

STATE OF COLORADO)
) ss Resolution No. 2002-035
COUNTY OF OURAY) Amending Resolution No. 2000-040

At a regular meeting of the Board of County Commissioners for Ouray County, Colorado, held at the Ouray County Courthouse, on the 23rd day of September, 2002, there were present:

Bill Ferguson, Chairperson
Alan Staehle, Commissioner
Don Batchelder, Commissioner

when the following proceedings, among others, were had and done to-wit:

WHEREAS, the Board of County Commissioners of Ouray County, Colorado ("Board"), recognizes the importance of preserving local historic structures, sites, and districts as a means of preserving Ouray County community's heritage; and

WHEREAS, the Board adopted Resolution No. 2000-040 pursuant to C.R.S. § 30-11-107(1)(bb) to preserve significant historic sites and structures in Ouray County; and

WHEREAS, on December 18, 2000, the Board adopted the 1997 edition of the Uniform Building Code with amendments pursuant to Resolution No. 2000-062; and

WHEREAS, the Board should be specifically authorized to, not only approve a building permit application to alter, demolish, destroy, dismantle, remove, or convert a building or structure that has been designated as either having or eligible for designation as having historical significance to the community, the region, or the State of Colorado, but also to approve with conditions, to deny, or to deny with conditions such building permit application.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Ouray County, as follows:

1. Resolution No. 2000-040 is hereby amended as follows:
 - a. Section 1C shall be amended to read as follows:

"The Uniform Building Code, 1997 Edition, Section 102 – UNSAFE BUILDINGS OR STRUCTURES, as adopted in Ouray County on December 18, 2000 by Ouray County Resolution No. 2000-040, shall apply to the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion, or demolition of all buildings and structures in the unincorporated territory of Ouray County, except as otherwise provided by the Uniform Building Code, 1997 Edition and also with the exception of any and all buildings or structures which: 1) have been designated as historic landmarks; or 2) which lie within a historic district pursuant to local, state, or federal historic preservation laws; or 3) which have not yet been designated as a historic landmark, but are greater than 50 years of age. In the event that any of the three (3) exceptions hereinabove applies, a building permit application for the alteration of such building or

structure shall be reviewed by and final determination made on such application by the Ouray Board of County Commissioners as provided herein. Unless otherwise exempted by the provisions of this Resolution, no building or structure located in the unincorporated territory of Ouray County may be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished without first obtaining a permit from the Ouray County building official.

- b. Section 2, Definitions, is hereby amended to add a new subsection C to read as follows:

"C. "Final Determination" shall mean action by the Ouray Board of County Commissioners to either grant, grant with conditions, deny, or deny with conditions, for the purposes of this Resolution."

- c. Section 3A, Review of Building Permits for Designated Structures and Structure Greater than 50 Years in Age shall be amended to add a new subsection 3 to read as follows:

In addition, Section 3403.5 of the Uniform Building Code, 1997 Edition – Historic Buildings, as it applies to historic buildings or structures, shall read as follows: Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the Board of County Commissioners, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
2. Any unsafe condition as described in this Code are corrected.
3. The restored building or structure will be no more hazardous based on life safety, fire safety, and sanitation than the existing building.

- d. Section 3C shall be amended to add a new subsection 3 to read as follows:

"3. "Within sixty (60) days of the conclusion of the 120-day stay, the Board shall conduct a public hearing to make a final determination regarding the building permit application. The Board may make a final determination to grant, grant with conditions, deny, or deny with conditions the building permit application, subject to review pursuant to Section 3D hereinbelow. "

- e. Section 3D is hereby repealed and Sections 3E and 3F are renamed as Sections 3D and 3E, respectively.

This Resolution shall take effect immediately upon its adoption.

Introduced, read and passed this 23rd day of September, 2002.

Voting in the affirmative: Bill Ferguson, Alan Staehle, and Don Batchelder

Voting in the negative: None

Absent: None

THE BOARD OF COUNTY COMMISSIONERS OF
OURAY COUNTY, COLORADO

BY: Bill Ferguson
Bill Ferguson
Chairman, Board of County Commissioners

ATTEST: Shelli D. Banks

STATE OF COLORADO)
)SS.
COUNTY OF OURAY)

I, Michelle Olin, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the records of the Proceedings of the Board of County Commissioners for said Ouray County, now in my office.

IN WITNES WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Ouray, this 23rd day of September, A.D. 2002.

Michelle Olin
Michelle Olin, County Clerk & Recorder

By: Shelli D. Banks
Shelli D. Banks, Deputy Clerk of the Board