

RESOLUTION #11-2015

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
MONTROSE COUNTY COLORADO

AMENDING THE CURRENTLY EFFECTIVE INTERNATIONAL BUILDING CODE (IBC), 2009 EDITION; THE INTERNATIONAL RESIDENTIAL CODE (IRC), 2009 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC), 2009 EDITION; AND THE NATIONAL CONFERENCE OF STATES ON BUILDING CODES AND STANDARDS/AMERICAN NATIONAL STANDARDS INSTITUTE (NCSBCS/ANSI) A225. 1-1994 NON-PERMANENT FOUNDATIONS GUIDE FOR MANUFACTURED HOUSING APPLICABLE TO THE UNINCORPORATED AREAS OF MONTROSE COUNTY COLORADO

**WHEREAS**, pursuant to the authority granted under C.R.S. §30-28-201, *et seq.*, the Board of County Commissioners of Montrose County (hereinafter "BOCC" or "Board") has adopted, by County Resolution 45-2012, the International Building Code (IBC), 2009 edition; the International Residential Code (IRC), 2009 edition; the International Energy Conservation Code (IECC), 2009 edition; and the National Conference of States on Building Codes and Standards/American National Standards Institute (NCSBCS/ANSI) A225. 1-1994 Non-Permanent Foundations Guide for Manufactured Housing applicable to the unincorporated areas of Montrose County Colorado; and

**WHEREAS**, pursuant to C.R.S. 30-28-202 (2), a Board of County Commissioners is authorized to adopt a building code by resolution following notice to the public and a public hearing; and

**WHEREAS**, notices to the public for four (4) consecutive weeks beginning on November 2, 2014 (Daily Press) and October 30, 2014 (Basin Forum), advising of the proposed adoption was published in newspapers of general circulation, the Montrose Daily Press and the San Miguel Basin Forum, as required by C.R.S. 30-28-202(1); and

**WHEREAS**, the required public hearing before the Board of County Commissioners was held on December 1, 2014 in accordance with C.R.S. §30-28-204, with comments from the public being taken under consideration; and

**WHEREAS**, the Board desires to amend and reaffirm, for the protection of the health, safety and welfare of the inhabitants of unincorporated Montrose County, the Building Codes and amendments set forth herein, applicable to entire unincorporated areas of Montrose County Colorado.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY COLORADO AS FOLLOWS:**

1. **Building Code Adoption:** There is hereby adopted by the County for the purpose of providing minimum standards to safeguard the health, safety, welfare and property of the inhabitants of unincorporated Montrose County, the International Building Code (IBC), 2009 Edition; The International Residential Code (IRC) for One and Two Family Dwellings, 2009 Edition; The International Energy Conservation Code (IECC), 2009 Edition; and the National Conference Of States On Building Codes and

Standards/American National Standards Institute (NCSBCS/ANSI) A225. 1-1994 Non-Permanent Foundations Guide For Manufactured Housing, as amended or modified by the amendments set forth herein.

2. **Existing Codes:** The currently effective building code adopted by County Resolution No. 55-00 is hereby repealed; Resolution No. 56-00 Modifying Building Permit Fees is reaffirmed and restated in its entirety; Resolution No. 22-03 for the Adoption of the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition is reaffirmed and restated with the exception that number "1.", pg. 1 is repealed; and Montrose County Ordinance number 2-91 addressing permits for "House and/or Building Movers" within Unincorporated Montrose County is reaffirmed and restated in its entirety.
3. **Purpose and Applicability:** The purpose of the Codes is to provide minimum standards for the construction, remodeling and location of buildings, other structures and related equipment to assist in protecting the public health, safety and welfare of inhabitants of unincorporated Montrose County Colorado. This Resolution and Codes are applicable to all unincorporated areas of Montrose County Colorado.
4. **Scope:** The provisions of these Codes and other codes adopted by reference or reaffirmation by this Resolution shall apply to the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, use, storage, height, area, maintenance, installation, inspection, design, operation, testing handling, erection and fabrication of equipment, structures and buildings within unincorporated Montrose County; except work located in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the Code, and hydraulic flood control structures. Where, in any specific case, different sections of the Code, the County zoning resolution, or any other resolution of the County or other governmental body specify different requirements, the most restrictive provision shall govern.
5. **Definitions:** These definitions are applicable to the Montrose County Building Codes, as adopted herein. In case of differences or conflict with definitions in any building codes adopted herein, these definitions shall prevail.

**Agriculture:** Farming, ranching, animal husbandry, and horticulture.

**Agricultural:** Plant or animal products in the raw or unprocessed state that are derived from the science and art of agriculture regardless of the use of the product after its sale and regardless of the entity that purchases the product.

**Agricultural Building:** A structure designed and constructed to house farm and ranch machinery, equipment and supplies developed and used exclusively for farming and ranching; and agricultural crops and products, such as implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. Excluded from the definition of agricultural building are structures enclosing indoor riding arenas with an occupant load of 10 or more persons.

**Farm:** A parcel of land which is used to produce agricultural products that originate from the land's productivity for the primary purpose of obtaining a monetary profit. A farm is also defined as stock, farm dairy, farm poultry, farm fur-bearing animals and truck farms,

plantations, ranches, nurseries, ranges, and orchards that are utilized for at least fifty percent of the total product output produced.

**Ranch:** A parcel of land which is used for grazing livestock for the primary purpose of obtaining a monetary profit. Livestock means domestic animals which are used for food for human or animal consumption, breeding, draft or profit.

**Manufactured Home:** A pre-constructed building unit or combination of pre-constructed building units that is constructed in compliance with the federal manufactured home construction safety standards under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S.C. 42, §5401, *et seq.*

**Manufactured Home Park:** The placement of more than one manufactured home on any plot of ground zoned for that purpose where the plot is for rent or lease to the general public for periods exceeding ninety (90) days. The term Manufactured Home Park shall not include manufactured homes placed on agricultural property for the use of employees or family members of the landowner.

6. **General Requirements:** The following general requirements are applicable to all buildings and structures, and building permits in Unincorporated Montrose County:
- A. **Zoning Code:** Prior to issuing a building permit the location of the structure or proposed structure must comply with the adopted zoning resolution in effect within Montrose County.
  - B. **Abatement of Dangerous Buildings:** The Uniform Code for Abatement of Dangerous Buildings, as adopted by Resolution 22-03 may be used to provide a just, equitable and practicable method to be cumulative with, and in addition to, any other remedy provided by this code, and under the laws of the State of Colorado, including but not limited to C.R.S. 30-15-401(1.5)(q).
  - C. **Board of Appeals, IRC Section R112, IBC Section 113:** *Referenced Sections deleted in their entirety. The Montrose County Board of County Commissioners reserves the right, in its the sole and absolute discretion, to appoint a Board of Review in accordance with Colorado Revised Statutes, §§30-28-206 and 30-28-207 C.R.S. when deemed appropriate by the Board.*
  - D. **Applicability to Government Agencies:** In that Federal and State of Colorado government agencies have developed and adopted building and structural codes, Montrose County will exempt such Federal government agencies and State of Colorado agencies from acquiring building permits on their same lands. Local governments must acquire building permits if their project is located within the jurisdiction of Montrose County (or) they may apply to the Montrose County Board of County Commissioners for an exemption.
  - E. **Moving of Houses and Other Buildings:** All structures moved into or within Montrose County (other than pre-manufactured homes) must comply with the Montrose County Ordinance No. 2-91 (House and or Building Movers Ordinance). Building and plan check fees charged for moved structures will be calculated as per a manufactured home/permanent foundation.

F. **Climate and Geographic Design Requirements:** Climate and geographic design criteria (snow loads, wind loads, frost depths, etc.) shall be as required below for all permitted structures located within the jurisdiction of this Resolution.

Roof Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic Effects		Weathering	Frost Line Depth	Termite					
See Existing Table	90	NO	B West End C East End	Severe	18" Monolithic 26" Footer/Stemwall	Slight to Moderate	N/A	NO	Ordinance 52-89 (and) 01-03	1000	50° F

<b>Snow Load</b>	<b>23 Lbs. &lt; 6,000 Ft</b>	<b>80 Lbs. &lt; 9,000 Ft</b>
	<b>30 Lbs. &lt; 6,500 Ft</b>	<b>92 Lbs. &lt; 9,500 Ft</b>
	<b>38 Lbs. &lt; 7,000 Ft</b>	<b>106 Lbs. &lt; 10,000 Ft</b>
	<b>47 Lbs. &lt; 7,500 Ft</b>	<b>121 Lbs. &lt; 10,500 Ft</b>
	<b>58 Lbs. &lt; 8,000 Ft</b>	<b>135 Lbs. &lt; 11,000 Ft</b>
	<b>68 Lbs. &lt; 8,500 Ft</b>	<b>152 Lbs. &lt; 11,500 Ft</b>

G. **Section R401.4 (IRC) Soil Tests, Section AE 502.2 (IRC) Design and Construction and 1803 (IBC) Geotechnical Investigations:** Amended by adding: "From data created and accumulated in historical reports it is concluded that due to expansive soils issues, collapsing soils issues, high ground water issues, seasonally fluctuating ground water issues, moving soils issues, weak soils issues, soil moisture issues and radon gas issues that are regularly found throughout Montrose County, all new and/or altered and/or replaced and/or repaired permanent foundations supporting any and all structures (moved, pre-manufactured, site built) will be required to have a geotechnical investigation including necessary soil testing, with the foundation then specifically designed to accommodate all structural loads on those location-specific soils. (Exception: All utility and miscellaneous Group U structures as per Section 312 IBC with point loads under 10,000 lbs. per column to a monolithic foundation and point loads under 20,000 lbs. per column to footer/stemwall foundations, and any manufactured home placed on a temporary foundation and located within a manufactured home park as herein defined.)

All geotechnical investigation data, soil testing data, foundation design data and foundation installation completion statement must be done through and by a Colorado Licensed Professional Engineer (PE) trained in this field.

A stamped letter shall be submitted to Montrose County from a Colorado Licensed Professional Engineer (PE) that a location-specific geotechnical investigation, including necessary soil testing was performed on the site, and that the foundation was specifically designed to accommodate all structural loads on the location-specific soils as determined by the geotechnical investigation. The letter shall include data regarding measurements of radon gas. If radon gas is measured at 4pCi/L or greater, then mitigation shall be required per Appendix F.

If required by the Montrose County Building Official all location-specific geotechnical investigation data, including soil testing reports shall be submitted with the building permit application.

A written foundation completion statement, as to its successful installation as per submitted plans, must be submitted by the professional engineer (PE) prior to the issuance of a Certificate of Occupancy or Certificate of Use. **Engineered foundations are required for all new structures for human habitation, including accessory structures, built or installed on permanent foundations.**

**All foundations for buildings and structures to which this Resolution and adopted Code(s) apply must be designed and built in accordance with the requirements set forth in the Montrose County Building Handout for Frame Construction and the Montrose County Foundation Requirements for Manufactured Home Parks, as applicable.**

7. **INTERNATIONAL RESIDENTIAL CODE (IRC) for One and Two Family Dwellings, 2009 Edition:** The IRC adopted herein is amended as follows:

**Sections: R105.1 (IRC) Permits, AE301 (IRC) Permits and AE302 (IRC) Application for Permit** are expanded to read: The landowner(s) where a structure is to be located and authorized agent(s) participating in the actual construction, enlargement, alteration, repair, movement, demolition, or change of occupancy and the owner(s) of the structure itself, share a combined responsibility to make application for and obtain the required permit to do such work.

**Sections: R108 (IRC) Fees, AE304 (IRC) Fees:** Shall further read: Building permit fees will be charged as per Montrose County Resolution #56-00.

**Sections R106 (IRC) Construction Documents, AE302 (IRC) Application for Permit, AE304 (IRC) Fees:** When submittal documents and plans are required a plan review fee shall be paid at time of submittal. Said plan review fee shall be 65 percent of the building permit fee as determined by Montrose County Resolution #56-00.

The plan review fees specified in this section are separate fees from the building permit fees and are in addition to the building permit fees.

When submittal documents and plans are changed so as to require additional plan review, an additional plan review fee shall be charged.

**Section(s): AE304.3.3 (IRC) Fee Refunds and R108.5 (IRC) Refunds:** Fee Refunds: The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the building permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official may not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

**Section(s): R108.6 (IRC) Work Commencing Before Permit Issuance, AE304.3.2 (IRC) Investigation Fees: Work Without a Permit:** An additional fee equal to the building permit fee shall be charged for any work commenced before the required permit has been issued. This fee does not include the "plan review" fee.

**Sections R109.1.5 (IRC) Other Inspections, AE305.6 (IRC), Other Inspections:** A Colorado licensed registered professional engineer (R.P.E) will be required to make any and all inspection(s) and written certification(s) of compliance for any and all work done in violation of these adopted codes, guidelines and requirements.

**Sections R109.1.5.1 Lath and gypsum board inspections:** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**IRC Exclusions:** The following parts, sections and appendix within the IRC are excluded from this adoption: Part V- Mechanical (with the exception of Chapter 15 Exhaust Systems); Part VI - Fuel Gas; Part VII - Plumbing; Part VIII - Electrical; within Part IX - (Appendix A, Appendix B, Appendix C, Appendix D, Appendix F, Appendix G, Appendix I, Appendix J, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q); within Section R313 Automatic Sprinkler Systems (R313.2, R313.2.1).

**IRC Appendices:** The following appendices within the IRC are hereby adopted: Appendix E- Manufactured Housing Used as Dwellings, Appendix H - Patio Covers, Appendix K - Sound Transmission.

**Section R105.2 (IRC) Work exempt from permit:** Paragraph (1) is modified with the inclusion "One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 sf."

Also any repair and maintenance that, in the opinion of the Building Official, will not constitute a structural change and/or a use change to the structure and or threat to the life, health, or safety of the occupants.

**Section R104.11 (IRC) "Alternative materials, design and methods of construction and equipment":** Requires stamped drawings, inspections, and written certification by a Colorado licensed professional engineer or Colorado licensed architect. Both professions must have working experience and education in structural construction.

Lumber that does not have a grade mark (native, rough sawed, salvaged) may be used at the discretion of the Building Official if it can be documented and certified by

a Colorado Licensed Engineer (PE) to have equal to or better than the strength properties (deflection, shear, bending, compression) shown for similar sized graded and marked dimensioned lumber.

Salvage block and brick in good condition may be used at the discretion of the Building Official for non-structural purposes.

**Section R319.1 (IRC) Site Address & Access:** Amended to read as follows: "Must conform to Montrose County addressing requirements."

Before any Building Permit can be issued, access to the property and an assigned address must have been applied for from the Montrose County Public Works Division, Engineering Department. In the event the Engineering Department does not respond within 30 days with its verification, the County Building Official may, at his or her discretion, authorize the issuance of Building or I.S.D.S. permits.

**Section R306 (IRC) Sanitation, part 1 and part 2:** may be omitted with approval from the Building Official and only if the structure can be made to comply with the Board of Health Resolution adopted within Montrose County and as documented by the Montrose County Sanitarian.

**Section R111 (IRC) Service Utilities:** Is hereby deleted in its entirety.

7 a. **Manufactured Housing Used As Dwellings (IRC), Appendix E:**

**Section AE 101.1 (IRC) "General"** is amended to read "These provisions shall be applicable to all manufactured homes located within the unincorporated areas of Montrose County."

**Section R202 (IRC) Definitions and Section AE 201 (IRC) Definitions** "Manufactured Home" is amended to read as follows: "Any pre-constructed building unit (or) combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the site of the completed unit, which is designed and commonly used for occupancy by persons for habitable space, in either temporary or permanent locations, and which unit or units cannot be licensed as a vehicle (C.R.S. 41-1-102(b)) and which must be Housing and Urban Development (HUD) approved or International Building Code (IBC) or Uniform Building Code (UBC) approved. Units that are not HUD approved, IBC approved, or UBC approved will not be allowed for use in either temporary or permanent locations." Furthermore, paragraph two (2) of the IRC definition is omitted.

All manufactured homes located within the unincorporated areas of Montrose County and which are not located within an established "manufactured home park" (as evidenced within the Montrose County Assessor's tax records and defined herein) must be placed on a permanent foundation designed by a Colorado licensed professional engineer, have a permanent perimeter enclosure per Section AE 503 (IRC), and must be ground set, (i.e. permanent perimeter enclosure must be backfilled with earthen material to within 8" from top of permanent perimeter enclosure. Slope on backfill not to exceed 20%).

The NCSBCS/ANSI A-225.1-1994 may be used as a guide when a manufactured home's manufacturer's installation instructions are not available for a temporary foundation and the design is reviewed and found to be acceptable for the specific location by a Colorado licensed professional engineer.

Colorado licensed engineers or architects will be required to design, inspect, and certify in writing any structural additions, structural alterations, or structural repairs to a manufactured home. This structural work must be done in compliance with Section AE 102 (IRC).

**Section AE 604 Anchorage Installations (IRC) and Section AE 605 Ties, Materials and Installation (IRC):** Amended to provide that "All manufactured homes must be properly anchored in accordance with these Sections whether placed on a temporary or permanent foundation.

**Section AE503 (IRC) Manufactured Home Parks:** All manufactured homes located within a "Manufactured Home Park" (as evidenced within the Montrose County Assessor's tax records and defined herein) and therefore allowed to be set on a temporary foundation must have their under floor space enclosed with skirting as per AE503.

**Section AE305.5.4 (IRC) Final inspection.** This Section is amended to further read: "Upon an approved final inspection a "Certificate of Use" will be issued. Use of such manufactured home is not allowed until the Certificate of Use is issued."

**Prohibitions for Manufactured Housing in Unincorporated Montrose County:**

Any two or more single wide or multi wide manufactured homes that were each originally designed, manufactured, inspected, and approved for use as a single family dwelling unit may not be physically and or structurally connected in any fashion to form one single or one multiple family dwelling unit.

A manufactured home that was originally designed, constructed, inspected and certified under state and/or federal regulations to be used as a residence, cannot be used for any purpose other than as a residence. (i.e.; a manufactured home cannot be used as a storage structure, agricultural building, kids playhouse, etc.) A manufactured home cannot be stored at a private, non-business location for a period exceeding 12 months.

In accordance with Colorado statutory requirements, C.R.S. 25-10-112, and the Montrose County Board of Health Resolution #13-2006 no Montrose County official shall issue to any person a building permit to install, set, construct, or remodel a building or structure where people will live, work, or congregate, which is not served by a sewage treatments works, until such sewer tap is made available by the governing body or a permit for an individual sewage disposal system (I.S.D.S.) has been approved and issued by the County Sanitarian. No Certificate of Occupancy or Certificate of Use for any applicable structure will be issued until successful connection had been made to an approved sewer system or I.S.D.S. as documented by the County Sanitarian.



8. **INTERNATIONAL BUILDING CODE (IBC), 2009 Edition:** The IBC adopted herein is amended as follows:

**Section 105.1 (IBC) Required:** is expanded to read: The landowner(s) where a structure is to be located and authorized agent(s) participating in the actual construction, enlargement, alteration, repair, movement, demolition, or change of occupancy and the owner(s) of the structure itself, share a combined responsibility to make application for and obtain the required permit to do such work.

**Section 107 (IBC) Submittal Documents:** When submittal documents and plans are required a plan review fee shall be paid at time of submittal. Said plan review fee shall be 65 percent of the building permit fee as determined by Montrose County Resolution #56-00.

The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents and plans are changed so as to require additional plan review, an additional plan review fee shall be charged.

**Section 109 (INC) Fees:** Building permit fees will be as per Montrose County Resolution #56-00.

**Section 109.4 (IBC) Work commencing before permit issuance** – An additional fee equal to the permit fee shall be charged for any work commenced before the required permit has been issued. This fee does not include the “plan review” fee.

**Section 109.6 (IBC): Fee Refunds:** The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the building permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official may not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

**Sections 110.4.5: Lath and gypsum board inspections:** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**Section 112 (IBC) Service Utilities:** Is hereby deleted. It is the permit holder's responsibility to comply with this section.

**Section 110.3.8 (IBC) Other Inspections:** A Colorado licensed registered professional engineer (R.P.E) will be required to make any and all inspection(s) and written certification(s) of compliance for any and all work done in violation of these adopted codes, guidelines and requirements.”

**Section 2109.3 (IBC) Adobe Construction:** Amended by adding “Sampling – Test Specimens – For each of the tests prescribed in this standard, five sample units shall be selected at random from each lot of 5,000 units or fraction thereof.”

**Exclusions IBC:** The following chapters within the IBC are excluded in their entirety from this adoption: Chapter 27 - Electrical, Chapter 28 - Mechanical Systems, Chapter 29 - Plumbing Systems, Chapter 30 – Elevators and Conveying Systems, Chapter 33 – Safeguards During Construction. The following portions of Chapter 9, Fire Protection Systems: (F- 903.2.8 Group R-3 Single Family Homes).

**Appendices IBC:** The following appendices within the IBC are hereby adopted: Appendix B – Board of Appeals, Appendix C – Group U Agricultural Buildings (exception: C102.3 shall read: “The area of a two-story Group U agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 60 feet (18 288 mm) in width.” Provision to provide automatic sprinkler system throughout is deleted), Appendix G - Flood Resistant Construction (Exception: Section 301 shall read “Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed as per the Montrose County Subdivision Regulations”); Appendix I – Patio Covers.

**Section 312 (IBC) Utility and Miscellaneous Group U:** Amended as follows: “All Group U structures are required to obtain applicable building permits and will be charged the applicable fee with the following exception: “Agricultural exempt structures that meet this resolution’s description as defined below are exempt from building permits, but are not exempt from applicable zoning requirements.”

“Agricultural exempt structures” may only be designed, constructed and used to store machinery, equipment and supplies developed and used exclusively for farming and ranching, and farm and ranch crops and crops and products such as farm/ranch implements, hay, grains, poultry, livestock and horticultural products grown, raised and/or used on same farm/ranch: milking barns; livestock and poultry shade structures, and silos are also considered “agricultural exempt structures.” An “agricultural exempt structure”, or any portion thereof, shall not be a place of human habitation, occupancy, or a place of employment where agricultural products are processed, treated, or packaged for retail sale; nor shall it be a place used by the public. “Agricultural exempt structures” or portions thereof may be used to store of house any non-agricultural personal items, including but not limited to: ATV’s, boats, RV’s, airplanes, automobiles, residential items (i.e. beds, cots, dressers, clothes, eating tables, chairs, refrigerators, food preparation equipment, stoves, ovens, etc.; nor can it contain any bathroom or shower facilities, etc.)

To qualify as being an agricultural exempt structure, the structure must fall within the definition of an agricultural building and must be placed on a single contiguous parcel of land with is 35 acres or more in size and which is zoned General Agricultural, and is classified and taxed as agriculture land by the Montrose County Assessor. An

inspection and applicable fee shall be required to verify zoning setback and agricultural use compliance.

**Section 105.2 (IBC) Work exempt from permit:** Amended to include repair and maintenance that, in the opinion of the Building Official, will not constitute a structural change and/or a use change to the structure and or threat to the life, health, or safety of the occupants.

**Section 104.11 (IBC) "Alternative materials, design and methods of construction and equipment"** is amended, and will require stamped drawings, inspections, and written certification by a Colorado licensed engineer or Colorado licensed architect. Both professions must have working experience and education in structural construction.

Lumber that does not have a grade mark (native, rough sawed, salvaged) may be used at the discretion of the Building Official if it can be documented and certified by a Colorado Licensed Engineer (PE) to have equal to or better than the strength properties (deflection, shear, bending, compression) shown for similar sized graded and marked dimensioned lumber.

Salvage block and brick in good condition may be used at the discretion of the Building Official for non-structural purposes.

**Section 3410.1 (IBC) Moved Structures:** Amended to read: "All structures moved into or within the jurisdiction of this Resolution must comply with all zoning codes and permitting, foundation, exterior stairway, landing and deck, smoke and carbon monoxide (CO) alarm(s), and snow load requirements according to these adopted IBC/IRC codes . Except for pre-manufactured homes, a Colorado licensed engineer or architect must certify in writing to the building department that the moved structure does not contain any obvious structural or life safety issues that would cause a threat to the life, health or safety of its human occupants. If a moved structure involves any change of use and occupancy classification under the adopted IBC/IRC codes, the moved structure must comply with all applicable requirements of the 2009 IBC or 2009 IRC. In addition, any changes, alterations or additions to and/or of the structure including windows, insulation, and structural members will require permitting and compliance with all pertinent requirements of the 2009 IBC and/or 2009 IRC.

9. **The International Energy Conservation Code, 2009 Edition:** The IECC adopted herein is amended as follows: Sections 403 and 404 are excluded from Chapter 4. Sections 504 and 505 are excluded from Chapter 5.
10. **Statutory Compliance and Enforcement:** All structures to which this Resolution and adopted Building Code(s) apply must also comply with any applicable requirements under the Colorado Revised Statutes, as amended from time to time, including but not limited to, fireplace installation, C.R.S. 25-7-407 and energy efficient buildings, C.R.S. 6-7-101, *et seq* and C.R.S. 30-28-211. The provisions of this Resolution and the Codes shall be enforced in accordance with the applicable provisions of the Colorado Revised Statutes, including but not limited to C.R.S. 30-28-209 and 30-28-210 as amended from time to time. The Montrose County Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to

prevent, enjoin, abate or remove unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use in violation of this Resolution, the adopted Building Code(s) and/or any applicable laws or regulations.

- 11. **Nonliability:** The adoption of this Resolution shall not create any duty to any person, firm, corporation, or other entity with regard to the enforcement or non-enforcement of this Resolution, or the Code. No person, firm, corporation, or other entity shall have any private right of action, claim or civil liability remedy against the County of Montrose, its Planning and Development Department or any commissions, officers, elected officials, employees, volunteers or agents of such bodies or entities for any damage arising out of or in any way connected with the adoption, enforcement of this Resolution or the Code. Nothing in this Resolution or in the Code shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or other provisions of the Governmental Immunity Act, C.R.S. 24-10-101, et seq, or to waive any immunities or limitations on liability otherwise available to the County of Montrose or any commissions, boards, officers, elected officials, employees, volunteers or agents of such bodies or entities.
- 12. **Severability:** If any part, section, subsection, sentence, clause or phrase of this Resolution or the Code is held to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or the Code(s) adopted herein.

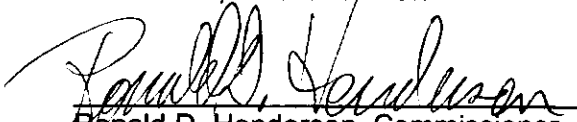
**EFFECTIVE DATE:** This Resolution shall be effective the 2<sup>nd</sup> day of February, 2015. The repeal of any codes herein provided for shall be effective on the effective date of this Resolution.

**UPON MOTION** duly made, seconded and approved this 2<sup>nd</sup> day of February, 2015.

**MONTROSE COUNTY COLORADO BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
David White, Chairman

  
\_\_\_\_\_  
Glen Davis, Vice-Chairman

  
\_\_\_\_\_  
Ronald D. Henderson, Commissioner

ATTEST:

  
\_\_\_\_\_  
Deputy Clerk to the Board

Date 2/2/2015

