

CHAPTER VI

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SECTION I

Building Code

Sec. 6-1-1. International Building Code adopted by reference.

The International Building Code, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 35 inclusive and Appendix Chapter 1, is hereby adopted by reference as the Town of Eaton Building Code as if fully set out in this Section with the additions, deletions, insertions and changes as hereinafter provided.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "International Building Code of the Town of Eaton, Colorado."

(2) Purpose. The building code is adopted in order to preserve and protect the public health, safety and general welfare, and the safety, protection and sanitation of dwellings, buildings and structures in the Town, and to provide uniform building regulations, generally conforming to similar regulations throughout the County, State and Nation.

(3) Scope of building code. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

(4) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform building regulations.

(5) Applicability. This Section shall apply to every building or structure as defined in said ordinance which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired.

(6) Application of regulations. Where, in any specific case, different Sections of this Code, the Zoning Code or other ordinances of the Town specify different materials, methods of construction or other requirements, the most restrictive shall govern.

(7) Amendments. The International Building Code, 2003 Edition, adopted by the ordinance codified herein shall also contain the additions, deletions, insertions and changes as follows:

a. IBC Section 101.1 (Title) is amended by the addition of the term "Town of Eaton" where indicated.

b. IBC Section 101.2 (Scope) is amended by the deletion of Exception 2 in its entirety.

c. IBC Section 101.4.1 (Electrical) is amended by replacing "ICC Electrical Code" with "adopted electrical code."

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

e. IBC Section 101.4.5 (Property maintenance) is amended by deletion of this section in its entirety.

f. IBC Section 101.4.6 (Fire prevention) is amended by renumbering the section as 101.4.5 and replacing "International Fire Code" with "adopted fire code."

g. IBC Section 101.4.7 (Energy) is amended by replacing "International Energy Conservation Code" with "Colorado Energy Conservation Standards."

h. IBC Section 103.3 (Deputies) is amended by the deletion of the last sentence.

i. IBC Section 105.1 (Required) is amended by replacing the words "building official" with "Town."

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

"The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

"The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

"The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

k. IBC Section 109.3.5 (Lath and gypsum board inspection) is amended by deleting the Exception.

l. IBC Section 110.3 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentences and replacing them with "Town Administrator."

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

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

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

o. IBC Section 202 (Definitions) is amended by the addition of the following:

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

p. IBC Section 1012.1 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

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

q. IBC Section 1025.2 (Minimum size) is amended by deleting the Exception.

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

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

t. IBC Section 3410.2 (Applicability) is amended by the insertion of the effective date of building codes for the Town where indicated in [March 1, 2004]. (Ord. 509 §1, 2003)

Sec. 6-1-2. International Mechanical Code adopted.

The International Mechanical Code, 2003 Edition as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Eaton Mechanical Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as hereinafter provided.

(1) Title of citation. The ordinance codified in this section may be known and cited as the "International Mechanical Code of the Town of Eaton, Colorado."

(2) Purpose. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating and cooling-producing appliances within this jurisdiction.

(3) Scope of provisions. The subject matter of the Mechanical Code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to heating, ventilation, cooling and refrigeration in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

(4) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform mechanical regulations.

(5) Applicability of regulations. This Section shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired.

(6) Amendments. The International Mechanical Code, 2003 Edition, adopted by the ordinance codified herein shall also contain the additions, deletions, insertions and changes as follows:

a. IMC Section 101.1 (Title) is amended by the addition of the term "Town of Eaton" where indicated.

b. IMC Section 101.2 (Scope) is amended by the deletion of Exception 2 in its entirety.

c. IMC Sections 103 (Department of Mechanical Inspection), 104 (Duties and powers of the code official), 105 (Approval), 106 (Permits), 108 (Violations), and 109 (Means of appeals) are deleted and substituted by the corresponding and applicable provisions contained within Chapter 1 (Administration) of the International Building Code as amended by the Town.

d. IMC Section 504.6.1 (Maximum length) is amended by deleting the Exception in its entirety.

e. IMC Section 506.3.12.2 (Termination through an exterior wall) is amended by deleting the section in its entirety and renumbering Section 506.3.12.3 to Section 506.3.12.2.

f. IMC Section 603.9 (Joints, seams and connections) is amended by the deletion of the last sentence

g. IMC Section 604.1 (General) is amended by the deletion of "and the International Energy Conservation Code."

h. IMC Section 703.1.3. IMC Section 703.1.3 (Size of horizontal openings) is amended by the addition of the following Exception:

"Exception: Where combustion air ducts serve equipment which are located within and serve an individual dwelling unit of Groups R-1, R-2, R-3 and R-4 Occupancies and communicate directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU, the ducting shall be increased by an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

i. IMC Section 703.1.4 (Size of vertical openings) is amended by the addition of the following Exception:

"Exception: Where combustion air ducts serve equipment which are located within and serve an individual dwelling unit of Groups R-1, R-2, R-3 and R-4 Occupancies and communicate directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU, the ducting shall be increased by an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

j. IMC Section 1204.1 (Insulation characteristics) is amended by deleting "shall conform to the requirements of the International Energy Conservation Code," from the first sentence.

k. IMC Section 1204.2 (Required Thickness) is amended by the deletion of the section in its entirety. (Ord. 509 §1, 2003)

Sec. 6-1-3. National Electrical Code adopted by reference.

Pursuant to Section 31-16-201 et seq., C.R.S., as amended, by reference thereto, the National Electrical Code, 2002 Edition, published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted for the Town.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "National Electrical Code of the Town of Eaton, Colorado."

(2) Purpose. The purpose of this code is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems.

(3) Scope of provisions. The subject matter of the electrical code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to electrical systems in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

(4) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform electrical regulations.

(5) Applicability of regulations. This Section shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired. Electrical systems lawfully in existence at the time of adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life, health or property has been created by such electrical systems. (Ord. 436 §1, 1993; Ord. 470 §1, 1998; Ord. 496 §1, 2002)

Sec. 6-1-4. Uniform Code for the Abatement of Dangerous Buildings adopted by reference.

Pursuant to Section 31-16-201 et seq., C.R.S., there is hereby adopted as the Abatement of Dangerous Buildings Code of the Town, by reference hereto, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

(1) Title for citation. The ordinance codified in this Section may be known as the "Uniform Code for the Abatement of Dangerous Buildings of the Town of Eaton, Colorado."

(2) Purpose. The purpose of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this Code includes rules and regulations, provides for inspections and establishes standards for the abatement of unsafe buildings by repair, rehabilitation, demolition or removal.

(3) Scope of provisions. The subject matter of the Code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to the abatement of dangerous buildings in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

(4) Applicability of regulations. This Section shall apply to all dangerous buildings, as defined in the document adopted in this Section, which are now in existence or which may hereafter become dangerous within the Town.

(5) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding the abatement of dangerous buildings. (Ord. 436 §1, 1993; Ord 470 §1, 1998; Ord. 496 §1, 2002)

Sec. 6-1-5. International Plumbing Code adopted by reference.

The International Plumbing Code, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Eaton Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as hereinafter provided.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "International Plumbing Code of the Town of Eaton, Colorado."

(2) Purpose. The purpose of this Code is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance for use of plumbing systems.

(3) Scope of provisions. The subject matter of the Plumbing Code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to plumbing systems in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

(4) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform plumbing regulations.

(5) Applicability of regulations. This Section shall apply to every building or structure as defined in said ordinance which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired. Plumbing systems lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location if no hazard to life, health or property has been created by such plumbing system.

(6) Amendments. The International Plumbing Code, 2003 Edition, adopted by the ordinance codified herein, shall also contain the additions, deletions, insertions and changes as follows:

a. IPC Section 101.1 (Title) is amended by the addition of the term "Town of Eaton" where indicated.

b. IPC Section 101.2 (Scope) is amended by the deletion of Exception 2 in its entirety.

c. IPC Section 101.3 (Intent) is amended by the addition of a second paragraph, to read as follows:

"The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado

Plumbing Code conflict with the adopted plumbing code, the more restrictive shall apply. Specifically, the Colorado Plumbing Code shall apply in those instances where the adopted plumbing code does not provide technical requirements, specifications or standards. The adopted plumbing code shall apply in those instances where the Colorado Plumbing Code does not provide technical requirements, specifications or standards. Should the Colorado Plumbing Code and the adopted plumbing code each provide technical requirements, specifications or standards on any single matter in terms so distinct that determining which is more restrictive is not readily apparent, the Colorado Plumbing Code shall apply."

d. IPC Sections 103 (Department of Plumbing Inspection), 104 (Duties and powers of the code official), 105 (Approval), 106 (Permits), 108 (Violations) and 109 (Means of appeal) are deleted and substituted by the corresponding and applicable provisions contained within Chapter 1 (Administration) of the International Building Code as amended by the Town.

e. IPC Section 305.6 (Freezing) is amended by changing the last sentence to read:

"Exterior water supply system piping shall be installed not less than 12 inches (305 mm) below the frost line and not less than 12 inches (305 mm) below finish grade."

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

g. IPC Section 313 (Equipment efficiencies) is amended by deleting the section in its entirety.

h. IPC Section 904.1 (Roof extension) is amended by inserting the number "6" (152.4 mm) where indicated in the second sentence.

i. IPC Section 1003.3 (Grease traps and grease interceptors) is amended by the addition of the following sections:

"1003.3.5 Commercial kitchen sinks. Commercial kitchen sinks located within commercial establishments where food is prepared, cooked, warmed, heated, processed or assembled and which are provided, designed, used or intended to be used to clean pots, pans, plates, flatware or other utensils used in the preparation, serving or consumption of food shall be protected by either a grease trap or a grease interceptor.

"1003.3.6 Floor drains, floor sinks, mop sinks. Floor drains, floor sinks, mop sinks or similar fixtures located in commercial kitchen areas where woks, deep fat fryers, grills or similar equipment is provided or designed for future installation, shall be protected by either a grease trap or a grease interceptor.

"Exception: The building official shall be permitted to exempt the connection of a floor drain to a grease trap or grease interceptor where such connection is determined to be infeasible.

"1003.3.7 Dishwashing machines. Dishwashing machines when installed in commercial establishments where food is prepared, cooked, warmed, heated, processed or assembled shall be discharged through a grease interceptor.

"1003.3.8 Chemical treatment agents. Chemical treatment agents used for the emulsification, separation and removal of grease shall be prohibited unless specifically

approved or authorized by the building official and the Town's environmental pretreatment authority.

"1003.3.9 Grease interceptors. Grease interceptors shall be water- and gastight. Each interceptor shall be engineered to withstand the external loads anticipated to be placed on the interceptor. The minimum volume of grease interceptors shall be 750 gallons. Interceptors shall be permitted to be installed in series.

"1003.3.9.1 Grease interceptor capacity. Grease interceptors shall be sized in accordance with Formula 1003.3.9.1, but shall not be less than two times the flow-through rate.

"Exception: When interceptors of the calculated size are not commercially available, the building official may authorize a 10% reduction of the calculated interceptor size.

[Seating Capacity ¹	X	Restaurant Loading Factor ²]*	X	Storage Factor ³	X	Waste Flow Rate ⁴	X	Retention Time ⁵	X	Single Service Modifier if Applicable ⁶	=	Interceptor Volume (Gallons)
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*Seating Capacity and Restaurant Loading Factor may be combined into a single factor when approved by the building official when such single factor identifies the peak meals per hour, if such number is known and can be substantiated.

¹. **Seating Capacity:** Equal to occupant load for dining areas as determined by building code. **Exception:** When applying this formula to Commercial Kitchens which are not generally open to the public; such as but not limited to schools, senior centers, rest or nursing homes, hospitals or congregate residences; the occupant load of the nondining areas of the building or buildings being served by the kitchen may be used to determine the peak meals per hour.

². **Restaurant Loading Factor:** A factor used to modify the Seating Capacity to approximate the anticipated maximum meals served per hour (turnover rate) as follows:

- Fast food with drive through = 1.25
- Fast food without drive through = 1.0
- High volume (Cafeteria/Lunchroom and/or Facility accessed or fronted on arterial streets) = 1.0
- Medium volume (Family/Casual Dining and or Facility accessed or fronted on collector street) = 0.75
- Low volume (Formal/Leisure Dining/Bar/Lounge and/or Facility accessed or fronted on local streets) = 0.5

³. **Storage Factor:** Equal to hours of operation ÷ 8 hours.

⁴. **Waste Flow Rates:**

- With dishwashing machine = 6 gallons
- Without dishwashing machine = 5 gallons
- Single service kitchen utilizing only disposable and non-reusable serving dishes and utensils (paper and/or plastic) = 2 gallons
- Additional flow for dishwasher = 1 gallon
- Additional flow for food grinder(disposal) = 1 gallon

⁵. **Retention Time:** 2.5 hours

Exception: With the approval of the building official, the retention time for an existing grease interceptor associated with remodels, additions or changes to the original design conditions; and which has been properly serviced and maintained; may be reduced to 2 hours. The building official shall be permitted to require maintenance, service and cleaning logs and shall be permitted to require more frequent maintenance, service or cleaning.

⁶. **Single Service Modifier When Applicable:** 0.25

Single Service Restaurants are those whose meals are served using disposable and non-reusable dishes, plates, and eating utensils (paper and/or plastic) and are not provided with a food waste grinder (disposal).

"1003.3.9.2 Interceptor construction. Each interceptor shall be prefabricated or field fabricated. Such interceptors shall have not less than one baffle that extends the width of the interceptor, from the bottom to not less than 6 inches (152.4 mm) from the top. The baffle shall have an inverted long radius elbow fitting the same size as the inlet pipe but not less than 4 inches (102 mm). Such fitting shall be installed in the inlet compartment side of the baffle such that the bottom of the fitting is 12 inches (305 mm) above the bottom of the interceptor. Minimum depth of the liquid shall be 42 inches (1067 mm). Each compartment of the interceptor shall be not less than 18 inches square (457 mm) or 18 inches (457 mm) in diameter and be accessible by gastight covers of equivalent size.

"1003.3.9.3 Inlet and outlet piping. The inlet and outlet piping shall have a two-way cleanout tee. Inlet piping shall be 2.5 inches (63.5 mm) above the invert of the outlet piping. The inlet piping within the interceptor shall consist of a vertical elbow or sanitary-tee fitting extending at least 24 inches (610 mm) below the water level to at least 8 inches (203 mm) above the bottom of the interceptor when not serving food disposers and at least 12 inches (305 mm) above the bottom when serving food disposers. Where a sanitary-tee fitting is used it shall be sealed with an accessible cleanout. The outlet piping within the interceptor shall consist of a vertical sanitary-tee fitting which shall extend below the water level and to the distance above the bottom of the interceptor as installed on the inlet piping. The sanitary-tee fitting and outlet pipe shall be no less than 4 inches (102 mm) in diameter. The sanitary-tee fitting shall be installed in the vertical position and shall extend vertically to an accessible cleanout terminating within 12 inches (305 mm) of, and encompassed by, the access opening. This cleanout shall be properly secured and shall function as a sampling port."

(Ord. 509 §3, 2003)

Sec. 6-1-6. 2003 International Fire Code adopted by reference.

There is hereby adopted by the Town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain codes and standards known as the International Fire Code, including Appendix Chapters. Published by the International Code Council, being particularly the 2003 editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by the resolution of which said code and standards are now filed in the offices of the Eaton Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein.

(1) Establishment and Duties of Fire Prevention. Organizational structure and duties of the Fire Prevention Bureau or Division, if any, shall be as provided by the Eaton Fire Protection District's policies and/or directives.

(2) Definitions.

Wherever the word "District" is used, it shall mean the Eaton Fire Protection District.

Wherever the word "jurisdiction" is used in the adopted code and standards, it is meant to be inclusive of the boundaries of the Eaton Fire Protection District as they now or may hereafter exist.

Where the term "Chief" or "Chief of the Bureau of Fire Prevention" is used, it shall be held to mean the Chief of the Eaton Fire Protection District, or a designated member of the District.

Where the term "Bureau of Fire Prevention" is used, it shall be held to mean either the entire Fire Prevention Division or those employees (paid or volunteer) designated by the Chief to carry out enforcement duties relating to the prevention of fires and suppression of arson.

Where the term "Board" is used, it shall be held to mean the Board of Directors of the Eaton Fire Protection District.

Where the term "Board of Appeals" is used, it shall refer to the District's Board.

Wherever the term "International Building Code" is used, it shall be held to mean the International Building Code as adopted, amended and incorporated into the Weld County Building Code, Town of Eaton Building Code.

(3) Amendments made in and to the 2003 International Fire Code. The 2003 International Fire Code is amended and changes in the following respects:

Subsection 1 – Open Burning:

The following section is to be added to Chapter 1, and to be known as Section 105.6.31: "This Article shall be interpreted to be consistent with the provisions of Section 32-1-1002(3), C.R.S." or where there is a separate ordinance that addresses this section.

Chapter 1, Section 105.6.31, shall be amended by the addition of a sentence reading as follows: "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 Weld County Health Departments or municipal authorities.

Subsection 2 – Violation Penalties:

The following Section 109.3 of Chapter 1 shall be repealed and replaced and to be known as Section 109.3:

"1. Any owner, lessee, agent or occupant of any building or premises maintaining any condition likely to cause fire or to constitute an additional fire hazard; or any condition which impedes or prevents the egress of persons from such building or premises in violation of the provisions of Section 32-1-1002(3), C.R.S., shall be deemed to be maintaining a fire hazard. Any person who violates any provision of said Subsection 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 or no more than \$250.00. Each day in which such violation occurs shall constitute a separate violation of Section 32-1-1002(3), C.R.S.

"2. The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief."

Subsection 3 – Compliance Agreements:

The following section shall be added to Chapter 1, Section 109, and to be known as Section 109.3.2:

"The Board (upon recommendation of the Chief or upon its own motion) may enter into written agreements for the enforcement of 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 Board deems appropriate to adequately protect the life, health, property, security and welfare of the general public."

Subsection 4 – Violations:

Chapter 1, Section 109 Violations, shall be amended to include as follows, and shall be known as Chapter 1, Section 109.3.3:

"1. A 'Notice of Violation or Hazard' may be issued by the Chief or his designee concerning violations or hazards which are not corrected on site during an inspection. Said Notice shall be signed by the inspector and contain, as a minimum, the following information:

- "a. Date of inspection.
- "b. Name/address of premises inspected.
- "c. Name of inspector.
- "d. Nature of violations, including specific reference to section/ subsections of Code.
- "e. Date of compliance/ reinspection.
- "f. Suggested methods of corrections, if applicable.
- "g. Right to appeal to Board.
- "h. Consequences of failure to correct the violation.

"2. An 'Order for Immediate Correction of Hazard' may be issued by the Chief:

"a. For failure to correct a violation or hazard within the time specified in the previously issued 'Notice of Violation or Hazard'; or

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

"c. An Order shall be signed by the Chief or his designee and shall contain, as a minimum, the following information:

- "i. Date of issuance.
- "ii Name/address of premises inspected.
- "iii. Nature of violation or hazard.
- "iv. Time limit for correction.
- "v. Right of appeal, if any, to the Board.

"vi. Right of appeal to the District Court and time limit.

"vii. Penalties for violation of order.

"viii. Signature of the Chief or his designee.

"ix. Acknowledgment of receipt signed by owner, lessee, agent or other responsible person.

"3. An appeal of a Notice of Violation or Hazard may be made to the Board of Appeals by delivery to the Chief in writing; a notice of appeal within five days of the issuance of the Notice of Violation or Hazard. The appeal shall be heard at the next regular or special meeting called for that purpose. The Board may affirm, rescind or modify the Notice and may enter into such enforcement agreements as it deems proper.

"4. An appeal of an "Order for Immediate Correction of Hazard" may be made to the Board of Appeals only if no previous appeal has been made of a previously issued 'Notice of Violation or Hazard' concerning the same violation or hazard. An appeal of an Order must be in writing and filed with the Board within three days of issuance of the Order.

"5. The Board of Appeals shall hear all such appeals and application for relief and render its decision thereon, in accordance with its bylaws, rules and regulations.

"6. In the event no appeal is made to the Board pursuant to this Code and resolution or to the court pursuant to Section 32-1-1002(3), C.R.S., and compliance with the Order and/or correction of the hazard has not occurred, the Board may, upon recommendations by the Chief or upon its own motion, refer the matter to the District Attorney of the county in which the violation occurs.

"7. An appeal shall suspend the time limits for compliance or correction of a fire hazard or hazards, until the appeal is resolved by the Board of Appeals."

Subsection 5 – Fees:

The following section is to be added to Chapter 1, and to be known as Section 112:

"Pursuant to Section 32-1-1002(1)(e)(11), C.R.S., the Board may fix and from time to time may increase or decrease fees and charges, in its discretion, for inspections and review of plans and specifications which are:

"a. Requested or mandated for existing structures, buildings and improvements; and

"b. Necessitated in conjunction with any County regulation, resolution or condition of development; or

"c. Performed in conjunction with the construction of new structures, buildings and improvements.

d. Fees for such items shall be assessed per the Eaton Fire Protection District.

"Said fees and charges may, in the discretion of the Board, include a charge for reimbursement to the District of any consultation fees, expenses or costs incurred by the District in the performance of the inspections, or review of the plans and specifications."

Subsection 6 – Fireworks:

The following Section 3301.1.3 is amended by its deletion in its entirety and shall read as follows:

"The applicable provisions of Colorado state statutes shall govern all fireworks, their sale, storage and use."

Subsection 7 – Flammable and Combustible Liquids:

The following section is to be added to Chapter 34, and to be known as Section 3401.1.1:

"Establishment of limits in which storage of flammable or combustible liquids is within the limits of the Town of Eaton shall be governed by any and all Town ordinances. Outside the Town limits, this shall be governed by Weld County standards or the 2003 International Fire Code."

Subsection 8 – Appendix B:

The required fire flows shall be calculated based on Appendix B.

"Exception:

"In locations through the District where the required fire flows cannot be provided, the Eaton Fire Protection District 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 interested person directly affected by the application of this Code. Said agreement may extend the time for compliance with this Code, and may contain such terms and conditions that the Fire Chief deems appropriate to adequately protect life, health, property, security and welfare of the general public."

Subsection 9 – Appendix C:

Appendix C shall be supplemented by the following:

The following Section C105 shall be repealed and replaced in its entirety with the following and shall be known as C195:

"Distribution of Fire Hydrants:

"Multi-Family Residential: Hydrants shall be 200' from structures and spacing of 400' in the Town limits.

"Commercial and Industrial: Hydrants shall be 150' from structures and spacing of 300'.

"Residential: Fire hydrants shall be no greater than 600 feet apart; with no structure greater than 300 feet from hydrant (600/300).

"Low-Density Residential: An individual analysis will be conducted for each subdivision where lots within the subdivision are equal or greater than two acres. Low-Density Residential shall comply with residential unless the District approves an alternative. Alternatives shall be based upon the individual analysis and the proposal submitted by the developer. Cisterns, dry hydrants and open water sources are not acceptable alternatives.

"Hydrants on streets, without access to structures or where no structural hazard is present, shall be spaced at 1,000 feet, except in rural areas where water supplies may not be available.

"Hydrants shall not be more than 10 feet from an approved fire access or roadway. The grade from the roadway or access and the hydrant shall be near to level.

"The placement of hydrants in developments without a grid type street design will be based upon an evaluation by the fire department to ensure operational needs.

"Placement of hydrants in dead-end streets shall be based upon the distance of the street from the intersection to the end of the street.

"The placement of hydrants at the end of dead-end streets where the water line also is a dead-end shall be used as a blowout and it is not credited for use in firefighting operations.

"Blowouts shall be designed to ensure that the blowout will not adversely affect the firefighting operations due to failure. (2" single outlet with a 2" valve off of the main water line with a like seal such as the Waterous Pacer with equivalent pressure ratings and an isolated resilient wedge valve).

"Streets with islands may require additional hydrants unless the hydrants are placed in the islands.

"Hydrants shall be visible and accessible for firefighters without difficulty. Vegetation and landscaping shall not conceal the hydrant."

Subsection 10 – Appendix C:

Appendix C shall be supplemented by the following:

The following Section C106 shall be added with the following and shall be known as C106:

"Types of Hydrants:

"Fire hydrants shall be equipped with an upper standpipe section with a nominal height equal to the Mueller Centurion. Fire hydrants shall be dry barrel. Fire hydrants shall have two 2½" ports and one 4½" port. All threads shall be National Standard Thread (NST). Fire hydrants shall operate by opening in a counter-clockwise direction and closing in a clockwise direction. The hydrant shall have the standard five-sided nut on the port caps and the operating stem. The hydrant shall be installed with the 4½" port facing the roadway with a height no less than 14" from grade."

(Ord. 525 §1, 2005)

Sec. 6-1-7. Uniform Housing-Code adopted by reference.

Pursuant to Section 31-16-201 et seq., C.R.S., there is hereby adopted as the housing code of the Town, by reference thereto, the Uniform Housing Code, 1997 edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "Uniform Housing Code of the Town of Eaton, Colorado."

(2) Purpose. The purpose of the Uniform Housing Code, 1997 Edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, is to provide minimum standards to safeguard life or 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 jurisdiction of the Town.

(3) Scope of provisions. The subject matter of the housing code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to housing in connection with the erection, construction, enlargement, alteration, repair, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

(4) Applicability of regulations. The provisions of this Section shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation.

(5) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform housing regulations. (Ord. 436 §1, 1993; Ord. 470 §1, 1998; Ord. 496 §1, 2002)

Sec. 6-1-8. Uniform Code for Building Conservation adopted by reference.

Pursuant to Section 31-16-201 et seq., C.R.S., there is hereby adopted as the Building Conservation Code of the Town, by reference thereto, the Uniform Code for Building Conservation, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "Uniform Code for Building Conservation of the Town of Eaton, Colorado."

(2) Purpose. The purpose of the Uniform Code for Building Conservation, 1997 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this code includes rules and regulations, provides for inspections and establishes standards for building conservation.

(3) Scope of provisions. The subject matter of the code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to building conservation.

(4) Applicability of regulations. This Section shall apply to all buildings, as defined in the document adopted in this Section, which are now in existence or which may hereafter be built within the Town.

(5) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding building conservation. (Ord. 496 §1, 2002)

Sec. 6-1-9. International Fuel Gas Code, 2000 Edition, adopted by reference.

The International Fuel Gas Code, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Eaton Fuel Gas Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as hereinafter provided.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "International Fuel Gas Code of the Town of Eaton, Colorado."

(2) Purpose. The purpose of the International Fuel Gas Code, 2003 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this code includes the rules and regulations, providing for standards addressing the design and installation of fuel gas systems and gas fire appliances.

(3) Scope of provisions. The subject matter of the code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to fuel gas systems and gas fire appliances.

(4) Applicability of regulations. This Section shall apply to all buildings, as defined in the document adopted in this Section, which are now in existence or which may hereafter be built within the Town.

(5) Interpretation provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding fuel gas systems and gas fire appliances.

(6) Amendments. The International Fuel Gas Code, 2003 Edition, adopted by this ordinance shall also contain the additions, deletions, insertions and changes as follows:

a. IFGC Section 101.1 (Title) is amended by the addition of the term "Town of Eaton" where indicated.

b. IFGC Section 101.2 (Scope) is amended by the deletion of Exception 2 in its entirety.

c. IFGC Sections 103 (Department of Inspection), 104 (Duties and powers of the code official), 105 (Approval), 106 (Permits), 108 (Violations) and 109 (Means of appeals) are deleted and substituted by the corresponding and applicable provisions contained within Chapter 1 (Administration) of the International Building Code as amended by the Town of Eaton.

d. IFGC Section 301.2 (Energy utilization) is amended by deleting the section in its entirety.

e. IFGC Section 404.9 (Minimum burial depth) is amended by the addition of the following: All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

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

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

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

i. IFGC Section 501.8 (Equipment not required to be vented) is amended by the deletion of item 8 and the paragraph that follows.

j. IFGC Section 614.6.1 (Maximum length) is amended by deleting the Exception in its entirety.

k. IFGC Section 621 (Unvented room heaters) is deleted in its entirety. (Ord. 509 §4, 2003)

Sec. 6-1-10. International Residential Code, 2003 Edition, adopted by reference.

The International Residential Code, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 43 inclusive, is hereby adopted by reference as the Town of Eaton Residential Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as hereinafter provided.

(1) Title for citation. The ordinance codified in this Section may be known and cited as the "International Residential Building Code for the Town of Eaton, Colorado."

(2) Purpose. The purpose of the International Residential Code, 2003 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this code includes rules and regulations, providing for standards addressing the design and construction of residential structures.

(3) Scope of provisions. The subject matter of the code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to residential structures.

(4) Applicability of regulations. This Section shall apply to all residential buildings, as defined in the document adopted in this Section, which are now in existence or which may hereafter be built within the Town.

(5) Interpretation of provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding residential structures.

(6) Amendments. The International Residential Code, 2003 Edition, adopted by the ordinance codified herein shall also contain the additions, deletions, insertions and changes as follows:

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

b. IRC Section R101.2 (Scope) is amended by the deletion of Exception 2.

c. IRC Section R102.2.7 (Existing structures) is amended by the deletion of the reference to the "International Property Maintenance Code."

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

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

"The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

"The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

"The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

f. IRC Section R109.1.5.1 (Fire-resistance-rated construction inspection) is amended by deleting the section in its entirety and replacing it with the following:

"Insulation inspection. After all insulation has been installed. In addition to the requirements of the State of Colorado regulations, insulation in residential buildings shall conform to the following standards.

<u>"Building Element</u>	<u>Minimum R Value</u>
Ceilings	R-30
Exterior walls	R-11
Subfloors over unheated crawl spaces	R-11
Windows and sliding doors	Double-glazed"

g. IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection as follows:

"R109.5.2 Lath and gypsum inspection. Inspection of all interior or exterior lathing and gypsum board shall be made after installation but before any plastering is applied or before gypsum board joints and fasteners are taped and finished."

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

i. IRC Section R112.1 (General) is amended by deleting the last three (3) sentences and inserting the following:

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

j. IRC Section R202 (Definitions) is amended by addition of the following:

" ;Sleeping Room; (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

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

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

Ground Snow load	Wind Speed (3-sec. gust)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
20 psf	110 Lyons 120	B	Severe	30 in.	Slight to Moderate	None to Slight	1	NO	Per Town	1000	45°F

1. IRC Section R305.1 (Minimum Height) Exception #2 is deleted and replaced with the following:

"All basements in new dwelling units, other than those basements clearly identified as cellars or mechanical spaces, shall have ceiling heights as required for habitable spaces. Where existing nonhabitable basements, constructed prior to the adoption of this code, are being converted to habitable uses, the building official shall be permitted to approve a minimum clear ceiling height of 6 foot 8 inches (2032 mm) from the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 4 inches (1931 mm) of the finished floor."

m. IRC Section R310.1.1 (Minimum opening area) is amended by deleting the Exception.

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

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

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

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

"Exceptions:

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

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

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

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

"Foundations shall be designed and the construction drawings stamped by a Colorado-registered professional engineer or licensed architect. The foundation design must be based on an engineer's soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by a State of Colorado licensed professional is required for setback verification on all new Group R Division 3 occupancies."

q. IRC Section R405.1 (Concrete and masonry foundations) is amended with the addition of the following after the first sentence: All foundation drains shall be designed and inspected by an engineer licensed and registered in the State of Colorado.

r. IRC Section R502.2 (Design and construction) is amended by the addition of a second sentence to read as follows:

"All floor systems shall have joists spaced a maximum of 19.2 inches (487.2 mm) on center or shall be designed by a Colorado-licensed engineer to have an L/480 limit of deflection."

s. IRC Section R602.3.1 (Stud size, height and spacing) is amended by the addition of a second sentence to read as follows:

"All exterior and load-bearing walls shall have studs spaced no more than 16 inches (406 mm) on center."

t. IRC Chapter 11 (Energy Efficiency) is deleted in its entirety.

u. IRC Section M1501.3 (Length limitation) is amended by deleting Exceptions 1 and 2 in their entirety.

v. IRC Section M1703.2.1 (Size of opening) is amended by the addition of the following Exception:

"Exception: Where combustion air ducts serve equipment which are located within and serve an individual dwelling unit and communicate directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU, the ducting shall be increased by adding an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

w. IRC Section G2407.6.1 (Outdoor combustion air; Two permanent-openings methods) is amended by the addition of the following exception:

"Exception: Where combustion air ducts serve equipment which are located within and serve an individual dwelling unit and communicate directly with the outdoors, 6 inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU, the ducting shall be increased by adding an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

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

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

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

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

aa. IRC Section G2420.5 (Equipment shutoff valve) is amended by deleting the Exception.

bb. IRC Section G2425.8 (Equipment not required to be vented) is amended by the deletion of item 7 and the paragraph that follows.

cc. IRC Section G2445 (Unvented room heaters) is deleted in its entirety.

dd. IRC Section P2501.1 (Scope) is amended by the addition of a second paragraph to read as follows:

"The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict with the provisions of this Part VII-Plumbing or the adopted plumbing code, the more restrictive shall apply. Specifically, the Colorado Plumbing Code shall apply in those instances where this Part VII-Plumbing or the adopted plumbing code does not provide technical requirements, specifications or standards. This Part VII-Plumbing or the adopted plumbing code shall apply in those instances where the Colorado Plumbing Code does not provide technical requirements, specifications or standards. Should the Colorado Plumbing Code and this Part VII-Plumbing or the adopted plumbing code each provide technical requirements, specifications or standards on any single matter in terms so distinct that determining which is more restrictive is not readily apparent, the Colorado Plumbing Code shall apply."

ee. IRC Section P2603.6 (Freezing) is amended by changing the last sentence to read:

"Water service pipe shall be installed not less than 12 inches (305 mm) deep or less than 12 inches (305 mm) below the frost line."

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

gg. IRC Section P3103.1 (Roof extension) is amended by filling in both areas where indicated to read "6 inches (152.4 mm)."

(Ord. 509 §5, 2003)

Sec. 6-1-11. Fees and charges.

Any fees and charges provided for in this Chapter VI may be amended by resolution adopted by the Board of Trustees. (Ord. 496 §1, 2002; Ord. 509 §6, 2003)

Sec. 6-1-12. Violation - penalty.

(a) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the

Town, or cause the same to be done, contrary to or in violation of any of the provisions of the codes adopted in this Chapter.

(b) Any person, firm or corporation violating any of the provisions of the codes adopted in this Chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes are committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. (Ord. 436 §1, 1993; Ord. 470 §1, 1998; Ord. 496 §1, 2002; Ord. 509 §7, 2003)

SECTION II

Fences

Sec. 6-2-1. Restrictions.

(a) Fences, walls and other architectural screening devices shall not exceed six (6) feet in height, measured from the ground level immediately adjacent to the fence or wall.

(b) Fences in C-2 District and in all Industrial Zoning Districts may exceed six (6) feet in height, but only by the addition of not more than three (3) strands of barbed wire.

(c) It shall be unlawful to erect or maintain, anywhere in the Town, a fence equipped with, or having, barbed wire, spikes or similar devices (except as in Section [b]) or any electrical charge sufficient to cause shock.

(d) In no case may a fence, wall and other architectural screening be located in, or extended partly into, any public right-of-way or easement, or within three (3) feet of a sidewalk, unless a revocable permit has been issued by the Town Board. (Ord. 336 §3, 1984; Ord. 457 §2, 1995)

Sec. 6-2-2. Placement.

(a) All fences shall be placed on the owner's property, except when an agreement between adjoining owners has been reached.

(b) If the owner places a fence on property on which the Town has an easement of any type, then the owner assumes all responsibility for loss if it becomes necessary to remove such fence in order to gain access to or repair the utilities contained or placed in such easement. (Ord. 336 §4, 1984; Ord. 457 §3, 1995)

Sec. 6-2-3. Violation and penalty.

(Repealed by Ord. 420 §1, 1991. See Section 1-3-1 for applicable penalty.)

SECTION III

Construction Standards

Sec. 6-3-1. Adoption.

Pursuant to Section 31-16-201 et seq., C.R.S., there is hereby adopted as the construction standards of the Town, by reference thereto, the Eaton Construction Standards 1987, as adopted and published September 1987 by the Town of Eaton, a Colorado municipality, 223 First, Eaton, Colorado. (Ord. 398, Section 1, 1987)

Sec. 6-3-2. Purpose.

The Eaton Construction Standards 1987 are adopted in order to provide uniform and standard minimum requirements for utilities, streets and associated construction within the Town. (Ord. 398 §2, 1987)

Sec. 6-3-3. Scope.

The subject matter of the Eaton Construction Standards 1987 includes comprehensive provisions and standards regulating the construction of municipal utilities, streets and associated construction and includes provisions for the approval of plans, permits, tests, inspection, warranty and acceptance, specifications and related matters. (Ord. 398 §3, 1987)

Sec. 6-3-4. Application.

This Chapter shall apply to all utility, street and associated construction after the effective date of this Chapter. (Ord. 398 §4, 1987)

Sec. 6-3-5. Interpretation.

This Chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform and standard regulations for municipal utilities, streets and associated construction. (Ord. 398 §7, 1987)

Sec. 6-3-6. Penalty for violation.

(Repealed by Ord. 420 §1, 1991. See Section 1-3-1 for applicable penalty.)

Sec. 6-3-7. Short title.

This Chapter may be known and cited as the Eaton Construction Standards 1987. (Ord. 398 §9, 1987)

SECTION IV

Traffic Sight Distances

Sec. 6-4-1. Purpose.

The purpose of the Sight Distance Chapter is to provide for the preservation and promotion of the public health, welfare and safety of the inhabitants of the Town by establishing minimum standards for the unobstructed cross-visibility at intersections of two (2) public right-of-ways. (Ord. 456 §1, 1995)

Sec. 6-4-2. Definitions.

Flowline. The transition between the gutter and the face of the curb within a public road right-of-way. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of the pavement or roadway of the outside traveled lane.

Sight distance obstruction - Public nuisance. Any object or objects that interfere with the ability of motor vehicle operators or pedestrians to adequately view traffic or control devices for the purpose of safe and proper use of public rights-of-way; such objects shall include, but not be limited to: walls, fences, hedges, shrubs, trees, signs, benches, vehicles and other such objects extending more than three (3) feet above flowline; or suspended less than eight (8) feet above the surrounding grade; or obstructing more than ten percent (10%) of the sight distance. A sight distance obstruction is hereby declared to be a safety hazard and thereby a public nuisance.

(1) Exempted shall be permanent buildings, suitable for human occupancy, for which a valid building permit had been issued prior to the effective date of this Chapter.

(2) The provisions of Section 7-2-44, Nonconforming uses shall not apply to "Sight Distance Obstructions."

Sight distance. The unobstructed view of a driver of a motor vehicle or a pedestrian within a "corner triangular area" at the intersection of two (2) public road rights-of-way.

Corner triangular area. The area formed by two (2) overlapping triangles at a corner intersection of two (2) public streets.

(1) The first triangle shall be described with two (2) equal sides formed by the intersection of the flowlines of the respective streets and measured from the point where they meet twenty-five (25) feet along each respective flowline. The third side shall be the line connecting the two (2) other sides. If a public alley intersects a public street, the first two (2) sides of the triangle will measure only fifteen (15) feet.

(2) The second triangle shall be described as having a base measured along the flowline of the through street from the point where the flowline meets the centerline of the controlled street three hundred (300) feet in each direction along the flowline of the through street. The height of the triangle is described as being measured from the point where the flowline of the through street meets the centerline of the controlled street ten (10) feet along such centerline. From this point the remaining two (2) sides are constructed by connecting lines to each end point of the base of the triangle.

Controlled streets. A street on which vehicular traffic is required by law to yield the right-of-way to vehicles on a through street or highway in obedience to a stop sign, yield sign or other traffic control device.

Administrative authority. The Town Administrator or his or her designated representative. (Ord. 456 §, 1995)

Sec. 6-4-3. Violation.

It shall be unlawful for any person who is an owner, occupant or other person in charge of any lot, block or parcel of land on which a sight distance obstruction exists to fail to remove such an obstruction within the time and manner prescribed by a "Notice of Abatement" duly served on such person as provided below. (Ord. 456, §1, 1995)

Sec. 6-4-4. Abatement of sight distance obstruction; notice required.

If any owner, occupant or person in charge of any lot, block or parcel of land within the Town fails to remove a sight distance obstruction within ninety (90) days after being notified to do so by the

administrative authority of the Town by certified and first class mail or personal service, (in any case, notice must always be provided to the owner), the administrative authority may direct that the sight distance obstruction be removed by an employee or subcontractor of the Town and charge the total cost thereof to such owner, occupant or person in charge of such lot, block or parcel of land, together with five percent (5%) additional for inspection and other incidentals. (Ord. 456 §1, 1995)

Sec. 6-4-5. Abatement by Town; collection of cost.

(a) In the event a sight distance obstruction is removed by order of the administrative authority of the Town, the total cost of removing such sight distance obstruction shall be paid to the Town Clerk within thirty (30) days after mailing by the Town Clerk to the owner of such lot, block or parcel of land, by certified and first class mail, notice of assessment of such cost.

(b) Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such property and shall have priority over all liens except general taxes and prior special assessments, and the same shall be certified at any time after such failure to so pay the same within thirty (30) days by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year to be collected in the same manner as other taxes are collected. (Ord. 456 §1, 1995)

Sec. 6-4-6. Right of entry on property.

Upon presentation of proper credentials, the administrative authority or agents of the Town may enter upon any property, vacant lots or premises in the Town to perform any duty imposed by this Chapter. (Ord. 456 §1, 1995)

Sec. 6-4-7. Property owner's right to hearing.

The persons to whom notice required under Section 6-4-4 is directed may file a written request for a hearing before the Town Board within the ninety-day period of compliance prescribed above by filing a written request with the Town Clerk. The hearing shall be held as soon as practicable after the filing of the request, but in no event later than the thirty (30) days after such filing. The persons to whom notices are directed shall be advised of the time and place of the hearing at least five (5) days in advance thereof. The decision of the Town Board after hearing shall be final and, until such decision, the Town shall not commence any of the procedures under Section 6-4-4 for removal. However, if the decision of the Board of Trustees is adverse to the person requesting the hearing, then he or she shall have ten (10) days from such decision to perform the work himself or herself; and if such work is not performed within such ten (10) days, the Town may then implement its removal procedures. (Ord. 456 §1, 1995)

Sec. 6-4-8. Immediate hazard.

If the administrative authority determines that a particular "sight distance obstruction" constitutes an imminent danger, such obstruction may be removed immediately and prior to the notice period provided in Section 6-4-4. Notice, however, shall be provided as soon as practicable, and the persons in interest shall have a right to request a hearing as provided in Section 6-4-7 within thirty (30) days of such notice. (Ord. 456 §1, 1995)

Sec. 6-4-9. Penalty.

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1-3-1. (Ord. 456 §1, 1995)

