


M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Kate Newman, Acting County Manager 

RE: Building Safety – Ordinance Adopting Policy Manual Part 3, Chapter 8, Section 5 Unsafe Buildings and Structures

DATE: February 21, 2023

Staff Recommendation:

WHEREAS, by virtue of Section 30-15-401, C.R.S., the Board of County Commissioners (BCC) has the power to adopt ordinances for the control of matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of the health, safety and welfare of its citizens, and

WHEREAS, the Colorado Legislature passed SB 21-271, the Misdemeanor Reform Bill, and

WHEREAS, the Board of County Commissioners of Jefferson County hereby finds that an amendment to its current Unsafe Buildings and Structures Ordinance is necessary, and

WHEREAS, the Unsafe Buildings and Structures Ordinance, including the proposed amendments thereto, was introduced and read into the record at a public hearing of the Board of County Commissioners of Jefferson County on January 31, 2023, and

WHEREAS, the Unsafe Buildings and Structures Ordinance, including the proposed amendments thereto, was published in full in the Golden Transcript, a newspaper of general circulation published in Jefferson County, on February 9, 2023, and

WHEREAS, a public hearing for consideration of the adoption of the proposed amendments to the Unsafe Buildings and Structures Ordinance was held on February 21, 2023 at 8:00 a.m., and

NOW THEREFORE, BE IT ORDAINED, that the Unsafe Buildings and Structures Ordinance, as amended, is hereby adopted by the Board of County Commissioners of Jefferson County in the form attached hereto, and the Chairman of the Board of County Commissioners is authorized to authenticate the amended ordinance by his/her signature on the face thereof.

BE IT FURTHER RESOLVED that the Clerk and Recorder shall record the Unsafe Buildings and Structures Ordinance, as amended, in a book kept for that purpose.

BE IT FURTHER RESOLVED that the Unsafe Buildings and Structures Ordinance, as amended, shall be published by title only in a newspaper of general circulation published in Jefferson County in accordance with the requirements of C.R.S. Section 30-15-405.

BE IT FURTHER RESOLVED that the Unsafe Buildings and Structures Ordinance, as amended, shall take effect on April 10, 2023, or 30 days after publication of the title of the ordinance, whichever date occurs last.

Resolution No. CC23-055

Background:

The Misdemeanor Reform Bill, SB 21-271, impacted several county ordinances. Proposed amendments will bring the Unsafe Buildings and Structures Ordinance into compliance with state statute. Provisions of this ordinance have become civil matters.

Fiscal Impact:

The proposed ordinance changes may result in increases or decreases to associated revenue, with potential changes varying year to year.

BCC Briefing Presented on: January 10, 2023, by Kate Newman

BCC First Reading Presented on: January 31, 2023, by Kate Newman

Originator: Kate Newman, Acting County Manager

Distribution: Carey Markel, Deputy County Attorney; Becky Baker, Director of Building Safety

ORDINANCE

An Ordinance Adopting Policy Part 3, Chapter 8, Section 5 Unsafe Buildings and Structures. BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado as follows:

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| Title: Regulatory Policy Unsafe Buildings and Structures | Policy No. Part 3, Regulations Chapter 8, Property Section 5 |
| | Effective Date April 10, 2023 |
| Policy Custodian Building Safety | Adoption/Revision Date February 21, 2023 |

Adopting Resolution(s):

References (Statutes/Resos/Policies): C.R.S. §§ 30-15-401, 30-28-204; CC13-287, CC13-326, CC15-329, CC15-353, CC15-389, CC18-339, CC18-364, CC23-027

Purpose: An Ordinance, pursuant to the authority granted by C.R.S. § 30-15-401 prescribing regulations governing the enforcement of Jefferson County's unsafe building and structure code within unincorporated Jefferson County.

Policy: Unsafe Buildings and Structures

A. Adoption

Jefferson County currently administers Appendix Y to the 2018 Jefferson County Building Code and the 2018 Jefferson County Residential Code, entitled "Unsafe Buildings and Structures" (the "Unsafe Building Code"). The full text of the Unsafe Building Code is incorporated into this Ordinance as if fully set forth herein. This Ordinance establishes regulations governing the enforcement of the Unsafe Building Code.

B. Violations

1. Any person who receives written notice from the Jefferson County Building Division stating that a building or structure owned by such person has been determined to be unsafe under the Unsafe Building Code and who fails to comply with such notice commits a civil infraction and, upon conviction thereof, such person shall be punished by a fine of not more than \$1000 for each separate violation, which shall be collected by the Treasurer of Jefferson County and paid into the treasury of Jefferson County. As provided in C.R.S. § 30-15-402(2), any person convicted of

violating any of the provisions of the Unsafe Building Code shall also pay a \$10 surcharge, which shall be collected by the clerk of the court and transmitted to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund.

2. In addition to the penalties described above, if any person fails to comply with such notice, Jefferson County shall have the right to order the repair, rehabilitation, demolition and/or removal of any buildings or structures deemed to be unsafe and to levy the cost of such work as a special assessment against the property on which the unsafe building or structure is located, in accordance with the provisions of the Unsafe Building Code.

C. Application

This Ordinance shall apply to all buildings and structures within the limits of unincorporated Jefferson County, except for buildings or structures on "affected land" (as that term is defined in C.R.S. § 34-32-103(1.5)) subject to the "Colorado Mined Land Reclamation Act" or on lands subject to the "Colorado Surface Coal Mining Reclamation Act."

D. Severability

Should any provision of this Ordinance be adjudged by any court of competent jurisdiction to be invalid for any reason, such judgment shall not affect, impair or invalidate this Ordinance as a whole or any part thereof other than the part declared to be invalid.

E. Prior Ordinances

This Ordinance shall supersede all prior Ordinances establishing regulations governing the enforcement of the Unsafe Building Code within unincorporated Jefferson County.