

## CHAPTER 18

### Building Regulations

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## **ARTICLE 1**

### **Building Permits**

#### **Sec. 18-1. Required.**

It is unlawful to commence the excavation for, or the construction of, any building or other structure, including accessory structures and foundations or basements for pre-manufactured housing structures, to store building material, to construct entrances or parking lots, or to commence the moving, structural alteration, conversion, extension, enlargement, alteration or repair of any structure until the building official has issued a building permit therefor. (Prior code 17.48.010; Ord. 417 §1, 1992)

#### **Sec. 18-2. Application.**

Application for permits shall be made to the building official on forms provided therefor. (Prior code 17.48.020)

#### **Sec. 18-3. Requirements.**

The building official shall require that every application for a building permit be accompanied by two (2) copies of a plan or plat drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed is in conformance with this chapter:

- (1) Lot dimensions and corners. The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are shown and are established on the ground, by a certified survey, made by registered land surveyor or engineer;
- (2) Proposed structures. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures existing on the lot;
- (3) Use of structures. The existing and intended use of all such buildings or other structures;
- (4) Existing yards. The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining that the provisions of this chapter are being observed;
- (5) Building code. Any other information as required by the building code. (Prior code 17.48.030)

#### **Sec. 18-4. Issuance.**

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this article or any other ordinance of the city, the building official shall issue a building permit. (Prior code 17.48.040)

#### **Sec. 18-5. Disapproval.**

If an application for a building permit is not approved, the building official shall state in writing on the application the reason for such disapproval. (Prior code 17.48.050)

**Sec. 18-6. In conflict with provisions.**

Any permit issued in conflict with the provisions of this article shall be null and void and may not be construed as waiving any provision of this chapter. (Prior code 17.48.060)

**Sec. 18-7. Appeal – Notice.**

Appeals to the board of adjustment may be taken by any person aggrieved or by any office, department, board or bureau of the City affected by any decision of the Building Official. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. (Prior code 17.48.070)

**Sec. 18-8. Invalid authorization.**

No oversight or dereliction on the part of any officer or employee of the City shall legalize, authorize or excuse any violation of any provision of this Article. No legal equitable rights shall be acquired under any invalid building permit. (Prior code 17.48.080)

**Sec. 18-9. Temporary buildings for temporary uses.**

(a) Purpose. The purpose of this Section is to authorize a temporary building to house a temporary use as a precursor to a permanent building and permanent use, provided that a complete application for a site plan or subdivision has been filed in accordance with applicable provisions of this Code. No building permit for the temporary structure shall be issued until a temporary use permit has been approved in accordance with the provisions of this Section. Only a temporary certificate of occupancy (TCO) may be obtained for the temporary structure, the expiration of which TCO shall be on or before the expiration date of the temporary use permit. It shall be unlawful for any person to occupy or use, or allow to be occupied or used, any structure for which the temporary use permit, temporary certificate of occupancy, or both, have expired or are otherwise no longer valid.

(b) A temporary use permit shall not be granted for a use except upon a finding that the use will, during the time of its existence:

(1) Be compatible with the surrounding uses and community facilities.

(2) Not be detrimental to or constitute a danger to the health, safety and welfare of the citizens of the City.

(3) Conform in all other aspects to the applicable zoning regulations and standards, except as specifically modified for the temporary use during the time it is permitted.

(4) Leave the site, following the temporary use, in a state that is capable of being, and assurance has been provided that it will be, restored to a satisfactory condition.

(c) Definition. A *temporary use*, as authorized and regulated herein, is a temporary facility for the purpose of conducting business or commercial enterprise, which will be replaced upon the development and construction of a permanent use of the same nature and in the same location.

(d) Districts permitted. Temporary uses may be authorized only in nonresidential zone districts by temporary use permit. The use must be compatible with the zone district in which it is located.

(e) Time restriction. A temporary use permit may be approved by the City Administrator or the Administrator's designee for a period not to exceed ninety (90) days. Any extension of a temporary use beyond ninety (90) days, or any initial request for a temporary use exceeding ninety (90) days, may only be approved by the City Council, after considering the recommendation of the Planning Commission, through the public hearing process.

(f) Technical review process. Once an application for a temporary use permit has been deemed complete by the City Administrator or the Administrator's designee, it shall be routed to City staff and referral agencies for review and comment as determined appropriate by the Administrator or the Administrator's designee.

(g) Required off-street parking. Parking spaces having a durable and dustless surface maintained for all-weather use shall be provided and may be satisfied by using existing parking spaces for other uses located within five hundred (500) feet of the temporary use. The applicant has the burden of demonstrating that the parking needs of the use are adequately accommodated.

(h) Ingress and egress. Hard-surface all-weather ingress and egress, as approved by the City Engineer, shall be provided.

(i) Food waste. Any use that serves food shall provide adequate trash containers, and all trash, rubbish and waste shall be completely contained on the site and removed daily.

(j) Signs. Any signage provided in connection with the temporary use shall comply with the sign provisions of Chapter 16, Article 11.5 of this Code.

(k) Conditions and modifications. Reasonable conditions or modifications may be imposed upon the granting of a temporary use permit consistent with the comprehensive plan, this Chapter, Chapter 16 or other stated development goals and objectives of the City and requirements of other City regulations. (Ord. 690 §1, 2007)

**Secs. 18-10—18-19. Reserved.**

## **ARTICLE 2**

### **Enforcement**

**Sec. 18-20. Official.**

The provisions of this Chapter shall be administered and enforced by the Building Official and as provided in this Article. (Prior code 17.64.010)

**Sec. 18-21. Stop orders.**

Whenever any building work is being done contrary to the provisions of this Chapter, the Building Official may order the work stopped by notice in writing served on any person, firm or corporation

engaged in doing or causing such work to be done. Any such person, firm or corporation shall forthwith stop such work until authorized by the Building Official to resume work. (Prior code 17.64.030)

**Secs. 18-22—18-39. Reserved.**

### **ARTICLE 3**

#### **Building Regulation**

**Sec. 18-40. Codes adopted; scope.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., the codes and standards hereinafter described are hereby adopted by reference, subject to the amendments herein set forth. The subject matter of the codes and standards adopted herein includes the regulation of the new construction, alteration and repair of all new and existing structures, along with all plumbing, mechanical and installations therein or in connection therewith. In case of any conflict between a code adopted herein and any other specific provision of the Dacono Municipal Code, the specific provision of the Dacono Municipal Code shall prevail.

(1) The *International Building Code*, 2006 Edition, exclusive of appendices, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted, with the amendments set forth below, to protect the public health, safety and welfare by providing minimum standards for the design, construction, quality of materials, use and occupancy, location and maintenance of buildings and other structures within the City: Sections 105.2.1 and 105.2.2 of the 2006 *International Building Code* are deleted.

(2) The *International Residential Code*, exclusive of appendices, as published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted, with the amendments set forth below, to protect the public health, safety and welfare by providing minimum standards to safeguard the life, limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the City: Sections R105.2.1 and R105.2.2 of the 2006 *International Residential Code* are deleted.

(3) The *International Mechanical Code*, 2006 Edition, exclusive of appendices, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted to protect the public health, safety and welfare by providing minimum standards for the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City.

(4) The *International Plumbing Code*, 2006 Edition, exclusive of appendices, as published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted to protect the public health, safety and welfare by providing minimum standards for the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system within the City.

(5) The *International Property Maintenance Code*, exclusive of appendices, as published by the International Code Council, Inc., 5203 Leesberg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted to protect the public health, safety and welfare by providing a just, equitable and practical method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

(6) The *International Existing Building Code*, 2006 Edition, exclusive of appendices, as published by the International Code Council, Inc., 5203 Leesberg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted to protect the public health, safety and welfare by providing a just, equitable and practical method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

(7) The *International Fuel Gas Code*, 2006 Edition, exclusive of appendices, as published by the International Code Council, Inc., 5203 Leesberg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted to protect the public health, safety and welfare by providing standards for the design and installation of fuel gas systems and gas-fired appliances in the City.

(8) The *National Electrical Code*, 2005 Edition, exclusive of appendices, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269, is adopted to protect the public health, safety and welfare by providing minimum standards and requirements pertaining to electrical installations.

(9) The *International Energy Conservation Code*, 2006 Edition, exclusive of appendices, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, is adopted to protect the public health, safety and welfare by providing minimum standards for supplied utilities and facilities and other physical things and conditions and providing for issuance of permits and collection of fees therefor. (Prior code 15.04.030; Ord. 365 §1, 1989; Ord. 386 §1, 1990; Ord. 493 §2, 1997; Ord. 595 §1, 2002; Ord. 694 §1, 2007; Ord. 712 §1, 2008)

**Sec. 18-41. Fees.**

Plan review fees, permit fees and all other fees bonds pursuant to the codes adopted herein shall be in the amounts established from time to time by resolution of the City Council. (Ord. 409 §25, 1991; Ord. 694 §2, 2007)

**Sec. 18-42. Parks and recreational fees.**

(a) A parks and recreation fee in the amount established from time to time by resolution of the City Council shall be assessed against any new construction in the City and shall be paid at the time the building permit is issued, subject to the following exceptions:

- (1) Remodeling or improvements to existing structures;
- (2) Accessory structures;
- (3) Churches, clinics, hospitals, schools and or any other public structures.

(b) Definitions, for purposes of this Section, are as follows:

*Accessory structure* means a structure incidental or subordinate to the main use of the property, and shall include garages, patios and tool sheds.

*Parks and recreation fund* means a special fund, for accounting purposes, hereby created for the purpose of purchasing, improving or maintaining recreational facilities, including the acquisition of real estate on which recreational facilities may be constructed.

*Parks and recreational fees* means the fee determined by this Article, and any subsequent amendment thereto, to be placed in the City park and recreation fund.

*Public structures* means any structure owned by the City or any structure which will be used by the general population and is owned by a governmental entity other than the City. (Prior code 15.04.120; Ord. 365 §1, 1989; Ord. 409 §26, 1991)

**Sec. 18-43. Violation – Remedies.**

(a) It shall be unlawful for any person, firm or corporation to do any act which is forbidden or declared to be unlawful or declared to be a nuisance or to fail to do or perform any act required in this Chapter or in the codes or standards adopted herein, or for any person, firm or corporation to erect, construct, reconstruct, alter, remodel, use or maintain any building structure or equipment in the City or cause to permit the same to be done, contrary to or in violation of any of the provisions of this Chapter or of the codes or standards adopted herein. Maintenance of any condition which was unlawful at the time it was initiated and which would be unlawful at the time it was installed after the effective date hereof shall constitute a continuing violation. Any person, firm or corporation violating any of the provisions of this Chapter or of the codes or standards adopted herein shall be deemed guilty of a misdemeanor, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted.

(b) In addition to any and all other remedies provided by law, the City may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful act, erection, construction, reconstruction, alteration, remodeling or use. No permit for the removal of a mobile or modular home shall be issued until the applicant for the permit has submitted a five hundred dollar (\$500.00) bond, the form of which shall be subject to approval or disapproval by the building official. The bond shall be conditioned upon the proper removal of the home, the removal of any associated materials and any junk or debris from the site, the filling in of the foundation in the manner directed by the building official, and the moving of the home without damage to City streets or other property, all as determined by the building official. Cash may be accepted by the building official in lieu of a bond, but no checks or money orders shall be accepted. (Ord. 374 §1, 1990)

**Sec. 18-44. Nonliability.**

The adoption of this Code and of the codes and standards provided for herein shall not create any duty to any person, firm or corporation with regard to the enforcement or nonenforcement of this Code or said codes and standards. No person, firm or corporation shall have any civil liability remedy against the City, its officers, employees or agents for any damages arising out of or in any way connected with the adoption, enforcement or nonenforcement of said code, codes or standards. Nothing in this Code or

in the codes and standards adopted herein shall be construed to create any liability or to waive any of the immunities, limitations on liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available. (Ord. 365 §5, 1989; Ord. 694 §3, 2007)

**Sec. 18-45. Copies of codes.**

The City Clerk shall maintain sufficient copies of the codes and standards adopted herein as required by law in the City Hall, and one copy of each code shall be maintained in the City library for public inspection. (Ord. 365 §6, 1989)

**Secs. 18-46—18-69. Reserved.**

**ARTICLE 4**

**International Fire Code**

**Sec. 18-70. Adoption of code and standards.**

Pursuant to Title 31, Article 15, Part 2, C.R.S., and subject to the amendments set forth herein, the *International Fire Code*, 2006 Edition, published by the International Code Council, Inc., 5203 Leesberg Pike, Suite 600, Falls Church, Virginia, 22041, is hereby adopted by reference thereto and incorporated into and made a part of this Code. The purpose and subject matter of the *International Fire Code* include minimum standards relating to the storage, handling and use of hazardous substances, materials and devices, and providing greater safety and protection to the public from conditions hazardous to life or property in the occupancy of buildings or premises. Except as otherwise provided herein, the *International Fire Code* is adopted in full, including the outline of contents, index and appendix. In case of conflict between the *International Fire Code* and any other specific provision of the Dacono Municipal Code, the specific provisions of the Dacono Municipal Code shall prevail. Any reference to the *Fire Code* within this Article shall be to the 2006 Edition of the *International Fire Code*. (Ord. 430 §1, 1993; Ord. 473 §1, 1996; Ord. 595 §2, 2002; Ord. 694 §4, 2007)

**Sec. 18-71. Department of fire prevention.**

The code and standards adopted herein shall be enforced by the Mountain View Fire Protection District which shall serve as the department of fire prevention of the City. Organizational structure and duties of the department of fire prevention, if any, shall be as provided by the District's bylaws. (Ord. 430 §1, 1993; Ord. 595 §3, 2002; Ord. 694 §5, 2007)

**Sec. 18-72. Definitions.**

*Administrator* means the City Administrator of the City of Dacono.

*Board* means the board of directors of the Mountain View Fire Protection District.

*Chief or chief of the bureau of fire prevention* means the chief of the Mountain View Fire Protection District, or a designated member of the district.

*City council* means the members of the council of the City of Dacono.

*Department of fire prevention* means either the entire department or those employees (paid or volunteers) designated by the chief to assist the chief in the administration and enforcement of the provisions of this Code.

*District or fire district* means the Mountain View Fire Protection District.

*Fire department* means the Mountain View Fire Protection District.

*International Building Code* means the 2006 Edition of the *International Building Code* as adopted with amendments, and as incorporated into Article 3 of this Chapter.

*Jurisdiction*, as used in the adopted code and standards, is meant to be inclusive of the territorial boundaries of the City of Dacono as they now or may hereafter exist. (Ord. 430 §1, 1993; Ord. 595 §4, 2002; Ord. 694 §6, 2007)

### **Sec. 18-73. Amendments.**

The 2006 *International Fire Code* is amended and changed in the following respects:

- (1) Subsection 101.1 is amended to read as follows:

#### **"101.1 Title.**

"These Regulations shall be known as the Fire Code of the City of Dacono, hereinafter referred to as 'this Code.' "

- (2) Subsection 102.6 is amended to read as follows:

#### **"102.6 Referenced codes and standards.**

"The codes and standards referenced in this Code shall be the most recent edition of those that are listed in Chapter 45, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply."

- (3) Subsection 103.4, Liability, is amended by the addition of the following sentence at the end of the Subsection:

"Nothing herein shall be construed as a waiver of any immunities provided by Section 24-10-101, et seq., C.R.S., or by other statutes or by the common law."

- (4) Subsection 104.10, Fire investigations, is amended by the addition of the following sentence at the end of the Subsection:

"The authority of the Chief of the District, or authorized designee, including all fire code officials, to act as police officers shall only extend as far as the authority set forth in Section 32-1-102, C.R.S., and other applicable state statutes."

(5) Subsection 104.11, Authority at fires and other emergencies, is amended by the addition of the following sentence at the end of the Subsection:

"The authority of the Chief of the District, or authorized designee, including all fire code officials, to act as police officers shall only extend as far as the authority set forth in Section 32-1-102, C.R.S., and other applicable state statutes."

(6) Subsection 105.4.1 is amended to read as follows:

**"105.4.1 Submittals.**

"Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional when said documents are submitted in support of an application for a construction permit. When requested, qualification statements shall be submitted to the fire code official for the registered design professional to demonstrate compliance with the professional qualifications defined in Section 202."

(7) Subsection 105.6.30 is amended by the addition of the following sentence:

"No such permit shall be required where burning is regulated pursuant to regulations promulgated under Section 25-7-123, C.R.S., and regulated by the Boulder/Weld County Health Departments or municipal authorities."

(8) Subsection 105.7.4 is amended to read as follows:

**"105.7.4 Fire alarm and detection systems and related equipment.**

"A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment, including emergency alarm systems and smoke control systems. Maintenance performed in accordance with this Code is not considered a modification and does not require a permit."

(9) Section 106 is amended by the addition of new Subsection 106.5 to read as follows:

**"106.5 Inspection requests.**

"Whenever any installation subject to inspection prior to use is required, the fire code official is authorized to require that every such request for inspection be filed not less than three working days before such inspection is desired."

(10) Subsection 108.1 is deleted in its entirety and reenacted to read as follows:

**"108.1 Appeals to the fire chief.**

"Any person, firm or corporation aggrieved by any application, interpretation or order made by Fire District Personnel, pursuant to any provision of this Code, may file, within three (3) days, a written notice of appeal with the District requesting a hearing before the fire chief, as provided in the International Fire Code, as amended. All appeals must be made in writing to the fire chief at the District's Administrative Office, 9119 East County Line Road, Longmont, Colorado, 80501. The fire chief shall set a date to hear the appeal and application for relief on such appeal and may, when no immediate hazard exists, continue such hearing from time to time for cause. The fire chief shall establish reasonable rules for such appeal and shall make a record of all proceedings. The decision of the fire chief shall be in writing and delivered to all interested parties within fifteen (15) calendar days after the hearing is closed. Where there are practical difficulties in the implementation of the strict provisions of the code, the fire chief may modify the provisions of the code, provided the spirit of the code shall be complied with, public safety secured and substantial justice done. The particulars of any modification approved by the fire chief shall be in writing and a signed copy shall be furnished to the applicant.

**"108.1.1 Appeals of the fire chief's decision.**

"The decision of the fire chief shall be considered a final administrative decision for all purposes. Appeals of the fire chief's decisions may be made in accordance with the following: To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code, the City of Dacono shall appoint a board of appeals. The board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings, in writing, to the building official and the fire chief, with a duplicate copy to the appellant.

**"108.1.2 Agreements for enforcement or compliance.**

"The chief or the board of appeals may enter into written agreements for enforcement or compliance with the owner, lessee, occupant or authorized agent thereof, of any property, building or structure, or any interested person directly affected by the application of this Code. Said agreements may extend the time for compliance with this Code, and may contain such terms and conditions that the chief or board of appeals deems appropriate to adequately protect the life, health, property, security and welfare of the general public."

- (11) Subsection 109.3 is deleted in its entirety.
- (12) Subsection 111.4 is deleted in its entirety.
- (13) A new Subsection 112, Fees, is added to read as follows:

**"112.1 Fees.**

"Fees for services pursuant to the provisions of this Code shall be established from time to time by resolution of the board of directors pursuant to Section 32-1-1002(1)(j) C.R.S. Said fees and charges may include a charge for reimbursement to the fire district of any consultation fees, expenses or costs incurred by the fire district in the performance of inspection-related services pursuant to provisions of this Code.

**"112.2 Payment of fees.**

"A permit shall not be valid until the fees prescribed by law have been paid; nor shall an amendment to a permit be released until additional fees, if any, have been paid.

**"112.3 Operational permit fee.**

"An inspection fee may be charged for any operational permit required by Section 105.6. The inspection fee shall be based upon the time required to conduct inspections authorized by Section 105.2.2 and associated activities, to determine compliance with this Code and other applicable laws and ordinances as required by Section 105.2.4, and to issue the permit as specified in Section 105.3.7.

**"112.4 Construction permit fee.**

"A fee may be charged for any construction permit required by Section 105.7 of this Code. The construction permit fee is intended to cover the cost of inspections required or requested in connection with the work for which the permit is granted, and the associated costs of processing the application. An application shall include an estimate of the total value of the work, including materials and labor, for which the permit is being sought. If, in the opinion of the fire code official, the valuation is underestimated on the application, the permit shall be denied, unless written estimates are provided in a form acceptable to the fire code official, and that support the valuation set forth in the application. Final construction permit valuation shall be set by the fire code official.

**"112.5 Other inspection fee.**

"Fees for reinspections, for inspections outside normal business hours, or for inspections for which no fee is otherwise established may be charged.

**"112.6 Plan review fee.**

"The plan review fee is intended to cover the significant costs and expenses incurred by the fire district in reviewing materials necessary to perform appropriate inspections of construction, uses, processes and operations. The fee shall be assessed based on the reasonable, customary and necessary time associated with reviewing or evaluating site plans; construction documents and calculations; changes, additions or revisions to approved plans; construction documents resubmitted after the fire code official's issuing a statement explaining the reasons that a previous submittal does not conform to the requirements of this Code. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged. The plan review fee required by this Section 112.6 is separate from the construction permit fee required by Section 112.4.

**"112.7 Unauthorized work inspection fee.**

"Any person or entity who commences any work before obtaining a construction permit required by Section 105.7 shall be subject to an inspection fee in an amount equal to the amount of the construction permit fee. The fee shall be separate from and in addition to a construction

permit fee. Payment of the inspection fee shall not relieve any person from compliance with all other provisions of this Code or from any penalty prescribed by law. The inspection fee shall be assessed regardless of whether or not a construction permit is then or subsequently issued.

"EXCEPTION: When approved in writing by the fire code official, work may commence prior to obtaining a construction permit.

**"112.8 Related fees.**

"The payment of the fee for construction, uses, processes or operations authorized by an operational permit or construction permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or required by Section 112."

(14) Subsection 903.2.7 is amended to read as follows:

**"903.2.7 Group R.**

"An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

"EXCEPTION: Buildings that fall within the scope of the *International Residential Code* for One- and Two-Family Dwellings and that do not contain a Group R-4 occupancy."

(15) Subsection 905.2 is amended to read as follows:

**"905.2 Installation standards.**

"Standpipe systems shall be installed in accordance with this Section and NFPA 14. Fire hose is not required for any class of standpipe system."

(16) Subsection 3301.7 is amended to read as follows:

**"3301.7 Seizure of fireworks.**

"The Police Department of the City of Dacono is authorized to remove or dispose of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of this Chapter."

(17) Subsection 3704.2.2.7, Treatment systems, is amended by the deletion of the exceptions. (Ord. 694 §7, 2007)

**Sec. 18-74. Storage limits of flammable fluid, liquids and liquefied petroleum gas.**

(a) *Flammable cryogenic fluids.* The limits referred to in Subsection 3204.3.1.1 of the *International Fire Code*, in which storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited, are hereby established as follows: for the purpose of protecting the health, safety and general welfare of the citizens of Dacono, limits shall be established for the storage of flammable cryogenic fluids. A special use review as prescribed by the City of Dacono zoning code will be required to establish these limits for all proposed storage facilities.

(b) *Flammable or combustible liquids.* The limits referred to in Subsections 3404.2.9.5.1 and 3406.2.4.4 of the *International Fire Code*, in which storage of flammable or combustible liquids in outside aboveground tanks is restricted, are hereby established as follows: for the purpose of protecting the health, safety and general welfare of the citizens of Dacono, limits shall be established for the storage of flammable or combustible liquids. A special use review as prescribed by the City of Dacono zoning code will be required to establish these limits for all proposed storage facilities.

(c) *Liquefied petroleum gases.* The limits referred to in Subsection 3804.2 of the *International Fire Code*, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: for the purpose of protecting the health, safety and general welfare of the citizens of Dacono, limits shall be established for the storage of liquefied petroleum gases. A special use review as prescribed by the City of Dacono zoning code will be required to establish these limits for all proposed storage facilities. This Section shall not be interpreted so as to be in conflict with the provisions of Section 8-20-101, et seq., and Section 34-64-101, et seq., C.R.S. (Ord. 694 §8, 2007)

#### **Sec. 18-75. Enforcement procedures and appeals.**

(a) The chief shall enforce this Code in accordance with the procedures set forth in this Code and Section 32-1-1002(3), C.R.S.

(b) A notice of violation or hazard may be issued by the chief or his designee concerning violations or hazards which are not corrected onsite during an inspection. An order to comply may be issued by the chief or his or her designee:

(1) For failure to correct a violation or hazard within the time specified in a previously issued notice of violation or hazard;

(2) For violating this Code or state statute and said violation renders the building, structure or premises especially liable to fire, is hazardous to the safety of the occupants thereof or is so situated as to endanger other property as set forth in Section 32-1-1002(3), C.R.S., whether or not a notice has been previously issued.

(c) An appeal of a notice of violation or hazard may be made in accordance with the provisions of this Code.

(d) An appeal of an order to comply may be made in accordance with the provisions of this Code only if no previous appeal has been made of a previously issued notice of violation or hazard concerning the same violation or hazard.

(e) In the event no appeal is made pursuant to this Code or to the court pursuant to Section 32-1-1002(3), C.R.S., and compliance with an order and/or correction of a hazard has not occurred, the chief or his or her designee may issue a summons and complaint to the Municipal Court of the City or refer the matter to the City Attorney.

(f) An appeal shall suspend the time limits for compliance or correction of a fire hazard or hazards until the appeal is resolved for appeals of a notice of violation or hazard which is issued pursuant to Subsection (b)(2) above. An appeal shall not suspend the time limit for compliance or correction of life safety deficiencies or violations. An appeal of an order issued pursuant to Subsection (b)(2) above shall

not suspend the time limits for compliance or correction, and compliance or correction shall be made or rendered forthwith, unless the order is suspended pursuant to the procedures set forth in this Code. (Ord. 694 §9, 2007)

**Sec. 18-76. New materials, processes or occupancies which may require permits.**

The president of the board of the fire district, the Mayor of the City, the City Building Inspector and the chief of the bureau of fire prevention, shall act as a committee to determine and specify any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall distribute copies thereof to interested persons. (Ord. 430 §1, 1993; Ord. 694 §10, 2007)

**Sec. 18-77. Placement of fire hydrants.**

All fire hydrants located at such distance from buildings, intersections, streets or roadways as determined by the chief. (Ord. 430 §1, 1993; Ord. 694 §11, 2007)

**Sec. 18-78. Penalty for violation.**

(a) Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day during which such violation continues, shall be deemed a separate offense.

(b) The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used or maintained in violation of the code, or any provisions of applicable state law, the City Attorney of the City or any owner of real estate within the area, in addition other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, use or maintenance, in which even the City shall be entitled to recover all court costs and attorney's fees. (Ord. 694 §12, 2007)

**Sec. 18-79. Nonliability.**

The adoption of this Article and of the code or standards provided for herein shall not create any duty to any owner, lessee, agent or occupant with regard to the enforcement or nonenforcement of said code or standards. No owner, lessee, agent or occupant shall have any civil liability remedy against the City, its officers, employees or agents, for any damages arising out of or in any way connected with the adoption, enforcement or nonenforcement of said ordinance, code and standards. Nothing in this Article or in the code and standards adopted herein shall be construed to create any liability or to waive any of the immunities, limitations on liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available. (Ord. 430 §4, 1993; Ord. 694 §13, 2007)

**Sec. 18-80. Copies of code.**

The City Clerk shall maintain sufficient copies of the code and standards adopted herein as required by law in the City Hall, and one (1) copy of the code and standards shall be maintained in the City library for the use of City residents. (Ord. 430 §5, 1993; Ord. 694 §14, 2007)

**Secs. 18-81—18-99. Reserved.**

**ARTICLE 5**

**Pre-Manufactured Housing Code**

**Sec. 18-100. Definitions.**

As used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

*Accessory structure* means any structural addition to a pre-manufactured housing structure, a pre-manufactured housing lot or pre-manufactured housing space, including awnings, carports, porches, storage cabinets and similar appurtenant structures.

*Camper* means a unit, containing cooking facilities, sleeping facilities or both, which is designed to be loaded onto, or affixed to, the bed or chassis of a truck to provide temporary living quarters for recreation, camping or travel use.

*Motor home* means a motor vehicle containing cooking facilities, sleeping facilities, or both and designed as temporary living quarters for recreational camping or travel use. *Motor home* shall include vehicles known as *camper buses*, and shall also include vehicles which may have been originally designed for use as vans, buses and the like, but which have been converted to be used as living quarters.

*Pre-manufactured housing lot* means a plot of ground within a pre-manufactured housing subdivision designed for the accommodation of one (1) pre-manufactured housing structure together with accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and other appurtenances.

*Pre-manufactured housing park* means any lot or tract of land designed, used or intended for the purpose of providing a location or accommodations for one (1) or more pre-manufactured housing structures and upon which any such structures are parked or located, whether or not the lot or tract or any part thereof is held or operated for gain. Automobile or pre-manufactured housing sales lots on which unoccupied pre-manufactured housing structures are parked for inspection and sale shall not be considered pre-manufactured housing parks.

*Pre-manufactured housing space* means a plot of ground within a pre-manufactured housing park designated for the accommodation of one (1) pre-manufactured housing structure and its accessory structures.

*Pre-manufactured housing structure* means a transferable, single-family residential structure which is suitable for year-round occupancy, which contains the same water supply, waste disposal and electric conveniences as non-pre-manufactured housing dwelling units, which has no foundation other than wheels or removable jacks for conveyance on highways, which may be transported to a site as one (1) or more modules, which bears the insignia of approval of the Division of Housing of Colorado, and which has not been altered since receiving such approval. The term shall not include "travel trailers," "campers," "camper buses," or "motor homes," as defined herein.

*Pre-manufactured housing subdivision* means an area of land which is zoned pursuant to Article 5 of Chapter 16 of this code, subdivided for residential use, containing pre-manufactured housing structures or modular homes and appurtenances thereto, which contains lots in divided or separate ownership.

*Travel trailer* means a portable structure, mounted on wheels and designed to be towed by a motor vehicle, and containing cooking facilities, sleeping facilities or both, to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides, or may have collapsible side walls of fabric, plastic or other pliable material. (Prior code 15.28.010; Ord. 366 §1, 1989; Ord. 545 §7, 2000)

**Sec. 18-101. Requirements for setting and occupancy of pre-manufactured housing.**

(a) All pre-manufactured housing structures shall be certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, and shall be inspected by the building official and found to be in good condition before the structure enters the city.

(b) Prior to moving any pre-manufactured housing structure into a pre-manufactured housing subdivision or park, the owner or other authorized person shall obtain a permit issued by the building official pursuant to Section 18-106 of this code. The owner shall be responsible for any damages to the streets, sidewalks or other public areas or structures within the city that may be caused in moving the pre-manufactured housing structure into the city.

(c) No person shall place any pre-manufactured housing structure on any lot or space in the city without meeting the following requirements, in addition to any other applicable requirements:

(1) Foundation. The footing or foundation shall comply with the *Uniform Building Code* and the *Uniform Building Code Standards* adopted in Section 18-40 of this code.

(2) Soils. Soil testing and inspection shall be conducted in accordance with the *Uniform Building Code* and the *Uniform Building Code Standards* adopted in Section 18-40 of this code.

(3) Backfills. All backfills within the building site shall be installed in six-inch lifts and shall be compacted to no less than ninety-five percent (95%) compaction, or such greater compaction as recommended in the report referred to in paragraph (2) above.

(4) Under-floor clearance. There shall be not less than twenty-four (24) inches of clearance from all floor joists under all parts of the structure. There shall be not less than eighteen (18) inches of clearance under all beams, girders, pipes, ducts and other structures.

(5) Wood-to-earth clearance. Any structure containing wood shall have not less than six (6) inches of clearance from earth and not more than twelve (12) inches measured from finish grade.

(6) Foundation ventilation. All under-floor areas shall be ventilated by openings in the skirting or foundation. Such openings shall have a net area of not less than one (1) square foot for each one hundred fifty (150) square feet of under-floor area. Openings shall be located to provide cross-ventilation and shall be equally distributed along the length of at least two (2) opposite sides of the skirting or foundation. Vent openings shall be covered with corrosion-resistant wire mesh openings one-quarter ( $\frac{1}{4}$ ) inch in dimension.

(7) Drainage. The lot shall be graded around the structure to afford drainage away from the structure. The first twenty-four (24) inches from the structure shall be not less than twelve (12) feet horizontal to one (1) foot vertical slope. The structure and any accessory structures shall have gutters and downspouts with splash blocks to provide drainage away from the structure.

(8) Blocking and tie-down. The structure shall be secured against wind damage by blocking and tie-downs as follows:

a. All piers shall be placed on continuous footings of concrete with a minimum dimension of ten (10) inches by twenty-four (24) inches located under each main frame with an excavated crawl space for utility access, or equivalent thereof as approved by the building official.

b. All piers shall be spaced at intervals of not more than eight (8) feet on centers along each main frame of the pre-manufactured housing structure. In the event concrete pads are provided containing a ground anchor, one (1) pier shall be placed on each pad with the other piers spaced to correspond. End piers shall be placed no more than five (5) feet from the extreme ends of the structure.

c. All piers shall be constructed of standard eight-inch-by-eight-inch-by-sixteen-inch celled concrete block or equivalent thereof. All piers shall be placed over the footings with the long dimension crossways to the main frame members and centered under them, with cells vertical. Pier heights shall be such that the structure will be located as close to the ground as possible.

d. All piers shall be topped with solid concrete caps each measuring eight (8) inches by sixteen (16) inches by four (4) inches.

e. Hardwood shims shall be driven tightly between the cap and the main frame member to provide uniform bearing. Each shim shall be not more than four (4) inches in thickness and shall be of sufficient width to provide bearing.

f. Other types of piers or foundations of equivalent permanence and bearing ability may be approved by the building official.

(9) Skirting. Unless required by the building official to have a continuous perimeter foundation, the structure shall have skirting installed. Such skirting shall be installed within thirty (30) days after the building official orders such installation. Skirting shall be composed of brick, wood or cosmetically equivalent exterior materials.

(10) Ground anchors and tie-downs. Each structure shall be provided with ground anchors and tie-downs as follows:

a. The structure shall be provided with ground anchors and tie-downs secured to the main framing members or placed entirely over the body of the structure as hereinafter described:

<i>Length of pre-manufactured housing structure</i>	<i>Required number of ground anchors</i>	<i>Required tie-down sets</i>
Up to 50 feet	4	2 sets
50 to 70 feet	6	3 sets
over 70 feet	8	4 sets

b. Each tie-down set shall be constructed as hereinafter described:

1. Cables shall be galvanized or stainless steel one-quarter-inch diameter or larger [six (6) by nineteen (19) IWRC wire or rope] or three-eighths-inch diameter or larger [six (6) by seven (7) wire rope] or an equivalent as approved by the building official.

2. Turnbuckles shall be one-half-inch galvanized steel or larger "eye and eye" or "jaw and eye" or "jaw and jaw." No hook ends or open aluminum turnbuckles shall be permitted. Turnbuckles shall be adjusted to draw the cables for tight anchorage. Alternate tie-down systems may be approved by the building official if equivalent to the foregoing.

3. Cable (wire rope) ends shall be secured with at least two (2) U clamps, faces opposed, or other approved fastening.

4. Tie-down cables shall be placed so that they assume not less than a forty-five-degree angle from the footing of the piers and at an approximate right angle to the pre-manufactured housing structure.

(11) Any debris, trash, rubbish, scrap and discarded materials resulting from or otherwise associated with the setting of a pre-manufactured housing structure pursuant to this section, or the removal of the same, shall not be permitted to remain on the property and shall be removed and properly disposed of. Within twenty-four (24) hours after a pre-manufactured housing structure is removed from its foundation or footing, the exposed foundation or footing and the area within the foundation or footing shall be covered or fenced.

(d) No pre-manufactured housing structure shall be occupied for dwelling purposes unless it is properly placed on a pre-manufactured housing lot or space within a pre-manufactured housing subdivision or park and connected to water, sewer and electric, and to gas and other utilities as appropriate.

(e) Prior to occupancy the building official shall inspect each pre-manufactured housing structure to determine compliance with this code. No occupancy shall be permitted or certificate of occupancy issued until the inspection and all connections to public utilities have been made.

(f) A permit shall be required to move a pre-manufactured housing structure from a pre-manufactured housing lot or space, which shall be issued by the building official pursuant to Section 18-

106 of this code. The owner shall be responsible for any damage to streets, sidewalks or other public areas or structures within the city that may be caused in moving the pre-manufactured housing structure from the lot or space. The permit shall be conditioned upon proper disconnection from public utilities. (Prior code 15.28.020; Ord. 366 §1, 1989; Ord. 417 §§2-4, 1992; Ord. 545 §8, 2000)

**Sec. 18-102. Utility connections.**

Each pre-manufactured housing structure shall have a lawful connection to the city water system and to the applicable sewer, electrical and gas systems. All potable water lines subject to freezing shall be wrapped with heat tapes. (Prior code 15.28.030; Ord. 366 §1, 1989)

**Sec. 18-103. Gas shutoffs and piping.**

Each pre-manufactured housing structure shall be equipped with a readily accessible and identified gas shutoff valve upstream of the gas outlet and located on an outlet riser at a height of not less than four (4) inches above grade. No shutoff valves of any type shall be located under the structure. All gas piping shall be tested to sustain air pressure of twenty (20) pounds for thirty (30) minutes. (Prior code 15.28.040; Ord. 366 §1, 1989)

**Sec. 18-104. Existing pre-manufactured housing structures.**

Any pre-manufactured housing structure being lawfully used at the time of enactment of the ordinance codified herein which does not conform to the requirements herein shall be considered a nonconforming use and shall be governed by Article 14 of Chapter 16 of this code. (Prior code 15.28.050; Ord. 366 §1, 1989; Ord. 545 §9, 2000)

**Sec. 18-105. Inspections required.**

Every pre-manufactured housing structure shall be inspected by the building official after installation to determine conformance to the requirements of this chapter and other applicable ordinances prior to a release by the building official for gas, sewer and water service. Additional inspections may be made if determined by the building official to be necessary for the public health, safety and welfare. (Prior code 15.28.060; Ord. 366 §1, 1989)

**Sec. 18-106. Licenses and permits.**

The following permits and licenses shall be obtained prior to the installation of any pre-manufactured housing structure in the city:

- (1) A pre-manufactured housing siting permit shall be obtained from the building official by any person, firm or corporation installing a pre-manufactured housing structure in the city. The fee for said permit shall be as provided in city code Article 3 of Chapter 18 of this code. Upon the removal of a pre-manufactured housing structure from its foundation, any replacement or resetting of a pre-manufactured housing structure upon the same foundation shall require a new pre-manufactured housing siting permit to be obtained from the building official by the person, firm or corporation installing the pre-manufactured housing structure unless such replacement or reinstallation is completed within thirty (30) days of removal, or within such additional time as may be granted by the building official for good cause, but in no event any later than ninety (90) days of removal. The

siting permit required by this section shall be in addition to any building permit and plan check fee required for the construction of any foundation, footing, basement or appurtenant structure for a pre-manufactured housing structure.

(2) A business license shall be obtained from the city clerk by any person, firm or corporation in the business of installing pre-manufactured housing in the city. The fee for said license shall be as provided in city code Article 1 of Chapter 18. This requirement shall not apply to the owner of a pre-manufactured housing structure installing such structure on his or her own property for his or her own use.

(3) The owner of a pre-manufactured housing structure shall pay the applicable water service deposit prior to attachment of the unit to the city water system.

(4) A building permit shall be obtained prior to any work on a pre-manufactured housing structure, except for the installation of factory-built steps. The fee for the building permit shall be as provided in city code Article 1 of Chapter 18. (Prior code 15.28.070; Ord. 366 §1, 1989; Ord. 417 §5, 1992)

**Sec. 18-107. Parking of a pre-manufactured housing structure.**

Subject only to the following exceptions, a pre-manufactured housing structure shall be parked only in an approved pre-manufactured housing park or pre-manufactured housing subdivision, and any pre-manufactured housing structure parked in violation hereof shall be removed immediately by the owner:

(1) When an emergency exists, an unoccupied pre-manufactured housing structure may be parked, subject to all applicable ordinances, on a street, alley or thoroughfare in the city for a period not to exceed seventy-two (72) hours;

(2) When displayed on a sales lot established and maintained in accordance with applicable ordinances;

(3) When used for non-residential purposes related to construction or remodeling, but such parking shall be permitted only until completion of the construction or remodeling project; or

(4) When permitted by variance. (Prior code 15.28.080; Ord. 366 §1, 1989)

**Sec. 18-108. Notice of violation.**

If upon inspection, the building official identifies a violation of any of the requirements of this chapter or of other applicable ordinances, the following procedure shall apply:

(1) A written notice of said violation shall be given by the building official to the owner or occupant of the pre-manufactured housing structure. The notice shall:

a. Specify the applicable provision of law that forms the basis of the violation;

b. Specify a reasonable period of time, not to exceed ten (10) days, in which the violation shall be corrected; and

c. Specify that the party to whom the notice of violation was issued shall have ten (10) days from the date of said notice to appeal the notice to the board of adjustment.

(2) Upon expiration of the period of time for correction stated in the notice of violation for the required alterations, the building official shall inspect the unit in question and if the required alterations have not been made, the building official shall cause a summons and complaint in the municipal court for the city to be served on the party who received the notice of the violation. (Prior code 15.28.090; Ord. 366 §1, 1989)

**Sec. 18-109. Violation – Remedies.**

(a) It shall be unlawful for any person, firm or corporation to do any act which is forbidden or declared to be unlawful or declared to be a nuisance or to fail to do or perform any act required in this ordinance, or for any person, firm or corporation to erect, construct, reconstruct, alter, remodel, use or maintain any building, structure or equipment in the city, or cause to permit the same to be done, contrary to or in violation of any of the provisions of the ordinance codified herein. Maintenance of any condition which was unlawful at the time it was installed after the effective date hereof shall constitute a continuing violation. Any person, firm or corporation violating any of the provisions of the ordinance codified herein shall be deemed guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted. Any person convicted of a violation of any provision of this chapter or of the provisions of the codes adopted and incorporated herein shall be subject to the penalty provided in Section 1-70 of this code.

(b) In addition to any and all other remedies provided by law, the city may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful act, erection, construction, reconstruction, alteration, remodeling or use.

(c) It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct, alter or change the use of any pre-manufactured housing structure within the city without first obtaining all permits required by this chapter. No such permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to the ordinances and other applicable regulations of the city. (Ord. 366 §2, 1989; Ord. 595 §9, 2002)

**Sec. 18-110. Restrictions.**

(a) It is unlawful for any person, firm or corporation to use or maintain any motor vehicle, as said term is defined in Title 42, Article 1, C.R.S., or any travel trailer, camper, camper bus or motor home, as said terms are defined in Section 18-100 of this code, with or without wheels, as a residence, office, store or manufactory within the city limits, subject to the exceptions provided in subsections (b) and (c) of this section.

(b) A travel trailer, camper, camper bus or motor home may be maintained in a trailer court or camp equipped with proper sanitary and other facilities for the use of the inhabitants of such travel trailers, campers, camper buses and motor homes, and maintained for the use of ten (10) or more such travel trailers, campers, camper buses and motor homes.

(c) A motor home, camper bus or travel trailer may be used on private property for nonresidential purposes related to construction, but such use shall be permitted only until completion of the construction. (Prior code 15.28.010; Ord. 495 §1, 1997)

**Secs. 18-111—18-129. Reserved.**

## **ARTICLE 6**

### **National Flood Insurance Plan**

**Sec. 18-130. Purpose.**

It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To minimize prolonged business interruptions;
- (7) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (8) To ensure that potential buyers are notified that property is in an area of special flood hazard; and;
- (9) To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions. (Prior code 14.04.010; Ord. 334, 1987)

**Sec. 18-131. Definitions.**

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

*Appeal* means a request for a review of the city's interpretation of any provisions of this chapter of a request for a variance.

*Areas of special flood hazard* means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

*Base flood* means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood insurance rate map* means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Maps and the water surface elevation of the base flood.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

*Manufactured home* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected

to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. Note: This definition applies only to this article.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*New construction* means structures for which the *start of construction* commenced on or after the effective date of this article.

*Program deficiency* means a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards.

*Remedy a violation* means to bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other development.

*Start of construction* includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred twenty (120) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Structure* means a walled and roofed building, a mobile home or a gas or liquid storage tank, that is principally above ground.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started or
- b. If the structure has been damaged and is being restored, before the damage occurred.

*Variance* means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

*Violation* means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in NFIP standards is presumed to be in violation until such time as that documentation is provided.

*Water service elevation* means the height, in relation to the National Geodetic Vertical Datum of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Prior code 14.04.020; Ord. 334, 1987)

**Sec. 18-132. Procedures.**

In order to accomplish its purposes, this article includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Prior code 14.04.030; Ord. 334, 1987)

**Sec. 18-133. Application.**

This article shall apply to all areas of special flood hazards within the jurisdiction of the city as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Dacono, Colorado," dated January, 1979, with accompanying Flood Insurance Rate Maps, which is hereby adopted by reference and declared to be a part of this code, three (3) copies of which are on file at the City Hall. (Prior code 14.04.040; Ord. 334, 1987)

**Sec. 18-134. General provisions.**

(a) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

(b) Abrogation and greater restriction. This article is not intended to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this article and other ordinance, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(c) Interpretation. In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(d) Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. (Prior code 14.04.050; Ord. 334, 1987)

**Sec. 18-135. Building official.**

The building official is appointed to administer and implement this article by granting or denying development permits in accordance with its provisions. It shall be the further duty of the building official to:

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- (2) For all new and substantially flood-proofed structures, to verify and record the actual elevation and maintain the flood-proofing certification required; and to certify of record that proposed development will not adversely affect the flood-carrying capacity of the area of special flood hazard by increasing the water surface elevation of the base flood more than one (1) foot at any one (1) point;
- (3) Maintain for public inspection all records pertaining to the provisions of this article;
- (4) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse; and submit evidence of such notification to the Federal Insurance Administration;
- (5) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (6) Review all development permits to determine that the permit requirements of this article have been satisfied;
- (7) Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;
- (8) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 10 are met;

(9) When base flood elevation data has not been provided in accordance with Section 3, the building official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A, in order to administer Section 10 SPECIFIC STANDARDS, Residential construction, and SPECIFIC STANDARDS, non-residential construction;

(10) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 12. (Prior code 14.04.060; Ord. 334, 1987)

**Sec. 18-136. National program.**

By the ordinance codified in this article there is adopted by reference 24 CFR 1909, et seq.; and Section 1910.3 of the National Flood Insurance Program Regulations as contained in the October 26, 1978 issue of the Federal Register, at least three (3) copies of which are on file at the city hall. (Prior code 14.04.070; Ord. 334, 1987)

**Sec. 18-137. Appeals.**

The board of adjustment shall hear and decide appeals from this article in accordance with the purpose herein expressed and the program regulations herein adopted by reference. See further 18-140. (Prior code 14.04.080; Ord. 334, 1987)

**Sec. 18-138. General standards.**

In all areas of special flood hazards, the following standards are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads;

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(3) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

(4) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood into the systems and discharge from the systems into flood waters;

(5) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(6) All subdivision proposals shall be consistent with the need to minimize flood damage;

(7) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(8) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

(9) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less);

(10) In all areas of special flood hazard in which base flood elevation data has been provided, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point;

(11) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

d. Any additions to the manufactured home be similarly anchored.

(12) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

(13) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(14) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. (Prior code 14.04.090; Ord. 334, 1987)

**Sec. 18-139. Specific standards.**

In all areas of special flood hazards where base flood elevation data have been provided, the following standards are required:

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement; or, together with attendant utility and sanitary facilities, shall:

a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and;

c. Provide that where a non-residential structure is intended to be made watertight below the base flood level:

1. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards or practice for meeting the applicable provisions of this section, and

2. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained with the official designated by the community under Section 6.

(3) Manufactured homes.

a. Manufactured homes shall be anchored in accordance with Section 9.

b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with provisions of Section 9. (Prior code 14.04.100; Ord. 334, 1987)

**Sec. 18-140. Variance procedure.**

(a) Appeal board.

(1) The board of adjustment as established by the city shall hear and decide appeals and requests for variances from the requirements of this article.

(2) The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of this article.

(3) Those aggrieved by the decision of the board of adjustment or any taxpayer, may appeal such decisions to the Weld County District Court, as approved in Section 31-23-307, C.R.S.

(4) In passing upon such application, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

- a. The danger that materials may be swept into other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- i. The safety of access to the property on times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(5) Upon consideration of the factors of subsection (a)(4) above and the purposes of this article, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(6) The building official shall maintain the records of all appeal actions, including technical information, and report any variances to the federal Emergency Management Agency.

(b) Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided that subparagraphs a to k in subsection (a)(4) have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justifications required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (a)(4) or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Prior code 14.04.120; Ord. 334, 1987)

#### **Sec. 18-141. Encroachment on floodways.**

Located within areas of special flood hazard established in Section 3 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood drainage.

(2) If Section 13(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 9 and 10. (Prior code 14.04.130; Ord. 334, 1987)

#### **Sec. 18-142. Permit.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application shall be made to the city and must be accompanied by:

(1) Plans in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question including elevation in relation to mean sea level, of the lowest floor (including

basement) of all structures and elevation in relation to mean sea level to which any structure has been flood-proofed;

(2) Plans which show existing or proposed structures, fill, storage of materials, drainage facilities and the location of all of the foregoing;

(3) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria; and

(4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Prior code 14.04.140; Ord. 334, 1987)

**Secs. 18-143—18-159. Reserved.**

## **ARTICLE 7**

### **Flood Hazards**

**Sec. 18-160. Building requirements.**

The building official shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure; use construction materials and utility equipment that are resistant to flood damage; and use construction methods and practices that will minimize flood damage. (Prior code 15.32.010)

**Sec. 18-161. New developments.**

The building official shall review subdivision proposal and other proposed new developments to assure that all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards. (Prior code 15.32.020)

**Sec. 18-162. Water and sewage systems.**

The city council shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Prior code 15.32.030)

**Sec. 18-163. Insurance – Intent.**

The city assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective

enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations. (Prior code 15.32.040)

**Sec. 18-164. Insurance – Authority of mayor.**

The mayor is vested with the responsibility, authority and means to:

(1) Delineate or assist the administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

(2) Provide such information as the administrator may request concerning present uses and occupancy of the floodplain;

(3) Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards;

(4) Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures. (Prior code 15.32.050)

**Sec. 18-165. Record of elevation.**

The city will maintain for public inspection and furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one (1) or more sides, the elevation of the floor immediately above must also be recorded. (Prior code 15.32.060)

**Sec. 18-166. Agreement to act.**

The city further agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Prior code 15.32.070)

**Secs. 18-167—18-179. Reserved.**

**ARTICLE 8**

**Street Addresses**

**Sec. 18-180. Location – Specifications.**

The owners and/or occupants of all buildings having street addresses shall mark the same in numbers three (3) inches high and colored to contrast with the color of the building. Further, said street addresses shall be as designated for the front entrance to the building and shall be placed at such front entrance, and no other street address shall be used for such building. (Prior code 8.09.010)

**Secs. 18-181—18-199. Reserved.**

