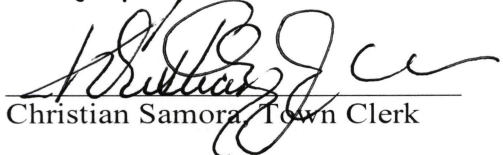
IPMC Section 308 IPMC Section 308 (Rubbish and Garbage) is amended by deleting this section in its entirety.

IPMC Section 309 IPMC Section 309 (Pest Elimination) is amended by the

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.


Section 4. Effective Date. Except as otherwise expressly provided herein, the provisions enacted by this Ordinance shall become effective at 12:01 a.m. on Nov. 20th, 2021.

INTRODUCED, PUBLIC HEARING SCHEDULED FOR OCTOBER 12, 2021, AND ORDERED PUBLISHED THIS 14th DAY OF September, 2021.

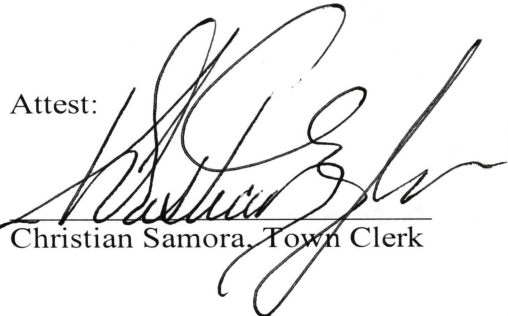

Christian Samora, Town Clerk

ADOPTED BY THE BOARD OF TRUSTEES FOLLOWING A PUBLIC HEARING THIS 12th DAY OF October, 2021.

TOWN OF BERTHOUD, CO


William Karspeck, Mayor

Attest:


Christian Samora, Town Clerk



Approved as to form:

Erin M. Smith, Town Attorney

deleting this section in its entirety.

IPMC Subsection 604.2 IPMC Subsection 604.2 (Service) is amended by replacing "NFPA 70" with "Electrical Code adopted by the Town of Berthoud."

Section 11-16.2 – Penalties for Violation of International Property Maintenance Code

- (a) Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as set forth in Section 20.2 of the Municipal Code of the Town of Berthoud. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Such violation is also deemed a nuisance and may be abated as such.
- (b) The imposition of additional penalties shall not preclude the Town from instituting an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful act, erection, construction, reconstruction, alteration, remodeling or use, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 11-16.3 – Notice of Violation of International Property Maintenance Code

When the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed below. Failure to provide notice shall not constitute waiver of the violation by the Town.

- (a) **Form.** Notice shall be in accordance with the following:
 - 1. Be in writing.
 - 2. Include a description of the real estate sufficient for identification.
 - 3. Include a statement of the violation or violations and why the notice is being issued.
 - 4. Include a correction order allowing a period of 10 days from the date of the receipt of the notice in which to correct or appeal the alleged violations before further enforcement action shall be taken.
 - 5. Inform the property owner or owner's authorized agent of the right to appeal.
- (b) **Method of Service.** Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:
 - 1. A copy is delivered personally.
 - 2. A copy is sent by certified or registered mail addressed to the owner at the last known address, as determined by the address on file in the records of the applicable County Assessor's office, with the return receipt requested.
 - 3. A copy is posted in a conspicuous place in or about the structure affected by such notice.
 - 4. A copy is delivered in any other manner prescribed by local law.

Section 2. **Severability.** Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. Except as otherwise expressly provided herein, the provisions enacted by this Ordinance shall become effective at 12:01 a.m. on November 20, 2021.

INTRODUCED, PUBLIC HEARING SCHEDULED FOR OCTOBER 12, 2021, AND ORDERED PUBLISHED THIS 14th DAY OF SEPTEMBER, 2021.

Christian Samora, Town Clerk

ADOPTED BY THE BOARD OF TRUSTEES FOLLOWING A PUBLIC HEARING THIS 12th DAY OF OCTOBER, 2021.

TOWN OF BERTHOUD, CO

William Karspeck, Mayor

Attest:

Christian Samora, Town Clerk

Approved as to form:


Erin M. Smith, Town Attorney