RESOLUTION NO. 2019-_____
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY,
COLORADO

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO, AMENDING THE BUILDING CODE TO RECOGNIZE THE IMPORTANCE OF PRIVATE PROPERTY RIGHTS.

WHEREAS, the Board of County Commissioners of Rio Blanco County desire to recognize the rights of private property owners to be free from overly burdensome governmental regulation; and,

WHEREAS, the Board of County Commissioners of Rio Blanco County believe the Building Code is an effective tool for the protection of health, safety and welfare; and,

WHEREAS, the Board of County Commissioners of Rio Blanco County desires to find a balance between preventing governmental overreach into the affairs of private property owners without sacrificing the health, safety and welfare of the citizens of Rio Blanco County; and,

WHEREAS, the Board of County Commissioners of Rio Blanco County believes that under certain circumstances the inspection processes mandated by the Building Code has the potential to become an unwarranted intrusion into private property rights of the landowner; and,

WHEREAS, the Board of County Commissioners of Rio Blanco County believes that commercial and primary residential structures should be subject to the Building Code but that if accessory structures are not used primarily for commercial purposes and they have otherwise complied with the Rio Blanco County Land Use Regulations, floodplain regulations and all other state and federal laws and regulations then the provisions of the Building Code should be relaxed as further set forth herein.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

1. The 2006 (IRC) Rio Blanco County Building Code shall be amended to provide that:

    a. For structures that are not primary residences, the building code provisions shall not be applicable; and,

    b. Owner's have the option of contracting with certain Private Inspectors approved by Rio Blanco County, versus being mandated to use the County Building Official for inspections.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO that the 2006 (IRC) Rio Blanco County Building Code be amended as follows:

1. Section 105.2, "Work exempt from permit" shall be amended to include that new structures, that are not or will not be used as primary residences, are exempt from permit as well as all building upgrades to existing structures, regardless of their intended residential use.

2. Section 109.1, “General” shall be deleted in its entirety and replaced with the following:

   Construction or work for which a permit is required shall be subject to inspection and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant, to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Such inspections may be, at the election of the owner or authorized agent, conducted by either the Building Official or any individual or firm approved by the Building Official. If the owner or authorized agent desires to have an individual or firm other than the Building Official (hereinafter, “Private Inspector”) conduct the inspections required hereunder, then at the time of application for the initial building permit, the owner or authorized agent must designate the proposed Private Inspector who will conduct such inspections. Thereafter, the Building Official shall have ten (10) days to reject the proposed Private Inspector which rejection must be based on the Private Inspector(s) lack of experience in building code issues.

   Any inspection conducted by a Private Inspector as allowed hereunder shall be summarized in writing and provided to the Building Official within two business days after the completion of the inspection.

3. Section 109.3 is amended to read: The Building Official or Private Inspector, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

4. Section 109.3.8 “Other Inspections” is amended to read: In addition to the inspections specified above, the Building Official or Private Inspector is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

5. Section 109.6 shall be amended to read: Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official or Private Inspector. The Building Official or Private Inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official or Private Inspector.

6. Section 110.1 “Use and Occupancy” shall be amended to read: No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Provided, however, if the building or structure is not a primary residence, then the restriction on use or occupancy shall not apply. Provided, further, for every structure built pursuant to these amended rules as exempt from the Building Code the Owner or agent shall cause a statement containing the following information to be recorded with the Rio Blanco County Clerk and recorder:

i. The name and address of the owner,
ii. The legal description of the property upon which the structure was constructed,

iii. A description of the structure that was completed without adherence to the building code,
iv. The name, address, and telephone number of the Private Inspector, if one was used; and,
v. The name, address, and telephone number of the contractor, if one was used.

7. Notwithstanding anything to the contrary herein, the provisions of this Resolution and the Building Code as amended herein shall not apply to structures built on real property i) consisting of less than 2.5 acres; and, ii) within one (1) mile of the limits of any incorporated town or city at the time of the structures construction.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN RANGELY, RIO BLANCO COUNTY, COLORADO, this ___ day of July, 2019.

The Board of County Commissioners
of Rio Blanco County, Colorado

(Seal)

By: _____
Jeff Rector, Chairman

Attest:

By: _____
Si Woodruff, Commissioner

_____
Clerk to the Board

By: _____
Gary Moyer, Commissioner