

CHAPTER 18

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ARTICLE I

Building Code

Sec. 18-1-10. Adoption.

The *International Building Code*, 2006 Edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 35 inclusive, and Appendix I are hereby adopted by reference as the Town of Bennett Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows. The purpose and subject matter of the *International Building Code* include comprehensive provisions regulating construction aspects of building and providing uniform building standards for the purpose of protecting the public health, safety and general welfare. In all sections of this Code where a reference is made to the *International Building Code* or IBC, said reference shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Building Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §1, 2008)

Sec. 18-1-20. Amendments.

The following sections of the *International Building Code* are hereby amended as follows:

(1) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section 101.4.1 (Electrical) is amended by replacing "ICC Electrical Code" with "National Electrical Code" as adopted by the Town of Bennett.

(3) Section 101.4.4 (Plumbing) is amended by deletion of the last sentence.

(4) Section 101.4.6 (Fire prevention) is amended by replacing "*International Fire Code*" with "adopted fire code."

(5) Section 105.1 (Required) is amended by replacing the words "building official" with "town."

(6) Section 105.2 (Work exempt from permit) is amended by deletion of number 1 and replacement of number 1 with the following:

"1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.5806 m²)."

(7) Section 105.5 (Expiration) is amended to read in its entirety as follows:

"105.5. Expiration. Every permit issued shall become invalid unless the work on 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 or more extensions of time, for periods not more than 180 days each. The extension shall be requested in

writing and justifiable cause demonstrated, and a fee of ten percent (10%) of the original permit fee or five dollars (\$5.00), whichever is greater, shall be collected. Upon expiration of any building permit, the applicant shall not proceed with any work on the site until such time as applicant receives a new permit, for which applicant has submitted a new, complete permit application along with payment of all applicable fees."

(8) Section 108.1 (Payment of fees) is amended to read in its entirety as follows:

"A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. A plan review fee shall be paid at the time a plan is submitted for review. All other fees shall be paid at the time the permit is issued. The plan review fee shall be based on the estimated value of the work. To the extent the building official determines additional plan review fees are due, such additional fees shall be paid before the permit is issued. To the extent the building official determines that excess plan review fees were paid at the time the plan was submitted for review, the excess fees shall be refunded or, at applicant's request, credited to building permit fees due at the time of permit issuance."

(9) Section 108.3 (Building permit valuations) is amended to read in its entirety as follows:

"108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit evaluation shall be set by the building official by using the Valuation Calculator, as adopted by resolution by the Board of Trustees from time to time."

(10) Section 108.4 (Work commencing before permit issuance) is amended to read as follows:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to 100% of the original building fee in addition to the required permit fees."

(11) Section 108.6 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunds as set forth in a fee schedule adopted by the Board of Trustees by resolution."

(12) Section 109.3. (Lath and gypsum board inspection) is amended by deleting the exception in its entirety.

(13) Section 110.3 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing them with "town."

(14) Section 112.1 (General) is amended by deleting the last two (2) sentences and inserting the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board of Trustees."

(15) Section 112.3 (Qualifications) is amended by deleting the section in its entirety.

(16) Section 202 (Definitions) is amended by addition of the following:

" 'Sleeping room' (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

(17) Section 1013.1 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier."

(18) Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "Town of Bennett" where indicated in [Insert Name of Jurisdiction] and the date of the latest flood insurance study for the Town, where indicated in [Insert Date of Issuance].

(19) Section 3401.3 (Compliance with other codes) is amended by deleting "International Fire Code" and inserting in its place "adopted fire code," deleting "International Private Sewage Disposal Code," and deleting "ICC Electrical Code" and inserting in its place "National Electrical Code."

(20) Section 3410.2 (Applicability) is amended by the insertion of the effective date of building codes for the Town indicated in [DATE].

(21) Appendix J (Grading) is amended by the addition of new sections "J112 Grading Fees" and "J113 Performance Guarantees" which shall read as follows:

"J112 Grading Fees.

"J112.1 General. Fees shall be assessed in accordance with the provisions of this section and in the amount set forth in a fee schedule adopted by the Board of Trustees by resolution.

"J112.2 Plan review fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in a fee schedule adopted by the Board of Trustees by resolution.

Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

"J112.3 Grading permit fees. A fee for each grading permit shall be paid to the building official as set forth in a fee schedule adopted by the Board of Trustees by resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

"J113 Performance Guarantees.

"The building official may require a performance guarantee in the form of a bond, letter of credit or cash escrow in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions."

(Ord. 577 §1, 2008; Ord 582 §4, 2008)

Sec 18-1-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §1, 2008) (Ord. 577 §1, 2008)

ARTICLE II

Electrical Code

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the electrical code of the Town, by reference thereto, the *National Electrical Code*, 2002 Edition, published by the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02269-9101, to have the same force and effect as if set forth herein in every particular. The purpose and subject matter of the *National Electrical Code* include minimum regulations for the practical safeguarding of persons and property from the hazards arising from the use of electricity and minimum standards relating to the installation of electrical conductors and equipment within or on public and private buildings and other structures, including mobile homes, recreational vehicles and floating dwelling units, and other premises such as yards, carnivals, parking and other lots, and industrial substations. The *National Electrical Code* provides for the issuance of permits, inspections and the collection of fees therefor. Except as otherwise provided herein, the *National Electrical Code* is adopted in full, including the outline of contents, index and all appendices thereto. Any references to the *National Electrical Code*

shall be to the 2002 Edition of said code. (Ord. 260 §1-1, 1988; Ord. 422 §1, 2000; Ord. 493 §1, 2003; Ord. 526 §1, 2005)

Sec. 18-2-20. Copy on file.

The Town Clerk shall maintain sufficient copies of the National Electrical Code as required by law in the Town Hall. At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The Electrical Code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 422 §2, 2000; Ord. 493 §1, 2003; Ord. 526 §1, 2005)

Sec. 18-2-30. Amendments.

The code adopted herein is modified by the following amendments: none. (Ord. 260 §1-5, 1988; Ord. 526 §1, 2005)

Sec. 18-2-40. Electrical permit fees.

Fees shall be as set forth in a fee schedule adopted by the Board of Trustees by resolution. (Ord. 493 §2, 2003; Ord. 526 §1, 2005; Ord. 555 §4, 2006)

Sec. 18-2-50. Violations.

Any person who violates any of the provisions of this Article shall be guilty of a misdemeanor, and shall be punished by a fine or imprisonment as set forth in Section 1-4-20 of this Code. Each day during any portion of which any violation of any provisions of this Article is committed, continued or permitted by any such person shall be a separate offense. (Ord. 260 §1-8, 1988; Ord. 422 §3, 2000; Ord. 493 §3, 2003; Ord. 526 §1, 2005)

ARTICLE III

Mechanical Code

Sec. 18-3-10. Adoption.

The *International Mechanical Code*, 2006 Edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Bennett Mechanical Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows. The *International Mechanical Code* includes minimum standards relating to the mechanical installations in or in connection with the construction, alteration and repair of new and existing structures, including design, construction, installation, quality of materials, locations, operation and maintenance or use of heating, ventilation, cooling refrigeration systems, incinerators and other miscellaneous heat-producing appliances. In all sections of this Code where a reference is made to the *International Mechanical Code*, said reference shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Mechanical Code* as required by law in the Town Hall, which may be inspected by any

interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §2, 2008)

Sec. 18-3-20. Amendments.

The *International Mechanical Code* as adopted by the Town is hereby amended as follows:

(1) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section 504.6.1 (Maximum length) is amended by deleting the exception in its entirety. (Ord. 577 §2, 2008)

Sec. 18-3-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §2, 2008)

ARTICLE IV

Plumbing Code

Sec. 18-4-10. Adoption.

The *International Plumbing Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Bennett Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows. The purpose and subject matter of the *International Plumbing Code* include comprehensive provisions regulating plumbing installations in or in connection with new and existing structures and providing uniform plumbing standards for the purpose of protecting the public health, safety and general welfare. In all sections of this Code where a reference is made to the *International Plumbing Code*, said reference shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Plumbing Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted (Ord. 577 §3, 2008).

Sec. 18-4-20. Amendments.

The *International Plumbing Code* as adopted by the Town is hereby amended as follows:

(1) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section 305.6.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."

(3) Section 904.1 (Roof extension) is amended by inserting the number "6" (152.4 mm) where indicated in the second sentence. (Ord. 577 §3, 2008)

Sec. 18-4-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §3, 2008)

ARTICLE V

Fire Code

Sec. 18-5-10. Adoption.

The *International Fire Code*, 2006 Edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 45 inclusive, is hereby adopted by reference as the Town of Bennett Fire Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows. The purpose and subject matter of the *International Fire Code* includes comprehensive regulations governing: (1) the hazard of fire and explosion arising from the storage, handling and use of structures, materials or devices; (2) conditions hazardous to life, property or public welfare in the occupancy of structures or premises; (3) fire hazards in the structure or on the premises from use or occupancy; and (4) other matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems. Any reference to the *International Fire Code* within this Code shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Fire Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §4, 2008)

Sec. 18-5-20. Amendments.

The following sections of the *International Fire Code* are hereby amended as follows:

(1) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section 102.10 (Application of residential code) is added as follows:

"102.10 Application of residential code. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply as follows:

"1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access, and water supplies.

"2. Administrative, operational, and maintenance provisions: All such provisions of this code shall apply."

(3) Section 106.5 (Inspection requests) is added as follows:

"106.5 Inspection requests. It shall be the duty of the person doing the work authorized by a construction permit to notify the fire code official, or his/her designee, that such work is ready for inspection. The fire code official is authorized to require that every request for inspection be filed not less than two (2) working days before such inspection is desired. Such requests may be in writing or by telephone at the option of the fire code official or his/her designee. It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work."

(4) Section 503.2.1 (Dimensions) is amended by deleting the section in its entirety and replacing the section with the following:

"503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of no less than thirteen (13) feet six (6) inches."

(5) Section 503.2.2 (Authority) is amended by deleting the section in its entirety and replacing the section with the following:

"503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where it can be demonstrated that the proposed access widths and vertical clearances are inadequate for fire or rescue operations."

(6) Section 511 (Fire protection in recreational vehicle, mobile home, and manufactured housing parks, sales lots, and storage lots) is added as follows:

"511 Fire protection in recreational vehicle, mobile home, and manufactured housing parks, sales lots, and storage lots. Recreational vehicle, mobile home, and manufactured housing parks, sales lots, and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 503 and 508.

"Exception: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the fire code official."

(7) Section 512 (Public safety radio amplification system) is added as follows:

"512 Public safety radio amplification system. Public safety radio amplification system regulation shall occur in accordance with the rules and regulations for same established and adopted by the applicable emergency service providers."

(Ord. 577 §4, 2008)

Sec. 18-5-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §4, 2008)

ARTICLE VI

Existing Building Code

Sec. 18-6-10. Adoption.

The *International Existing Building Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference thereto and incorporated into and made a part of the Bennett Municipal Code. The purpose and subject matter of the *International Existing Building Code* include the provision of standards for changes of occupancy and alterations or repairs of existing buildings and structures which encourage the continued use or reuse of legally existing buildings and structures. Any reference to the *International Existing Building Code* within this Code shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Existing Building Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §5, 2008)

Sec. 18-6-20. Amendments.

The *International Existing Building Code* as adopted by the Town is hereby amended as follows:

(1) *The International Existing Building Code* is amended by replacing all references to "International Fire Code" with "adopted fire code."

(2) *The International Existing Building Code* is amended by replacing all references to "ICC Electrical Code" with "National Electrical Code" as adopted by the Town.

(3) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(4) Section 1201.1 (Conformance) is amended by deleting the section in its entirety and replacing it with the following:

"Structures moved into or within the jurisdiction shall comply with the provision of this code for new structures."

(Ord. 577 §5, 2008)

Sec. 18-6-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine as set forth in Section 1-4-20 of this Code. (Ord. 577 §5, 2008)

ARTICLE VII

Property Maintenance Code

Sec. 18-7-10. Adoption.

The *International Property Maintenance Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference thereto and incorporated into and made a part of this Code. The purpose and subject matter of the *International Property Maintenance Code* include the provision of just, equitable and practical procedures for the continued maintenance of property. In all sections of this Code where a reference is made to the *International Property Maintenance Code*, said reference shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Property Maintenance Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §6, 2008)

Sec. 18-7-20. Amendments.

The *International Property Maintenance Code* as adopted by the Town is hereby amended as follows:

(1) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section 103.5 (Fees) is amended by deleting the section in its entirety.

(3) Section 111.2 (Membership of board) is amended by deleting the section in its entirety and inserting the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board of Trustees."

(4) Section 111.2.1 (Alternate members) is amended by deleting the section in its entirety.

(5) Section 111.2.2 (Chairman) is amended by deleting the section in its entirety.

(6) Section 111.2.3 (Disqualification of member) is amended by deleting the section in its entirety.

(7) Section 111.2.4 (Secretary) is amended by deleting the section in its entirety.

(8) Section 111.2.5 (Compensation of members) is amended by deleting the section in its entirety.

(9) Chapter 3 (General Requirements) is amended by deleting the chapter in its entirety.

(10) Chapter 4 (Light, Ventilation and Occupancy Limitations) is amended by deleting the chapter in its entirety.

(11) Chapter 5 (Plumbing Facilities and Fixtures and Fixture Requirements) is amended by deleting the chapter in its entirety.

(12) Chapter 6 (Mechanical and Electrical Requirements) is amended by deleting the chapter in its entirety.

(13) Chapter 7 (Fire Safety Requirements) is amended by deleting the chapter in its entirety. (Ord. 577 §6, 2008)

Sec. 18-7-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine as set forth in Section 1-4-20 of this Code. (Ord. 577 §6, 2008)

ARTICLE VIII

Residential Code

Sec. 18-8-10. Adoption.

The *International Residential Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 43 inclusive and Appendix Chapters G and H, are hereby adopted by reference as the Town of Bennett Residential Building Code as if fully set out in the ordinance codified herein with the additions, deletions, insertions and changes as follows. The purpose and subject matter of the *International Residential Code* include the provision of standards for construction and alteration of residential structures. Any reference to the *International Residential Code* shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Residential Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §7, 2008)

Sec. 18-8-20. Amendments.

The *International Residential Code* as adopted by the Town is hereby amended to read as follows:

(1) Section R101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section R105.1 (Required) is amended by replacing the words "building official" with "Town."

(3) Section R105.2 (Work exempt from permit) is amended by deletion of number 1 and replacement of number 1 with the following:

"1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.5806 m²)."

(4) Section R108.4.1 is added as follows:

"R108.4.1 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Town. The fee shall be equal to 100% of the original building fee in addition to the required permit fees."

(5) Section R108.5 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunds as set forth in a fee schedule adopted by the Board of Trustees by resolution."

(6) Section R109.1.5 (Other inspections) is amended by the addition of new subsections to read as follows:

"R109.1.5.3 Insulation inspection. Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed.

"R109.1.5.4 Lath and gypsum inspection. Inspection of all interior or exterior lathing and gypsum board shall be made after installation but before any plastering is applied or before gypsum board joints and fasteners are taped and finished."

(7) Section R110.4 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing them with "Town".

(8) Section R112.1 (General) is amended by deleting the last three sentences and inserting the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board of Trustees."

(9) Section R202 (Definitions) is amended by addition of the following:

" 'Sleeping Room' (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and

contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

(10) IRC Table R301.2 (1) is filled in to provide the following:

**"Table R301.2 (1)
Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Shield Under- layment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite					
20 psf	90	B	Severe	30 in.	Slight to Moderate	1	NO	Per town ordinance	1,000	45°F"

(11) Section R310.2.1 (Ladder and steps) is amended by the addition of the following exception to read as follows:

"Exception: Only one window well egress ladder shall be required in an unfinished basement."

(12) Section R312.1 (Guards required) is amended by the addition of a third paragraph as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

"Exceptions:

"1. The access side of stairways need not be protected.

"2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section R310 of this code.

"3. Covers and grates may be used over stairways and other openings used exclusively for the service access or for admitting light or ventilation."

(13) Section R401.2 (Requirements) is amended by the addition of the following:

"Foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. The foundation design must be based on an engineer's soils

report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by a State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies."

(14) Section R405.1 (Concrete and masonry foundations) is amended with the addition of the following after the first sentence:

"All foundation drains shall be designed and inspected by a State of Colorado registered design professional."

(15) Section M1502.6 (Duct length) is amended by deleting exception 1 in its entirety.

(16) Section G2415.9 (Minimum burial depth) is amended by the addition of the following:

"All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."

(17) Section G2415.9.1 (Individual outside appliances) is deleted in its entirety.

(18) Section G2417.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.

(19) Section P2603.6.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."

(20) Section P3103.1 (Roof extension) is amended by filling in both areas where indicated to read "6 inches (152.4 mm)." (Ord. 577 §7, 2008)

Sec. 18-8-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §7, 2008)

ARTICLE IX

Fuel Gas Code

Sec. 18-9-10. Adoption.

The *International Fuel Gas Code*, 2006 Edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Bennett Fuel Gas Code as is fully set out in this Article with the additions, deletions, insertions and changes as follows. The purpose and subject matter of the *International Fuel Gas Code* include the provision of standards for the design and installation of fuel

gas systems and gas-fired appliances. Any reference to the *International Fuel Gas Code* within this Article shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Fuel Gas Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §8, 2008)

Sec. 18-9-20. Amendments.

The *International Fuel Gas Code* as adopted by the Town is hereby amended as follows:

(1) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated.

(2) Section 404.9 (Minimum burial depth) is amended by the addition of the following:

"All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."

(3) Section 404.9.1 (Individual outside appliances) is deleted in its entirety.

(4) Section 406.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.

(5) Section 409.5 (Equipment shutoff valve) is amended by deleting the exception.

(6) Section 614.6.1 (Maximum length) is amended by deleting the exception in its entirety. (Ord. 577 §8, 2008)

Sec. 18-9-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §8, 2008)

ARTICLE X

Building Permits

Sec. 18-10-10. Moving permit.

No building, structure or improvement shall be moved or transported upon any street, alley, road or highway within the Town limits unless a permit has been obtained from the Town Clerk. (Prior code 11-1-1; Ord. 526 §1, 2005)

Sec. 18-10-20. Building permits.

No structure shall be moved or constructed within the Town without first securing a building permit from the Building Department. Before such permit can be issued, the applicant shall submit an application to the Building Department for review. If said application meets all requirements of this Code, the Building Department shall issue a building permit upon payment of the appropriate fees. If said application does not meet the requirements of this Code, the application shall be denied in writing. (Prior code 11-1-2; Ord. 526 §1, 2005)

Sec. 18-10-30. Duration of building permit.

Every permit issued under this Article shall expire and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of issue. All building permits shall become null and void after one hundred eighty (180) days from the date of issue. At the end of the one hundred eighty (180) days, an extension may be obtained for an additional one hundred eighty (180) days, for the fee of ten percent (10%) of the original permit fee or five dollars (\$5.00), whichever is greater. (Prior code 11-1-3)

Sec. 18-10-40. Mobile home permit.

No mobile home shall be moved into the Town without first securing a permit from the Building Department. (Prior code 11-1-4; Ord. 526 §1, 2005)

Sec. 18-10-50. Inspection for flooding.

(a) All building permit applications for new construction or substantial improvements shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated structures and homes) must:

- (1) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Use construction materials and utility equipment that are resistant to flood damage; and
- (3) Use construction methods and practices that will minimize flood damage.

(b) Subdivision proposals and other proposed new developments shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(c) All new or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and shall include on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. 109 §§1-3, 1976; Ord. 526 §1, 2005)

Sec. 18-10-60. Exemption from permits.

No permit shall be required for:

- (1) Remodeling or reconstruction work that does not involve any expansion of square footage; any plumbing, mechanical or electrical installations or any change in load-bearing components.
- (2) Replacement of fences, provided that the new fence is the same height, length, type of materials, color and location as the existing one and a building permit has been previously issued by the Town and is on file with the Town. (Prior code 11-1-5; Ord. 555 §§7, 8, 2006)

ARTICLE XI

Energy Conservation Code

Sec. 18-11-10. Adoption.

The *International Energy Conservation Code*, 2006 Edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive is hereby adopted by reference as the Town of Bennett Fuel Gas Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows. The purpose and subject matter of the *International Energy Conservation Code* include provisions that encourage energy conservation through efficiency in envelope design, mechanical systems, lighting systems and the use of new materials and techniques. Any reference to the *International Energy Conservation Code* within this Code shall be to the 2006 Edition of said code. The Town Clerk shall maintain at least one (1) copy of the *International Energy Conservation Code* as required by law in the Town Hall, which may be inspected by any interested person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 577 §8, 2008)

Sec. 18-11-20. Amendments.

The *International Energy Conservation Code* as adopted by the town is hereby amended as follows:

- (1) The *International Energy Conservation Code* is amended by replacing all references to "International Fire Code" with "adopted fire code."
- (2) The *International Energy Conservation Code* is amended by replacing all references to "ICC Electrical Code" with "National Electrical Code" as adopted by the Town.
- (3) Section 101.1 (Title) is amended by the addition of the term "Town of Bennett" where indicated. (Ord. 577 §8, 2008)

Sec. 18-11-30. Violations.

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand

dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment. (Ord. 577 §8, 2008)

Sec. 18-11-40. Exemptions.

The following buildings are hereby exempt from the requirement to comply with this Article:

(1) Any building that is otherwise exempt from the provisions of the codes adopted by reference in this Chapter and buildings that do not contain a conditioned space;

(2) Any building that does not use either electricity or fossil fuels for comfort heating. A building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating if the building is provided with electrical service in excess of one hundred (100) amps, unless the Building Inspector determines that the electrical service is necessary for a purpose other than for providing electric comfort heating; and

(3) Historic buildings that are listed on the National Register of Historic Places or Colorado Register of Historic Properties and buildings that have been designated as historically significant or that have been deemed eligible for designation by the Town. (Ord. 594 §1, 2009)