

**TOWN OF SILVERTON, COLORADO  
ORDINANCE NO. 2014-03**

**AN ORDINANCE OF THE TOWN OF SILVERTON,  
COLORADO AMENDING CHAPTER 7, ARTICLE 1,  
SECTION 7-1-9 SUPPLEMENTARY REGULATIONS-  
PLANNING AND ZONING OF THE MUNICIPAL CODE TO  
INCLUDE "H. BUILDING AND PROPERTY  
MAINTENANCE AND APPEARANCE IN THE B-P  
BUSINESS PEDESTRIAN DISTRICT."**

**WHEREAS**, the Town of Silverton Board of Trustees deems that it is in the community's best interest that reasonable minimum standards be established and enforced for the maintenance and appearance of structures and properties within the historic downtown B-P Business Pedestrian District; and

**WHEREAS**, the Board of Trustees finds that poorly maintained properties and "boarded up" buildings contribute to blight-like conditions, depress values of surrounding properties, create safety and other nuisance conditions, and affect the personal, economic and aesthetic well-being of Town; and

**WHEREAS**, the Board of Trustees acknowledges that Town operations such as road grading, surface drainage, snow plowing and snow storage within the public rights-of-way can be modified to improve efficiency and functionality and to better protect private property; and

**WHEREAS**, the Board of Trustees understands the need to establish a grace period until June 1, 2015 in order for property and/or business owners and the Town to make the physical improvements and operational changes that may be necessary; and

**WHEREAS**, the Board of Trustees held a noticed work session to review existing regulations and discuss potential new standards at a public meeting on August 18, 2014; and

**WHEREAS**, the Board of Trustees has the authority pursuant to Section 31-23-301 C.R.S. to adopt zoning regulations that are effective within the jurisdictional boundaries of the Town of Silverton; and

**WHEREAS**, the Board of Trustees considered first reading of this ordinance amending Chapter 7, Article 1, Section 7-1-9 Supplementary Regulations of the Municipal Code at a regular meeting on September 8, 2014 and approved it 7-0 with an amendments regarding drainage and snow impacts and vacant lots; and

**WHEREAS**, the San Juan Regional Planning Commission reviewed the proposed ordinance at a regular meeting on September 17, 2014 and voted 5-0 with two (2) members absent to forward a recommendation of approval with certain amendments concerning certain north-facing lots and sidewalks to the Board of Trustees; and

**WHEREAS**, the public hearing notice was published in the Silverton Standard on September 25, 2014 and the notice posted in Town Hall on September 26, 2014; and

**WHEREAS**, the Board of Trustees held a duly noticed public hearing to consider second reading of this ordinance at a regular meeting on October 13, 2014; and

**WHEREAS**, the Board of Trustees determined for the general health, safety and welfare of the citizens of and visitors to the Town of Silverton that the maintenance and appearance of structures and properties within the B-P Business Pedestrian District shall be regulated and enforced by means of certain amendments to Chapter 7, Article 1, Section 7-1-9 Supplemental Regulations of the Town of Silverton Municipal Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, THAT:**

**Section 1:** Chapter 7, Article 1, Section 7-1-9 of the Silverton Municipal Code entitled "Supplemental Regulations" is hereby enacted to read as follows:

H. Building and Property Appearance and Maintenance in the B-P Business Pedestrian District.

1. After June 1, 2015, all buildings in the B-P Business Pedestrian District within the Town of Silverton shall be prohibited from boarding up.
2. Damaged Buildings. A building that has been damaged by fire, storm, vandalism or accident may be boarded up pending repair or demolition with written permission from the Building and Code Enforcement Official or designee for a period not to exceed thirty (30) days.
3. Drainage and Snow Storage Impacted Buildings. A building that is impacted by surface drainage, snow storage and/or snow drifts within the public right-of-way, such as Lots 1 and 24 at the northerly end of Blocks adjoining Numbered Streets, may be boarded up with written permission from the Building and Code Enforcement Officer or designee until such time as the situation is repaired or abated.
4. Maintenance and Appearance. Minimum standards for the maintenance and appearance of structures and property are:
  - a. Exterior siding and roofing shall be properly maintained and provide the building with a weather-resistant walled envelope.
  - b. Window frames and glass shall be reasonably weather tight and shall have panes without cracks or holes and the sash shall fit properly. Missing or broken panes shall be promptly repaired. Windows and any other structural openings in the building shall not be boarded up for a period exceeding thirty (30) calendar days in any given calendar year.



- c. Doors providing entrance and exit for any structure shall fit properly and have locking devices capable of being operated from the inside and outside of the building. Barrel bolts and hasps with padlocks are not adequate for primary doors.
  - d. Fences, walls and accessory buildings shall be maintained in a reasonably good condition, free of excess amounts of missing, broken, dilapidated or nonfunctional elements, or safety hazards.
  - e. Platforms, landings, decks and steps shall be provided, where appropriate, to serve as exits and shall be maintained in a safe condition.
  - f. Exterior awnings, shutters and other architectural features shall be maintained in reasonably good condition, free of excess amounts of missing, broken, dilapidated or nonfunctional elements, or safety hazards.
  - g. Vacant lots shall be maintained in a clean and orderly manner free of noxious weeds, grass/weeds over one-foot in height, litter, rubbish, graffiti, storage of any type of vehicles, trailers and/or materials, or any objectionable, unsanitary or unsightly matter of whatever nature to accumulate or remain on such real property.
  - h. Sidewalks, curbs and gutters are the duty and responsibility of any owner with property fronting any street within the Town; sidewalks, curbs and/or gutters shall be constructed, maintained, repaired or replaced in such a manner that they are in good repair, in conformity with the established grade of the adjacent street, in accordance with Chapter 11, Article 1-Streets and Sidewalks, consistent with the Town Development Standards and Specifications, in compliance with any other applicable Town policies and free from snow, ice, mud, dirt, debris, rubbish, refuse, obstacles, encroachment or obstruction.
4. Enforcement. Responsibility for the administration of this section of the ordinance shall be with the Building and Code Enforcement Officer or designee.
- a. The Building and Code Enforcement Officer or designee shall provide the property owner, via hand delivery or certified mail, a detailed account of the nature and extent of the deficiencies of any structure in violation of this ordinance. The property owner shall have not more than sixty (60) days from the receipt of the written notice to correct all such deficiencies. In the event the certified letter is not accepted, the sixty (60) day period shall commence on the date of the U.S Postal Service's last failed attempt at delivery. Failure to remedy the deficient conditions shall be deemed a violation of this ordinance.

- b. Notice to Repair. Upon the failure, neglect or refusal of any such owner to correct the deficiencies identified by the Building and Code Enforcement Officer or designee, the Town Administrator or designee may, by order in writing, direct such condition to be abated. The order may be served upon the property owner in person or by certified mail.
- 5. Violation and Penalty. Failure to comply with any of the provisions of this ordinance shall constitute a misdemeanor in accordance with Section 7-2-2 C. Violation and Penalty.
- 6. Appeals. Appeals of the Building and Code Enforcement Officer's or designee's decision regarding this section of the Code shall be pursuant to Section 7-2-2 D. Appeals of Administrative Decisions.

**Section 2:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

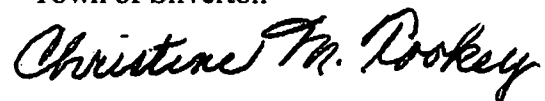
**Section 3:** Repeal. Existing or parts of ordinances (identifying number may be cited) covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

**Section 4:** Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, AMENDED AND PASSED** on First Reading, September 8, 2014.

**INTRODUCED, (PASSED AND ADOPTED AND ORDERED PUBLISHED or FAILED)** on Second Reading this \_\_\_\_ day of \_\_\_\_\_ 2014.

Town of Silverton



Christine M. Tookey, Mayor

Attest:



Chelsea Stromberg, Town Clerk