

TITLE 15

Buildings and Construction

Chapter 15.08 Building Code

- 15.08.010 Adoption
- 15.08.020 Additions or modifications
- 15.08.030 Section 104 – duties and powers of Building Official
- 15.08.035 Section 105 – permits
- 15.08.040 Section 106.2 – site plan
- 15.08.050 Section 108 – fees
- 15.08.060 Section 109 – inspections
- 15.08.070 Section 110 – certificate of occupancy
- 15.08.080 Section 112 – Board of Appeals
- 15.08.090 Section 114.1 – stop work order
- 15.08.100 Section 501.2 – premises identification
- 15.08.110 Section 1204 – temperature control
- 15.08.120 Section 1608.2 – ground snow loads
- 15.08.130 Section 1704 – special inspections
- 15.08.140 Section 1805.2 – depth of footings
- 15.08.150 Chapter 30 – elevators and conveying systems
- 15.08.160 Appendix J – grading
- 15.08.300 Violation
- 15.08.310 Penalty
- 15.08.320 Repeal
- 15.08.330 Validity

Chapter 15.09 Residential Code

- 15.09.010 Adoption
- 15.09.020 Additions or modifications
- 15.09.030 Section R104 – duties and powers of Building Official
- 15.09.040 Section R105 – permits
- 15.09.050 Section R106.2 – site plan
- 15.09.060 Section R108 – fees
- 15.09.070 Section R109 – inspections
- 15.09.080 Section R110 – certificate of occupancy
- 15.09.090 Section R112 – Board of Appeals
- 15.09.100 Section R114.1 – stop work order
- 15.09.110 Table R301.2(1) – climatic and geographic design criteria
- 15.09.120 Section R321.1 – premises identification
- 15.09.140 Section R403.1.4 – minimum depth
- 15.09.300 Violation
- 15.09.310 Penalty
- 15.09.320 Repeal
- 15.09.330 Validity

Chapter 15.12 Electrical Code

- 15.12.010 Adoption
- 15.12.020 Administration – fees
- 15.12.060 Violation
- 15.12.070 Penalty
- 15.12.080 Validity
- 15.12.090 Repeal

Chapter 15.20 Plumbing Code

- 15.20.010 Adoption

	15.20.020	Additions or modifications
	15.20.030	Organization and enforcement
	15.20.040	Section 103.1.3 – permits and inspections, licensing
	15.20.050	Section 103.4 – permits and inspections, fees
	15.20.060	Section 315.0 – trenching, excavation and backfill
	15.20.070	Section 507 – combustion air
	15.20.080	Section 906 – vent termination
	15.20.090	Section 604 – materials
	15.20.100	Section 605 – valves
	15.20.110	Violation
	15.20.120	Penalty
	15.20.130	Repeal
	15.20.140	Validity
Chapter 15.24	Mechanical Code	
	15.24.010	Adoption
	15.24.020	Additions or modifications
	15.24.030	Section 106.5.2 – fee schedule
	15.24.040	Section 109 – means of appeal
	15.24.050	Section 701 – combustion air, general
	15.24.060	Section 902 – masonry fireplaces
	15.24.110	Violation
	15.24.120	Penalty
	15.24.130	Repeal
	15.24.140	Validity
Chapter 15.28	Sign Code	
	15.28.010	Short title
	15.28.020	Definitions
	15.28.030	Prohibited signs
	15.28.040	Exempted signs
	15.28.050	Sign code administration
	15.28.060	Sign design guidelines
	15.28.070	Design review criteria
	15.28.080	Sign allowance
	15.28.090	Maintenance, variances, construction code
	15.28.100	Liability not relieved
	15.28.110	Penalty
	15.28.120	Captions
Chapter 15.30	Outdoor Lighting Standards	
	15.30.010	Intent and purpose
	15.30.020	Definitions
	15.30.030	Applicability
	15.30.040	General outdoor lighting standards
	15.30.050	Lighting plan
	15.30.060	Violations
	15.30.070	Figures and diagrams
Chapter 15.32	Fire Code	
	15.32.010	Adoption
	15.32.020	Additions or modifications
	15.32.030	Section 104.6 – official records
	15.32.040	Section 104.11 – authority at fires and other emergencies
	15.32.050	Section 104.11.3 – systems and devices
	15.32.060	Section 105.1.1 – permits required
	15.32.070	Section 105.6 – required operational permits

	15.32.080	Section 105.7 – required construction permits
	15.32.090	Section 108 – Board of Appeals
	15.32.100	Section 202 – general definitions
	15.32.110	Section 308.3.1 – open-flame cooking devices
	15.32.120	Section 603.8.2 – spark arrestor
	15.32.130	Section 905.1 – standpipe systems, general
	15.32.140	Section 907 – fire alarm and detection systems
	15.32.250	Violation
	15.32.260	Penalty
	15.32.270	Validity
Chapter 15.36		Factory-Built Housing and Manufactured Homes
	15.36.010	Definitions
	15.36.020	Park site and general requirements
	15.36.030	General requirements, manufactured housing
	15.36.040	General requirements, factory-built units
Chapter 15.40		Solid-Fuel-Burning Devices
	15.40.010	Purpose and applicability
	15.40.020	Definitions
	15.40.030	Regulations below elevation of seven thousand eight hundred twenty feet
	15.40.040	Regulations above elevation of seven thousand eight hundred twenty feet
	15.40.050	Gas appliances
	15.40.060	Coal usage prohibited
Chapter 15.44		Uniform Code for the Abatement of Dangerous Buildings
	15.44.010	Adoption
	15.44.020	Additions or modifications
	15.44.030	Section 205 – Board of Appeal
	15.44.040	Violation
	15.44.050	Penalty
	15.44.060	Repeal
	15.44.070	Validity
Chapter 15.50		General Violations
	15.50.010	Permit violation
	15.50.020	Penalty

CHAPTER 15.08

Building Code

15.08.010 Adoption.

(a) The Charter of the Town of Avon, Section 6.9, provides that standards codes may be adopted by reference with amendments. The Town adopts the 2003 *International Building Code*, excluding Chapter 27 Electrical and Chapter 29 Plumbing Systems and including Appendix C Group U – Agricultural Buildings, Appendix E Supplementary Accessibility Requirements, Appendix J Grading and the generic fire-resistive assemblies listed in the Fire Resistance Design Manual published by the Gypsum Association as referenced in the specified *International Building Code*.

(b) The *International Building Code* is published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795. Three (3) copies of the 2003 *International Building Code* are on file in the office of the Town Clerk and are available for inspection during regular business hours. (Ord. 04-14 §1)

15.08.020 Additions or modifications.

The *International Building Code* is amended and changed as described in Sections 15.08.030 through 15.08.160. (Ord. 04-14 §1)

15.08.030 Section 104 – duties and powers of Building Official.

(a) Section 104.1, General, is amended to read as follows:

"104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code and other provisions of the Avon Municipal Code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving the requirements specifically provided for in this code."

(b) Section 104.6, Right of Entry, is amended to read as follows:

"104.6 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, and of other provisions of the Avon Municipal Code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code, and of other provisions of the Avon Municipal Code, which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, and other provisions of the Avon Municipal Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry."

(Ord. 04-14 §1)

15.08.035 Section 105 – permits.

(a) Section 105.1, Required, is amended by adding the following:

"No building or mechanical permits will be issued for the installation of a wood burning device unless the device is in conformance with the Town of Avon Land Use Regulations regarding wood burning devices."

(b) Section 105.1.1, Annual permit, is deleted.

(c) Section 105.1.2, Annual permit records, is deleted.

(d) Section 105.5, is amended to read as follows:

"105.5 Expiration. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one extension of time, for a period of 180 days. The extension shall be requested in writing prior to the expiration date, shall demonstrate justifiable cause and include a fee of one half the amount required for a new permit for such work. Work on the site shall be deemed as commenced upon approval of the final footing inspection and shall be deemed as suspended or abandoned if no subsequent inspections have been approved within a 180-day period. No permit shall be extended more than once."

(Ord. 04-14 §1)

15.08.040 Section 106.2 – site plan.

Section 106.2, Site plan, is amended to read as follows:

"106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finish grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be based on, and be accompanied by a recent topographic survey conforming to National Map Accuracy Standards, prepared by a registered land surveyor, licensed to practice in the State of Colorado. When construction is proposed in a flood plain area, the application shall be accompanied by elevations of the lowest floor of new or substantially improved structures in said areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be submitted. A complete flood plain development plan, as described by FEMA, is required. The surveyor making the plat shall certify thereon that it is correct and that the perimeter monuments described therein have been placed as described and affix his name and seal. Permanent reference monuments shall be set and marked and shall be made of No. 5 reinforcing bar with a metal cap at least one and three-eighths inches in diameter, and shall protrude no more than four inches from the ground. The plat submitted shall reflect the type of monuments set on the property corners and the location and dimensions of all easements or rights-of-way of record or known. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration, repair or remodel totally within the limits of an existing building or structure, or when otherwise warranted."

(Ord. 04-14 §1)

15.08.050 Section 108 – fees.

(a) Section 108.2, Schedule of permit fees, is amended to read as follows:

"108.2 Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by resolution by the Town Council of the Town of Avon."

(b) Section 108.6, Refunds is deleted. Section 108.6, Contractor licensing, is added to read as follows:

"108.6 Contractor Licensing. All contractors, except Electrical Contractors who are duly licensed by the State, shall purchase a license for conducting work within the Town of Avon. Established annual fees are:

Class I	General Contractor	\$125.00
Class II	Other Contractors	\$ 35.00
Class III	Municipal Contractors	\$ 75.00

"Licenses issued pursuant to this section shall be valid for a period of one year from the date of issue. Every contractor, including Electrical Contractors and owner-builders, shall provide current certificate of insurance for statutory workers compensation and commercial general liability insurance of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate before a contractor's license is issued. An owner-builder is one that will personally perform at least 50% of all labor involved in the construction of a single-family residence, and will be on site to supervise all other work involved. The building shall be intended for use as the principal residence of the owner-builder and shall be personally occupied by said owner-builder for a minimum of one year from the date the Certificate of Occupancy is issued."

(Ord. 04-14 §1)

15.08.060 Section 109 – inspections.

Section 109, Inspections, is amended to read as follows:

(1) Section 109.2, Preliminary inspection, is amended by the addition of the following:

"109.2.1 Inspection Record Card. Inspection record cards shall be on the Construction Sign. It shall be the responsibility of the permittee to display the inspection record card on the job site throughout the construction process for the inspector's signatures. For approval to occupy the structure, either by Temporary Certificate of Occupancy or Certificate of Occupancy, this card must have complete sign-offs for all required inspections and be returned to the Town of Avon Building Official. If the card becomes unreadable or lost there will be a \$20.00 fee to replace or update the card.

"109.2.2 Site Preparation Inspection. The site preparation inspection shall include the staked property lines, setback lines, area of disturbance and soils erosion control measures. A construction

sign with building permit number, street address and contractors name shall be installed on the site and properly placed to be seen and read from the street, prior to this inspection being approved.

"109.2.3 Culvert and Driveway Base. The culvert and driveway base inspection shall be done prior to the placement of the permanent driveway covering. The culvert and approach shall conform to Title 12 of the Avon Municipal Code. This inspection is one of the requirements for Occupancy of the building."

(2) Section 109.3.1, Footing and foundation inspection, is amended by the addition of the following:

"The footing inspection shall be done after the Site Preparation Inspection, and when all footing forms and steel are in place. In winter, blankets and heating devices shall be on site to prevent freezing of the concrete during freezing weather.

"109.3.1.1 Improvement Location Survey Inspection. An Improvement Location Survey shall be prepared by a Colorado-licensed professional land surveyor. The improvement location survey inspection shall be the second part of the foundation inspection. An Improvement Location Survey shall be done at the time of the foundation wall inspection. The Survey shall contain all required statutory information and show all walls in relationship to the required setbacks, as well as all pertinent elevations at the top of the wall. The benchmark must be the same one used for the plan approval process. The Survey shall be presented to the Building Official within 15 working days of the date of the foundation inspection or else all construction on the site will be stopped until the survey is presented and approved by the Town.

"109.3.1.2 Second Improvement Location Survey. A second Improvement Location Survey prepared by a Colorado-licensed professional land surveyor shall be submitted for all buildings that have been designed to within 18 inches of allowable building height, or within 18 inches of a setback line. The inspection is to be done at the time the ridge boards are in place, and shall show all pertinent elevations using the original benchmark. The frame inspection will not be approved until this survey has been presented to the Building Official and has been approved. If this survey is not presented within 15 working days of the frame inspection then all work on the project will be stopped until the survey is presented and approved by the Town."

(3) Section 109.7 is added as follows:

"109.7 Cleanup During Construction. Job sites shall be kept clean and orderly at all times, and if it becomes necessary for the Town to clean and/or haul debris or material from the site, after reasonable notice, as determined by the Building Official, to the permit holder to do so, the actual costs for such services shall be charged to the permit holder, which sum shall be payable at the time a Temporary Certificate of Occupancy is applied for. Construction debris shall be stored in one general location on the site, and shall be removed weekly, or more frequently if necessary, by the permit holder or his agent. Job sites shall be sprinkled as required by the Building Official to prevent blowing of dust. In determining whether or not to sprinkle, the Building Official shall consider availability of water, weather conditions and other relevant factors."

(Ord. 04-14 §1)

15.08.070 Section 110 – certificate of occupancy.

Section 110 is amended by the following additions:

"110.2.1 Conditions of the Certificate of Occupancy.

"The Certificate of Occupancy shall not be issued until all construction has been completed, including building, electrical, plumbing, mechanical, fire systems, landscaping, paving, final grading, drainage and all other construction. All signs of construction must be removed from the property, including excess dirt, building materials, trash containers, rubbish, trash and related items, before the Certificate of Occupancy will be issued.

"110.3.2 Cleanup, Landscaping and General Construction Deposit.

"A cleanup, landscaping and general construction deposit ("deposit") is designed to provide security for all conditions contained in the temporary certificate of occupancy ("TCO"). The deposit shall be paid in cash and shall be paid to the Town of Avon. In lieu of cash, and upon a showing to the Town that adequate security will be provided thereby, the deposit may be by a letter of credit. The letter of credit must be valid for one year and renewable upon the Town's request. The amount of the deposit required shall be based upon a current bid by a reputable contractor, plus twenty-five percent of the bid, good for sufficient time to allow completion of the work, or upon some other basis deemed acceptable by the Town. The bid shall be based upon completion of all remaining work indicated on the approved building permit plans, and any subsequent conditions of approval. If the cleanup, landscaping and general construction, as defined in this Chapter, is not completed within three months of the date the TCO is issued, the Town may, but shall not be obligated to, complete such cleanup, landscaping and general construction, the cost of doing so, together with a fee in the amount of twenty percent of such costs, to be charged to the permit holder and deducted from the cash deposited. If the cost for completion by the Town, plus the fee, exceeds the amount of the deposit, the excess, together with interest at twelve percent [per] annum, shall be a lien against the property and may be collected by civil suit, or may be certified to the treasurer of Eagle County to be collected in the same manner as delinquent ad valorem taxes levied against such property.

"110.3.3 Conditions of a Temporary Certificate of Occupancy.

"1. A temporary certificate of occupancy ("TCO") shall be valid for three (3) months. The Building Official may grant one TCO extension for up to three months. Such extension shall be granted in writing.

"2. The following shall be completed prior to the issuance of a temporary certificate of occupancy for commercial or multi-family (A, B, E, F, H, I, M, S and R-1) occupancies:

"a. The exterior of the building is complete, including painted vents, meters and light fixtures.

"b. The interior shell building is complete with all required final inspections approved, including building, fire sprinkler (if required), electrical, plumbing and mechanical smoke detectors, fire alarms and sprinklers.

"c. Two operative bathrooms on each floor being occupied in other than R occupancies.

"d. Entrance and other work within the public right-of-way must be approved.

"e. All required parking paved and marked.

"f. All utility tap fees paid.

"g. Positive drainage away from the building in all directions at two percent for a minimum of five feet.

"h. Where the required cleanup, landscaping or construction required for a certificate of occupancy is not complete, a temporary certificate of occupancy (TCO) may be issued upon submittal and approval of a cleanup, landscaping and construction deposit in accordance with Section 110.3.2. The surety will be returned to the permittee upon issuance of the final certificate of occupancy.

"110.5 Occupancy Violations. When-ever any building or structure or equipment therein regulated by this code or by other provisions of the Avon Municipal Code is being used contrary to the provisions of this code, or of other provisions of the Avon Municipal Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code."

(Ord. 04-14 §1)

15.08.080 Section 112 – Board of Appeals.

Section 112 is repealed and reenacted to provide as follows:

"112.1 Appeals to Town Council. A person shall have a right to appeal a decision of the Building Official to the Town Council acting in the capacity of the Board of Appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the Building Official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The board shall render a decision within 30 days of receipt of the appeal. The decision of the board shall be by resolution and copies shall be furnished to the appellant and to the Building Official. The Building Official shall take immediate action in accordance with the decision of the board.

"112.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Town Council acting in the capacity of the Board of Appeals shall have no authority to waive requirements of this code.

"112.3 Limitation of Liability. Any member of the Town Council, acting in good faith and without malice for the Town of Avon in the discharge of their duties, shall not thereby render themselves personally liable. The members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Town Council because of any act or omission performed by them in the discharge of their duties shall be defended by the Town of Avon until final termination of the proceedings."

(Ord. 04-14 §1)

15.08.090 Section 114.1 – stop work order.

Section 114.1, Authority, is amended to read as follows:

"114.1 Authority. Whenever the Building Official finds any work regulated by this code, other provisions of the Avon Municipal Code, or other pertinent laws or ordinances implemented through the enforcement of this code, being performed in a manner either contrary to the provisions of the applicable code, law or ordinance or that is dangerous or unsafe, the Building Official is authorized to issue a stop work order."

(Ord. 04-14 §1)

15.08.100 Section 501.2 – premises identification.

Section 501.2, Premises identification, is amended to read as follows:

"501.2 Premises Identification. Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Whenever approved numbers or addresses are not plainly visible and legible from the street or roadway fronting the property due to distance, topography, or vegetation, an approved sign or post with such numbers or addresses shall be installed at the street or road at a point giving access to the building or structure. All such letters or numbers shall be of a contrasting color to the background."

(Ord. 04-14 §1)

15.08.110 Section 1204 – temperature control.

Section 1204 is amended to read as follows:

"1204.1 Equipment and Systems. Interior spaces intended for human occupancy shall be provided with active or passive space heating systems capable of maintaining a minimum indoor temperature of 70 degrees Fahrenheit at a point 3 feet above the floor on the design heating day. Outside design temperature shall be not more than minus 20 degrees Fahrenheit. Minimum insulation requirements for Group R, Divisions 1 and 3 Occupancies shall be as follows: R-19 for exterior wall and floors; R-30 for ceilings/roofs exposed to the exterior. Insulation installed at required locations shall have a minimum 4-mil vapor barrier or equivalent on the inside of all exterior walls. Heat loss calculations shall be required for all buildings.

"Exception: Interior spaces where the primary purpose is not associated with human comfort."

(Ord. 04-14 §1)

15.08.120 Section 1608.2 – ground snow loads.

Section 1608.2, Ground snow loads, is amended to read as follows:

"1608.2 Ground Snow Loads. Snow load shall be determined by the altitude of the property being built on. Property at 8600 feet and above shall be designed for a snow load of 90 pounds per square foot. Property below 8600 feet shall be designed for a 75-pound-per-square-foot snow load."

(Ord. 04-14 §1)

15.08.130 Section 1704 – special inspections.

Section 1704, Special Inspections, is amended by adding the following:

"1704.6.1 Log Frame Construction – Log Inspection. A third party inspection by a certified log inspection agency shall be required of all structural members in log frame buildings. A letter from the log grading agency certifying that log grades are in accordance with the plan specifications shall be required at or prior to the frame inspection.

"1704.15 Special Inspections for Elevators. Elevators installed in all buildings or structures shall require a third party plan review and inspection by a certified elevator inspection agency."

(Ord. 04-14 §1)

15.08.140 Section 1805.2 – depth of footings.

The first sentence is amended to read as follows:

"Footings shall have a minimum depth of 48 inches from the top of the finished grade to the bottom of the footer."

(Ord. 04-14 §1)

15.08.150 Chapter 30 – elevators and conveying systems.

Section 3001.5 is amended as follows:

"3001.5 Fees. Elevator permit applications and inspections will be administered by and through the Northwest Colorado Council of Governments. Elevator permit and inspection fees shall be paid to the Northwest Colorado Council of Governments. (For permit application and inspections contact the Northwest Colorado Council of Governments Elevator Inspection Program at 970-468-0295 (Ext. 108)."

(Ord. 04-14 §1)

15.08.160 Appendix J – grading.

(a) Section J103.2, Exemptions, is amended by the deletion of Exemption numbers 1, 4 and 6.

(b) Section J104.1, Submittal requirements, is amended by the addition of the following:

"Grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a licensed professional engineer, and shall be designated as "Engineered grading" or as otherwise determined or approved by the Building Official."

(Ord. 04-14 §1)

15.08.300 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the 2003 *International Building Code* named in the title of this Chapter:

"It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the adopted or modified provisions of any of the codes or standards named in the title of this Chapter."

(Ord. 04-14 §1)

15.08.310 Penalty.

Any person violating any of the provisions of this Chapter or of the provisions of the 2003 *International Building Code* named in the title of this Chapter, as adopted and modified herein, shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §13; Ord. 04-14 §1)

15.08.320 Repeal.

The repeal or the repeal and reenactment of any provision of the code of the Town as provided in this Chapter shall not affect any right which has accrued, any duty imposed, violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision shall not revive any provision of any ordinance previously repealed or superseded unless expressly stated in this Chapter. (Ord. 04-14 §1)

15.08.330 Validity.

If any section, subsection, sentence, clause, or phrase of the 2003 *International Building Code* named in the title of this Chapter, is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 04-14 §1)

CHAPTER 15.09

Residential Code

15.09.010 Adoption.

(a) Section 6.9 of the Town Charter provides that standards codes may be adopted by reference with amendments. The Town adopts the 2003 *International Residential Code for One- and Two-Family Dwellings*, excluding Chapters 25, 26, 27, 28, 29, 30, 31 and 32 and including Appendix G.

(b) The 2003 *International Residential Code for One- and Two-Family Dwellings* is published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795. Three (3) copies of the 2003 *International Residential Code for One- and Two-Family Dwellings* is on file in the office of the Town Clerk and are available for inspection during regular business hours. (Ord. 04-14 §2)

15.09.020 Additions or modifications.

The 2003 *International Residential Code for One- and Two-Family Dwellings* is amended and changed as described in Sections 15.09.030 through 15.09.140. (Ord. 04-14 §2)

15.09.030 Section R104 – duties and powers of Building Official.

(a) Section R104.1, General, is amended to read as follows:

"R104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code and other provisions of the Avon Municipal Code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving the requirements specifically provided for in this code."

(b) Section R104.6, Right of Entry, is amended to read as follows:

"R104.6 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, and of other provisions of the Avon Municipal Code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code, and of other provisions of the Avon Municipal code, which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, and other provisions of the Avon Municipal Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry."

(Ord. 04-14 §2)

15.09.040 Section R105 – permits.

(a) Section R105.1, Required, is amended by adding the following:

"No building or mechanical permits will be issued for the installation of a wood-burning device unless the device is in conformance with the Town of Avon Land Use Regulations regarding wood-burning devices."

(b) Section R105.5 is amended to read as follows:

"R105.5 Expiration. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on

the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one extension of time, for a period of 180 days. The extension shall be requested in writing prior to the expiration date, shall demonstrate justifiable cause and include a fee of one-half the amount required for a new permit for such work. Work on the site shall be deemed as commenced upon approval of the final footing inspection and shall be deemed as suspended or abandoned if no subsequent inspections have been approved within a 180-day period. No permit shall be extended more than once."

(Ord. 04-14 §2)

15.09.050 Section R106.2 – site plan.

Section R106.2, Site plan, is amended to read as follows:

"R106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finish grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be based on, and be accompanied by a recent topographic survey conforming to National Map Accuracy Standards, prepared by a registered land surveyor, licensed to practice in the State of Colorado. When construction is proposed in a flood plain area, the application shall be accompanied by elevations of the lowest floor of new or substantially improved structures in said areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be submitted. A complete flood plain development plan, as described by FEMA, is required. The surveyor making the plat shall certify thereon that it is correct and that the perimeter monuments described therein have been placed as described and affix his name and seal. Permanent reference monuments shall be set and marked and shall be made of No. 5 reinforcing bar with a metal cap at least one and three-eighths inches in diameter, and shall protrude no more than four inches from the ground. The plat submitted shall reflect the type of monuments set on the property corners and the location and dimensions of all easements or rights-of-way of record or known. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration, repair or remodel totally within the limits of an existing building or structure, or when otherwise warranted."

(Ord. 04-14 §2)

15.09.060 Section R108 – fees.

(a) Section R108.2, Schedule of permit fees, is amended to read as follows:

"R108.2 Schedule of Permit Fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by resolution by the Town Council of the Town of Avon."

(b) R108.4, Related fees, is amended by the addition of the following:

"R108.4.1 Elevators and Conveying Systems Fees. Elevator permit applications and inspections will be administered by and through the Northwest Colorado Council of Governments. Elevator permit and inspection fees shall be paid to the Northwest Colorado Council of Governments. (For permit

application and inspections contact the Northwest Colorado Council of Governments Elevator Inspection Program at 970-468-0295 ext. 108.)"

(c) Section R108.5, Refunds, is deleted.

(d) Section R108.6, Contractor licensing, is added to read as follows:

"R108.6 Contractor Licensing. All contractors, except Electrical Contractors who are duly licensed by the State, shall purchase a license for conducting work within the Town of Avon. Established annual fees are:

Class I	General Contractor	\$125.00
Class II	Other Contractors	\$ 35.00
Class III	Municipal Contractors	\$ 75.00

"Licenses issued pursuant to this section shall be valid for a period of one year from the date of issue. Every contractor, including Electrical Contractors and owner-builders, shall provide current certificate of insurance for statutory workers compensation, and general commercial liability insurance of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate before a contractor's license is issued. An owner-builder is one that will personally perform at least 50% of all labor involved in the construction of a single-family residence, and will be on site to supervise all other work involved. The building shall be intended for use as the principal residence of the owner-builder and shall be personally occupied by said owner-builder for a minimum of one year from the date the Certificate of Occupancy is issued."

(Ord. 04-14 §2)

15.09.070 Section R109 – inspections.

Section R109 is amended as follows:

(1) Section R109.1.1, Foundation inspection, is amended by addition of the following:

"The footing inspection shall be done after the Site Preparation Inspection, and when all footing forms and steel are in place. In winter, blankets and heating devices shall be on site to prevent freezing of the concrete during freezing weather.

"R109.1.1.1 Improvement Location Survey Inspection. An Improvement Location Survey shall be prepared by a Colorado-licensed professional land surveyor. The improvement location survey inspection shall be the second part of the foundation inspection. An Improvement Location Survey shall be done at the time of the foundation wall inspection. The Survey shall contain all required statutory information and show all walls in relationship to the required setbacks, as well as all pertinent elevations at the top of the wall. The benchmark must be the same one used for the plan approval process. The Survey shall be presented to the Building Official within 15 working days of the date of the foundation inspection or else all construction on the site will be stopped until the Survey is presented and approved by the Town.

"R109.1.1.2 Second Improvement Location Survey. A second Improvement Location Survey prepared by a Colorado-licensed professional land surveyor shall be submitted for all buildings that have been designed to within 18 inches of allowable building height, or within 18 inches of a setback line. The inspection is to be done at the time the ridge boards are in place, and shall show all pertinent elevations using the original benchmark. The frame inspection will not be approved until this survey has been presented to the Building Official and has been approved. If this survey is not presented within 15 working days of the frame inspection then all work on the project will be stopped until the survey is presented and approved by the Town."

(2) Section R109.1.5, Other Inspections, is amended by the addition of the following:

"R109.1.5.2 Inspection Record Card. Inspection record cards shall be on the construction sign. It shall be the responsibility of the permittee to display the inspection record card on the job site throughout the construction process for the inspector's signatures. For approval to occupy the structure, either by Temporary Certificate of Occupancy or Certificate of Occupancy, this card must have complete sign-offs for all required inspections and be returned to the Town of Avon Building Official. If the card becomes unreadable or lost, there will be a \$20.00 fee to replace or update the card.

"R109.1.5.3 Site Preparation Inspection. The site preparation inspection shall include the staked property lines, setback lines, area of disturbance and soils erosion control measures. A construction sign with building permit number, street address and contractor's name shall be installed on the site and properly placed to be seen and read from the street, prior to this inspection being approved.

"R109.1.5.4 Culvert and Driveway Base. The culvert and driveway base inspection shall be done prior to the placement of the permanent driveway covering. The culvert and approach shall conform to Title 12 of the Avon Municipal Code. This inspection is one of the requirements for occupancy of the building.

"R109.1.5.5 Log Frame Construction – Log Inspection. A third party inspection by a certified log inspection agency shall be required of all structural members in log frame buildings. A letter from the log grading agency certifying that log grades are in accordance with the plan specifications shall be required at or prior to the frame inspection.

"R109.1.5.6 Special Inspections for Elevators. Elevators installed in all buildings or structures shall require a third party plan review and inspection by a certified elevator inspection agency."

(3) Section R109.5 is added to read as follows:

"R109.5 Cleanup During Construction. Job sites shall be kept clean and orderly at all times, and if it becomes necessary for the Town to clean and/or haul debris or material from the site, after reasonable notice, as determined by the Building Official, to the permit holder to do so, the actual costs for such services shall be charged to the permit holder, which sum shall be payable at the time a Temporary Certificate of Occupancy is applied for. Construction debris shall be stored in one general location on the site, and shall be removed weekly, or more frequently if necessary, by the permit holder or his agent. Job sites shall be sprinkled as required by the Building Official to prevent blowing of dust. In determining whether or not to sprinkle, the Building Official shall consider availability of water, weather conditions and other relevant factors."

(Ord. 04-14 §2)

15.09.080 Section R110 – certificate of occupancy.

Section R110 is amended by the following additions:

"R110.3.1 Conditions of the Certificate of Occupancy.

"The Certificate of Occupancy shall not be issued until all construction has been completed, including building, electrical, plumbing, mechanical, fire systems, landscaping, paving, final grading, drainage and all other construction. All signs of construction must be removed from the property, including excess dirt, building materials, trash containers, rubbish, trash and related items, before the Certificate of Occupancy will be issued.

"R110.4.1 Conditions of a Temporary Certificate of Occupancy.

"1. A temporary certificate of occupancy ("TCO") shall be valid for three months. The Building Official may grant one TCO extension for up to three (3) months. Such extension shall be granted in writing.

"2. The following shall be completed prior to the issuance of a temporary certificate of occupancy for one- and two-family dwellings:

"a. The exterior of the building is complete, including painted vents, meters and light fixtures.

"b. The interior shell building is complete with all required final inspections approved, including building, fire sprinkler (if required), electrical, plumbing and mechanical.

"c. One bathroom operative as per the approved plans.

"d. Entrance and other work within the public right-of-way must be approved.

"e. Positive drainage away from the buildings in all directions at two percent (2%) for a minimum of five (5) feet.

"f. Sufficient roadway access for emergency vehicles and minimum parking requirements must be met.

"g. All utility tap fees paid.

"h. Where the required cleanup, paving, landscaping or construction required for a certificate of occupancy is not complete, a temporary certificate of occupancy (TCO) may be issued upon submittal and approval of a cleanup, landscaping and construction deposit in accordance with Section R110.4.2. The surety will be returned to the permittee upon issuance of the final certificate of occupancy.

"R110.4.2 Cleanup, Landscaping and General Construction Deposit.

"A cleanup, landscaping and general construction deposit ("deposit") is designed to provide security for all conditions contained in the temporary certificate of occupancy ("TCO"). The deposit shall be

paid in cash and shall be paid to the Town of Avon. In lieu of cash, and upon a showing to the Town that adequate security will be provided thereby, the deposit may be by a letter of credit. The letter of credit must be valid for one year and renewable upon the Town's request. The amount of the deposit required shall be based upon a current bid by a reputable contractor, plus twenty-five percent (25%) of the bid, good for sufficient time to allow completion of the work, or upon some other basis deemed acceptable by the Town. The bid shall be based upon completion of all remaining work indicated on the approved building permit plans, and any subsequent conditions of approval. If the cleanup, landscaping and general construction, as defined in this chapter, is not completed within three months of the date the TCO is issued, the Town may, but shall not be obligated to, complete such cleanup, landscaping and general construction, the cost of doing so, together with a fee in the amount of twenty percent (20%) of such costs, to be charged to the permit holder and deducted from the cash deposited. If the cost for completion by the Town, plus the fee, exceeds the amount of the deposit, the excess, together with interest at twelve percent (12%) [per] annum, shall be a lien against the property and may be collected by civil suit, or may be certified to the treasurer of Eagle County to be collected in the same manner as delinquent ad valorem taxes levied against such property.

"R110.6 Occupancy violations. Whenever any building or structure or equipment therein regulated by this code or by other provisions of the Avon Municipal Code is being used contrary to the provisions of this code, or of other provisions of the Avon Municipal Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code."

(Ord. 04-14 §2)

15.09.090 Section R112 – Board of Appeals.

Section R112 is repealed and reenacted to provide as follows:

"R112.1 Appeals to Town Council. A person shall have a right to appeal a decision of the Building Official to the Town Council acting in the capacity of the Board of Appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the Building Official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The board shall render a decision within 30 days of receipt of the appeal. The decision of the board shall be by resolution and copies shall be furnished to the appellant and to the Building Official. The Building Official shall take immediate action in accordance with the decision of the board.

"R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Town Council acting in the capacity of the Board of Appeals shall have no authority to waive requirements of this code.

"R112.3 Limitation of Liability. Any member of the Town Council, acting in good faith and without malice for the Town of Avon in the discharge of their duties, shall not thereby render themselves personally liable. The members are hereby relieved from all personal liability for any

damage that may accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Town Council because of any act or omission performed by them in the discharge of their duties, shall be defended by the Town of Avon until final termination of the proceedings."

(Ord. 04-14 §2)

15.09.100 Section R114 – stop work order.

Section R114.1, Authority, is amended to read as follows:

"R114.1 Notice to Owner. Whenever the Building Official finds any work regulated by this code, other provisions of the Avon Municipal Code, or other pertinent laws or ordinances implemented through the enforcement of this code, being performed in a manner either contrary to the provisions of the applicable code, law or ordinance or that is dangerous or unsafe, the Building Official is authorized to issue a stop work order. Upon notice from the Building Official that any work is being prosecuted contrary to the provisions of this code such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume."

(Ord. 04-14 §2)

15.09.110 Table R301.2(1) – climatic and geographic design criteria.

Table R301.2(1) Climatic and Geographic Design Criteria is amended by the insertion of the following criteria:

"a) Ground snow loads: Snow load shall be determined by the altitude of the property being built on. Property at 8600 feet and above shall be designed for a snow load of 90 pounds per square foot. Property below 8600 feet shall be designed for a 75-pound-per-square-foot snow load.

"b) Wind speed: 90 miles per hour.

"c) Seismic Design Category: C.

"d) Weathering: Severe.

"e) Frost Line Depth: 48 inches.

"f) Termite: Slight to Moderate.

"g) Decay: None to Slight.

"h) Winter Design Temperature: -20 Degrees Fahrenheit.

"i) Flood Hazards: Undetermined."

(Ord. 04-14 §2)

15.09.120 Section R321.1, premises identification.

Section R321.1, Premises identification, is amended to read as follows:

"R321.1 Premises Identification. Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Whenever approved numbers or addresses are not plainly visible and legible from the street or roadway fronting the property due to distance, topography, or vegetation, an approved sign or post with such numbers or addresses shall be installed at the street or road at a point giving access to the building or structure. All such letters or numbers shall be of a contrasting color to the background."

(Ord. 04-14 §2)

15.09.140 Section R403.1.4 – minimum depth.

The first sentence is amended to read as follows:

"Footings shall have a minimum depth of 48 inches from the top of the finished grade to the bottom of the footer."

(Ord. 04-14 §2)

15.09.300 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the 2003 *International Residential Code* named in the title of this Chapter:

"It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the adopted or modified provisions of any of the codes or standards named in the title of this Chapter."

(Ord. 04-14 §2)

15.09.310 Penalty.

Any person violating any of the provisions of this Chapter or of the provisions of the 2003 *International Residential Code* named in the title of this Chapter, as adopted and modified herein, shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §14; Ord. 04-14 §2)

15.09.320 Repeal.

The repeal or the repeal and reenactment of any provision of the code of the Town as provided in this Chapter shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision shall

not revive any provision of any ordinance previously repealed or superseded unless expressly stated in this Chapter. (Ord. 04-14 §2)

15.09.330 Validity.

If any section, subsection, sentence, clause or phrase of the 2003 *International Residential Code* named in the title of this Chapter, is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 04-14 §2)

CHAPTER 15.12

Electrical Code

15.12.010 Adoption.

Section 6.9 of the Town Charter provides that standard codes may be adopted by reference, with amendments. The Town adopts the 2008 Edition of the *National Electrical Code*. The *National Electrical Code* is published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of the 2008 Edition of the *National Electrical Code* is on file in the Town Clerk's office and is available for inspection during regular office hours. (Ord. 08-09; Ord. 04-14 §3)

15.12.020 Administration – fees.

Electrical permit applications and inspections will be administered by and through the Colorado State Electrical Board Department of Regulatory Agencies. Electrical permit and inspection fees shall be paid to the Colorado State Electrical Board Department of Regulatory Agencies. (For permit application and inspections, contact the Colorado State Electrical Board at 1580 Logan St., Ste. 550, Denver, Colorado 80203-1941; Telephone 303-894-2300). (Ord. 08-09; Ord. 04-14 §3)

15.12.060 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the 2008 Edition of the *National Electrical Code* named in the title of this Chapter.

"It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure and building service equipment, or maintain any building or structure in the Town or cause or permit the same to be done, contrary to or in violation of any of the provisions of any of the codes or standards named in the title of this Chapter."

(Ord. 08-09; Ord. 04-14 §3)

15.12.070 Penalty.

Any person violating any of the provisions of this Chapter or of the provisions of the *National Electrical Code* named in the title of this Chapter, as adopted and modified herein, shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of

the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 08-09; Ord. 07-03 §15; Ord. 04-14 §3)

15.12.080 Validity.

If any section, subsection, sentence, clause or phrase of the 2008 Edition of the *National Electrical Code* named in the title of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared invalid. (Ord. 08-09; Ord. 04-14 §3)

15.12.090 Repeal.

The repeal or the repeal and reenactment of any provision of this code as provided in this Chapter shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provisions repealed or repealed and reenacted. (Ord. 08-09; Ord. 04-14 §3)

CHAPTER 15.20

Plumbing Code

15.20.010 Adoption.

The Charter of the Town, Section 6.9, provides that standard codes may be adopted by reference, with amendments. The Town adopts the 2003 Edition of the *International Plumbing Code* and all appendix chapters thereto. The 2003 Edition of the *International Plumbing Code* is published by the International Code Council, 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001. Three (3) copies of the 2003 *International Plumbing Code* are on file in the Town Clerk's office, and are available for inspection during regular office hours. (Ord. 07-13)

15.20.020 Additions or modifications.

The 2003 *International Plumbing Code* is amended and changed in Sections 15.20.030 through 15.20.100 of this Chapter. (Ord. 07-13)

15.20.030 Organization and enforcement.

(Refer to the 2003 Edition of the *International Plumbing Code*.) (Ord. 07-13)

15.20.040 Section 103.1.3 — permits and inspections, licensing.

Section 103.1.3 is amended by adding the following paragraph:

"Section 103.1.3 – Licensing. Pursuant to Section 12-58-115 of the Colorado Revised Statutes, only qualified licensed plumbers may install Plumbing Systems as defined in Section 202 of the *International Plumbing Code*."

(Ord. 07-13)

15.20.050 Section 103.4 — permits and inspections, fees.

Section 103 is amended as follows:

"Section 103.4 – Fees. (Delete the reference to Table 1-1.)

"All fees shall be as shown on the Town of Avon Fee Schedule A (adopted by resolution of the Town)."

(Ord. 07-13)

15.20.060 Section 315.0 — trenching, excavation and backfill.

Section 315.0 is amended by adding the following:

"Section 315.5. The minimum cover for water supply and sewer piping, not under a building, shall be 7 feet below finished grade."

(Ord. 07-13)

15.20.070 Section 507 — combustion air.

Section 507 is amended by adding the following:

"Section 507.6. All buildings in the Town of Avon are considered to be of unusually tight construction. All combustion air shall be taken from outside air."

(Ord. 07-13)

15.20.080 Section 906 — vent termination.

Section 906.1 is repealed and reenacted as follows:

"Section 906.1. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than twelve (12) inches above the roof nor less than two (2) feet from any vertical surface."

(Ord. 07-13)

15.20.090 Section 604 — materials.

Section 604.2 is repealed and reenacted as follows:

"Section 604.2. Copper water tubing used underground shall be a minimum of Type K. Water distribution piping shall be a minimum of Type M."

(Ord. 07-13)

15.20.100 Section 605 — valves.

Section 605 is amended by adding the following:

"Section 605.8. A main shutoff valve is required in the water service line at the property line."

(Ord. 07-13)

15.20.110 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the *International Plumbing Code* named in the title of this Chapter:

"It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of any of the codes or standards named in the title of this chapter."

(Ord. 07-13)

15.20.120 Penalty.

Any person, firm or corporation violating any of the provisions of this Chapter or of the provisions of the *International Plumbing Code* named in the title of this Chapter, as adopted and modified herein, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and, upon conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for one (1) year or by both such fine and imprisonment. (Ord. 07-13)

15.20.130 Repeal.

The repeal, or the repeal and reenactment, of any provision of the Code as provided in this Chapter, shall not affect any right which has accrued, any duty imposed, or violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision shall not revive any provision of any ordinance previously repealed or superseded unless expressly stated in this Chapter. (Ord. 07-13)

15.20.140 Validity.

If any section, subsection, sentence, clause or phrase of the *International Plumbing Code* named in the title of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 07-13)

CHAPTER 15.24

Mechanical Code

15.24.010 Adoption.

Section 6.9 of the Town Charter, provides that standard codes may be adopted by reference, with amendments. The Town adopts the 2003 Edition of the *International Mechanical Code*. The 2003 Edition of the *International Mechanical Code* is published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. A copy of the 2003 Edition of the *International Mechanical Code* is on file in the Town Clerk's office, and is available for inspection during regular office hours. (Ord. 04-14 §4)

15.24.020 Additions or modifications.

The 2003 Edition of the *International Mechanical Code* is amended and changed in Sections 15.24.030 through 15.24.060 of this Chapter. (Ord. 04-14 §4)

15.24.030 Section 106.5.2 – Fee schedule.

Section 106.5.2 is repealed and reenacted to read as follows:

"106.5.2 Fee Schedule. The fee for each permit shall be as set forth in The Town of Avon Fee Schedule A (as adopted by resolution of the Town Council)."

(Ord. 04-14 §4)

15.24.040 Section 109 – Means of Appeal.

Section 109 is repealed and reenacted as follows:

"109.1 Appeals to Town Council. A person shall have a right to appeal a decision of the Building Official to the Town Council acting in the capacity of the Board of Appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the Building Official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The board shall render a decision within 30 days of receipt of the appeal. The decision of the board shall be by resolution and copies shall be furnished to the appellant and to the Building Official. The Building Official shall take immediate action in accordance with the decision of the board.

"109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Town Council acting in the capacity of the Board of Appeals shall have no authority to waive requirements of this code.

"109.3 Limitation of Liability. Any member of the Town Council, acting in good faith and without malice for the Town of Avon in the discharge of their duties, shall not thereby render themselves personally liable. The members are hereby relieved from all personal liability for any damage that may

accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Town Council because of any act or omission performed by them in the discharge of their duties shall be defended by the Town of Avon until final termination of the proceedings."

(Ord. 04-14 §4)

15.24.050 Section 701 – combustion air, general.

Section 701 is amended by adding a new Section 701.6 as follows:

"701.6 Type of Construction. All buildings in the Town of Avon shall be considered to be of unusually tight construction and will draw all combustion air from the outside of the building."

(Ord. 04-14 §4)

15.24.060 Section 902 – masonry fireplaces.

Section 902 is amended by the addition of the following:

"902.2 Purpose and Applicability.

"These regulations are enacted for the purpose of promoting the health and general welfare of the residents and visitors of the Town of Avon. These regulations are also enacted for the following more specific purposes: to protect air quality, and to promote heat sources that are efficient and provide a reduced polluting effect.

"902.3 – Definitions.

"1. **Certified solid-fuel-device** means a solid-fuel-burning device, which is certified by the Air Pollution Control Division of the Colorado Department of Health to meet the emissions standards set forth in Section IV of Regulation No. 4 of Volume I of the Colorado Air Quality Control Commission.

"2. **Gas appliance** means a fully self-contained U.L. and A.G.A. fireplace unit, which does not require venting through a chimney, which has no damper and which does not permit the use of solid fuel.

"3. **Gas-log fireplace** means a gas appliance equipped with an A.G.A. and U.L. listed artificial log unit, which is approved for the burning of natural gas, has no damper and vents through an approved vent.

"Exception: The Building Official may approve a gas-log fireplace equipped with interlocked damper and gas valve.

"4. **Solid-fuel-burning device** means any fireplace, firebox or device intended and/or used for the purpose of burning wood, pulp, paper or other nonliquid or nongaseous fuel. This definition specifically excludes noncommercial barbecue devices used to cook food outdoors.

"5. **Wood-burning fireplace** means an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney.

"902.4 Regulations Below the Elevation of Seven Thousand Eight Hundred Twenty Feet.

"Below the elevation of seven thousand eight hundred twenty feet, no new wood-burning or solid-fuel-burning fireplaces or other such devices shall be permitted to be constructed or installed after the ordinance codified in this chapter becomes effective. No mobile or modular home shall be moved into place in the Town and connected to utility service that has installed with such mobile or modular home a solid-fuel-burning device. Below such elevation, certified solid-fuel-burning devices, gas appliances and gas-log fireplaces shall be permitted. Below such elevation there shall also be permitted one wood-burning fireplace in the lobby of any hotel or lodge, provided a fee in the amount of three thousand dollars (\$3000) is paid at the time of application for a building permit.

"902.5 Regulations above Elevation of Seven Thousand Eight Hundred Twenty Feet.

"Above the elevation of seven thousand eight hundred twenty feet, one wood-burning fireplace shall be permitted in each new dwelling unit constructed, provided a fee in the amount of one thousand five hundred dollars (\$1500) is paid at the time of application for a building permit; provided no new wood-burning or other fuel-burning fireplaces or other devices shall be permitted in dwelling units triplex and greater in size after the ordinance codified in this chapter becomes effective. Above such elevation, certified solid-fuel-burning devices, gas appliances and gas-log fireplaces shall be permitted.

"902.6 Gas Appliances.

"All gas fireplaces shall be constructed in such a manner that access to the firebox is prohibited except for the purposes of repair and maintenance.

"902.7 Coal Usage Prohibited.

"The burning of coal within the Town is prohibited."

(Ord. 04-14 §4)

15.24.110 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the 2003 Edition of the *International Mechanical Code* named in the title of this Chapter: It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town or cause or permit the same to be done, contrary to or in violation of any of the provisions of any of the codes or standards named in the title of this Chapter. (Ord. 04-14 §4)

15.24.120 Penalty.

Any person violating any of the provisions of this Chapter or of the provisions of the 2003 *International Mechanical Code* named in the title of this Chapter, as adopted and modified herein, shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §17; Ord. 04-14 §4)

15.24.130 Repeal.

The repeal or the repeal and reenactment of any provision of the code of the Town as provided in this Chapter shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated in this Chapter. (Ord. 04-14 §4)

15.24.140 Validity.

If any section, subsection, sentence, clause or phrase of the 2003 Edition of the *International Mechanical Code* named in the title of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 04-14 §4)

CHAPTER 15.28

Sign Code

15.28.010 Short title.

This Chapter shall be known as, and may be cited as, the "Sign Code of the Town of Avon." (Ord. 86-3 §1(part))

15.28.020 Definitions.

For the purposes of this Chapter, the following words shall have the following meanings:

Building front means the lineal distance along the exterior face of a structure housing an individual business or businesses that is adjacent to and most nearly parallel to a lot front. A building shall be considered to have as many *building fronts* as the property upon which it is situated has lot fronts.

Handbill means a written or printed notice or advertisement, traditionally distributed by hand, but, for the purposes of this Chapter, shall also include all such notices or advertisements when posted, tacked or otherwise affixed to poles, posts or other public fixtures.

Individual business lot means a business located on a separate lot and contained in a single building or area.

Joint directory means a sign which may list tenants in a building, and/or may be used as a guide for persons to the location of an individual or tenant in a complex or building.

Lot front means the portion or portions of a property line that are contiguous to a public street or mall.

Multiple business lot (business center) means a lot or series of lots, buildings or units containing separate businesses that are attached or physically related and operated as a group.

Reflective surface means any material or device that has the effect of intensifying reflected light, such as Scotchlite, Day-Glo, glass beads and luminous paint.

Sign means an identification, description, logo, illustration or device that is affixed to, or represented directly or indirectly upon, a building, structure or land, and that directs attention to a product, place, activity, person, institution or business.

Sign area means the entire surface within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or a similar character, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. The sign area for signs with display area on more than one (1) side shall be the largest total area of all sides which could be visible from a single point.

Sign, business means a sign that directs attention to a business, profession, service, product, activity or entertainment, sold or offered upon the premises where such sign is located.

Sign, commercial lot entrance means a sign that is placed at an entrance to a commercial lot, that identifies the primary vehicular entrance. *Sign* may include the name of the property or business, in addition to directional information.

Sign, component means a sign that is composed of more than one (1) individual sign, on a common background or structure.

Sign, development means a sign with the intent to identify a proposed project or project under construction, or potential development on vacant land.

Sign, directional means a sign that is located on the property to which it relates, and that only gives direction and information for traffic (pedestrian and vehicular) control.

Sign, freestanding means a single- or multi-faced sign affixed to a supporting structure, or embedded in and extending from the ground, or detached from the building. Allowable size may include supporting structure.

Sign, home occupation means a sign that advertises a home occupation in a residence.

Sign, illuminated means any sign designed to give forth any artificial light, or designed to reflect such light from an artificial source.

Sign, indirectly illuminated means any illuminated sign for which illumination is derived entirely from an external, artificial source.

Sign, kiosk means a freestanding, permanent structure that contains a sign or signs that serve and relate to exclusively pedestrian areas.

Sign, political means a sign that advertises or refers to persons or issues involved in official elections.

Sign, portable means a sign that is not permanently affixed to a post, wall, fence, building or other structure. A sign on a self-contained stand or vehicle of any sort, located and used for commercial purposes.

Sign program means a comprehensive, narrative description of allowed sign types, and scaled drawings of any building, lot, parcel, collection of parcels or other premises, showing the number, size, description, color, materials and location of all signs thereon.

Sign, projecting or hanging means any sign attached to a building and extending, in whole or in part, more than eight (8) inches. Allowable size does not include supporting structure.

Sign, public means a sign, located within a right-of-way of a public street or road, that gives direction or information for a public use area, including parks, schools, churches, public meeting rooms, fire stations, hospitals, government buildings or other public places or activities.

Sign, real estate means a sign for the intended purpose of selling, leasing or renting property.

Sign, residential project entrance means any sign that identifies a subdivision or residential building or buildings.

Sign, temporary means any sign, banner, pennant or other device that directs persons to a special event, location or offering, that is not permanent in nature.

Sign, wall means any sign painted on, or attached parallel to, the wall facing of a building and projecting not more than eight (8) inches.

Sign, window means a sign affixed on, or located within thirty-six (36) inches of the interior surface of a window fronting a public way. (Ord. 88-6 §1; Ord. 86-3 51 (part))

15.28.030 Prohibited signs.

The following signs shall not be permitted, erected or maintained in the Town:

(1) Signs that incorporate projected images, emit any sound that is intended to attract attention or involve the use of live animals;

(2) Signs not permanently affixed or attached to the ground or to any structure, except for window signs, temporary barriers utilized for emergency purposes and temporary signs, in accordance with this code;

(3) Any sign or structure that:

a. In any way obstructs the view of, may be confused with or purports to be, an official traffic sign, signal or device or any other official sign; or

b. Creates in any other way an unsafe distraction for motor vehicle operators; or

c. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway or other thoroughfare; or

- d. Is unsafe or constitutes a hazard to safety or health for any reason; or
 - e. Is not kept in good repair;
- (4) Any sign that obstructs free ingress to, or egress from, a required door, window, fire escape or other required exit way;
 - (5) Off-premises advertising signs;
 - (6) Any sign not pertinent and clearly incidental to the permitted use on the property where located;
 - (7) Any sign that is in violation of any county, state or federal regulation;
 - (8) Distribution of handbill advertisements placed on autos, poles, buildings, etc., not authorized by the Town;
 - (9) Private signs in the public right-of-way;
 - (10) Any prohibited, illegal or nonconforming sign, as defined herein. (Ord. 86-3 51(part))

15.28.040 Exempted signs.

The provisions of this Chapter shall not apply to the following signs:

- (1) Memorial signs or tablets, not exceeding two (2) square feet of total area, and permanently attached to the building, listing name of building and date of erection;
- (2) Official governmental notices, notices posted by governmental officers in the performance of their duties and governmental signs to control traffic, to identify streets, to warn of danger or for other purposes;
- (3) Temporary decorations or displays when they are clearly incidental to, and are customarily and commonly associated with, any national, local or religious holiday or celebration, provided that such decorations are maintained in an attractive condition and do not constitute a fire hazard, as determined by the administrator;
- (4) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;
- (5) Any sign located in the Town, currently maintained in satisfactory condition, that was approved and erected under previous regulations, unless it is determined to be nonconforming or illegal as hereinafter defined;
- (6) The use or operation of nonconforming or illegal signs shall be terminated as follows:
 - a. By obsolescence. At such time as any sign becomes obsolete. A sign becomes obsolete with the discontinuance of the business, service or activity that it advertises; removal of the business or activity from the location to which it directs; or for other similar reasons, provided, however, that this provision shall not apply to seasonal closings;

b. By abandonment. Abandonment of a nonconforming sign shall terminate immediately the right to use or operate such sign;

c. By destruction, damage or alteration. The right to continue use or operation of any nonconforming sign shall terminate whenever the sign is altered in any way, or damaged or destroyed by more than fifty percent (50%) of its replacement value;

d. By violation of this Title. Any violation of this Title shall terminate immediately the right to continue a nonconforming sign;

e. By condemnation. The Town Council may choose to condemn a nonconforming sign. Recommendations for condemnation may be made by the Planning and Zoning Commission;

f. By amortization. The right to continue to use or operate a nonconforming sign shall terminate five (5) years after the effective date of the ordinance codified in this Chapter or the annexation of the area in which the sign is located to the Town. (Ord. 86-3 51(part))

15.28.050 Sign code administration.

(a) Establishment of sign code administrator. There is established a sign administrator of the Town, to be a member of the Town staff, appointed by the Town Manager, designated to administer and enforce this Chapter.

(b) Application and approval required. Applications that require review by the Planning and Zoning Commission:

(1) Application for design review approval of a sign shall be made in accordance with the procedures, rules and regulations of the Planning and Zoning Commission and the sign code. Design review of all new buildings or projects shall include design review of all proposed signs or a sign program.

(2) In the case of multiple businesses on a lot, or a business center including more than one (1) business under separate lease, the applicant shall submit a sign program for signing of the entire building, buildings or business center. Upon approval of such a sign program by the Planning and Zoning Commission, and upon determination by the sign administrator that an individual sign complies with the program, an installation permit for that sign shall be approved by the sign administrator.

(c) Application procedures – sign installation permit required. A sign installation permit shall be required, prior to the placing, erecting, moving, reconstructing, altering or displaying of any sign within the incorporated limits of the Town, unless expressly exempted by the provisions of this Code. Application, and appropriate installation permit fees, as determined in accordance with the *International Building Code* fee structure, shall be filed with the sign administrator by the owner of the building or his/her authorized agent. Said applications shall contain, or have attached thereto, the following information:

(1) The name and address of the owner or other person in control or possession of the real property upon which the sign is to be constructed, erected, operated, used, maintained, posted or displayed;

(2) The name of the person, firm, corporation or association erecting the structure, the total area of the proposed sign, in square feet, and the height of the proposed sign structure from ground level;

- (3) The legal description of the property upon which said sign is to be located;
- (4) The type of sign (i.e. freestanding, hanging, projecting, etc.);
- (5) The proposed location of the sign on the property identified, and the location and total surface area of all other permitted signs existing on the property or buildings;
- (6) Three (3) copies of detailed drawings, drawn to scale, containing complete plans and specifications to show methods of construction and anchoring to building or ground;
- (7) The sign elevation, which must indicate overall and letter/figure dimensions, colors, materials, proposed copy and illumination;
- (8) A site plan, which must indicate all signs existing or proposed for the site, with dimensions, colors, materials, copy, illumination and required landscaping;
- (9) Building elevation, with sign depicted. (Ord. 86-3 51 (part))

15.28.060 Sign design guidelines.

(a) Harmonious with Town scale. Sign location, configuration, design, materials and colors should be harmonious with the existing signs on the structure, with the neighborhood and with the Townscape.

(b) Harmonious with building scale. The sign should be harmonious with the building scale, and should not visually dominate the structure to which it belongs or call undue attention to itself.

(c) Materials. Quality sign materials, including anodized metal; routed or sandblasted wood, such as rough cedar or redwood; interior-lit, individual plexiglass-faced letters; or three-dimensional individual letters with or without indirect lighting, are encouraged. Sign materials, such as printed plywood, interior-lit box-type plastic and paper or vinyl stick-on window signs are discouraged, but may be approved, however, if determined appropriate to the location, at the sole discretion of the Planning and Zoning Commission.

(d) Architectural harmony. The sign and its supporting structure should be in harmony architecturally, and in harmony in color with the surrounding structures.

(e) Landscaping. Landscaping is required for all freestanding signs, and should be designed to enhance the signage and surrounding building landscaping.

(1) A minimum of five (5) lineal feet out from, and around the perimeter of, the sign shall be landscaped.

(f) Reflective surfaces. Reflective surfaces are not allowed.

(g) Lighting. Lighting should be of no greater wattage than is necessary to make the sign visible at night, and should not reflect unnecessarily onto adjacent properties. Lighting sources, except neon tubing, should not be directly visible to passing pedestrians or vehicles, and should be concealed in such a manner that direct light does not shine in a disturbing manner.

(h) Location. On multi-story buildings, individual business signs shall generally be limited to the ground level. (Ord. 86-3 51(part))

15.28.070 Design review criteria.

The Planning and Zoning Commission shall consider the following items in reviewing proposed designs:

- (1) The suitability of the improvement, including materials with which the sign is to be constructed and the site upon which it is to be located;
- (2) The nature of adjacent and neighboring improvements;
- (3) The quality of the materials to be utilized in any proposed improvement;
- (4) The visual impact of any proposed improvement, as viewed from any adjacent or neighboring property;
- (5) The objective that no improvement will be so similar or dissimilar to other signs in the vicinity that values, monetary or aesthetic, will be impaired;
- (6) Whether the type, height, size and/or quantity of signs generally complies with the sign code, and are appropriate for the project;
- (7) Whether the sign is primarily oriented to vehicular or pedestrian traffic, and whether the sign is appropriate for the determined orientation. (Ord. 86-3 51 (part))

15.28.080 Sign allowance.

Signs are permitted as follows:

- (1) Individual business lot sign. Sign or signs shall not exceed one (1) square foot of sign area per lineal foot of building front.
- (2) Multiple business lot signs.
 - a. Total building or project identification sign area shall not exceed one (1) square foot per lineal foot of building front for the first thirty-two (32) feet and one-third ($\frac{1}{3}$) square foot per lineal foot of building front in excess of thirty-two (32) square feet. Total building or project identification sign area shall not exceed a maximum of sixty-four (64) square feet per lot front unless approved as part of a sign program by the Planning and Zoning Commission.
 - b. Each individual ground-level business shall be permitted four (4) square feet of sign area in pedestrian-oriented locations or twenty (20) square feet of sign area in vehicular-oriented locations. The Planning and Zoning Commission shall make the determination with regard to the orientation of location.
 - c. Total sign allowance for an individual business may be increased by a sign program approved by the Planning and Zoning Commission. Generally the increased total sign allowance shall not

exceed one (1) square foot of sign area per lineal foot of the portion of building front that is contiguous to the interior space occupied by the individual business.

(3) Multiple signs. More than one (1) sign may be permitted, in writing, by the Planning and Zoning Commission, provided the total sign area does not exceed the total allowed for the lot or building.

(4) Kiosks. Kiosks shall be located only in exclusively pedestrian-oriented areas. The display area shall not exceed six (6) feet in height, and shall not exceed four (4) feet in any horizontal direction.

(5) Window signs. Window signs are permitted, provided that no more than twenty-five percent (25%) of the exterior window area is covered by signs, and further provided that the wording thereon is not repetitious of other signs in the immediate vicinity. Window signs conforming with this criteria may be approved by the sign administrator without review by the Planning and Zoning Commission.

(6) Component signs. Component signs are permitted provided that the total area does not exceed the permitted maximum for any building or lot calculated cumulatively with all other signs.

(7) Development signs. Development signs are permitted, provided that:

a. Only one (1) sign per parcel, lot or group of contiguous lots under one (1) ownership, not to exceed sixteen (16) square feet of display area and eight (8) feet in height;

b. Signs must be removed within thirty (30) days of land sale or upon issuance of a certificate of occupancy;

c. In no case may a sign be retained for more than two (2) years unless an extension is granted by the Planning and Zoning Commission;

d. The sign administrator may issue a permit for a development sign meeting these criteria without Planning and Zoning Commission review;

e. Development signs not meeting these criteria may be approved by the Planning and Zoning Commission only upon a determination by the Planning and Zoning Commission that a variance should be granted pursuant to Section 15.28.090(b) of this Code.

(8) Real estate signs. Real estate signs are allowed, as follows:

a. Multi-family buildings containing three (3) or more residential units:

1. Signs not exceeding two (2) square feet of area may be displayed from inside a window.

b. Single-family, duplex and vacant land:

1. Only standard signs, of licensed real estate companies, are allowed;

2. Sign area shall not exceed six (6) square feet per side;

3. No more than one (1) sign, per tract of land under single ownership, may be displayed.

c. Real estate signs meeting the above criteria may be installed without review or permit. Proposed real estate signs not meeting the above criteria shall be considered under regulations for development signs.

(9) Residential project entrance signs. Residential project entrance signs are permitted; provided that:

a. One (1) sign, located adjacent to the primary entrance, not to exceed thirty-two (32) square feet in area and eight (8) feet in height;

b. One (1) sign per secondary entrance, not to exceed sixteen (16) square feet in area and eight (8) feet in height.

(10) Political signs. Political signs are permitted, provided that:

a. Sign shall not be installed more than ninety (90) days before the election or event to which it relates;

b. Signs shall be removed within ten (10) days following the election or event to which they relate;

c. No permit or approval shall be required if the above conditions are met.

(11) Lot entrance signs. Lot entrance signs are permitted, provided that:

a. A maximum of one (1) sign per entrance is permitted;

b. Sign shall not exceed five (5) feet in height and four (4) square feet of display area.

(12) Temporary signs. Temporary signs are permitted, provided that:

a. A business may display, on a one-time basis for not more than thirty (30) days, one (1) temporary sign per calendar year. Such temporary sign shall have a maximum area of not more than thirty-five (35) square feet.

b. In addition to permissible temporary signs as set forth in subparagraph a of this Section, during the permitting and installing process for a business's permanent identification sign, such business may display one (1) temporary sign with a maximum area equal to the business's permanent identification sign's allowable square footage. Such temporary sign will be allowed to remain in place for not more than thirty (30) days.

c. The sign administrator may issue a permit for a temporary sign meeting the criteria in Subparagraphs a and b of this Section without Planning and Zoning Commission review.

d. Temporary signs not meeting the criteria in Subparagraphs a and b of this Section may be approved by the Planning and Zoning Commission only upon a determination by the Commission that a variance should be granted pursuant to Section 15.28.090.

(13) Joint directory signs. Joint directory signs are permitted, provided that:

- a. Sign area for individual tenants shall not exceed one (1) square foot;
- b. Total sign area shall not exceed twenty-five (25) square feet.

(14) Freestanding signs. Freestanding signs will generally be allowed only in vehicular-oriented areas. In general, sites shall be limited to one (1) freestanding sign with an area of forty (40) square feet and a height of eight (8) feet. The Planning and Zoning Commission shall have discretionary powers to approve more than one (1) freestanding sign when a property has entrances from more than one (1) front lot line. The Planning and Zoning Commission shall also have discretionary powers to approve a freestanding sign with a maximum total area of sixty-four (64) square feet and a maximum height of twenty (20) feet. Freestanding signs may not exceed the height of the tallest building on the site.

(15) Setback limitation. Freestanding signs shall be set back at least ten (10) feet from all lot lines.

(16) Sign programs. Sign programs are encouraged for all projects, and are required as a part of the design review process for all proposed projects. Sign programs shall be in accordance with:

a. Sign programs shall be compatible with the site and building, and should provide for a similarity of types, sizes, styles and materials for signs within a project. Several alternatives for signage should be included in the program so as not to be so restrictive as to eliminate individuality.

b. Sign programs may be proposed or changed only by the owners of the building or the owners' association. Sign program changes or proposals may not be made by an individual business.

c. Proposed signs, not in accordance with an approved sign program, will only be considered by the Planning and Zoning Commission upon receipt of written evidence that the proposed sign is acceptable to the owners of the building or the owners' association.

d. All sign programs shall be in written and plan form. Plans shall indicate size, location, type and number of signs for the site and buildings.

e. Programs may include limitations on wording, colors, design, lighting, materials and other restrictions, and deemed appropriate by the applicant. (Ord. 98-3 §IV; Ord. 88-6 §§2, 3; Ord. 86-3 §1(part))

15.28.090 Maintenance, variances, construction code.

- (a) Sign maintenance, repair and removal.

(1) Violation – notice. If the sign administrator finds that any sign is maintained in violation of the provisions of this Code, said administrator shall give written notice of the violation, by certified mail, to the owner or person entitled to possession of the sign, or the owner of the property where the sign is located.

(2) Failure to comply – Town abatement. If the person fails to alter or remove the sign so as to comply with this Code within fifteen (15) days after receipt of the notice, the sign administrator may cause the sign to be altered or removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon determination of the expenses, certify them to the Town Clerk.

(3) Lien. The Town Clerk shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for the alteration or removal of the sign. If that person fails, within thirty (30) days after the date of notification, to pay the entire costs and expenses of the repair, alteration or removal, then the costs and expenses shall become a lien against the property, and the Town Clerk shall certify them to the County Treasurer for collection in the same manner as general property taxes are collected.

(4) Costs. The amount certified by the Town Clerk to the County Treasurer for collection shall include the actual cost of repair or removal of the sign plus fifteen percent (15%), and, in addition thereto, shall include an amount equal to ten percent (10%) representing penalty and interest for the cost of collection.

(5) Maintenance required – enforcement. All signs in the Town shall be properly maintained, to the satisfaction of the Planning and Zoning Commission, at all times. The Commission shall have the authority to order the painting, repair or removal of a sign, and accompanying landscaping, that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. Their decision shall be subject to review by the Town Council, in accordance with the provisions of Chapter 2.16. Notification shall be by certified mail. If, within fifteen (15) days, the maintenance orders are not complied with, the sign administrator may order the sign removed, at the owner's expense, under the provisions of Subparagraphs (1) through (4) of this Subsection.

(b) Variances.

(1) Purpose. The Planning and Zoning Commission shall have authority to grant variances from this regulation to prevent or lessen such practical difficulties and unnecessary physical hardships, inconsistent with the objectives of this Chapter, as would result from strict or literal interpretation and enforcement.

(2) Approval criteria. Before acting on a variance request, the Planning and Zoning Commission shall consider the following factors:

a. The relationship of the requested variance to existing and potential uses and structures in the vicinity;

b. The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity;

c. Such other factors and criteria as the Planning and Zoning Commission deems applicable to the requested variance.

(3) Findings required. The Planning and Zoning Commission shall make the following findings before granting a variance:

a. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity;

b. That the variance is warranted for one (1) or more of the following reasons:

1. The strict or literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter,

2. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the vicinity,

3. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity.

(4) Conditional granting. The granting of a variance may be conditioned on action by the applicant.

(c) Construction code. The *International Building Code*, and the codes incorporated therein, shall be used in determining the use of materials and construction methods in the erection or placement of signs. No sign shall be placed unless or until construction plans have been approved by the Planning and Zoning Commission, and a building permit has been issued by the sign administrator, unless the sign is exempted herein. (Ord. 04-07 §9; Ord. 86-3 §1(part))

15.28.100 Liability not relieved.

The provisions of this Title shall not be construed as relieving, or limiting in any way, the responsibility or liability of any person, firm or corporation erecting or owning any signs from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, his, her or its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Chapter; nor shall it be construed as imposing upon the Town, its officers, employees or the Planning and Zoning Commission, any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Chapter. (Ord. 86-3 §1(part))

15.28.110 Penalty.

Any person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §18; Ord. 02-08 §8; Ord. 86-3 §1(part))

15.28.120 Captions.

The captions and paragraph headings used throughout this Chapter are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretations, construction or meaning of any provision to, or the scope of intent of, this Chapter. (Ord. 86-3 §1(part))

CHAPTER 15.30

Outdoor Lighting Standards

15.30.010 Intent and purpose.

(a) The purpose of this Chapter is to reduce offensive lighting sources and reduce light trespass beyond property lines, including unnecessary upward lighting. The Town is experiencing a significant increase in the use of exterior illumination. Town residents and guests value small town character and the qualities associated with this character, including the ability to view the stars against a dark sky. They recognize that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, and limits their ability to enjoy the nighttime sky.

(b) This Chapter is intended to help maintain the health, safety and welfare of the residents of the Town through the regulation of exterior lighting in order to:

(1) Promote adequate light for safety and security;

(2) Prevent inappropriate and poorly designed or installed outdoor lighting;

(3) Reduce glare;

(4) Reduce nighttime light pollution and protect and reclaim the ability to view the night sky by restricting the unnecessary upward projection of light; and

(5) Phase out existing nonconforming fixtures that violate this Chapter, including those owned by the Town.

(c) In order to determine the effectiveness of this Chapter, staff shall develop and implement the "Avon Dark Sky Preservation Initiative" program to measure observable lumen counts at fixed points on the valley floor. Baseline monitoring shall take place on an annual basis, and five (5) years after the implementation of the ordinance codified herein, the findings shall be presented to the Planning and Zoning Commission and the Town Council to determine whether or not the intent and goals of this Chapter are being satisfied. (Ord. 04-19 §1)

15.30.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

Fixture height. The vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

Exterior lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting.

Full cut-off fixture. A fixture designed and installed where no direct light (as opposed to scattered light) is emitted at or above a horizontal plane running through the lowest point on the fixture.

Fully shielded. The luminaire incorporates a solid opaque barrier (the shield), which permits no light to escape through the barrier.

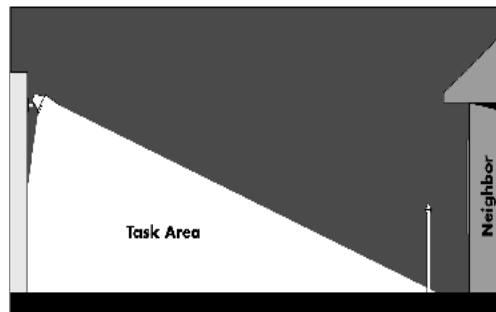
Glare. Stray, unshielded (including reflected) light striking the eye that may result in (a) nuisance or annoyance glare such as light shining into a window; (b) discomfort glare such as bright light causing squinting of the eyes; (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.

Holiday (seasonal) lighting. Temporary festive lighting intended to celebrate the winter season and the Thanksgiving, Christmas and New Year's holidays.

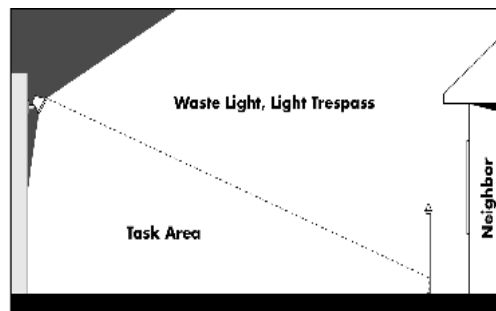
Light pollution. Any manmade light that diminishes the ability to view the night sky.

Light source. The source of the light emitted by the fixture. Also referred to as *bulb*.

Light trespass. Light falling on the property of another or the public right-of-way when it is not required to do so.



Controlled source and good aiming prevent light trespass



Light trespass from uncontrolled source

(Ord. 04-19 §1)

15.30.030 Applicability.

The lighting standards of this Chapter shall be applicable to all exterior lighting within the Town. All exterior lighting installed after the effective date of the ordinance codified herein shall conform to the standards established by this Chapter. All existing lighting installed before the effective date of the

ordinance codified herein shall be brought into conformance with this Chapter within five (5) years from the date of adoption of the ordinance codified herein, or by November 17, 2009. (Ord. 04-19 §1)

15.30.040 General outdoor lighting standards.

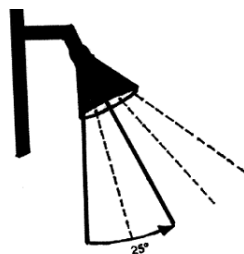
The following lighting standards shall apply to all properties located within municipal boundaries:

(1) The style, color and design of the fixtures shall be compatible with the overall design concept and use of materials for the building and site area of the lighting plan.

(2) All lighting shall be shielded such that the source of illumination (filament, frosted bulb or the reflection of those from a shiny surface) is not visible from the property line, thereby reducing glare and interference with boundary streets and adjacent properties. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

(3) All lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the definition for full cut-off fixtures with the light source downcast and fully shielded, with the following exceptions:

- a. Holiday lighting from November 15th to March 1st.
- b. Sensor activated luminaries, provided that:
 - 1. It is located in such a manner as to prevent glare and lighting onto properties of others or into the public right-of-way.
 - 2. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased.
 - 3. The luminaire shall not be triggered by activity off the property.
- c. All temporary emergency lighting needed by the Fire and Police Departments, or other emergency agencies.
- d. Floodlights with external shielding can be deflected up to twenty-five (25) degrees from a vertical plane as measured through the central axis of the light beam from the luminaire, only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way.



Compliant floodlight angle

e. Uplighting for flags, address markers, trees, architectural features and low-voltage landscape lighting, provided that the luminaire is located, aimed and shielded so that direct illumination is focused exclusively on the object and away from adjoining properties and the public street right-of-way. Architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure. In all cases, uplighting must not cause glare or light trespass.

f. Luminaires (light fixtures) that have a maximum output of one thousand (1,000) lumens per fixture (equal to one [1] sixty-watt incandescent light), regardless of the number of lamps, provided:

1. The bulb of the fixture is not visible;
2. The fixture utilizes frosted, opalescent, clear or iridescent glass;
3. The fixture has an opaque top or is under an opaque portion of the building structure;
4. If the fixture utilizes clear glass, the output of the fixture must be shielded by the architecture of the structure; and
5. All fixtures must not cause glare or light trespass beyond the property.

g. Temporary (two [2] days or less) high intensity discharge floodlighting may be used for sports lighting and Town-sponsored events, provided that the lighting be turned off no later than one (1) hour after the event is concluded. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

h. All permanent sports and event lighting shall be equipped with a glare-control package (louvers, shields or similar devices) and the fixtures must be aimed so that beams are directed and fall within the primary playing area and light trespass is minimized. (Ord. 04-19 §1)

15.30.050 Lighting plan.

(a) An outdoor lighting plan shall accompany all design and building permit applications and shall be submitted separately from other drawing information. All lighting plans (except single-family and duplex applications, whose lighting fixtures and locations are reviewed under the Design Review Guidelines) shall be subject to approval through the design review process by the Planning and Zoning Commission. A user's guide with examples of compliant light fixtures is available in the Community Development office.

(b) Those projects not requiring design review by the Town shall be required to submit a lighting plan that conforms to the standards outlined herein at the time of building permit for new construction. The lighting plan and/or specifications shall show:

- (1) The type and luminous intensity of each light source and wattage (e.g., incandescent, halogen, high-pressure sodium);
- (2) The type of fixture (e.g., floodlight, full-cutoff, lantern, coach light);
- (3) Fixture location and height above all proposed and existing light fixtures;
- (4) Shielding and all mounting details;

(5) Manufacturer cut-sheet and/or specification materials with scaled drawings or photographs including: initial lumen rating, color rendering index and wattage of each lamp;

(6) Any other information deemed necessary by the Community Development Inspector to document compliance with the provisions of this Chapter. (Ord. 04-19 §1)

15.30.060 Violations.

(a) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. If the Community Development Inspector finds that any provision of this Chapter is being violated, the Community Development Inspector shall give notice by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, requesting that the violation be abated within sixty (60) days of the date of mailing of the notice.

(b) The Community Development Department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the sixty-day period, the violator shall be punished by a fine of not more than one hundred dollars (\$100.00) for each and every day during which the violation of any provision for any single fixture of this Chapter is committed, continued or permitted. (Ord. 04-19 §1)

(c) Any person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §19)

15.30.070 Figures and diagrams.

The following figures illustrate examples of acceptable and unacceptable types of outdoor lighting fixtures. Note that even those types of fixtures shown as "acceptable" must be installed and aimed properly to comply with this Chapter.

Unacceptable	Acceptable
<p data-bbox="181 317 349 344">Area Floodlights</p>  <p data-bbox="472 558 513 585">NO</p>	 <p data-bbox="1127 548 1175 575">YES</p> <p data-bbox="824 592 1377 619"><i>*Proper aiming is still required to prevent light trespass.</i></p>
<p data-bbox="181 638 284 665">Spotlights</p>  <p data-bbox="472 873 513 900">NO</p>	 <p data-bbox="1127 873 1175 900">YES</p> <p data-bbox="824 915 1377 942"><i>*Proper aiming is still required to prevent light trespass.</i></p>
<p data-bbox="181 959 295 987">Wall Packs</p>  <p data-bbox="472 1241 513 1268">NO</p>	 <p data-bbox="1127 1234 1175 1262">YES</p>
<p data-bbox="181 1295 292 1323">Decorative</p>  <p data-bbox="472 1575 513 1602">NO</p> <p data-bbox="181 1617 787 1644"><i>*These fixtures may be acceptable if using a low-wattage bulb.</i></p>	 <p data-bbox="1127 1598 1175 1625">YES</p>
<p data-bbox="181 1661 332 1688">Street Lighting</p>  <p data-bbox="472 1879 513 1906">NO</p>	 <p data-bbox="1127 1879 1175 1906">YES</p>

(Ord. 04-19 §1)

CHAPTER 15.32

Fire Code

15.32.010 Adoption.

(a) Pursuant to Section 6.9 of the Town Charter, there is adopted, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, the certain standards known as the 2003 *International Fire Code*, including Appendix E Hazardous Categories, and Appendix F Hazard Ranking, save and except such portions as are hereinafter deleted, modified or amended by this Chapter.

(b) The 2003 *International Fire Code* is published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795. A copy of the 2003 *International Fire Code* is on file in the office of the Town Clerk and is available for inspection during regular business hours. (Ord. 04-14 §5)

15.32.020 Additions or modifications.

The 2003 *International Fire Code* is amended and changed in Sections 15.32.030 through 15.32.140. (Ord. 04-14 §5)

15.32.030 Section 104.6 – official records.

Section 104.6 is amended by the deletion of 104.6.2 – Inspections, 104.6.3 – Fire Records and 104.6.4 – Administrative. (Ord. 04-14 §5)

15.32.040 Section 104.11 – authority at fires and other emergencies.

Section 104.11 is amended by adding the following:

"Fire alarm panel troubles signals, maintenance signals, testing signals or as approved in writing by the Fire Chief shall not be construed as an emergency fire condition."

(Ord. 04-14 §5)

15.32.050 Section 104.11.3 – systems and devices.

Section 104.11.3 is amended by adding the following:

"Fire alarm panel trouble signals, maintenance signals, testing signals or as approved by the Fire Chief shall not be construed as an emergency fire condition."

(Ord. 04-14 §5)

15.32.060 Section 105.1.1 – permits required.

Section 105.1.1 is amended to read as follows:

"105.1.1 Permits Required. Permits and inspections required by this code will be administered by and through the Eagle River Fire Protection District. Permit fees, if any, shall be paid to the Eagle River Fire Protection District prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire department or the fire code official. (For permit applications and inspections contact the Eagle River Fire Protection District at 351 Benchmark Road, Post Office Box 7980, Avon, Colorado, 81620. Phone: 970-748-9665)"

(Ord. 04-14 §5)

15.32.070 Section 105.6 – required operational permits.

(a) Section 105.6 is amended as follows:

"105.6 Required operational permits. The fire code official or authorized designee is authorized to issue operational permits or the operations set forth in Sections 105.6.2, 105.6.4, 105.6.9, 105.6.21, 105.6.30, 105.6.31, 105.6.37 and 105.6.44."

(b) Delete all Sections except Sections 105.6.2, 105.6.4, 105.6.9, 105.6.21, 105.6.30, 105.6.31, 105.6.37 and 105.6.44. (Ord. 04-14 §5)

15.32.080 Section 105.7 – required construction permits.

Section 105.7 is amended as follows: Delete all Sections except Sections 105.7.1, 105.7.3 and 105.7.11. (Ord. 04-14 §5)

15.32.090 Section 108 – Board of Appeals.

Section 108 is amended to read as follows:

"108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official or designated representatives, relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall consist of the governing board of the Eagle River Fire Protection District plus a representative from the Town of Avon as appointed by the Avon Town Council. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board.

"108.2 Procedure for appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the fire code official or designated representative. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The board shall render a decision within 30 days of receipt of the appeal. The decision of the board shall be by resolution and copies shall be furnished to the appellant and to the fire code official. The fire code official shall take immediate action in accordance with the decision of the board.

"108.3 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code."

(Ord. 04-14 §5)

15.32.100 Section 202 – general definitions.

(a) False Alarm is amended to read as follows:

"False Alarm. The deliberate reporting of an alarm for which no such fire or emergency actually exists."

(b) Fire Code Official is amended to read as follows:

"Fire Code Official. The Town of Avon Building Official or a duly authorized representative charged with the administration and enforcement of the code."

(c) Fire Department is added to read as follows:

"Fire Department. The Eagle River Fire Protection District is the designated fire department in the Town of Avon."

(Ord. 04-14 §5)

15.32.110 Section 308.3.1 – open-flame cooking devices.

Section 308.3.1 is amended by the addition of Exception 3:

"3. Propane cooking devices."

(Ord. 04-14 §5)

15.32.120 Section 603.8.2 – spark arrestor.

Section 603.8.2 is amended by the addition of:

"Chimneys used with fireplaces or heating appliances in which solid fuel is used shall be maintained with an effective means of arresting spark."

(Ord. 04-14 §5)

15.32.130 Section 905.1 – standpipe systems, general.

Section 905.1, General, is amended by revising the third sentence to read as follows:

"The outside fire department connections shall be approved by the Fire Chief."

(Ord. 04-14 §5)

15.32.140 Section 907 – fire alarm and detection systems.

Section 907, Fire Alarm and Detection Systems, is amended as follows:

- (1) 907.2.1 Group A – delete the exception.
- (2) 907.2.2 Group B – delete the exception.
- (3) 907.2.4 Group F – delete the exception.
- (4) 907.2.7 Group M – delete the exception.

(Ord. 04-14 §5)

15.32.250 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the 2003 *International Fire Code* named in the title of this Chapter:

"It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure and building service equipment, or maintain any building or structure in the Town of Avon or cause or permit the same to be done, contrary to or in violation of any of the provisions of any of the codes or standards named in the title of this Chapter."

(Ord. 04-14 §5)

15.32.260 Penalty.

Any person violating any of the provisions of this Chapter or of the provisions of the 2003 *International Fire Code* named in the title of this Chapter, as adopted and modified herein, shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §20; Ord. 04-14 §5)

15.32.270 Validity.

If any section, subsection, sentence, clause or phrase of the 2003 *International Fire Code* named in the title of this Chapter, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 04-14 §5)

CHAPTER 15.36

Factory-Built Housing and Manufactured Homes

15.36.010 Definitions.

For the purposes of this Chapter, the following definitions shall have the meanings indicated:

Factory-built housing means any structure, or component thereof, designed primarily for permanent residential occupancy, including a mobile home which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.

Manufactured housing unit means a preconstructed complete building unit or combination of preconstructed complete building units without motor power designed and commonly used for single-family, single-unit residential occupancy by persons in either temporary or permanent locations, which unit or units are manufactured in a factory or at a location other than the residential site of the completed home and which unit or units are not licensed as a recreational vehicle.

Mobile home means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling without permanent foundation when connected to required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Nonresidential factory-built housing means any structure, or component thereof, designed primarily for permanent nonresidential occupancy, including a manufactured unit which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation on the building site. (Ord. 02-02 §1 (part))

15.36.020 Park site and general requirements.

(a) Provisions of this Chapter shall not apply to a manufactured home located within the Town on the effective date of the ordinance codified herein.

(b) Each new park or addition to an existing park shall conform to all provisions of this Chapter.

(c) Manufactured home space. Each space shall contain at least three thousand (3,000) square feet of area for a single-wide unit, and four thousand two hundred (4,200) square feet for a doublewide unit. The minimum space between any appurtenance or deck thereto shall be a minimum of twelve (12) feet. The minimum space between any two (2) manufactured homes or habitable appurtenance thereto shall be a minimum of twenty (20) feet. Each space shall provide paved parking spaces for at least two (2) automobiles, either on the space adjacent to it or within the park, or by any combination of these locations.

(d) Driveways and walkways. All mobile home spaces shall abut upon a driveway graded for drainage and maintained in a rut and dust-free condition and which provides unobstructed access to a public street or highway. The minimum unobstructed width of such driveways shall be sixteen (16) feet. An additional eight (8) feet of width shall be constructed for each parallel parking space adjacent thereto, or twenty-eight (28) feet for double-loaded perpendicular parking spaces. All driveways and walkways within the park shall be illuminated to ensure safety for park residents.

(e) Paving of parking and driving areas. All manufactured home parks shall have paving in the parking and driving areas thereof.

(f) Maintenance of lots. All lots and stands shall be maintained in a clean and sanitary condition, free from hazardous or noxious materials, weeds, refuse and motor vehicles having no current license plates. (Ord. 02-02 §1 (part))

15.36.030 General requirements – manufactured housing.

(a) No person, firm or corporation shall place a manufactured home within the Town without first obtaining a permit therefor from the State Division of Housing and approval for the installation by the State Division of Housing.

(b) No person, firm or corporation shall make any alteration or addition to a manufactured home thereto without first obtaining a permit therefor from the Building Official.

(c) All manufactured homes, including mobile homes, shall comply with the installation requirements set forth in the Part 31, Manufactured Home Installation, Section 24-32-3101 et seq., C.R.S., and any other rules and regulations adopted by the Colorado Division of Housing governing manufactured housing.

(d) All manufactured homes must comply with either the Section 24-32-701, C.R.S., governing labeling and construction compliance with state and federal standards or bear the red HUD label.

(e) All manufactured homes shall be designed with the snow load requirements as set forth in Section 15.08.190 of this Code unless it complies with one (1) of the following:

(1) An approved snow removal maintenance program;

(2) A protective shelter built over the home, not connected to the home; or

(3) A shelter designed by a professional engineer or architect. (Ord. 02-02 §1 (part))

15.36.040 General requirements – factory-built units.

(a) No person, firm or corporation shall place a factory-built unit within the Town without first obtaining a permit therefor from the Building Official.

(b) No permit for a factory-built home or any alteration or addition thereto shall be issued unless the same complies with all requirements of the building code, including electrical, plumbing and mechanical in effect in the Town at the time. (Ord. 02-02 §1 (part))

CHAPTER 15.40

Solid-Fuel-Burning Devices

15.40.010 Purpose and applicability.

These regulations are enacted for the purpose of promoting the health, safety and general welfare of the residents of and visitors to the Town. These regulations are intended to achieve the following more specific purposes: to protect air quality. (Ord. 00-08 §§1, 2; Ord. 91-11 §1 (part))

15.40.020 Definitions.

For the purposes of this Chapter, the following definitions shall have the meanings indicated:

Certified gas-log fireplace means a gas appliance equipped with an A.G.A. and U.L. listed artificial log unit which is approved for the burning of natural gas.

Gas appliance means a fully self-contained, U.L. listed and A.G.A. fireplace unit which does not require venting through a chimney and which does not permit the use of solid fuel.

Gas-log fireplace means a gas appliance equipped with an A.G.A. and U.L. listed artificial log unit which is approved for the burning of natural gas.

Noncertified gas-log fireplace means a wood-burning fireplace equipped with an artificial log unit which is approved for the burning of natural gas, and is not used for burning wood or other solid fuel.

Solid-fuel-burning device means any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, pulp, paper or other nonliquid or nongaseous fuel. This definition specifically excludes noncommercial barbecue devices used to cook food outdoors.

Wood-burning fireplace means an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney. (Ord. 00-08 §§3, 4; Ord. 91-11 §1 (part))

15.40.030 Regulations below elevation of seven thousand eight hundred twenty feet.

Below the elevation of seven thousand eight hundred twenty (7,820) feet, no new wood-burning or solid-fuel-burning fireplaces or other devices shall be permitted to be constructed or installed after the ordinance codified in this Chapter becomes effective. No mobile or modular home shall be moved into place in the Town and connected to utility service which has installed with such mobile or modular home a solid-fuel-burning device. Below such elevation, certified solid-fuel-burning devices, gas appliances and certified gas-log fireplaces shall be permitted. Below such elevation there shall also be permitted one (1) wood-burning fireplace in the lobby of any hotel or lodge; provided, a fee in the amount of three thousand dollars (\$3,000.00) is paid at the time of application for building permit. (Ord. 00-08 §5; Ord. 91-11 §1 (part))

15.40.040 Regulations above elevation of seven thousand eight hundred twenty feet.

Above the elevation of seven thousand eight hundred twenty (7,820) feet, one (1) wood-burning fireplace shall be permitted in each new dwelling unit constructed; provided, a fee in the amount of one

thousand five hundred dollars (\$1,500.00) is paid at the time of application for building permit; provided, no new wood-burning or other solid-fuel-burning fireplaces or other devices shall be permitted in dwelling units triplex and greater in size after the ordinance codified in this Chapter becomes effective. Above such elevation, certified solid-fuel-burning devices, gas appliances and noncertified gas-log fireplaces shall be permitted. (Ord. 00-08 §6; Ord. 91-11 §1 (part))

15.40.050 Gas appliances.

All gas-log fireplaces shall be constructed in such a manner that access to the firebox is prohibited except for the purposes of repair and maintenance. (Ord. 91-11 §1 (part))

15.40.060 Coal usage prohibited.

The burning of coal within the Town is prohibited. (Ord. 91-11 § (part))

CHAPTER 15.44

Uniform Code for the Abatement of Dangerous Buildings

15.44.010 Adoption.

The Charter of the Town, Section 6.9, provides that standard codes may be adopted by reference with amendments. The Town adopts the 1997 Edition of the *Uniform Code for the Abatement of Dangerous Buildings* and all appendix chapters. The 1997 Edition of the *Uniform Code for the Abatement of Dangerous Buildings* is published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298. Three (3) copies of the *Uniform Code for the Abatement of Dangerous Buildings* are on file in the office of the Town Clerk, and are available for inspection during regular business hours. (Ord. 99-14 (part))

15.44.020 Additions or modifications.

The *Uniform Code for the Abatement of Dangerous Buildings* is amended and changed in Sections 15.44.030 and 15.44.040 of this Chapter. (Ord. 99-14 (part))

15.44.030 Section 205 – Board of Appeal.

Section 205 is amended to provide as follows:

"A. A person shall have a right to appeal a decision of the code official to the Town Council. An application for appeal shall be filed with the Town Clerk within 20 days after the date of the decision of the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted.

"B. Any member of the Town Council, acting in good faith and without malice for the Town of Avon in the discharge of their duties, shall not thereby render themselves personally liable. The members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Town Council because of any act or omission performed by them in the discharge of their duties, shall be defended by the Town of Avon until final termination of the proceedings."

(Ord. 99-14 (part))

15.44.040 Violation.

The following clause concerning violations is set forth in full and adopted with reference to the *Uniform Code for the Abatement of Dangerous Buildings* named in the title of this Chapter:

"It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town or cause or permit the same to be done, contrary to or in violation of any of the provisions of the code or standards named in the title of this chapter."

(Ord. 99-14 (part))

15.44.050 Penalty.

Any person violating any of the provisions of this Chapter or of the provisions of the 2003 *Uniform Code for the Abatement of Dangerous Buildings* named in the title of this Chapter, as adopted and modified herein, shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §21; Ord. 99-14 (part))

15.44.060 Repeal.

The repeal or the repeal and reenactment of any provision of the Code as provided in this Chapter shall not affect any right which has accrued, any duty imposed, violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated in this Chapter. (Ord. 99-14 (part))

15.44.070 Validity.

If any section, subsection, sentence, clause or phrase of the code named in the title of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Chapter. The Town declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared invalid. (Ord. 99-14 (part))

CHAPTER 15.50

General Violations

15.50.010 Permit violation.

It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town, or cause or permit the same to be done, contrary to or in

violation of any condition set forth in any permit issued by the Building Official pursuant to this Title. (Ord. 06-13 §1)

15.50.020 Penalty.

Any person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction of any of the provisions of any of the codes and standards named in the title of this Chapter is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code. (Ord. 07-03 §22)