

**TOWN OF BUENA VISTA, COLORADO**  
**ORDINANCE NO. 6**  
**(SERIES OF 2019)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,  
AMENDING CERTAIN PROVISIONS OF THE 2015 INTERNATIONAL  
FIRE CODE CONCERNING REFERENCES TO ZONE DISTRICTS AND  
THE TOWN'S FLOODPLAIN REGULATIONS CONCERNING  
VARIANCES AND ENFORCEMENT**

**WHEREAS**, the Town previously adopted a Unified Development Code (“UDC”) which established new zone districts within the Town;

**WHEREAS**, prior to the adoption of the UDC, the Town adopted the 2015 International Fire Code which references certain zones which no longer exist within the Town;

**WHEREAS**, the Town desires to clarify the 2015 International Fire Code to reflect the Town’s newly adopted zone districts; and

**WHEREAS**, the Town further desires to revise certain provisions of its Floodplain Regulations to clarify what constitutes a variance and methods of enforcement.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:**

**Section 1.** Section 18-123(j) of the Town of Buena Vista Municipal Code, amending Section 5704.2.9.6.1 of the 2015 International Fire Code, is hereby amended to read as follows:

Section 5704.2.9.6.1 is hereby amended to read as follows:

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited outside the I-1, MU-1, MU-2, MU-MS and H-C zone districts, as established by the Town.

**Section 2.** Section 18-123(l) of the Buena Vista Municipal Code, amending Section 5806.2 of the 2015 International Fire Code, is hereby amended to read as follows:

Section 5806.2 is hereby amended to read as follows:

**5806.2 Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited outside the I-1, MU-1, MU-2, MU-MS and H-C zone districts, as established by the Town.

**Section 3.** Section 18-123(m) of the Buena Vista Municipal Code, amending Section 6104.2 of the 2015 International Fire Code, is hereby amended to read as follows:

Section 6104.2 is hereby amended to read as follows:

**6104.2 Maximum capacity within established limits.** In the I-1, MU-1, MU-2, MU-MS and H-C zone districts only, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

**Section 4.** Sec. 18-163 of the Buena Vista Municipal Code shall be amended by the addition of the following new definition, which shall be inserted in alphabetical order:

*Variance* means a grant of relief to a person from the requirement of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article.

**Section 5.** Sec. 18-165 of the Buena Vista Municipal Code is hereby repealed and Article IX is hereby amended by the adoption of a new section to read as follows:

**Sec 18-179. - Enforcement and penalties.**

A. Access and Inspection of Properties and Facilities.

1. The Floodplain Administrator is hereby empowered and directed to inspect, in or upon any premises and examine the use, occupation or development of floodplains subject to these regulations for the purpose of determining from time to time whether any use, occupation, development or activity is in violation of any of the provisions of these regulations or any permit issued or required pursuant to this or other applicable regulations or chapters. In the event that the owner or occupant refuses entry after a request to enter has been made, the Town is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry. The investigation may include, but is not limited to, the following: surveying; measuring; taking of photographs; interviewing persons; and access to any and all facilities or areas within the premises that may have any effect on the violation.
2. If the violation constitutes an immediate danger to public health and public safety, the Floodplain Administrator is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the violation.
3. If a violation is found to exist, the Floodplain Administrator shall by written order direct that such remedial action be undertaken immediately that will result in full compliance with the applicable provisions of these regulations. However, issuance of such order shall in no way or manner be deemed a prerequisite to the commencement of such enforcement proceedings as are set forth in these regulations. Further, compliance with such order shall not necessarily be deemed a defense to any alleged violation of these regulations, in any court action instituted seeking full

compliance, but evidence of compliance with such order may be introduced as pertinent to mitigation and extenuation.

4. If the work necessary to abate the violation is not completed as directed by the Floodplain Administrator, the Town may take corrective measures and charge the cost of such corrective measures to the violator. Such costs shall include the actual cost of the work deemed necessary by the Floodplain Administrator, plus reasonable administrative and inspection costs and any penalties imposed pursuant to these regulations.

B. Violations and Remedial Actions.

1. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of these regulations, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
2. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates any provision of this chapter or fails to comply with any of its requirements, upon conviction thereof, shall be punished by a fine in an amount that does not exceed the maximum fine provided for in Sec. 1-72 for each violation and, in addition, shall pay all costs and expenses involved in the case.
3. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 6.** Sec. 18-167 of the Buena Vista Municipal Code is hereby amended to read as follows:

- (1) No structure or land shall be located, altered, or have its use changed within the SFHA without a floodplain development permit in compliance with this Article.
- (2) On projects which required conditional approval from FEMA, the owner shall, within six(6) months of the completion of any project, apply for final approval of the project from FEMA.

**Section 7.** Sec. 18-169(A) of the Buena Vista Municipal Code is hereby amended by the adoption of a new subsection (6) to read as follows:

Any additional information that the Floodplain Administrator deems necessary to review the application.

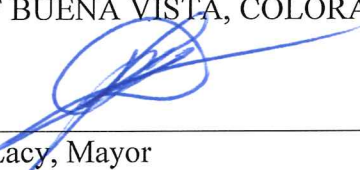
**Section 8.** Sec. 18-170 of the Buena Vista Municipal Code is hereby amended by the adoption of a new subsection (j) to read as follows:


No variances are permitted from the submission requirements in Sec. 18-169 and the minimum engineering requirements in Sec. 18-174(a).

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 14<sup>th</sup> day of May, 2019.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By:   
Duff Lacy, Mayor

ATTEST:  
  
Paula Barnett, Town Clerk

