

## CHAPTER 18

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## ARTICLE 1

### Building Code

#### Sec. 18-1-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2009 edition, Chapters 1 through 35 inclusive, without appendices ("IBC") published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Prior code 16-1-2; Ord 1 §2, 2005; Ord. 4 §1, 2009; Ord. 13 §1, 2011)

#### Sec. 18-1-20. Copy on file.

At least one (1) copy of the International Building 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 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

#### Sec. 18-1-30. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) IBC Section 105.2 (Work Exempt from Permit) is amended by the deletion of "Building: 1. (detached accessory structures. . . )."

(2) IBC Section 105.2.6 (Work Exempt from Permit) is amended by replacing "30 inches" with "18 inches."

(3) IBC Section 109.2 "Fees" is amended by inserting the fee schedule set forth in Appendix A to this Code.

(4) IBC Section 202 (Definitions) shall be amended by adding the following definition of "Crawlspace: Any space below the first floor of a building with a height of 60 inches or less, measured from the average ground level within the perimeter to the bottom of the floor joist above." "Townhouse" shall be amended by changing the definition from "a group of three (3) or more . . ." to "a group of two (2) or more . . ."

(5) IBC Section 907.2.11.2 is amended by adding:

"Carbon monoxide detectors/alarms shall be installed, operated and maintained in compliance with Chapter 18, Article 14 of the Crested Butte Municipal Code..

(6) IBC Section 1805.1 shall be amended by adding that all basement construction shall be constructed in accordance with the requirements of Section 18-16-10 of this Chapter. (Prior code 16-1-2; Ord. 2 §1, 1992; Ord. 1 §2, 2005; Ord. 4 §1, 2009; Ord. 8 §1, 2009; Ord. 13 §1, 2011)

**Sec. 18-1-40. Fees.**

Fees for any permit or inspection required by the codes adopted in this Chapter or required by Article 13 of this Chapter are set by resolution of the Town Council. (Prior code 16-1-3; Ord. 1 §3, 2005; Ord. 4 §1, 2009)

**Sec. 18-1-50. Rules and regulations.**

The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith. (Prior code 16-1-4; Ord. 1 §4, 2005)

**Sec. 18-1-60. Conflicting provisions.**

In the event of a conflict between the code adopted herein and any provision set forth in Chapter 16 of this Code, such conflict shall be resolved in favor of said Chapter 16. (Prior code 16-1-5; Ord. 1 §4, 2005)

**Sec. 18-1-70. Violation, liability and penalty.**

(a) Any person who violates any provision of this Article or this Chapter shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation of this Article or this Chapter continues to exist shall constitute a separate and additional offense.

(b) Any person violating any provisions of this Article or this Chapter shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(c) The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin or abate any violation of this Article or this Chapter.

(d) The remedies provided by this Section are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Prior code 16-1-6; Ord. 2 §5, 1992; Ord. 1 §4, 2005; Ord. 4 §1, 2009)

**ARTICLE 2**

**Residential Code**

**Sec. 18-2-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the *International Residential Code*, 2009 edition, Chapters 1 through 44 inclusive, without appendices ("IRC"), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every

particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Prior code 16-1-2; Ord. 1 §2, 2005; Ord. 4 §1, 2009; Ord. 13 §2, 2011)

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

At least one (1) copy of the International Residential 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 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

**Sec. 18-2-30. Amendments.**

The code adopted herein is hereby modified by the following amendments:

(1) IRC Section R105.2 (Work exempt from permit) is amended by the deletion of "Building: 1. (One-story detached accessory structures . . .)"; and amended in 10. to change "30 inches" to "18 inches."

(2) IRC Section R108.2 (Schedule of permit fees) is amended by inserting the fee schedule set forth in Appendix A to this Code.

(3) IRC Section 202 (Definitions), definition of "Townhouse" shall be amended by changing the definition from "a group of three (3) or more . . ." to "a group of two (2) or more . . ."; and "Crawlspace" shall be defined as "any space below the first floor of a building with a height of 60 inches or less, measured from the average ground level within the perimeter of the bottom of the floor joist above."

(4) IRC Section R301.2 (Climactic and Geographical Design Criteria) is amended by adding the following to Table 301.2(1):

"Flat roof snow load	100 lbs.
Ground snow load	Not determined
Wind speed	90 miles per hour – 3-second gust 75 miles per hour fastest mile Exposures C & D
Seismic design category	C
Weathering	Severe
Frost line depth	36"
Termite	Slight to moderate
Decay	None to slight
Winter design temp.	-16 degrees Fahrenheit

Ice shield underlayment required	Required on roofs
Flood hazards	RBD Report September 18, 1992 Flood Insurance Rate Map ("FIRM") September 04, 1985 Flood Insurance Rate Map ("FIRM") June 14, 1974
Air freezing index	3085
Mean annual temp.	35 degrees Fahrenheit"

(5) IRC Section R302.5.1 "Opening Protection" is amended by adding the following: "All such doors shall be equipped with a self closing mechanism capable of closing and latching the door from any open position."

(6) IRC Section R303.3 "Bathrooms" shall be amended to read: "Bathrooms, water closet compartments and other similar rooms shall provided with mechanical ventilation, with minimum ventilation rates of 50 cfm for intermittent ventilation and 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside."

(7) IRC Section R310.2 "Window wells" shall be amended to add the following: "All window wells shall be provided with a roof structure above and curbing sufficient to prevent the accumulation of snow and ice inside the window well. Window wells shall be maintained to provide operability of any egress opening to the extent required by this code and specifically Section R310.1.4."

(8) IRC Section R313 "Automatic fire sprinkler systems" shall be amended by replacing Subsection R313.2 with the following: "R313.2 'Two-family dwellings.' An automatic residential fire sprinkler system shall be installed in all new two-family dwellings."

(9) IRC Section R315 "Carbon monoxide alarms" shall be amended by adding: "Carbon monoxide detectors/alarms shall be installed, operated and maintained in compliance with Chapter 18, Article 14 of the Crested Butte Municipal Code."

(10) IRC Section R406 shall be amended by stating that all basement construction shall be in compliance with the requirements of Section 18-16-10 of this Chapter.

(11) IRC Section R1001.1 "Chimneys and Fireplaces General"; IRC Section R1002.2 "Masonry Heaters"; and IRC Section 1004.1 "Factory Built Fireplaces" shall be amended by adding the following: "All solid fuel-burning devices shall comply with the provisions of Article 8 of this Chapter."

(12) IRC Section N1101 "Energy Efficiency" shall be amended by deleting the entire chapter and replacing it with the following: "All residential construction shall comply with the requirements of the 2009 International Energy Conservation Code and with the provisions of Chapter 18, Article 9 of the Crested Butte Municipal Code."

(13) IRC Appendix F "Radon Control Methods" shall be adopted as part of the IRC. (Ord. 13 §1, 1988; Ord. 1 §1, 2001; Ord. 1 §1, 2005; Ord. 2 §1, 2009; Ord. 4 §1, 2009; Ord. 8 §§2, 3, 2009; Ord. 13 §2, 2011)

## ARTICLE 2.5

### Existing Building Code

#### Sec. 18-2.5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the Town, by reference thereto, the *International Existing Building Code*, 2009 edition, Chapters 1 through 15 inclusive, without appendices ("IEBC"), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Ord. 13 §3, 2011)

#### Sec. 18-2.5-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) IEBC Section 101.4 shall be amended to read: "This document shall only be applicable with the prior express permission of the Building Official." (Ord 4 §1, 2009; Ord. 13 §3, 2011)

## ARTICLE 3

### Mechanical Code

#### Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code for the Town, by reference thereto, the *International Mechanical Code*, 2009 edition, including Appendix A, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IMC"), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein. (Prior code 16-5-1; Ord. 9 §§1, 2, 2005; Ord. 4 §1, 2009; Ord. 13 §6, 2011)

#### Sec. 18-3-20. Copy on file.

At least one (1) copy of the International Mechanical 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 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

**Sec. 18-3-30. Amendments.**

The code adopted herein is hereby modified by the following amendments:

(1) IMC Section 905 "Fireplace stoves and Room Heaters" shall be amended to add: "All solid fuel-burning devices shall comply with the requirements of Chapter 18, Article 8 of the Crested Butte Municipal Code."

(2) Section R106.5.2 (Fee Schedule) is amended by inserting the fee schedule set forth in Appendix A to this Code. (Ord. 4 §1, 2009; Ord. 13 §6, 2011)

**Sec. 18-3-40. Rules and regulations.**

The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith. (Prior code 16-5-2; Ord. 9 §§1, 2, 2005)

**Sec. 18-3-50. Conflicting provisions.**

In the event of a conflict between the IMC and any provisions set forth in Chapter 16 of this Code, such conflict shall be resolved in favor of said Chapter 16. (Prior code 16-5-3; Ord. 9 §§1, 2, 2005)

**Sec. 18-3-60. Fees.**

Fees for any permit or inspection required by the IMC are set forth in Appendix A to this Code. (Prior code 16-5-4; Ord. 9 §§1, 2, 2005)

**Sec. 18-3-70. Violation, liability and penalty.**

(a) Any person who violates any provision of the IMC shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.

(b) Any person who violates any provision of the IMC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(c) The Town may institute injunction, abatement or any other action to prevent, enjoin or abate any violation of the IMC.

(d) The remedies provided by this Section are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Prior code 16-5-5; Ord. 9 §§1, 2, 2005; Ord. 4 §1, 2009)

## ARTICLE 4

### Plumbing Code

#### **Sec. 18-4-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the Town, by reference thereto, the *International Plumbing Code*, 2009 edition, excluding Appendix A, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IPC"), regulating and governing design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein. (Prior code 16-6-1; Ord. 9 §§3, 4, 2005; Ord. 4 §1, 2009; Ord. 13 §8, 2011)

#### **Sec. 18-4-20. Copy on file.**

At least one (1) copy of the International Plumbing 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 an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

#### **Sec. 18-4-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 4 §1, 2009)

#### **Sec. 18-4-40. Rules and regulations.**

The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith. (Prior code 16-6-2; Ord. 9 §§3, 4, 2005)

#### **Sec. 18-4-50. Conflicting provisions.**

In the event of a conflict between the IPC and any provisions set forth in Chapter 16 of this Code, such conflict shall be resolved in favor of said Chapter 16. (Prior code 16-6-3; Ord. 9 §§3, 4, 2005)

#### **Sec. 18-4-60. Violation, liability and penalty.**

(a) Any person who violates any provision of the IPC shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.

(b) Any person who violates any provision of the IPC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(c) The Town may institute injunction, abatement or any other action to prevent, enjoin or abate any violation of the IPC.

(d) The remedies provided by this Section are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Prior code 16-6-4; Ord. 9 §§3, 4, 2005; Ord. 4 §1, 2009)

## **ARTICLE 5**

### **Electrical Code**

#### **Sec. 18-5-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the *National Electrical Code*, 2008 edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. The purpose of the adopted code is the practical safeguarding of persons and property from hazards arising from the use of electricity; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein. (Prior code 16-3-1; Ord 9 §5, 6, 2005; Ord. 4 §1, 2009; Ord. 13 §9 2011)

#### **Sec. 18-5-20. Copy on file.**

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 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

#### **Sec. 18-5-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 4 §1, 2009)

#### **Sec. 18-5-40. Rules and regulations.**

The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith. (Prior code 16-3-2; Ord. 9 §§5, 6, 2005)

#### **Sec. 18-5-50. Conflicting provisions.**

In the event of a conflict between the NEC and any provisions set forth in Chapter 16 of this Code, such conflict shall be resolved in favor of said Chapter 16. (Prior code 16-3-3; Ord. 9 §§5, 6, 2005)

#### **Sec. 18-5-60. Violation, liability and penalty.**

(a) Any person who violates any provision of the NEC shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.

(b) Any person who violates any provision of the NEC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(c) The Town may institute injunction, abatement or any other action to prevent, enjoin or abate any violation of the NEC.

(d) The remedies provided by this Section are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Prior code 16-3-4; Ord. 9 §§5, 6, 2005; Ord. 4 §1, 2009)

## ARTICLE 6

### Fire Code

#### Sec. 18-6-10. Definitions.

For purposes of this Article, *Code* shall mean the *International Fire Code*, 2009 Edition, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council, with the following revisions:

- (1) Section 101, General. 101.1, Title. Insert: "The Town of Crested Butte."
- (2) Section 102, Applicability. 102.6, Referenced Codes and Standards, and 102.7, Subjects not regulated by this Code. Add: "The most current NFPA edition shall be utilized."
- (3) Section 106, Inspections. Add: "106.4, Requests for inspections. Requests for inspections shall be submitted at least five (5) working days prior to the date of the requested inspections."
- (4) Section 108, Board of Appeals. 108.1. Add: "The Town Council shall be considered as the Board of Appeals."
- (5) Section 109, Violations. 109.3, Violation penalties. Insert: "... shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment."
- (6) Section 111, Stop Work Order. 111.4, Failure to Comply. Insert: "... shall be liable to a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00)."
- (7) Section 508, Fire Protection Water Supplies. Add: "508.1.1, Inadequate water supply. Where required fire flows cannot be provided, an approved fire suppression system complying with Section 9 of this Code and the Guidelines & Standards of the Crested Butte Fire Protection District ('District') shall be installed throughout every occupancy and structure within the boundaries of the District." 508.5.4, Obstruction. Add: "Snow and/or snow removal operations shall not prevent fire hydrants from being immediately discernible or hinder gaining immediate access."
- (8) Section 603, Fuel-fired Appliances. 603.9, Gas Meters. Add: "Locations of gas meters, regulators and piping shall comply with this section and the Guidelines & Standards of the District."
- (9) Section 903, Automatic Sprinkler Systems. 903.2.1.2, Group A-2. Amend sentence: "... occupant load of 100 or more." 903.4, Sprinkler system monitoring and alarms. Add to existing sentence: "Automatic sprinkler systems protecting one-family, two-family or multi-family dwellings

that are not required to be centrally monitored shall comply with the Guidelines & Standards of the District for Early Warning & Alerting Devices."

(10) Section 907, Fire Alarm and Detection Systems. 907.2.1, Group A. Replace existing sentence with: "A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in group A occupancies having an occupant load of 100 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm as required for the Group E occupancy." Exceptions: Delete. 907.2.2, Group B. Replace existing sentence with: "A manual fire alarm system shall be installed in Group B occupancies having an occupant load of 100 or more persons or more than 50 persons above or below the lowest level of exit discharge." Exceptions: Delete. 907.2.7, Group M. Exceptions: Delete. 907.2.8.1, Manual fire alarm system. Exceptions: Delete. 907.2.8.2, Automatic fire alarm system. Replace existing sentence with: "An automatic fire alarm system shall be installed throughout all interior corridors serving guestrooms, all common areas, laundry rooms and mechanical rooms." 907.4.1 Location. Exceptions: Delete.

(11) Section 1026, Means of Egress for Existing Buildings. 106.5, Illumination emergency power. 2. Replace existing sentence with: "Group B buildings three or more stories in height or buildings with 100 or more total occupants."

(12) Section 3204.3.1.1, Location. Replace second paragraph with: "Storage of flammable cryogenic fluids in stationary containers is prohibited within the boundaries of the Town. In the event of a conflict with Colorado State or Federal EPA regulations, the more stringent regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards."

(13) Section 3301, General. 3301.2.4, Financial responsibility. Replace the word "jurisdiction" with "District."

(14) Section 3404.2.9.5.1, Locations where aboveground tanks are prohibited. Replace existing sentence with: "Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the boundaries of the Town. In the event of a conflict with Colorado State or Federal EPA regulations, the more stringent regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards."

(15) Section 3406.2.4.4, Locations where aboveground tanks are prohibited. Replace existing sentence with: "Storage of Class I and Class II liquids in aboveground tanks is prohibited within the boundaries of the Town. In the event of a conflict with Colorado State or Federal EPA regulations, the more stringent regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards."

(16) Section 3803.3, Location of equipment and piping. Add second sentence to read: "Locations of gas meters, regulators and piping shall comply with this section and the Guidelines & Standards of the District."

(17) Section 3804.2, Maximum capacity within established limits. Replace existing sentence with: "Within the Town, restricting the storage of liquefied petroleum gas for the protection of heavily

populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons."

(18) Chapter 45, Referenced Standards. Add to first paragraph: "The most current NFPA edition shall be utilized." Add a bold subsection titled: "**CBFPD - The most current edition of the Guidelines, Standards and Fees for the Review of Fire Protection in Proposed Inclusions to the Crested Butte Fire Protection District, and New Subdivisions, P.U.D.s or Any Other Buildable Parcel of Land Within the Crested Butte Fire Protection District.**"

(19) Appendix B, Fire-flow requirements for buildings. B103, Modifications. Add: "B103.1.1, Inadequate Water Supply. Where required fire flows cannot be provided, an approved fire suppression system complying with Section 9 of this code and the Guidelines & Standards of the District shall be installed throughout every occupancy and structure within the boundaries of the District."

(20) Appendix D, Fire Apparatus Access Roads. D101, General. D101.1, Scope. Change to read: "Fire apparatus access roads shall be in accordance with this appendix, the Guidelines & Standards of the District and all other applicable requirements of the *International Fire Code*." D103, Minimum specifications. D103.1. Delete and change to read: "Minimum specifications for fire apparatus access roads shall comply with the Guidelines & Standards of the District." D103.2. Delete. D103.3. Delete. D103.4. Delete. D103.5. Delete. D103.6, Signs. Change to: D103.2. D105. Delete. (Ord. 1 §2, 2001; Ord. 20 §3, 2005; Ord. 1 §1, 2006; Ord. 4 §1, 2009)

#### **Sec. 18-6-20. Adoption of code.**

The *International Fire Code*, 2009 Edition, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council, is hereby adopted by reference as the fire code of the Town, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 18-6-10 above. State and EPA regulations shall take precedence if there is a conflict with any International Fire Code regulations pertaining to the use, storage, handling, manufacture or dispensing of flammable and combustible liquids, cryogenic materials, aerosols, compressed gases, corrosive materials, explosives and fireworks, flammable gases and solids, highly toxic and toxic materials, liquefied petroleum gases, organic peroxides, oxidizers, pyrophoric materials, pyroxylin (cellulose nitrate) plastic, unstable (reactive) materials, water-reactive solids and liquids or any other material which may be characterized or become know as a hazardous material. (Ord. 20 §1, 2005; Ord. 13 §5 2011)

#### **Sec. 18-6-30. Copy on file.**

At least one (1) copy of the International Fire 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 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

**Sec. 18-6-40. Amendments.**

The code adopted herein is hereby modified by the amendments set forth in Section 18-6-10 above. (Ord. 4 §1, 2009)

**Sec. 18-6-50. Rules and regulations.**

The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith. (Prior code 16-2-3)

**Sec. 18-6-60. Conflicting provisions.**

In the event of a conflict between the code adopted herein and any provisions set forth in Chapter 16 of this Code, such conflict shall be resolved in favor of said Chapter 16. (Prior code 16-2-4; Ord. 4 §1, 2009)

**Sec. 18-6-70. Violation, liability and penalty.**

(a) Any person who violates any provision of this Article shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation of this Article continues to exist shall constitute a separate and additional offense.

(b) Any person violating any provisions of this Article shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(c) The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin or abate any violation of this Article.

(d) The remedies provided by this Section are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Prior code 16-2-5; Ord. 2 §5, 1992; Ord. 4 §1, 2009)

**ARTICLE 7**

**Fuel Gas Code**

**Sec. 18-7-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the Town, by reference thereto, the *International Fuel Gas Code*, 2009 edition, including Chapters 1-7 and all four Appendices, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IFGC"), regulating and governing the fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and the collection of fees (as appropriate) therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein. (Ord. 9 §7, 2005; Ord. 4 §1, 2009; Ord. 13 §7, 2011)

**Sec. 18-7-20. Copy on file.**

At least one (1) copy of the International Fuel Gas 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 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 4 §1, 2009)

**Sec. 18-7-30. Amendments.**

(a) IFGC Section 304 "Combustion, ventilation and dilution air" shall be amended by adding to subsection 304.1 General the following: "All installed fuel gas-burning appliances shall be high efficiency direct-vent appliances with sealed combustion installed in accordance with their listing and in compliance with the manufacturer's installation instructions. All such appliances shall be installed in compliance with Chapter 18, Article 9 of the Crested Butte Municipal Code."

(b) IFGC Section 621 "Unvented Room Heaters" shall be amended by replacing the language in subsection 621.1 General with the following: "Unvented fuel gas appliances are prohibited in all locations."

(c) Section R106.6.2 (Fee Schedule) is amended by inserting the fee schedule as set forth in Appendix A to this Code. (Ord. 4 §1, 2009; Ord. 13 §7, 2011)

**Sec. 18-7-40. Rules and regulations.**

The Town may, from time to time, promulgate such rules and regulations as it deems necessary to implement and carry out the intent of this Article; provided, however, that such rules and regulations shall not be inconsistent herewith. (Ord. 9 §7, 2005)

**Sec. 18-7-50. Conflicting provisions.**

In the event of a conflict between the IFGC and any provisions set forth in Chapter 16 of this Code, such conflict shall be resolved in favor of Chapter 16. (Ord. 9 §7, 2005)

**Sec. 18-7-60. Fees.**

Fees for any permit or inspection required by the IFGC are set forth in Appendix A to this Code. (Ord. 9 §7, 2005; Ord. 4 §1, 2009)

**Sec. 18-7-70. Violation, liability and penalty.**

(a) Any person who violates any provision of the IFGC shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.

(b) Any person who violates any provision of the IFGC shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(c) The Town may institute injunction, abatement or any other action to prevent, enjoin or abate any violation of the IFGC.

(d) The remedies provided by this Section are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Ord. 9 §7, 2005; Ord. 4 §1, 2009)

## ARTICLE 8

### Solid Fuel-Burning Devices

#### Sec. 18-8-10. Definitions.

For the purposes of this Article, the following terms shall have the meanings given in this Section:

*Approved solid fuel-burning device* means a solid fuel-burning device that emits no more than:

- a. Two and one-half (2.5) grams of exhaust per hour for catalytic stoves; or
- b. Four and one-half (4.5) grams of exhaust per hour for noncatalytic stoves.

*EPA exempt from certification* means those devices that do not meet the definition of wood stove for one (1) of the following reasons: air/fuel ratio, weight, etc. EPA-exempt appliances may be approved by the Building Official only if the device meets the requisite criteria for Approved Solid Fuel-Burning Devices.

*Solid fuel-burning device* means any stove, firebox or other mechanical device designed and/or used for the purpose of generating heat by the burning of wood, coal, pulp, paper or other nonliquid or nongaseous fuel. (Prior code 6-5-1; Ord. 12 §1, 2002; Ord. 11 §1, 2008; Ord. 4 §1, 2009)

#### Sec. 18-8-20. Required installation.

No solid fuel-burning device shall be installed within any structure, building or mobile home in the Town unless such device is an approved solid fuel-burning device. No building can contain more than one (1) solid fuel-burning device; however, a building housing a retail sales space for authorized stove dealers who are selling stoves approved for use by the Town shall be allowed to have one (1) or two (2) solid fuel-burning devices so long as the device(s) in such space are being used for demonstration purposes only. (Prior code 6-5-2, 15-2-19; Ord. 8 §9, 1988; Ord. 12 §2, 2002; Ord. 11 §4, 2008; Ord. 4 §1, 2009)

#### Sec. 18-8-30. Permit required.

(a) An application shall be filled out and a solid fuel-burning device installation permit issued prior to the installation of any solid fuel-burning device. This provision includes installation of any replacement devices, as well as first installations.

(b) All applications requesting a first installation of a solid fuel-burning device must comply with Section 18-9-60, Solid Fuel Burning Device Permit. (Prior code 6-5-3; Ord. 12 §3, 2002; Ord. 11 §2, 2008; Ord. 4 §1, 2009)

**Sec. 18-8-40. Notice of removal of solid fuel-burning device.**

The Building Department must be notified when a solid fuel-burning device is removed from a structure. Once removed, a new compliant device may not be installed after sixty (60) days unless said structure is in compliance with Section 18-9-60 of this Chapter. (Prior code 6-5-4; Ord. 12 §4, 2002; Ord. 11 §3, 2008)

**Sec. 18-8-50. Fees.**

In order to compensate the Town for the costs of enforcing this Article and for the costs of implementing programs and improvements to reduce air pollution caused by solid fuel-burning devices, a permit fee as established by resolution of the Town Council will be charged for applications requesting first installations, and a permit fee as established by resolution of the Town Council will be charged for replacement installations. (Prior code 6-5-5; Ord. 12 §5, 2002; Ord. 4 §1, 2009)

**Sec. 18-8-60. Exemption from regulations.**

The following devices are exempt from these regulations; provided, however, that new nonconforming devices may not be installed under these exemptions. Applications for exemptions hereunder shall be made in writing to the Town Manager, who shall have the right to inspect the applicable premises to confirm the qualification for exemption. The decision of the Town Manager shall be final unless appealed to the Town Council within thirty (30) days of the decision. Upon appeal to the Town Council, the matter shall be considered and a decision rendered within sixty (60) days. The exemptions are:

(1) A solid fuel-burning device using coal as an exclusive fuel source located in structures or buildings constructed prior to September 1, 1935, so long as such device was installed and in use prior to July 21, 1986, and is owned by the same owner since said date.

(2) Any solid fuel-burning device upon real property which is owned and occupied on a full-time basis by a person who qualifies for a sewer and water service charge rebate pursuant to Section 13-1-330 of this Code.

(3) Solid fuel-burning devices located in buildings with significant historical value that are not used as a primary heat source and are only fired on an occasional basis.

(4) Solid fuel-burning devices utilized by authorized wood stove dealers as regulated by Section 18-8-20 of this Article. (Prior code 6-5-6; Ord. 12 §6, 2002; Ord. 4 §1, 2009)

**Sec. 18-8-70. Installation requirements and standards.**

All solid fuel-burning devices shall be installed as per the manufacturer's recommendations, in accordance with appropriate building and fire codes and standards as adopted in this Chapter, and as directed by the Building Official and Fire Chief. (Prior code 6-5-7; Ord. 12 §7, 2002; Ord. 4 §1, 2009)

**Sec. 18-8-80. Maintenance of solid fuel-burning devices.**

It shall be the responsibility of each solid fuel-burning device owner to adequately repair and maintain the device in order to assure that it burns in accordance with its original specifications and does not exceed those particulate emission standards allowed. If complaints are filed or questionable emissions are

observed on three (3) separate occasions, the Building Department may initiate an investigation of a device and require that the device be tested, repaired or replaced to assure compliance with this Article. (Prior code 6-5-8; Ord. 12 §8, 2002)

**Sec. 18-8-90. Penalty and delinquencies.**

Any person violating any provision or section of this Article, including a failure to obtain the required permit, shall be guilty of a misdemeanor and, upon conviction thereof, may be punished in accordance with the provisions of Section 1-4-20 of this Code. Any person or entity who does not pay the license fee when required shall also be deemed in violation of this Article. Any unpaid permit fee shall accrue a delinquency charge of three percent (3%) per month, compounded monthly. Any such delinquency shall become a lien upon the real property on which the permitted solid fuel-burning device exists, which lien may be collected in the same manner as a tax lien. The Town shall be entitled to recover all of its collection costs, including attorneys' fees, as part of any action or proceeding to collect delinquent permit fees due pursuant to this Article. (Prior code 6-5-9; Ord. 12 §9, 2002; Ord. 4 §1, 2009)

**Sec. 18-8-100. Abatement.**

The Town shall have the power to abate, enjoin or otherwise correct the violation of any provision of this Article through any court of competent jurisdiction. The Town, in such action, shall be entitled to its costs and attorney's fees in the event that it prevails. (Prior code 6-5-10; Ord. 12 §10, 2002)

**ARTICLE 9**

**Energy Standards**

**Sec. 18-9-10. Purpose.**

The intent of this Article is to ensure energy conservation and sustainable building practice within the Town. All new, heated structures must comply with the terms of this Article. (Ord. 12 §1, 2006; Ord. 4 §1, 2009)

**Sec. 18-9-20. Definitions.**

For purposes of this Article, the use of a plural form shall not necessarily imply that more than the singular is suggested, condoned or allowed, and the following terms shall have the meanings herein given:

*Home Energy Rating System (HERS) certificate.* A certificate generated by an accredited home energy rating system program provider.

*R Value.* A term used to describe the thermal transmission of heat through a combination of insulating components in a wall, roof or foundation assembly.

*Renovation.* To improve or repair a structure and may include preservation and rehabilitation.

*Sustainable building practices.* Building practices that accommodate increased population by means that reduce overall per-capita energy usage.

*U Value.* The reciprocal of R value. The rate of nonsolar heat flow through a building. (Ord. 12 §1, 2006)

**Sec. 18-9-30. Utilization of Home Energy Rating System (HERS).**

All new, heated residential structures must comply with either Section 18-9-40 below or, in lieu thereof, may obtain a Home Energy Rating System (HERS) of 85 or less. (Ord. 22 §2, 1996; Ord. 12 §1, 2006; Ord. 18 §1, 2008)

**Sec. 18-9-40. International Energy Conservation Code.**

(a) Adoption. The *International Energy Conservation Code*, 2009 Edition (IECC), is hereby adopted by reference for the purposes of setting energy efficiency and conservation standards in building projects. Without limitation, the new buildings and additions that are to be heated must comply with the IECC. For purposes of this Article, Sections 402.2.1, 502.2.1, 502.2.2, 502.2.3, 502.2.4, 802.2 and 806.4.3 of the IECC shall be amended to include the following: "Each component of the building envelope shall at a minimum meet or exceed the values specified in the Simplified Prescriptive Envelope Thermal Component Criteria for Climate Zone 17 found in Table 602.1."

(b) Amendments.

(1) IECC Sec 405 "Simulated Performance Alternative" shall be amended by adding the requirement that utilization of this section must be specifically approved by the Building Official prior to submittal of design documents.

(2) IECC Section 506 "Total Building Performance" shall be amended by adding the requirement that utilization of this section must be specifically approved by the Building Official prior to the submittal of design documents. (Ord. 12 §1, 2006; Ord. 2 §1, 2007; Ord. 18 §2, 2008; Ord. 4 §1, 2009; Ord. 13 §4, 2011)

**Sec. 18-9-50. Minimum efficiency standards for new construction; commercial structures greater than 20,000 square feet.**

All new commercial buildings in excess of 20,000 square feet must be Leadership in Energy and Environmental Design (LEED) certified. The cost and expense of achieving a certified rating shall be borne by the applicant for the building permit for the structure. (Ord. 2 §2, 2007)

**Sec. 18-9-60. Solid fuel-burning device permit.**

(a) Only one (1) solid fuel-burning device shall be permitted within any structure. Permits for solid fuel-burning devices shall be obtained from the Building Official. Prior to issuance of a permit allowing for the placement of a solid fuel-burning device within any structure, the applicant for such permit must conduct an Energy Star (E Star) energy efficiency test. The results of such energy efficiency test shall be provided to the Building Official along with the permit application for any solid fuel-burning device. The cost and expense of such E Star energy efficiency test shall be borne by the permit applicant.

(b) All solid fuel-burning device permit applications must include a HERS rating for the structure of not more than:

(1) Eighty-five (85) for any new structure; and

(2) One hundred (100) for any existing structure.

(c) Permissible solid fuel-burning devices may emit no more than:

(1) Two and one-half (2.5) grams of exhaust per hour for catalytic stoves; or

(2) Four and one-half (4.5) grams of exhaust per hour for noncatalytic stoves.

(d) All solid fuel-burning devices must incorporate exterior combustion air ventilation that complies with Section 703 of the International Mechanical Code (IMC), as defined in Article 3 of this Chapter. Ducting for solid fuel-burning devices must be fitted with backdraft dampers.

(e) All applications for solid fuel-burning devices shall reflect the applicant's compliance with the foregoing requirements. (Ord. 12 §1, 2006; Ord. 2 §§2, 3, 2007; Ord. 18 §3, 2008)

**Sec. 18-9-70. Minimum efficiency standards for renovation of existing historic buildings.**

Buildings or portions thereof undergoing renovations that are to be heated must comply with Section 18-9-40 above. The Building Official may waive any or all of the requirements of Section 18-9-40 at his or her discretion per IECC 101.2.2.3, Historic Buildings. (Ord. 12 §1, 2006; Ord. 2 §2, 2007; Ord. 18 §4, 2008)

**Sec. 18-9-80. Building science requirements.**

(a) Requirement to conduct an air filtration blower door test. Prior to the Town's completion of the drywall inspection on any newly constructed structure and any addition to an existing structure, the permit holder shall conduct a blower door test on such new heated structures and, in the case of any heated addition to any existing structure, on the additional part of the structure. The cost and expense of such blower door test shall be borne by the permit holder. The permit holder shall achieve an air exchange rate per hour for the structure or addition of not greater than 0.25 at the time of issuance of a certificate of occupancy for such new structure or addition. The air exchange rate is calculated by measuring the amount of air that exits the structure or addition each hour.

(b) Installation of energy-efficient lighting fixtures. At least fifty percent (50%) of all light sources in a new structure shall be compact fluorescent (CF) or LED lights. The permit holder must confirm compliance with this requirement prior to or during the Town's final inspection of the structure.

(c) Use of energy-efficient appliances. All new construction and remodels of existing structures shall incorporate only appliances, including microwave ovens, boilers, water heaters, refrigeration devices, clothing washers and dryers and dishwashers, classified as E Star appliances and listed in the top one-third ( $\frac{1}{3}$ ) of E Star efficiency rating. The permit must confirm compliance with this requirement during the Town's final inspection of the structure.

(d) Mechanical fresh air ventilation system. All new construction shall incorporate an outdoor air ventilation system complying with Chapter 4, Section 403 of the IMC, as defined in Article 3 of this Chapter, or the equivalent with heat exchange.

(e) Requirements for sealed combustion, direct-vent heating equipment. All gas-fired boilers, furnaces, water heaters and fireplaces must be sealed combustion, direct-vent type appliances or an appliance otherwise approved by the Building Official. (Ord. 2 §§2, 4, 2007; Ord. 18 §5, 2008)

**Sec. 18-9-90. Snowmelt system requirements.**

All snowmelt systems must be approved by the Building Official or and shall meet the following requirements:

- (1) Sealed combustion, direct-vent gas heating equipment must be utilized (electric resistance heating equipment is prohibited);
- (2) R-10 insulation below the heated surface must be incorporated;
- (3) Minimum slab thickness for sidewalks must be five (5) inches; and
- (4) Snowmelt equipment must include automatic temperature and surface moisture controls (no idling snowmelt equipment is permitted). (Ord. 2 §5, 2007)

**Sec. 18-9-100. Renewable Energy Mitigation Program.**

All outdoor snowmelt systems, and outdoor pools, hot tubs and spas with a top surface area in excess of sixty-four (64) square feet, must comply with the following renewable energy mitigation program (REMP) requirements:

(1) REMP; Applicability. For purposes hereof, an "outdoor snowmelt system" shall include any heating system installed in any walkway, driveway, roof or any other exterior surface. All energy utilized in operating outdoor snowmelt systems, and outdoor pools, hot tubs and spas with a top surface area in excess of sixty-four (64) square feet (as determined by the unit's manufacturer), shall be produced by a renewable energy system; or, in lieu thereof, the owner of the property with said outdoor snowmelt system and/or subject pool, hot tub or spa shall make payment to the Town in lieu of providing energy produced by a renewable energy system. The owner of the subject property shall have the right to choose between providing energy from a Town-approved renewable energy system or making payment in lieu thereof, or a combination of both, in order to offset energy used by outdoor snowmelt systems and subject pools, hot tubs and spas. For any subject hot tub or spa, only that surface area over said sixty-four (64) square feet shall be subject to the requirements of this Section. Any outdoor snowmelt system or subject pool, hot tub or spa that has been installed prior to June 25, 2007, shall be exempt from the requirements of this Section. Said exemption shall not apply, however, to any modification to any existing outdoor snowmelt system or outdoor pool increasing the square footage thereof, said modification requiring an outdoor energy usage permit as defined hereunder.

(2) Outdoor energy usage permit. Prior to the installation of any (i) outdoor snowmelt system and/or (ii) outdoor pool, hot tub or spa with a top surface area in excess of sixty-four (64) square feet (as determined by the unit's manufacturer), the owner of the property affected by such installation shall obtain an outdoor energy usage permit. No outdoor snowmelt system or subject pool, hot tub or spa shall be installed without first obtaining an outdoor energy usage permit, as well as a plumbing and mechanical permit as applicable, from the Building Official. No outdoor energy usage permit shall be

required for any outdoor snowmelt system or subject pool, hot tub or spa located on public property or any portable outdoor heat lamp. An owner may install up to ten (10) square feet of hydronic heat tape as part of any roof-installed snowmelt system, and such installation shall not require said owner to obtain an outdoor energy usage permit.

a. An outdoor energy usage permit shall not be issued until the owner of the subject property has complied with the requirements of this Section. All outdoor snowmelt systems shall be in compliance with Section 18-9-90 above.

b. An outdoor energy usage permit shall be obtained by said owner for each outdoor snowmelt system and subject pool, hot tub and spa, or any modification to any outdoor snowmelt system and outdoor pool increasing the square footage thereof. An outdoor energy usage permit shall include a processing fee that shall cover the cost and expense of the Building Official of reviewing and processing said outdoor energy usage permit application.

c. The Building Official shall review and approve any complete and properly submitted application for an outdoor energy usage permit within thirty (30) days of its submission; except that, if the installation of any outdoor snowmelt system or subject pool, hot tub or spa is part of any new construction, addition, renovation or remodel that otherwise requires a building permit under this Code, the application for said outdoor energy usage permit shall be approved, if at all, along with the approval and issuance of said building permit, and the installation shall be considered part of the structure for purposes of Article 13 of this Chapter. In such circumstances, the issuance of an outdoor energy usage permit shall be subject to Board approval as provided in this Code. No outdoor energy usage permit shall be granted, however, until a Town-approved renewable energy system or other Town-approved system, as described in Subparagraph (3)b. of this Section, has been selected by the owner of the affected property and/or payment in lieu has been made, as applicable, as further described in Paragraph (3) of this Section. The owner shall provide the following supporting documentation along with the application for an outdoor energy usage permit:

1. The legal description of the affected property;
2. The signature of the owner of the property or other person with the written legal authority (e.g., power of attorney) of the owner;
3. A site development plan drawn to scale for the building and/or sidewalk, driveway or patio, as applicable, that is the subject of the outdoor snowmelt system or subject pool, hot tub or spa installation;
4. A complete set of drawings, plans and specifications, to scale, depicting any outdoor snowmelt system or subject pool, hot tub or spa installation, along with the type and efficiency of the same;
5. If the owner of the affected property elects to incorporate a renewable energy system or other Town-approved system, a complete set of drawings, plans and specifications, to scale, of the renewable energy system or other Town-approved system and its proposed installation location, along with the type and efficiency of the same;

6. The owner's election to either utilize a renewable energy system or other Town-approved system or make payment in lieu, or a combination of both, as set forth in Paragraph (3) of this Section; and

7. Any other information requested by the Building Official in order to review the application for compliance with this Section and Section 18-9-90 above.

Only subsections (1), (2), (5), (6) and (7) hereof shall apply to subject pools, hot tubs and spas. The items listed above are hereby incorporated into the application for the outdoor energy usage permit.

d. Outdoor energy usage permit applications, unless otherwise included as part of a building permit for any new construction, addition, renovation or remodel as discussed above, shall be submitted only to the Building Official and not the Board for approval.

e. All installations of outdoor snowmelt systems shall be in strict compliance with the application requirements for an outdoor energy usage permit. Any deviation from the application requirements shall require a new outdoor energy usage permit. All installations of outdoor snowmelt systems shall be completed within six (6) months of issuance of an outdoor energy usage permit; except that, where the installation of an outdoor snowmelt system is otherwise associated with a building permit for any new construction, addition, renovation or remodel as discussed above, such longer permitted time under this Code as it relates to said building permit shall apply.

f. Should the Building Official discover the installation of any outdoor snowmelt system or subject pool, hot tub or spa in violation of this Section, the same shall attach a "stop work order" to said installation in a conspicuous place. Where the Building Official discovers any use of property in violation of this Section, the same shall attach a "desist order" to the property and attempt to deliver a copy of the same to the occupier of the property. Any stop work order or desist order shall be signed by the Building Official and indicate the subject area in which the violations exists. The removal of a stop work order or desist order by any person before the violation is corrected shall constitute a violation of this Section. The continuation of construction or use in violation of a stop work or desist order shall also constitute a violation of this Section.

g. An outdoor energy usage permit shall not be issued in connection with any property until all due and owing fees for sewer, water, sanitation, street or other improvement assessments, real property taxes, real estate transfer taxes and/or other fees or taxes due to the Town in connection with said property have been paid in full and are current in all respects.

(3) Calculations; Renewable energy systems; Payment in lieu.

a. Calculations. The amount of energy used by an outdoor snowmelt system or subject pool, hot tub or spa shall be calculated by the Town using a system adopted by the Town. Said system shall also calculate the payment in lieu of providing energy produced by a renewable energy system or other Town-approved system. The Town shall utilize the Town of Crested Butte Outdoor Energy Worksheet attached as Exhibit "A" to the ordinance codified herein, a copy of which is on file in the Town Clerk's office, to calculate the mitigation required for outdoor energy usage. Said Town of Crested Butte Outdoor Energy Worksheet shall also be utilized to calculate the renewable energy mitigation credit proposed to offset the proposed outdoor energy usage. The assumptions and calculations incorporated into the Town of Crested Butte Outdoor Energy

Worksheet are incorporated in the Calculation Assumptions attached as Exhibit "B" to the ordinance codified herein, a copy of which is on file in the Town Clerk's office. Once said energy usage and payment in lieu are calculated by the Town, the owner of the property affected by the outdoor snowmelt system or subject pool, hot tub or spa shall select whether it will utilize either a Town-approved renewable energy system or other Town-approved system to offset energy usage by any outdoor snowmelt system or subject pool, hot tub or spa, or make payment in lieu thereof. The owner of the affected property may select use of a combination of both a Town-approved renewable energy system or other Town-approved system to offset energy usage by any outdoor snowmelt system or subject pool, hot tub or spa and payment in lieu thereof. Such combination shall, however, be approved in advance by the Building Official. No outdoor energy usage permit may be issued until the owner of the affected property has selected either a Town-approved renewable energy system or other Town-approved system to offset energy usage by any outdoor snowmelt system or subject pool, hot tub or spa or payment in lieu thereof, or a combination of both as approved by the Town.

b. Renewable energy systems. All renewable energy systems and other systems must be approved in advance by the Building Official. Said renewable energy systems may be solar or geothermal in nature. Other energy usage mitigation systems may be proposed but must be approved in advance by the Building Official. Any renewable energy system utilized as mitigation for outdoor energy usage must conform to the requirements set forth in the Project Checklist attached as Exhibit "C" to the ordinance codified herein, a copy of which is on file in the Town Clerk's office, as applicable. Other systems must provide an engineering analysis that calculates the renewable energy mitigation credit for the proposed system and provides all necessary information as determined by the Building Official. Review of the system will be at the expense of the owner. No renewable energy system or other system shall be approved which does not cause the mitigation of energy usage to be made within the Town. All proposed renewable energy mitigation systems and any other systems shall be included as part of the application for an outdoor energy usage permit. If the proposed renewable energy system is solar in nature, the panels and/or collectors must be approved through the standard building permit process and must be approved by the Board. The type of renewable energy system or other system, the specifications and efficiency thereof, the location of the installation of said renewable energy system or other system and any other additional information requested by the Building Official must be submitted with the application for an outdoor energy usage permit.

c. Payments in lieu. The Town may accept payment from the owner of an affected property as described in this Section in lieu of providing energy produced by a Town-approved renewable energy system, or partial payment in lieu from said owner of an affected property providing only partial energy produced by a Town-approved renewable energy system, as delineated in this Section. Acceptable payments shall be made by cash or check only. The owner of the affected property shall make payment in lieu at the time of, and as a condition precedent to, issuance of an outdoor energy usage permit. Such payment requirements shall apply to any addition or modification to any outdoor snowmelt system or outdoor pool where the owner has selected payments in lieu as described in this Section. In the event that an owner of an outdoor snowmelt system, subject pool, hot tub or spa with an outdoor energy usage permit for such energy usage seeks to make modifications to such usage such that any payment in lieu previously made could otherwise be reduced, no refund shall be given by the Town.

d. Appropriation of funds. All payments in lieu received pursuant to this Section shall be deposited into a separate account with the Town. Funds derived from payments in lieu made pursuant to this Section shall be utilized by the Town to, in no order of preference: (i) defray any costs and expenses associated with the operation, administration and enforcement of the REMP program described in this Section; (ii) reduce and offset energy consumption in public buildings; (iii) reduce energy consumption in residential affordable housing units; (iv) defray the cost and expense of engineering and education to promote energy consciousness, renewable energy installation and reducing energy use; and/or (v) cover such other costs and expenses consistent with the goals of the REMP and the Energy Code, as determined by the Town Council.

e. Updating and monitoring. The Building Official may monitor and, to the extent necessary, update and amend, as determined by the Building Official, the Town of Crested Butte Outdoor Energy Worksheet, the Calculation Assumptions and the Project Checklist in order to promote and advance the goals of the REMP.

(4) Violations. Any person who violates any of the provisions of this Section may be fined an amount not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that such violation continues to exist shall be deemed to be a separate offense. (Ord. 6 §1, 2007)

**Sec. 18-9-110. Penalties.**

(a) Offense. Any person who violates any of the provisions of this Chapter shall be fined an amount not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that such violation continues to exist shall be deemed a separate offense.

(b) Actions. The erection, construction, alteration, enlargement, conversion, moving or maintenance of any building, and the use of any land, building or structure, which activity or use is continued, operated or maintained contrary to any provision of this Chapter shall be unlawful. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be maintained and instituted by any property owner who is damaged by a violation of this Article. (Ord. 12 §1, 2006; Ord. 2 §2, 2007; Ord. 6 §1, 2007)

**ARTICLE 10**

**Sanitary Standards and Regulations**

**Sec. 18-10-10. Purpose.**

The purpose of this Article is to provide minimum requirements for the protection of the health, welfare and safety of the residents and inhabitants of the Town and the occupants of all public accommodations, and to set forth applicable standards of maintenance, sanitation, ventilation, occupancy and use of public accommodations and buildings. (Prior code 6-2-1)

**Sec. 18-10-20. Definitions.**

For the purpose of this Article, certain words and phrases shall be defined as follows:

*Boarding and rooming house* means a building other than a hotel or lodge where, for compensation, meals or lodging are provided for five (5), but not more than fifteen (15) persons.

*Building* means any structure having a roof supported by columns or walls.

*Dormitory* means a building containing sleeping rooms designed to be rented for short-term occupancy, with adequate sanitary facilities, and which may or may not have cooking facilities as an accessory use.

*Dwelling* means any building or part thereof designed or used for private residential purposes.

*Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living and sleeping, and a part of which is exclusively or occasionally appropriated for cooking or eating.

*Exit* means a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exit courts and yards.

*Floor area* means the sum of the areas of the several floors of main and accessory buildings on a lot, as measured by the exterior faces of the walls, and of enclosed porches as measured by the exterior limits thereof, but excluding the areas of unroofed porches or terraces, basements or attics used only for accessory storage or service, and accessory buildings used for garage purposes.

*Garbage* means all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Grounds* means exterior yard areas or premises.

*Guest* means any person hiring or occupying a room for living or sleeping purposes.

*Guest room* means any room used, or intended to be used, by a guest for sleeping purposes.

*Habitable room* means a room or enclosed floor space used or intended to be used for sleeping, living, cooking or eating purposes, excluding bath or toilet rooms, service rooms, foyers, connecting corridors, closets, storage spaces or utility rooms.

*Health Department* means the Health Department and the officers and employees of the Town.

*Hot water* means water at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

*Hotel or lodge* means a building containing sleeping rooms designed to be rented for short-term occupancy and which may or may not have eating or drinking facilities as an accessory use.

*Kitchen* means a room used, or designed to be used, for the preparation of food.

*Motel* means a building or group of buildings containing individual sleeping or living units designed and used for temporary rental occupancy and with automobile parking space adjacent to or near each rental unit.

*Multiple dwelling* means any dwelling containing more than one (1) dwelling unit.

*Nuisance.* The following shall be defined as *nuisances*:

- a. Any public nuisance known at common law or in equity jurisprudence.
- b. An attractive nuisance known at common law or in equity jurisprudence.
- c. Whatever is dangerous to human life or detrimental to health.
- d. Overcrowding a room with occupants.
- e. Insufficient ventilation, illumination or heating.
- f. Inadequate or unsanitary sewerage or plumbing facilities.
- g. Unsanitary conditions.
- h. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

*Occupant* means any person living, sleeping, cooking in or having possession of a dwelling unit or rooming unit.

*Operator* means any person who owns or has charge, care or control of a building or part thereof in which dwelling units or rooms are rented.

*Public accommodations* means any establishment or building, including a rooming house, boarding house, lodging house, hotel, motel or other facility by whatever name known, which maintains, advertises, offers or rents to a guest as a place where sleeping or rooming accommodations are provided, whether with or without meals.

*Refuse* means all combustible or noncombustible, putrescible or nonputrescible solid or liquid wastes, including garbage, rubbish, ashes and manure.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Sanitary facilities* means toilet, privies, lavatories, showers, baths, bathtubs, urinals, laundry tubs and the service rooms provided for installation and use of these units. (Prior code 6-2-2; Ord. 4 §1, 2009)

## ARTICLE 11

### Utility Undergrounding Requirements

#### **Sec. 18-11-10. Underground installation required.**

All electric and communication utility lines and services, and all street lighting circuits, except as hereinafter provided, shall be installed underground. (Prior code 13-2-1)

#### **Sec. 18-11-20. Exceptions.**

Excepted from the requirements of the foregoing shall be the following:

(1) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street light facilities when placed aboveground within the utility easement provided therefor or within the street or other public place as appropriate.

(2) All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.

(3) Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new.

(4) Such utility facilities as are present on the effective date of this Article which are used or useful in serving a proposed development.

(5) Development of a limited extent in previously developed areas where overhead service exists, provided that a permit for such overhead service is obtained from the Board of Zoning and Architectural Review. Said permit shall only be issued in those cases where the new service cannot reasonably be placed underground. (Prior code 13-2-2)

#### **Sec. 18-11-30. Responsibility of developer.**

The developer of any improvements to real property requiring the installation of utility service lines shall be responsible for complying with the requirements of this Article. He or she shall make the necessary arrangements, including payment for any construction or installation charges, with each of the serving utilities for the installation of such facilities. The developer shall present evidence, prior to the final approval of a certificate of occupancy for said improvements, that the necessary arrangements have been made with each of the serving utilities for the installation of facilities in compliance with this Article. (Prior code 13-2-3)

## ARTICLE 12

### Construction Site Regulations

#### Sec. 18-12-10. Definition.

For purposes of this Article, *construction site* shall mean any location where activities pursuant to a building permit are conducted. (Ord. 13 §1, 2005)

#### Sec. 18-12-20. Construction activity hours.

No construction activity on any construction site shall take place before 7:00 a.m., nor extend past 7:00 p.m., Monday through Saturday. No construction activity on any construction site shall take place before 8:00 a.m. nor extend past 5:00 p.m. on any Sunday. (Ord. 13 §1, 2005)

#### Sec. 18-12-30. Construction debris.

The owner of any property on which construction activity is taking place is responsible for ensuring that all debris, garbage and refuse are removed from the construction site, and that such debris, garbage and refuse do not enter upon the public right-of-way or any private property. (Ord. 13 §1, 2005)

#### Sec. 18-12-40. Violation, liability and penalty.

(a) The failure to comply with this Article shall constitute a nuisance. The owner of the property upon which such violation occurs shall be jointly and severally liable for the violation.

(b) Offense. Any person who violates any of the provisions of this Chapter shall be fined an amount not to exceed one thousand dollars (\$1,000.00) for each offense. Each day that such violation continues to exist shall be deemed a separate offense.

(c) In addition, any person who violates any provision of this Article shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(d) The Town may institute injunction, abatement or any other action to prevent, enjoin or abate any violation of this Article.

(e) The remedies provided by this Article are cumulative and not exclusive, and are in addition to any other remedies provided by law. (Ord. 13 §1, 2005; Ord. 4 §1, 2009)

## ARTICLE 13

### Building Inspector and Building Permits

#### Sec. 18-13-10. Powers of Building Inspector.

(a) There is hereby established the position of Building Inspector. The Building Inspector shall be appointed by the Town Manager, who may remove the Building Inspector according to procedures established for Town employees. The Building Inspector shall have the power to seek inspection of any

property or structure at reasonable hours to determine compliance with Town zoning and land use ordinances.

(b) It shall be the duty of the Building Inspector to administer and enforce all provisions of this Article except for those powers granted to the Board of Zoning and Architectural Review, hereinafter referred to as the "Board." In addition, the Building Inspector may permit the construction of a foundation before the actual issuance of a building permit if all of the following conditions apply:

(1) An application for a building permit has been submitted to the Building Inspector and is complete with sufficient plans, and is awaiting only Board approval;

(2) The applicant has signed a written and acknowledged agreement with the Town on a form provided by the Town agreeing to remove all work performed within sixty (60) days of the Board's rejection of the application; and

(3) The Building Inspector and the Chair of the Board agree that there is just cause for allowing work to commence on the foundation, and the application is in keeping with all Town regulations and policies of the Board. (Prior code 15-2-25; Ord. 4 §1, 2009)

**Sec. 18-13-20. Building permit applications.**

(a) All applications for building permits shall be made on the forms provided by the Town for that purpose, and shall be accompanied by the following:

(1) The legal description of the lot involved.

(2) A deed for the property establishing title.

(3) A plot plan of the lot or parcel, drawn preferably to a one-eighth-inch-to-one-foot scale, showing the dimensions of the lot or parcel and the size and location of the building or structure to be erected thereon, together with all other structures on the lot or parcel.

(4) Plans showing the height and elevation of the building or structure, and the exterior walls and roof thereof, with a general schematic drawing of the exterior design of the building drawn to one-quarter-inch or one-eighth-inch to the foot scale.

(5) A statement concerning the use to be made of such building or structure.

(6) A statement setting forth necessary variances, conditional uses, conditional waivers or other special reviews.

(7) A cutout of the floor plan at a scale determined by the Building Inspector.

(8) A perspective, drawn to scale, showing the relationship of the proposed building or project to nearby buildings, if requested by the Chair of the Board or the Building Inspector.

(9) The signature of the owner of the property or some other person with the written legal authority of the owner, if that person has the written legal authority to make such application.

(10) Any other information specifically requested by the Board or Building Inspector in order to review the application for compliance with this Article or any other Town ordinance or code.

(11) A complete site development plan for the entire proposed building site, drawn to scale and indicating:

- a. All paving, driveways, walkways, parking areas, trash or Dumpster locations and other service structures;
- b. All walls and fences with their location and heights;
- c. Grass or other planted ground cover;
- d. Any trees and shrubbery with a notation as to species and size at the time of planting and a notation as to any mature landscaping proposed to be removed or relocated on the site;
- e. Any exterior lighting; and
- f. Proposed deviation of finish grade from natural grade in excess of one (1) vertical foot.

(12) A front elevation, drawn to scale, showing the width and height of the street elevation (alley elevation in the case of an alley structure) of the proposed building, any other buildings on the proposed building site and the buildings on the parcels abutting the proposed building site, all on one (1) drawing.

(13) A cross-section of each building section which varies in floor-to-ceiling height from any other section in the building.

(14) If the natural grade of a building site varies more than two (2) vertical feet between any two (2) points on the site or one (1) vertical foot within the building footprint, the natural contour of the site shall be graphically depicted on the site plan with no greater than one-foot contour lines and depicted on the submitted elevations of the proposed structure. If the finish grade of the site is proposed to be different from the natural grade of the site by more than one (1) vertical foot, both finish and natural grade shall be clearly depicted and labeled as such on the site plan and on the submitted elevations of the structure.

(b) The Building Inspector shall refer all complete applications to the Board, except those applications designated "insubstantial" as provided in Paragraph 16-21-100(a)(9) of this Code, for sketch plan review, classification and approval as provided in Sections 16-21-130 and 16-21-140. (Prior code 15-2-25; Ord. 8 §5, 1988; Ord. 11 §10, 1993; Ord. 23 §§3, 7, 2002; Ord. 4 §1, 2009)

**Sec. 18-13-30. Application fees.**

(a) The Building Official shall charge a fee for any building permit or sign permit application sufficient to cover related Town expenses as described in the building code adopted by the Town in this Chapter. Should any building or sign permit application or permit be withdrawn and returned to the Building Official within ninety (90) days after the date of application or issuance, the Building Official may refund up to eighty-five percent (85%) of any application or permit funds not used to pay publication costs. The Building Official shall be authorized to charge such additional fees as are necessary to offset

expenses to the Town occasioned by requests or approvals not combined with building permit applications, special or extra publications or special Board meetings.

(b) Building permit fees and application fees shall be waived for all resident-occupied affordable housing. Building permit fees are based on the entire building. Where a resident-occupied affordable housing unit is contained within the building, permit fees shall be reduced in proportion to the cost of construction of the resident occupied affordable housing unit. (Prior code 15-2-25; Ord. 24 §4, 2003; Ord. 4 §1, 2009)

**Sec. 18-13-40. Building permit.**

(a) No building or structure shall be erected, constructed, structurally altered, moved, demolished or changed without first obtaining a building permit issued by the Building Inspector. Such building permit shall be issued when the applicant has complied with all requirements of this Chapter and any code adopted herein, including the requirement for the submission of construction documents and payment of such fees as are required to review such documents, and when the applicant has obtained all approvals required hereunder. The determination of value or valuation under any provisions of this Chapter shall be made by the Building Official based on the Valuation Schedule published in the most recent edition of the *Building Safety Journal* magazine by the International Code Council, multiplied by the regional modifier of 1.54, or other evidence of value, whichever is greater, as determined by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The approval by the Board of a building permit application shall be valid for the period of time set forth in Section 24-68-104, C.R.S., as implemented by Section 16-19-30 of this Code, so long as said sections remain in effect.

(b) No building permit shall be issued unless and until a performance deposit has been deposited with the Building Department.

(1) The amount of the performance deposit shall be the amount of the valuation of the structure for which a building permit is sought multiplied by fifty hundredths percent (.50%).

(2) The performance deposit will be released upon the issuance of a certificate of occupancy for the structure for which the building permit is sought, if the Building Department determines that all improvements have been completed in accordance with all approved plans, including landscaping and parking requirements.

(3) Two hundred fifty dollars (\$250.00) per violation may be retained by the Town where the applicant has failed to perform any building, construction, structural alteration, movement, demolition or change work to any building or other structure in strict compliance with the approved plans and specifications therefor. Such retained deposit amounts shall represent the estimated costs and expenses of the Building Inspector in processing and handling said failures. Following such failure to perform, the Building Inspector shall notice the applicant of such failure and thereafter may retain the same without further action on the part of the Town. Nothing contained herein shall prohibit the Town from exercising any other remedies provided at law or in equity, including, without limitation, an action for attorneys' fees, costs and expenses in connection with any such failure to comply.

(c) No building permit shall be issued until written approval of the application is given by the Building Inspector and the Board when the latter is required under the terms of this Article.

(d) No building permit shall be issued unless the proposed erection, construction, alteration or change of the building or use of the building or land is in full conformance with this Article.

(e) Upon issuance of the building permit, the applicant shall perform all work thereunder in strict accordance and compliance with the application, plans and specifications, representations to the Board and Building Inspector, and any memoranda of agreement. The Building Inspector, members of the Board and other Town officials shall monitor and inspect the work being performed and, upon the discovery of any deviation from the plans, application or representations, shall report the deviation to the Building Inspector who shall order all work on the structure to cease until the Board considers, at its next regular meeting, if the deviation is substantial, in which case a new building permit shall be required.

(f) After the issuance of a building permit, any substantial deviation from the plans, application or representations shall require a new building permit, which shall be applied for and considered in the same fashion as a new application.

(g) Any application or other request under this Article shall be made by an owner of the property or his or her legal representative as evidenced by a written power of attorney. Any permits, approvals, conditions or other decisions under this Article shall benefit and/or bind such applicant, the owner, other co-owners of the property and their heirs or assigns.

(h) Penalties; enforcement. No person shall build, construct, structurally alter, move, demolish or change any building or other structure for which a building permit is required without compliance with the requirements of the Section. Any person who violates this Section shall be guilty of a misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00) per offense, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Each day any such building or structure is out of compliance with this Section shall be a separate offense hereunder. The Marshal's Department, the Building Inspector or the Town Manager may enforce the penalties provided hereunder, including, without limitation, by proper summons to appear in a court of competent jurisdiction. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this Section. Remedies provided in this Section are cumulative and concurrent and not intended to be exclusive, and the same are in addition to all other rights provided at law and in equity. (Prior code 15-2-25; Ord. 1 §§5, 6, 2005; Ord. 19 §§1—3, 2008; Ord. 4 §1, 2009)

**Sec. 18-13-50. Boundaries.**

No building or structure shall be constructed or erected on any lot prior to the property corners of the lot being properly established and marked by permanent monuments consisting of a metal pin not less than one-half (½) inch in diameter and not less than sixteen (16) inches in depth below ground level. Any such corner monument or other survey monumentation required by the Town after October 1, 1988, shall be surveyed from and based upon one (1) or both of two (2) official survey monuments. Such official survey monuments are located at the precise centerline intersections of Elk Avenue with Third Street and Seventh Street, respectively; stamped as follows: "CL ELK CL THIRD E.F. BENNER PLS 9476 1997" and "CL SEVENTH/ELK 1988 LS 11250." A cross mark "X" on each monument marks the precise centerline intersection. (Prior code 15-2-25; Ord. 14 §1, 1988; Ord. 11 §1, 1998)

**Sec. 18-13-60. Construction time.**

Unless additional time, which shall be no more than six (6) months, is granted for good cause by the Building Inspector, all exterior construction must be totally completed within one (1) year of the commencement of construction under a building permit. If not so completed, the building permit shall be null and void and the owner shall be liable for payment of a fine as set forth in Section 16-23-20 of this Code. (Prior code 15-2-25; Ord. 3 §21, 1994)

**Sec. 18-13-70. Certificate of occupancy.**

(a) It is unlawful for the owner of a structure or any other person to rent, occupy or use any structure within the Town without obtaining, in advance, a certificate of occupancy; provided, however, that a certificate of occupancy shall not be required for that part of any structure which has been: (1) completed; and (2) occupied and in use, prior to July 24, 1973. Any modification or alteration of or addition to any structure after July 24, 1974, for which a building permit or other permit is required, shall not be occupied or used prior to the issuance of a certificate of occupancy. Any change in use within any structure shall require a new certificate of occupancy.

(b) Procedure for obtaining a certificate of occupancy.

(1) A written request for a certificate of occupancy must be made to the Building Inspector at least forty-eight (48) hours prior to the certificate of occupancy inspection.

(2) As soon as reasonably practicable and not more than ten (10) days after receipt of the request for the certificate of occupancy, the Building Inspector shall inspect the structure for which the certificate of occupancy has been sought to ascertain if the structure conforms with all the applications, plans and specifications theretofore submitted to the Town and all state statutes and Town ordinances.

(3) If the Building Inspector determines that the structure conforms to all applications, plans and specifications theretofore submitted to the Town and all state statutes and Town ordinances, he or she shall issue a certificate of occupancy.

(4) If either the Building Inspector or the Chair of the Board determines that the structure fails, in any manner, to conform with all applications, plans and specifications theretofore submitted to the Town, or with all state statutes and Town ordinances, a certificate of occupancy shall not be issued. In that event, the applicant shall be informed of the reason why the certificate of occupancy has not been granted.

(5) After a denial of an application for a certificate of occupancy, the Building Inspector and/or the Chair of the Board shall ascertain, in their reasonable discretion, if the defects or shortcomings in the structure will require so substantial a reinspection as to warrant an additional application fee. (Prior code 15-2-25; Ord. 4 §1, 2009)

**Sec. 18-13-80. Stop work or desist order.**

Should the Building Inspector discover any construction within the Town in violation of this Article, he or she shall attach a stop work order to that construction in a conspicuous place. Should the Building

Inspector discover any use of property in the Town in violation of this Article or in violation of any agreement pursuant to Section 16-9-70 of this Code, he or she shall attach a desist order to the property and attempt to deliver a copy of the same to the occupier of the property. Any stop work order or "desist" order shall be signed by the Building Inspector and indicate the subject area in which the violation exists. The removal of a stop work order or desist order before the violation is corrected shall constitute a violation of this Article. The continuation of construction or use in violation of a stop work order or desist order shall also constitute a violation of this Article. (Prior code 15-2-25; Ord. 4 §1, 2009)

**Sec. 18-13-90. Payment of overdue fees.**

No building permit or certificate of occupancy shall be issued by the Town for any lot, parcel or structure until all overdue fees for sewer, water, sanitation, street or other improvement district assessments, real property taxes, real estate transfer taxes and/or other fees or taxes due to the Town in connection with said lot, parcel or structure have been paid in full. (Prior code 15-2-25; Ord. 1 §§5, 6, 2005)

**Sec. 18-13-100. Appeals from Building Inspector.**

Any person desiring to appeal any order, requirement, decision, action, omission or determination by the Building Inspector under this Chapter must file such appeal with the Board within thirty (30) days after such action by delivering the same to the Town Clerk. Such appeal shall be in writing and shall contain all data and information necessary for a clear understanding and intelligent action by the Board. (Prior code 15-2-26)

**ARTICLE 14**

**Carbon Monoxide Detector/Alarm Regulations**

**Sec. 18-14-10. Definitions.**

For purposes of this Article only, the following terms shall have the following meanings ascribed thereto:

*Adjacent* means directly above, below or next to.

*Carbon monoxide detector/alarm* means any single- or multiple-station carbon monoxide detector and alarm listed by a nationally recognized, independent product safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

*Dwelling unit* means one (1) or more rooms or other spaces, arranged for use by one (1) or more persons, on a permanent, temporary or transient basis, for sleeping or living, located in one (1) or more of the following use categories: R1, R2, R3 and R4.

*Enclosed parking area* means a structure or portion thereof utilized for the parking of motor vehicles and other carbon monoxide-emitting equipment which is less than fifty percent (50%) open at all times to outside air.

*Fuel-burning device* means any equipment that burns solid, liquid or gaseous fuel, or a combination thereof, including, without limitation, a gas-fueled stove, wood stove, coal stove, natural gas/heating oil heater, natural gas/ heating oil boiler, natural gas/heating oil furnace and any equipment that burns wood, coal, natural gas, kerosene, petroleum or hydrocarbon products indoors.

*NFPA 720* means the NFPA 720 Standard for the Installation of Carbon Monoxide Detection and Warning Equipment.

*Other applicable uses* means one (1) or more rooms arranged for use by one (1) or more persons, on a permanent, temporary or transient basis, for sleeping or living, located in one (1) or more of the following use categories: E, I1, I2, I3 and I4. *Other applicable uses* shall include, but shall not be limited to, day care, hospital, medical and assisted living facilities. (Ord. 8 §4, 2009)

#### **Sec. 18-14-20. Installation guidelines.**

(a) All existing dwelling units and existing other applicable uses or those undergoing new construction, additions, remodels and renovations where: (1) a fuel-burning device is or will be installed therein or adjacent thereto; and/or (2) an enclosed parking area is adjacent thereto, shall contain a carbon monoxide detector/alarm.

(b) A carbon monoxide detector/alarm shall be installed in any room or space that is not otherwise considered a dwelling unit or other applicable use under this Article but that is: (1) fifty (50) square feet or less and that contains a fuel-burning device; and/or (2) generally utilized as a central location of one (1) or more fuel-burning devices.

(c) In dwelling units and other applicable uses, a carbon monoxide detector/alarm shall be installed within fifteen (15) feet of the entrance to each room lawfully used at any time for sleeping.

(d) Dwelling units and other applicable uses shall have a carbon monoxide detector/alarm installed on each story of the structure and in such other locations as deemed necessary by the Building Official.

(e) Carbon monoxide detectors/alarms for existing dwelling units and other applicable uses and those undergoing new construction, additions, remodels and renovations shall carry the listing of a nationally recognized, independent product safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

(f) All carbon monoxide detectors/alarms shall be installed in accordance with NFPA 720 standards and the manufacturer's recommended installation requirements, except as otherwise provided in this Section.

(g) All dwelling units and other applicable uses undergoing new construction, additions, remodels and renovations where a carbon monoxide detector/alarm is required shall have primary (i.e., hard-wired) and secondary (e.g., battery back-up) power sources for all carbon monoxide detectors/alarms. All multiple-station carbon monoxide detectors/alarms required by this Section shall be interconnected.

(h) All existing dwelling units and other applicable uses where a carbon monoxide detector/ alarm is required must comply with NFPA 720 standards or, in lieu of an NFPA 720 standard carbon monoxide detector/alarm, a plug-in (without a switch and with battery back-up) or battery-operated carbon

monoxide detector/alarm shall be installed which shall carry the listing of a nationally recognized, independent product safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

(i) In all structures with multiple dwelling units and other applicable uses where the structure contains a central fire alarm system, carbon monoxide detectors/alarms shall be connected to the structure's central fire alarm system and shall be audible in each dwelling unit within the structure. Such carbon monoxide detectors/alarms shall initiate a supervisory signal at the fire alarm panel and provide an audible alarm at the device upon the detection of carbon monoxide. Such carbon monoxide detectors/alarms shall be initiated to a monitoring agency or be an audible/visual alarm located in a conspicuous place on the exterior of the structure.

(j) Compliance with the requirements of this Article shall be irrespective of the occupancy of a dwelling unit or other applicable use. (Ord. 8 §4, 2009)

**Sec. 18-14-30. Exception to installation requirements.**

For any existing dwelling unit or other applicable use and those undergoing new construction, additions, remodels and renovations where a carbon monoxide detector/alarm is required by this Article, the Building Official may exempt such dwelling unit or other applicable uses from having to install a carbon monoxide detector/alarm where good cause is shown. (Ord. 8 §4, 2009)

**Sec. 18-14-40. Time for compliance.**

All dwelling units and other applicable uses undergoing new construction, additions, remodels and renovations where carbon monoxide detectors/alarms are required under this Article shall be in compliance with these carbon monoxide detector/ alarm regulations at the time of such construction, additions, remodels and renovations. All existing dwelling units and other applicable uses where carbon monoxide detectors/alarms are required under this Article shall have six (6) months from the effective date of these carbon monoxide detector/alarm regulations or a change in tenancy of the dwelling unit or other applicable use, whichever occurs first, to comply with the requirements hereof. (Ord. 8 §4, 2009)

**Sec. 18-14-50. Testing, inspection and maintenance of carbon monoxide detectors/alarms.**

(a) All carbon monoxide detectors/alarms shall be tested, inspected and maintained in accordance with NFPA 720 standards or shall carry the listing of a nationally recognized, independent product safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

(b) Subject to the obligations of a tenant in any tenancy as described in Subsection (d) below, the owner of any dwelling unit or other applicable use where a carbon monoxide detector/alarm is required under this Article shall be responsible for the installation, testing, inspection, maintenance, repair and/or replacement of such carbon monoxide detector/alarm.

(c) Prior to the commencement of any tenancy in any dwelling unit, the owner shall replace any carbon monoxide detector/alarm that has been stolen, removed, missing or is found to be not operational by the owner. At the time of the commencement of the tenancy for the dwelling unit, the owner shall ensure that any batteries necessary to make the carbon monoxide detector/ alarm operational are provided

to the tenant at the time the tenant takes residence in the dwelling unit. The owner shall replace any carbon monoxide detector/alarm if notified by a tenant as specified in Subsection (d) below that any carbon monoxide detector/alarm was stolen, removed, missing or is found to be not operational during the tenant's occupancy. The owner shall correct any deficiency in any carbon monoxide detector/ alarm if notified by a tenant in accordance with Subsection (d).

(d) The tenant of any rental property shall: (1) keep, test and maintain all carbon monoxide detectors/alarms in good repair; (2) notify, in writing, the owner of the dwelling unit or the owner's authorized agent, as applicable, if the batteries of any carbon monoxide detector/alarm require replacement; (3) notify, in writing, the owner of the dwelling unit or the owner's authorized representative if any carbon monoxide detector/alarm is stolen, removed, missing or is found to be not operational during the tenant's occupancy; and (4) notify, in writing, the owner of the dwelling unit or the owner's authorized representative of any deficiency in any carbon monoxide detector/alarm that the tenant cannot correct.

(e) No person shall remove batteries from, or in any way render inoperable, a carbon monoxide detector/alarm, except as part of a process to inspect, maintain, test, repair or replace the carbon monoxide detector/alarm or replace the batteries in the carbon monoxide detector/alarm. (Ord. 8 §4, 2009)

**Sec. 18-14-60. Limitation of liability.**

No person shall have a claim for relief against any property owner, an authorized agent of a property owner, a person in possession of real property and/or an installer of any carbon monoxide detector/alarm for any damages resulting from the installation, operation, maintenance or effectiveness of a carbon monoxide detector/alarm if the property owner, authorized agent, person in possession of real property and/or installer installs, operates, maintains and tests the carbon monoxide detector/alarm in accordance with the manufacturer's published instructions and the provisions of these carbon monoxide detector/alarm regulations. (Ord. 8 §4, 2009)

**ARTICLE 15**

**Deconstruction and Recycle Plan**

**Sec. 18-15-10. Required.**

If a permit is requested for the demolition of an existing structure in accordance with Section 16-2-60 or 16-14-190 of this Code, a site specific deconstruction and recycle plan must be submitted and approved by the Building Official. The plan is only required for the demolition of structures or a part of structures in excess of one thousand (1,000) square feet. Said plan should, as a goal, seek to recycle, reuse or resell fifty percent (50%) of the existing materials in the deconstructed structure or element. Materials from the following categories should be considered: doors, windows, cabinets, roofing, wood flooring, plumbing fixtures, mechanical and heating fixtures, framing and structural materials, landscaping elements, concrete and bricks. The plan should identify what materials are to be recovered. The plan should either specify a destination for the recycled materials or the materials should be made available to the public for acquisition for a minimum of two (2) weeks, as well as how the same is to be communicated and accomplished. Recycled materials may not be placed on Town rights-of-way or other Town property. (Ord. 6 §2, 2010)

## ARTICLE 16

### Basement Construction Requirements

#### Sec. 18-16-10. Basement construction.

All new basements, as defined in Section 16-1-20, of this code must meet the following requirements.

(1) Basement foundation design. Basements shall be designed and constructed to be completely waterproof and shall be no larger in footprint than the aboveground structure they support, with the exception of window wells and exiting features and underground parking facilities in Business, Tourist and Commercial districts. Basement foundations shall be designed by a licensed Colorado professional engineer experienced in these types of waterproof structural systems, who shall affix his or her seal on all relevant construction documents.

(2) Floors. All floors in basements are required to be waterproofed. They shall be constructed of concrete, designed and constructed to withstand the hydrostatic pressures to which such floors will be subjected. Waterproofing shall be accomplished through means approved in the International Building Code, such as applied membranes and coatings installed under the slab in accordance with the manufacturer's requirements. Additionally, concrete admixtures may be utilized in conjunction with approved membranes and coatings. Alternative designs may be approved on a case-by-case basis by the Building Official if submitted by a licensed Colorado professional engineer.

(3) Walls. Walls required to be waterproofed shall be of concrete and shall be designed and constructed to withstand the hydrostatic pressure and other lateral loads to which such walls will be subjected. Waterproofing shall be accomplished through means approved in the International Building Code, such as applied membranes and coatings installed on the positive hydrostatic pressure side of the wall according to the manufacturer's requirements. The waterproofing shall be lapped and sealed to the slab waterproofing according to the manufacturer's requirements and shall extend to a point not less than six (6) inches above finished grade. Concrete admixtures may be utilized in conjunction with approved membranes and coatings. Alternative designs may be approved on a case-by-case basis by the Building Official if submitted by a licensed Colorado professional engineer.

(4) Water table displacement. Basement foundations shall not extend more than one (1) story, as such term is defined in the International Residential Code (IRC), below existing grade. On sloping sites, maximum foundation depth will be determined by the Building Official.

(5) Construction dewatering. Construction dewatering may be allowed only during construction of the basement foundation upon approval by the Building Department. The proponent is responsible for obtaining any required dewatering discharge permits that may be required by the State or other licensing agency and shall provide copies of the same to the Town. A construction dewatering and discharge plan including the location and point of discharge shall be submitted to the Town for approval prior to commencement of dewatering.

(6) Dewatering systems. Permanent dewatering systems shall not be allowed. Accommodations for emergency dewatering systems and sumps may be allowed if they are designed by a Colorado professional engineer and shall be described as part of the foundation submittal and approved by the Building Department. Automatic pumping systems may not be incorporated into the design of such

dewatering systems. Water may not be discharged into the Town's sewer system as part of an emergency dewatering proposal. Prior to activating any emergency dewatering system, the Town must be notified in writing, with such notice providing the address, location for discharge and volume of discharge. Said activation must be approved by the Town. (Ord. 28 §2, 2010)