

## CHAPTER 18

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## ARTICLE 1

### Building and Fire Codes

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

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., the following codes are hereby adopted and enacted by reference:

(1) International Building Code, 2006 edition, including all Appendices, with amendments as provided herein;

(2) International Mechanical Code, 2006 edition, including all Appendices, with amendments as provided herein;

(3) International Plumbing Code, 2006 edition, including all Appendices, with amendments as provided herein;

(4) International Residential Code, 2006 edition, including all Appendices, with amendments as provided herein;

(5) International Fuel Gas Code, 2006 edition, including all Appendices, with amendments as provided herein;

(6) International Fire Code, 2006 edition, including all Appendices, with amendments as provided herein; and

(7) Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, with amendments as provided herein.

(8) National Electrical Code, 2008 Edition (2008 NEC), published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, as adopted by the State.

(b) Said codes have been promulgated and published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20001-2070, except for the Uniform Code for the Abatement of Dangerous Buildings, which is published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601 and except for the National Electrical Code, which is published as stated above. (Ord. 282 Part 1.1, 2003; Ord. 332 Part 1, 2007; Ord. 351 Part 1.1, 2009)

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

(a) Not less than one (1) copy of each of said codes hereby adopted, including amendments provided herein, all certified by the Mayor and the Town Clerk to be true copies of said codes and amendments as they were adopted by this Article, shall be kept on file in the office of the Town Clerk and available for public inspection; provided, however, that a copy of each code as amended may be kept in the office of the Chief Enforcement Officer designated pursuant to such codes instead of the office of the Town Clerk.

(b) The Town Clerk shall maintain a reasonable supply of copies of said codes and amendments adopted herein for purchase by the public at a reasonable price as established from time to time by the Town Clerk. (Prior code 4-1-4; Ord. 332 Part 1, 2007)

**Sec. 18-1-30. Amendments.**

(a) The following sections of the International Building Code, adopted by reference in Section 18-1-10 above, are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

**"101.1 Title.** These regulations shall be known as the Building Code of the Town of Fraser, hereinafter referred to as 'this code.' "

(2) Section 101.4.1 is amended to read as follows:

**"101.4.1 Electrical.** The provisions of the ICC Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto."

(3) Section 101.4.4 is amended to read as follows:

**"101.4.4 Plumbing.** The provisions of the International Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water system or sewage system and all aspects of a medical gas system."

(4) Section 101.4.5 is hereby repealed in its entirety.

(5) Section 101.4.7 is amended to read as follows:

**"101.4.7 Energy.** The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency."

(6) Section 102.6 is amended to read as follows:

**"102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public."

(7) Section 103.2 is amended to read as follows:

**"103.2 Building official.** The building official is hereby authorized and directed to enforce all the provisions of this code; however, a guaranty that all buildings and structures have been constructed in accordance with all the provisions of this code is neither intended nor implied."

(8) Section 103.3 is amended to read as follows:

**"103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have the powers as delegated by the building official."

(9) Section 104.8 is amended to read as follows:

**"104.8 Liability.** The adoption of this code, and any previous building codes adopted by the Town of Fraser, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent, nor shall this code or any previous building codes be deemed to create any civil remedy against a public entity, public employee or agent. The building official, member of Board of Appeals or employee charged with acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damages accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by the officer or employee in the lawful discharge of duties under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code."

(10) Sections 105.1.1 and 105.1.2 are hereby repealed in their entirety.

(11) Section 105.5 is amended to read as follows:

**"105.5 Expiration.** Every permit issued by the building official under the provision of this code shall expire 24 months after the date of issue. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one extension of time, for a period of not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated."

(12) Section 106.1 is amended by adding new sections to read:

**"106.1.4 Proof of water and sewer.** The applicant shall provide documentation from the water and sanitation district of an approved water and sewer utility plan which may include paying the required water and sewer tap fees.

**"106.1.5 Emergency services impact fee.** A developer requesting approval of a development activity requiring additional emergency services shall pay the emergency services impact fee prior to any issuance of a building permit by the Town."

(13) Section 106.3 is amended by adding a new section to read as follows:

**"106.3.1.1 Required approvals.** The application and documents for permit shall be reviewed and approved by the Town Engineer and the Department of Planning and Zoning for compliance with Town ordinances."

(14) Section 106.3.3 is amended to read as follows:

**"106.3.3 Phased approval.** The building official shall not issue a permit until the construction documents for the whole building or structure have been submitted and approved."

(15) Section 106.3.4 is not amended.

(16) Section 107.3, Temporary power, is hereby repealed in its entirety.

(17) Section 108.2 is amended to read as follows:

**"108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with Appendices B and C of the Fraser Municipal Code."

(18) Section 109 is amended by adding a new subsection to read as follows:

**"109.7 Reinspections.** A reinspection fee, amount per Appendix B of the Fraser Municipal Code, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failing to provide access on the date for which the inspection is requested or deviating from the approved plans. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the reinspection fees have been received by the Building Department.

(19) Section 110.1 is amended by adding an Exception to read as follows:

**"110.1 Exception:** Group U Occupancy."

(20) Section 110.2 is not amended.

(21) Section 112, Board of Appeals, is amended to read as follows:

**"112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business."

(22) Section 202 is amended by adding the following definitions within the alphabetical order of the existing definitions:

"BEDROOM is a room which is designed as a sleeping room, a loft, a mezzanine in Group R Occupancies or a room or area that can be used as a sleeping room and contains a closet.

"KITCHEN is a room or area that is designated to be used for the preparation of food which contains more than one standard size kitchen appliance or fixture.

"UNUSEABLE CRAWLSPACES is the area under the first-story floor system which has less than five feet (5') of head room and an unfinished floor."

(23) Section 403 shall be amended to read as follows:

**"403.1 Applicability.** The provisions of this section shall apply to buildings having habitable space or occupiable space located more than fifty feet (50') above the lowest ground elevation of fire department vehicle access."

(24) Section 509 is amended by adding a new subsection to read as follows:

**"509.9 Group S-1, Mini storage.** Buildings used for mini storage shall be compartmentalized by not less than one-hour fire-resistive construction at each floor/ceiling and at each one thousand (1,000) square feet of floor area."

(25) Section 901.5 is amended to read as follows:

**"901.5 Acceptance tests.** Fire protection systems shall be tested in accordance with the requirements of this code and the International Fire Code. When required, the test shall be conducted in the presence of the Fire Chief or the Fire Chief's authorized representative. Tests required by this code, the International Fire Code and the standards listed in this code shall be conducted at the expense of the owner or the owner's representative. It shall be unlawful to occupy portions of a structure until the required fire protection systems within that portion of the structure have been tested and approved."

(26) Section 901.6 shall be amended by adding a section to read as follows:

**"901.6.4 Key box.** Where a supervisory station is required by this section and where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes as determined by the Fire Chief, an approved rapid entry key lock box shall be installed.

**"901.6.4.1 Devices.** Key lock boxes shall be Underwriters Laboratories-certified and approved by the Fire Chief.

**"901.6.4.2 Location.** The key lock box shall be located at or near the main entrance to the building, mounted at a height of six feet (6') above final grade at a location approved by the Fire Chief.

**"901.6.4.3 Key box contents.** The key box shall contain labeled keys to provide access into the building."

(27) Section 1009.3.3 is amended to read as follows:

**"1009.3.3 Profile.**

**"Exception:** Solid risers are not required for stairways that are not required to comply with Section 1007.3."

(28) Section 1503 is amended by adding three (3) new subsections as follows:

**"1503.6 Snow-shed barriers.** Roofs shall be designed to prevent accumulation of snow from shedding onto exterior balconies, decks, pedestrian and vehicular exits from buildings, stairways, sidewalks, streets, alleys, areas directly above or in front of gas utility or electric utility meters or adjacent properties.

**"Exception:** Mechanical barriers installed to prevent snow shedding from the roof which are secured to the roof framing members or to solid blocking secured to framing members in accordance with the manufacturer's installation instructions.

**"1503.7 Fall protection.** Permanent fall protection anchors shall be installed on all new construction. Roof anchors or similar devices shall be installed in accordance with the manufacturer's installation instructions.

**"1503.8 Valley outlets.** Each roof valley shall have access to an electrical receptacle installed according to the electrical code."

(29) Sections 1507.2.8.2, 1507.5.3, 1507.6.3, 1507.8.3 and 1507.9.3 are amended to read as follows:

**"1507.2.8.2, 1507.5.3, 1507.6.3, 1507.8.3, 1507.9.3 Underlayment and ice dam membrane.** In areas where there has been a history of ice forming along the eaves causing a backup of water, a membrane that consists of at least two layers of underlayment cemented together or a self-adhering polymer-modified bitumen sheet shall be used in lieu of normal underlayment and extend from the eave's edge to a point at least six feet (6') inside the exterior wall line of the building, up twenty-four inches (24") on any vertical wall within six feet (6') of exterior wall line and twenty-four inches (24") from the center line of a valley."

(30) Section 1608.1 is amended by adding a new table to read as follows:

**"1608.1 General.** Design snow loads shall be determined in accordance with Table 1608.1, but the design roof load shall not be less than that determined by Section 1607.

"TABLE 1608.1 DESIGN SNOW LOADS FOR ROOFS	
9,000 feet above sea level =	98 pounds per square foot
9,250 feet above sea level =	105 pounds per square foot
9,500 feet above sea level =	113 pounds per square foot
9,750 feet above sea level =	120 pounds per square foot
10,000 feet above sea level =	128 pounds per square foot
10,250 feet above sea level =	136 pounds per square foot

10,500 feet above sea level	=	145 pounds per square foot
10,750 feet above sea level	=	154 pounds per square foot"

(31) Section 1608.3 is amended by adding a new subsection to read as follows:

**"1608.3 Drifts on lower roofs.** In areas where the ground snow load,  $P_g$ , as determined by Section 1608.2, is equal to or greater than five (5) pounds per square foot, roofs shall be designed to sustain localized loads from snow drifts in accordance with Section 7.7 of ASCE 7. For determining the ground snow load for this section, multiply the design snow load by 0.833."

(32) Section 1612.3 is amended to read as follows:

**"1612.3 Establishment of flood hazard areas.** The Town of Fraser has adopted floodplain regulations within Chapter 18, Article 4 of the Fraser Municipal Code."

(33) Section 1805.2.1 is amended to read as follows:

**"1805.2.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected by one or more of the following methods:

- "1. Extended at least 30" (thirty inches) below finished grade.
- "2. Constructing in accordance with ASCE 32; or
- "3. Erecting on solid rock."

(34) Section 2111 is amended by adding a new section to read as follows:

**"2111.1.1 Limitation on the number.** The number of approved solid fuel-burning appliances or devices which may be installed shall not exceed the following limits:

- "1. Detached single-family dwelling: one approved solid fuel-burning appliance or device per dwelling.
- "2. Building with two dwelling units: one approved solid fuel-burning appliance or device per dwelling unit, provided that the dwelling unit is greater than one thousand five hundred (1,500) square feet in total living area.
- "3. Apartments, condominiums, commercial and industrial buildings: Apartments, condominiums, commercial and industrial buildings shall be allowed to install one approved solid fuel-burning appliance or device in a lobby or other common area of the apartment, condominium or hotel. Only an approved nonsolid fuel-burning appliance may be installed within any apartment, condominium or hotel/motel room."

(35) Section 2301.2 is amended to read as follows:

**"2301.2 General design requirements.** The design of structural elements or systems, constructed partially or wholly of wood or wood-based products, shall be in accordance with one of the following methods. The use of load duration factors for snow load shall not be permitted in any of these design methods."

(36) Section 2901.1 is amended to read as follows:

**"2901.1 Scope.** The provisions of this chapter and the International Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the International Plumbing Code."

(37) Section 3001.1 is amended to read as follows:

**"3001.1 Scope.** This chapter governs the design, construction, installation, alteration, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefor and providing procedures for the inspection and maintenance of such conveyances."

(38) Chapter 30, concerning elevators, moving walks, escalators or dumbwaiters, is amended by adding four (4) new sections and subsections to read as follows:

### **"Section 3007 Permits & Certificates of Inspection**

**"3007.1 Permits required.** It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make major alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first obtaining a permit for such installation from the building official. Permits shall not be required for maintenance or minor alterations.

**"3007.2 Certificates of inspection required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspections and tests have been performed in accordance with Part X of the ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3010.

**"Exception:** Certificates of inspection shall not be required for conveyances within a dwelling unit.

**"3007.3 Application for permits.** Application for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner upon payment of the permit fees specified in this section.

**"3007.4 Applications for certificates of inspection.** Application for a certificate of inspection shall be made by the owner of an elevator, dumbwaiter, escalator or moving walk.

Applications shall be accompanied by an inspection report as described in Section 3009. Fees for certificates of inspection shall be as specified in this section.

**"3007.5 Fees.** A fee for each permit or certificate shall be paid to the building official as prescribed in Appendix B of the Fraser Municipal Code.

### **"Section 3008 Design**

**"3008.1 Detailed requirements.** For detail design, construction and installation requirements, see Chapter 16 and the appropriate requirements of ASME A17.1.

### **"Section 3009 Requirements for Operation and Maintenance**

**"3009.1 General.** The owner shall be responsible for safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installation and shall cause periodic inspections to be made on such conveyances as required in this section.

**"3009.2 Periodic inspections and tests.** Routine and periodic inspections and tests shall be made as required by Part X of ASME A17.1.

**"3009.3 Alterations, repairs and maintenance.** Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

**"3009.4 Inspection costs.** All cost of such inspections and tests shall be paid by the owner.

**"3009.5 Inspection reports.** After each required inspection, a full and correct report of such inspection shall be filed with the building official.

### **"Section 3010 Unsafe Conditions**

**"3010.1 Unsafe conditions.** When an inspection reveals an unsafe condition of an elevator, moving walk, escalator or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of such inspection and such unsafe condition. If the building official finds that an unsafe condition endangers human life, the building official shall cause to be placed on such elevator, escalator or moving walk, in a conspicuous place, a notice stating the conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed only by the building official when satisfied that the unsafe conditions have been corrected."

(39) Section 3109.3 is amended by adding an Exception to read as follows:

**"3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence at least four feet (4') in height or a screen enclosure. Openings in the fence shall not permit the passage of a four-inch (4") diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

**Exception:** A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F1346.

(4) All of Chapter 34, Existing Structures, is deleted.

(b) The following sections of the International Mechanical Code, adopted by reference in Section 18-1-10 above, are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

**"101.1 Title.** These regulations shall be known as the Mechanical Code of the Town of Fraser, hereinafter referred to as 'this code.' "

(2) Section 103.2 is amended to read as follows:

**"103.2 Building Official.** See Paragraph 18-1-30(a)(7), Section 103.2."

(3) Section 103.3 is amended to read as follows:

**"103.3 Deputies.** See Paragraph 18-1-30(a)(8), Section 103.3."

(4) Section 103.4 is amended to read as follows:

**"103.4 Liability.** See Paragraph 18-1-30(a)(9), Section 104.8."

(5) Section 101.4.7 is hereby added to read as follows:

**"101.4.7 Energy.** The provisions of the International Energy Conservation Code, 2006 Edition, shall apply to all matters governing the design and construction of buildings for energy efficiency."

(6) Section 106.5.2 is amended to read as follows:

**"106.5.2 Fee schedule.** The fees for mechanical work shall be in accordance with Appendix B of the Fraser Municipal Code."

(7) Section 106.5.3 is amended to read as follows:

**"106.5.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

"1. The full amount of any fee paid hereunder which was erroneously paid or collected.

"2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"3. Not more than 80 percent of the plan review fee paid when an application for a permit which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

(8) Section 106.5 is amended by adding a new subsection to read as follows:

**"106.5.4 Reinspections.** See Paragraph 18-1-30(a)(18), 109.7.

(9) Section 108.5 is amended to read as follows:

**"108.5 Stop work orders.** Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work."

(10) Section 109, Means of appeals, is amended by deleting Section 109 and adding to read as follows:

**"109.1 Application for appeal.** See Paragraph 18-1-30(a)(21), Section 112.1."

(11) Section 903.3 is amended to read as follows:

**"903.3 Unvented gas log heaters.** Unvented gas log heaters are prohibited."

(c) The following sections of the International Plumbing Code, adopted by reference in Section 18-1-10 above, are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

**"101.1 Title.** These regulations shall be known as the International Plumbing Code of the Town of Fraser, hereinafter referred to as 'this code.' "

(2) Section 101.3 is amended to read as follows:

**"101.3 Intent.** 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 plumbing equipment and systems. 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 this code, the more restrictive shall apply."

(3) Section 103.2 is amended to read as follows:

**"103.2 Building official.** See Paragraph 18-1-30(a)(7), Section 103.2."

(4) Section 103.3 is amended to read as follows:

**"103.3 Deputies.** See Paragraph 18-1-30(a)(8), Section 103.3."

(5) Section 103.4 is amended to read as follows:

**"103.4 Liability.** See Paragraph 18-1-30(a)(9), Section 104.8."

(6) Section 106.5.3 is amended to read as follows:

**"106.5.3 Expiration.** See Paragraph 18-1-30(a)(11), Section 105.5."

(7) Section 106.6.2 is amended to read as follows:

**"106.6.2 Fee schedule.** The fees for plumbing work shall be in accordance with Appendix B of the Fraser Municipal Code.

(8) Section 106.6.3 is amended to read as follows:

**"106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

"1. The full amount of any fee paid hereunder that was erroneously paid or collected.

"2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"3. Not more than 80 percent of the plan review fee paid when an application for a permit which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

(9) Section 106.6 is amended by adding a new subsection to read as follows:

**"106.6.4 Reinspections.** A reinspection fee, amount per Appendix B of the Fraser Municipal Code, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failing to provide access on the date for which the inspection is requested or for deviating from the approved plans. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the reinspection fees have been received by the Building Department."

(10) Section 108.5 is amended to read as follows:

**"108.5 Stop work orders.** See Municipal Code Paragraph 18-1-30(b)(9), Section 108.5."

(11) Section 305.6.1 is amended to read as follows:

**"305.6.1 Sewer depth.** Building sewers shall be a minimum of 48 inches (1219.2 mm) below grade."

(12) Section 701.2 is amended to read as follows:

**"701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

**"Exception:** When approved by the Board of Trustees."

(13) Section 904.1 is amended to read as follows:

**"904.1 Roof extension.** All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof."

(d) The following section of the Uniform Code for the Abatement of Dangerous Buildings, adopted by reference in Section 18-1-10 above, is hereby amended as follows:

(1) Section 301 is amended by amending the definition of BUILDING CODE to read as follows:

**"301 – General.** BUILDING CODE is the International Building Code published by the International Code Council, Inc. as adopted by this jurisdiction."

(e) The following sections of the International Residential Code, adopted by reference in Section 18-1-10 above, are hereby amended as follows:

(1) Section R101.1 is amended to read as follows:

**"R101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Town of Fraser, and shall be cited as such and will be referred to herein as 'this code.' "

(2) Section R102.7 is amended to read as follows:

**"R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public."

(3) Section R103.2 is amended to read as follows:

**"R103.2 Appointment building official.** See Section 2-3-50 of the Fraser Municipal Code."

(4) Section R103.3 is amended to read as follows:

**"R103.3 Deputies.** See Paragraph 18-1-30(a)(8), Section 103.3."

(5) Section R104.8 is amended to read as follows:

**"R104.8 Liability.** See Paragraph 18-1-30(a)(9), Section 104.8."

(6) Section R105.2 is amended by deleting Item 5 under "Building," said section to read in part as follows:

**"R105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**"Building:**

~~"5. Sidewalks and driveways."~~

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

**"R105.5 Expiration.** See Paragraph 18-1-30(a)(11), Section 105.5."

(8) Section R106.1 is amended by adding new sections to read:

**"R106.1.4 Proof of water and sewer.** The applicant shall provide documentation from the Water and Sanitation District of an approved water and sewer utility plan which may include paying the required water and sewer tap fees.

**"R106.1.5 Emergency services impact fee.** A developer requesting approval of a development activity requiring additional emergency services shall pay the impact fee prior to any issuance of a building permit by the Town.

**"R106.1.7 Public and private improvements and financial guarantees.** Each building permit application submitted for developments requiring public and private improvements shall be accompanied by a Board of Trustees-approved subdivision or development improvements agreement ('agreement') and a letter of credit or cash deposit in the amount specified in the agreement."

(9) Section 106.3 is amended by adding a new section to read as follows:

**"R106.3.1.1 Required approvals.** The application and documents for permit shall be reviewed and approved by the Town Engineer and the Department of Planning and Zoning for compliance with Town ordinances."

(10) Section 106.3.3 is amended to read as follows:

**"106.3.3 Phased approval.** The building official shall not issue a permit until the construction documents for the whole building or structure have been submitted and approved."

(11) Section R108.2 is amended to read as follows:

**"R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Appendices B and C of the Fraser Municipal Code."

(12) Section R108 is amended by adding a new subsection to read as follows:

**"R108.6 Work commencing before permit issuance.** Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee that shall be in addition to the required permit fees. The investigation fee shall be as set forth in Appendix B of the Fraser Municipal Code."

(13) Section R109 is amended by adding a new subsection to read as follows:

**"R109.5 Reinspections.** A reinspection fee, amount per Appendix B of the Fraser Municipal Code, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failing to provide access on the date for which the inspection is requested, or deviating from the approved plans. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the reinspection fees have been received by the Building Department."

(14) Section R110.1 is amended by adding an additional Exception to read as follows:

**"R110.1 Use and occupancy.**

**"Exceptions:**

"3. Group U Occupancy"

(15) Section R110.3 is not amended.

(16) Section R112 is repealed in its entirety and reenacted to read as follows:

**"R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business."

(17) Section R202 is amended by inserting the following definitions within the alphabetical order of the existing definitions:

"BEDROOM is a room which is designed as a sleeping room, a loft, a mezzanine in Group R Occupancies or a room or area that can be used as a sleeping room and contains a closet.

"KITCHEN is a room or area that is designated to be used for the preparation of food which contains more than one standard size kitchen appliance or fixture.

"UNUSABLE CRAWLSPACES is the area under the first-story floor system which has less than five feet (5') of head room and an unfinished floor."

(18) Table R301.2(1) is amended to read as follows:

"Table R301.2(1) Roof Snow Load
9,000 feet above sea level is 98 pounds per square ft
9,250 feet above sea level is 105 pounds per square ft
9,500 feet above sea level is 113 pounds per square ft
9,750 feet above sea level is 120 pounds per square ft
10,000 feet above sea level is 128 pounds per square ft
10,250 feet above sea level is 136 pounds per square ft
10,500 feet above sea level is 145 pounds per square ft
10,750 feet above sea level is 154 pounds per square ft
Wind is ninety (90) miles per hour
Seismic design category is 'B'
Weathering probability for concrete is 'severe'
Frost line depth is thirty inches (30")
Termite infestation probability is 'none to slight'
Decay probability is 'none to slight'
Winter design temperature is -16 degrees Fahrenheit
Flood hazards — See flood insurance reference map"

(19) Table R301.5 is amended by adding footnote letter j, to read as follows:

**"Table R301.5 Minimum Uniformly Distributed Live Loads<sup>j</sup>**

"j. In uses exposed to the snow load, the design roof load shall control."

(20) Section R311.5.3.3 is amended to read as follows:

**"R311.5.3.3 Profile.** The radius of curvature at the leading edge of the tread shall be no greater than  $\frac{9}{16}$  inch. A nosing not less than  $\frac{3}{4}$  inch but not more than  $1\frac{1}{4}$  inches shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than  $\frac{3}{8}$  inch between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed  $\frac{1}{2}$  inch. Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted."

(21) Section R403.1 is amended to read as follows:

**"R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footings shall include a minimum of two #4 reinforcement bars to be tied continuously and spaced a minimum of three inches from the ground and equally within the footing.

**"Exception:** Systems designed and stamped by a design professional."

(22) Section R613.2, Window sills, is repealed in its entirety.

(23) Section R802.2 is amended to read as follows:

**"R802.2 Design and construction.** The framing details required in Section R802 apply to roofs having a minimum slope of three units vertical in 12 units horizontal (25-percent slope) or greater. Roof-ceilings shall be designed and constructed in accordance with the provisions of this chapter and Figures R606.11(1), R606.11(2) and R606.11(3) or in accordance with AFPA/NDS. The use of load-duration factors for snow load shall be prohibited. Components of roof-ceilings shall be fastened in accordance with Table R602.3(1)."

(24) Section R903 is amended by adding four (4) new subsections to read as follows:

**"R903.6 Snow-shed barriers.** Roofs shall be designed to prevent accumulations of snow from shedding onto landings outside pedestrian doorways, stairways and areas directly above or in front of gas utility or electric utility meters, and adjacent properties.

**"R903.6.1 Mechanical barriers.** Mechanical barriers installed to prevent snow shedding from the roof shall be secured to roof framing members or to solid blocking secured to framing members in accordance with the manufacturer's installation instructions. Individual devices installed in a group of devices to create a barrier to prevent snow shedding shall be installed in at least two (2) rows, with the first row no more than twenty-four inches (24") from the edge of the roof or eave. The rows shall be parallel with the exterior wall line, and the devices in each row shall be staggered for a spacing of no more than twenty-four inches (24") on center measured parallel with the exterior wall line. Continuous snow barriers shall be secured to roof framing at no more than forty-eight inches (48") on center. Continuous barriers shall be installed parallel with the exterior wall line and no more than twenty-four inches (24") from the edge of the roof or eave.

**"R903.7 Fall protection.** Permanent fall protection anchors shall be installed on all new construction. Roof anchors or similar devices shall be installed in accordance with the manufacturer's installation instructions.

**"R903.8 Valley outlets.** Each roof valley shall have access to an electrical receptacle installed according to the electrical code."

(25) Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1 are amended to read as follows:

**"Ice barrier.** In areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2(1), an ice barrier that consists of a least two layers of underlayment cemented together or of a self-adhering polymer-modified bitumen sheet, shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least six feet (6') inside the exterior wall line of the building, up twenty-four inches (24") on any vertical wall within six feet (6') of exterior wall line, and twenty-four inches (24") from the center line of a valley."

(26) Section R905.2.8.4 is amended by adding an Exception to read as follows:

**"R905.2.8.4 Sidewall flashing.**

**"Exceptions:**

"1. Solid flashing approved by the building official."

(27) Section R1001 is amended by adding a new Section to read as follows:

**"R1001.1.1 Limitation on the number.** The number of approved solid fuel-burning appliances or devices which may be installed shall not exceed the following limits:

"1. Detached single-family dwelling: one approved solid fuel-burning appliance or device per dwelling.

"2. Building with two dwelling units: one approved solid fuel-burning appliance or device per dwelling unit, provided that the dwelling unit is greater than one thousand five hundred (1,500) square feet in total living area.

"3. Apartments, condominiums, commercial and industrial buildings: Apartments, condominiums, commercial and industrial buildings shall be allowed to install one approved solid fuel-burning appliance or device in a lobby or other common area of the apartment, condominium or hotel. Only an approved nonsolid fuel-burning appliance may be installed within any apartment, condominium or hotel/motel room."

(28) Section R1004.4 is amended to read as follows:

**"R1004.4 Unvented gas log heaters.** Installation of unvented gas log heaters is prohibited."

(29) Chapter 11, Energy Efficiency, is deleted in its entirety.

(30) Section G2406.2 is amended to read as follows:

**"G2406.2(303.3) Prohibited locations.** Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

"1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.

"2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section G2407.5

"5. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with Section G2407.6."

(31) Section G2417.4.1 is amended to read as follows:

**"G2417.4.1(406.4.1) Test pressure.** The test pressure to be used shall be no less than 1½ times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds 125 psi, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe."

(32) Section G2425.8 is amended to read as follows:

**"G2425.8(501.8) Equipment not required to be vented.** The following appliances shall not be required to be vented:

"1. Ranges.

"2. Built-in domestic cooking units listed and marked for optional venting.

"3. Hot plates and laundry stoves.

"4. Type 1 clothes dryers (Type 1 clothes dryers shall be exhausted in accordance with the requirements of Section G2437).

"5. Refrigerators.

"6. Counter appliances.

"Where the appliances and equipment listed in Items 1 through 6 above are installed so that the aggregate input rating exceeds 20 Btu per hour per cubic foot of volume of the room or space in which such appliances and equipment are installed, one or more shall be provided with venting systems or other approved means for conveying the vent gases to the outdoor atmosphere so that the aggregate input rating of the remaining unvented appliances and equipment does not exceed the 20 Btu per hour per cubic foot figure. Where the room or space in which the equipment is installed is directly connected to another room or space by a doorway, archway or other adjacent room or space of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations."

(33) Section G2445 is amended to read as follows:

**"G2445.1(620.1) Prohibited installation.** Installation of unvented room heaters is prohibited.

**"G2445.7 Unvented decorative room heaters.** An unvented decorative room heater shall not be installed in a factory-built fireplace unless the fireplace system has been specifically tested, listed and labeled for such use in accordance with UL 127."

(34) Section P2501.1 is amended to read as follows:

**"P2501.1 Scope.** The provisions of this chapter shall establish the general administrative requirements applicable to plumbing systems and inspection requirements of this code. 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 this code, the more restrictive shall apply."

(35) Section P3103.1 is amended to read as follows:

**"P3101.1 Roof extension.** Open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof and within twenty-four inches (24") of the peak of the roof."

(f) The following sections of the International Fuel Gas Code, adopted by reference in Section 18-1-10 above, are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

**"101.1 Title.** These regulations shall be known as the Fuel Gas Code of the Town of Fraser, and shall be referred to as 'this code.' "

(2) Section 103.2 is amended to read as follows:

**"103.2 Appointment building official.** See Paragraph 18-1-30(a)(7), Section 103.2."

(3) Section 103.3 is amended to read as follows:

**"103.3 Deputies.** See Paragraph 18-1-30(a)(8), Section 103.3."

(4) Section 103.4 is amended to read as follows:

**"103.4 Liability.** See Paragraph 18-1-30(a)(9), Section 104.8."

(5) Section 106.4.3 is amended to read as follows:

**"106.4.3 Expiration.** See Paragraph 18-1-30(a)(11), Section 105.5."

(6) Section 106.5.2 is amended to read as follows:

**"106.5.2 Fee schedule.** The fees for work shall be in accordance with Appendices B and C of the Fraser Municipal Code."

(7) Section 106.5.3 is amended to read as follows:

**"106.5.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

"1. The full amount of any fee paid hereunder which was erroneously paid or collected.

"2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"3. Not more than 80 percent of the plan review fee paid when an application for a permit which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

(8) Section 106.5 is amended by adding a new subsection to read as follows:

**"106.5.4 Reinspections.** A reinspection fee, as specified in Appendix B of the Fraser Municipal Code, may be assessed for each inspection or reinspection when such portion of work for which inspections is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failing to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the code official. In instances where reinspection fees have been assessed, no additional inspection of work will be performed until the reinspection fees have been collected by the Building Department.

(9) Section 108.5 is amended to read as follows:

**"108.5 Stop work orders.** Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work."

(10) Section R109 is repealed in its entirety and reenacted to read as follows:

### **"Section 109 Board of Appeals**

**"109.1 Application for appeal.** A person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of

construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served."

(11) Section 303.3 is amended to read as follows:

**"303.3 Prohibited locations.** Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

"1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.

"2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5.

"5. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with Section 304.6."

(12) Section 406.4.1 is amended to read as follows:

**"406.4.1 Test pressure.** The test pressure to be used shall be no less than 1½ times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe."

(13) Section 501.8 is amended to read as follows:

**"501.8 Equipment not required to be vented.** The following appliances shall not be required to be vented:

"1. Ranges.

"2. Built-in domestic cooking units listed and marked for optional venting.

"3. Hot plates and laundry stoves.

"4. Type 1 clothes dryers (Type 1 clothes dryers shall be exhausted in accordance with the requirements of Section 614.)

"5. A single booster-type automatic instantaneous water heater, where designed and used solely for the sanitizing rinse requirements of a dishwashing machine, provided that the heater is installed in a commercial kitchen having a mechanical exhaust system. Where installed in this manner, the draft hood is required, shall be in place and unaltered, and the

draft hood outlet shall be not less than 36 inches (914 mm) vertically and 6 inches (152 mm) horizontally from any surface other than the heater.

"6. Refrigerators.

"7. Counter appliances.

"8. Direct-fired make-up air heaters.

"9. Other equipment listed for unvented use and not provided with flue collars.

"10. Specialized equipment of limited input such as laboratory burners and gas lights.

"Where the appliances and equipment listed in Items 5 through 10 above are installed so that the aggregate input rating exceeds 20 British thermal units (Btu) per hour per cubic feet (207 watts per m<sup>3</sup>) of volume of the room or space in which such appliances and equipment are installed, one or more shall be provided with venting systems or other approved means for conveying the vent gases to the outdoor atmosphere so that the aggregate input rating of the remaining unvented appliances and equipment does not exceed the 20 Btu per hour per cubic foot (207 watts per m<sup>3</sup>) figure. Where the room or space in which the equipment is installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations."

(14) Section 603.1 is amended to read as follows:

**"603.1 General.** Log lighters are prohibited."

(15) Section 621.1 is amended to read as follows:

**"621.1 Prohibited installation.** Installation of unvented room heaters is prohibited."

(g) The following sections of the International Fire Code, adopted by reference in Section 18-1-10 above, are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

**"101.1 Title.** These regulations shall be known as the Fire Code of the Town of Fraser, hereinafter referred to as 'this code.' "

(2) Section 103.2 is amended to read as follows:

**"103.2 Appointment building official.** See Paragraph 18-1-30(a)(7), Section 103.2."

(3) Section 103.3 is amended to read as follows:

**"103.3 Deputies.** See Paragraph 18-1-30(a)(8), Section 103.3."

(4) Section 103.4 is amended to read as follows:

**"103.4 Liability.** See Paragraph 18-1-30(a)(9), Section 104.8."

(5) Section 105.3.1 is amended to read as follows:

**"105.3.1 Expiration.** See Paragraph 18-1-30(a)(11), Section 105.5."

(6) Section 106.2 is amended by adding a new subsection to read as follows:

**"106.2.1 Reinspections.** A reinspection fee, as specified in Appendix B of the Fraser Municipal Code, may be assessed for each inspection or reinspection when such portion of work for which inspections is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failing to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the code official. In instances where reinspection fees have been assessed, no additional inspection of work will be performed until the reinspection fees have been collected by the Building Department."

(7) Section 108 is repealed in its entirety and reenacted to read as follows:

**"108.1 General.** A person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served."

(8) The limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

"Section 3204.3.1.1 (limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): any amount of storage of flammable cryogenic fluids is prohibited."

"Section 3404.2.9.5.1 (limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited): storage of Class I and Class II liquids in aboveground tanks outside of buildings is restricted to 250 gallons or less.

"Exception: When a permit has been issued by the Fire Chief.

"Section 3406.2.4.4 (limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited): storage of Class I and Class II liquids in aboveground tanks outside of buildings is restricted to 250 gallons or less.

"Exception: When a permit has been issued by the Fire Chief.

"Section 3804.2 (limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): storage of liquefied petroleum gas is restricted to 2,000 gallons or less."

(9) Section 307, Open burning, is amended by the addition of a new Subsection 307.6, which shall read as follows:

**"307.6 Demolition burning.**

"(a) Definitions. As used in this section, unless the context otherwise requires, the following words and phrases shall have the meaning as defined herein:

"1. BOARD OF TRUSTEES or BOARD means the Board of Trustees of the Town of Fraser, Colorado.

"2. PERSON means any individual, firm, company, corporation, district or private or governmental entity of any kind.

"3. FIRE DISTRICT means the East Grand Fire Protection District No. 4.

"4. DEMOLITION BURNING means the intentional burning of any building, garage, house, shed or other building or structure, or any portion thereof, within the Town of Fraser, for the purpose of demolishing, destroying or disposing of such building or structure.

"(b) Permit required; exceptions. It shall be unlawful for any person to undertake, participate in or authorize any demolition burning within the Town of Fraser, except in accordance with a permit issued for such demolition burning as provided in this section. The provisions of this section shall not apply to the burning of waste materials and rubbish produced by mechanical demolition of a building or structure, but such burning shall be subject to other applicable provisions of the International Fire Code, as adopted by the Town of Fraser, including those provisions relating to open burning.

"(c) Owner's obligations. In order to obtain a permit for demolition burning pursuant to this section, the owner(s) of the property to be burned shall comply with the following requirements and conditions:

"1. The owner of the building or structure to be burned shall make adequate provisions for the termination, relocation or protection of all utilities.

"2. The owner shall indemnify the Town of Fraser and the Fire District from any and all liabilities, losses and expenses, including attorney fees, suffered or incurred as a result of the demolition burning, and shall provide proof of adequate security in the form of insurance or otherwise to guarantee such indemnification.

"3. The owner shall provide an adequate performance bond or other security acceptable to the Board of Trustees to ensure that the site is cleaned up and restored in the manner and within the time required by the terms of the permit.

"4. The owner shall pay all costs associated with the demolition burning, including without limitation the costs of crowd control and traffic control, if required by the Board.

"5. The Board may impose such additional requirements or conditions for the issuance of a demolition burning permit as it deems necessary for the protection of the health, safety or welfare of the community.

"(d) Application for permit. A written application for a permit required by this section shall be filed with the Town Clerk by the owner of the building or structure which is proposed to be burned. Such application shall include or be accompanied by the following:

"1. A current commitment for title insurance policy or other title evidence acceptable to the Town, disclosing the identity of the fee owner(s) of the property upon which the burn is to occur and any liens or encumbrances affecting such property. The permit application shall be signed by each such owner and the holder(s) of any lien or encumbrance.

"2. A drawing showing the location of the building or structure to be burned and any other buildings, structures or improvements situated on the same property or on any adjoining property.

"3. A burn plan describing in detail the proposed burn, which plan shall have been approved in writing by the Fire District. Such burn plan shall include, at a minimum, provisions for the Fire District to conduct and/or supervise the burning operation, the proposed dates and duration of the burn, the Fire District exercises to be performed on or within the structure, any special conditions or precautions deemed necessary by the Fire District, proposed provisions for restoration of the site, and provisions for complying with all other permit requirements and conditions referred to in this section.

"4. Payment of an application fee. The amount of the fee shall be established and may be adjusted from time to time by resolution of the Board of Trustees.

"(e) Public hearing. After a completed application has been filed pursuant to the preceding subsection, the Board shall schedule a public hearing on the application, to be held not later than thirty days after filing of the application. Such hearing may be continued by the Board for up to an additional thirty (30) days upon request of the applicant or upon the Board's own initiative. The applicant shall mail written notice of the time and place of such hearing, together with copies of the application and burn plan, by certified mail, return receipt requested, at least ten (10) days prior to the hearing, to all owners of property within two hundred feet (200') of the burn site, the Grand County Sheriff's Department, the Fraser Sanitation District, Public Service Co. of Colorado, Mountain Parks Electric, Inc., any cable television provider serving the area, and the Grand County Historical Association. In addition, the applicant shall cause notice of the time and place of such hearing to be published in a newspaper of general circulation in the Town of Fraser, by one publication not less than seven (7) days prior to the hearing. Written proof of the giving of such notices shall be filed with the Board prior to or at the public hearing. At the hearing, the Board shall consider all relevant information presented and shall render a decision within thirty days after the close of the hearing, either approving the issuance of a permit for the proposed demolition burning, including any conditions, or denying the application.

"(f) Issuance of permit. If the application is approved by the Board, the Town staff shall, within ten (10) days after such Board approval and satisfaction by the applicant of any

conditions precedent specified by the Board, issue a permit for the demolition burning to the applicant and mail a copy of the permit to the Fire District. The permit shall incorporate the approved burn plan and any conditions imposed by the Board. No such permit shall be effective unless and until it has been signed by the applicant to acknowledge the applicant's agreement to be bound by the terms and conditions set forth in the permit.

"(g) Conduct of burning. Prior to conducting any demolition burning, the applicant shall cause a notice to be published in a newspaper of general circulation in the Town of Fraser not less than seven (7) days prior to the date of the demolition burning, which notice shall state the date and time of the burning and, if required by the terms of the permit, shall also describe suggested traffic routes and any other information necessary to mitigate any inconvenience to the public. Any demolition burning shall be conducted strictly in conformance with the permit issued therefor. The Fire Chief may order that any demolition burning be postponed or cancelled if deemed necessary due to weather conditions or other factors."

(Ord. 282 Part 1.2, 2003; Ord. 330 §1, 2007; Ord. 332 Part 1, 2007; Ord. 342 §1.2, 2008; Ord. 351 Part 1.2, 2009)

#### **Sec. 18-1-40. Penalties and enforcement.**

(a) Every person convicted of a violation of any provision of this Article or the codes adopted herein shall be punished as set forth in Section 1-4-10 of this Code.

(b) In the event of any violation or threatened violation of this Article or the codes adopted herein, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation. (Prior code 4-1-3; Ord. 282 Part 2, 2003; Ord. 330 §1, 2007; Ord. 332 Part 1, 2007)

## **ARTICLE 2**

### **Energy Conservation Code**

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

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S, the following code is hereby adopted and enacted by reference: the International Energy Conservation Code, 2006 Edition, including all Appendices, with amendments as provided herein (sometimes referred to herein as the "Energy Code").

(b) Said code has been promulgated and published by the International Code Council, 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20001-2070. (Ord. 342 §1.1, 2008)

#### **Sec 18-2-20. Copies on file.**

(a) Not less than one (1) copy of said code hereby adopted, including amendments provided herein, all certified by the Mayor and the Town Clerk to be true copies of said code and amendments as they were adopted by this Article, shall be kept on file in the office of the Town Clerk and

available for public inspection; provided, however, that a copy of said code, as amended, may be kept in the office of the Chief Enforcement Officer designated pursuant to such code instead of the office of the Town Clerk.

(b) The Town Clerk shall maintain a reasonable supply of copies of said code and amendments adopted herein for purchase by the public at a reasonable price as established from time to time by the Town Clerk. (Ord. 342 §1.1, 2008)

**Sec 18-2-30. Applicability; exemptions.**

(a) The Energy Code shall apply to the construction of, renovations and additions to all commercial and residential buildings in the Town unless otherwise exempted herein.

(b) The following buildings are exempt from provisions of the Energy Code adopted herein:

(1) Any building that is otherwise exempt from the provisions of the building code adopted by the Board of Trustees and buildings that do not contain a conditioned space.

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

(3) Historic buildings that are listed on the National Register of Historic Places or the State Registers of Historic Properties and buildings that have been designated as historically significant or that have been deemed eligible for designation by a local governing body that is authorized to make such designations.

(4) Any building that is exempt pursuant to the Energy Code. (Ord. 342 §1.1, 2008)

**Sec 18-2-40. Amendments.**

(a) Preface to amendments. The amendments to the Energy Code provided in this Section are deemed appropriate for local conditions and do not decrease the effectiveness of the Energy Code.

(b) The following sections of the Energy Code adopted by reference in Section 18-2-10 above are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

**"101.1 Title.** This code shall be known as the International Energy Conservation Code of the Town of Fraser and shall be cited as such. It is referred to herein as 'this code.' "

(2) Section 101.6 is added to read as follows:

**"101.6 Use of terms.** The terms 'code official' and 'building official' shall be interchangeable and shall be the Town's 'Building Official.' See Fraser Municipal Code Section 18-1-30(a)(7) amending Section 103.2 of the Fraser Building Code."

(3) Section 402.1.4 is eliminated in its entirety and replaced to read as follows:

**"402.1.4 Total UA alternative.** If the total building thermal envelope UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.3 (multiplied by the same assembly area as in the proposed building), provided that the Skylight U-Factor and Ceiling R-Value are not less than the requirements of Table 402.1.1, the building shall be considered in compliance with Table 402.1.1. The Skylight U-Factor and Ceiling R-Value shall not be less than the requirements of Table 402.1.1 if ice damming potential would increase as determined by the Building Official. If the roof design avoids or decreases potential ice damming, then the Skylight U-Factor and Ceiling R-Value may be reduced as allowed per this Section. The UA calculation shall be done using a method consistent with the ASHRAE Handbook of Fundamentals and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance."

(4) Section 404.2 is eliminated in its entirety and replaced to read as follows:

**"404.2 Mandatory requirements.** Compliance with this Section requires that the criteria of Sections 401, 402.4, 402.5, 402.6 and 403 be met. The Skylight U-Factor and Ceiling R-Value shall not be less than the requirements of Table 402.1.1 if ice damming potential would increase as determined by the Building Official. If the roof design avoids or decreases potential ice damming, then the Skylight U-Factor and Ceiling R-Value may be reduced as allowed per this Section."

(5) Section 506.1, General, is amended by adding:

"3. If the roof design avoids or decreases potential ice damming."

(Ord. 342 §1.1, 2008)

**Sec. 18-2-50. Penalties and enforcement.**

(a) Every person convicted of a violation of any provision of this Article or the code adopted herein shall be punished as set forth in Section 1-4-10 of this Code.

(b) In the event of any violation or threatened violation of this Article or the code adopted herein, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation. (Ord. 342 §1.1, 2008)

## **ARTICLE 3**

### **Grading, Excavation and Fill Permits and Regulations**

#### **Sec. 18-3-10. Permits required.**

Except as specified in this Article, no person shall do any grading, excavation or fill without first obtaining a grading permit from the Building Official. A separate permit shall be obtained for each site and may cover both excavations and fills. (Prior code 4-1-2)

#### **Sec. 18-3-20. Exempted work.**

(a) A grading permit is not required for the following:

(1) When approved by the Building Official, grading in an isolated, self-contained area if there is no danger to private or public property.

(2) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from this excavation.

(3) Cemetery graves.

(4) Refuse disposal sites controlled by other regulations.

(5) Excavations for wells or utilities.

(6) Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided that such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

(7) Exploratory excavations under the direction of soil engineers or engineering geologists.

(8) A fill less than twenty (20) cubic yards on any one (1) lot or lots, provided that the fill does not obstruct a drainage course, encroach on a floodway or floodplain or exceed two (2) feet in vertical dimension.

(9) An excavation or fill less than two (2) feet in depth with side slopes not steeper than three (3) feet horizontal to every one (1) foot in vertical dimension.

(b) Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Section or any other laws or ordinances of the Town. (Prior code 4-1-2)

#### **Sec. 18-3-30. Application for a grading permit.**

(a) An application for a grading permit is required for any grading in excess of twenty (20) cubic yards or any excavation or fill in excess of two (2) feet in depth. The application shall be made for either a general grading permit or an engineered grading permit.

(b) A general grading permit shall be required in the following instances:

(1) If the excavation or fill exceeds twenty (20) cubic yards and is less than one thousand (1,000) cubic yards with a maximum vertical dimension of less than two (2) feet.

(2) If the excavation or fill is less than twenty (20) cubic yards and its vertical dimension exceeds two (2) feet.

(c) An engineered grading permit shall be required whenever the excavation or fill exceeds one thousand (1,000) cubic yards or greater than two (2) feet in vertical dimension. (Prior code 4-1-2)

**Sec. 18-3-40. General grading permit.**

(a) Each application shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plan shall give the location of the work, the name of the owner, the name of the person who prepared the plan and a construction sequence outlining the proposed timetable for completion of the grading and revegetation. The plan shall also include the following information:

(1) General vicinity of the proposed site.

(2) Limiting dimensions and depth of the cut and/or fill.

(3) Location of any building or structure within fifteen (15) feet of the proposed grading.

(4) Location, size and depth of all existing utilities and easements on the proposed site.

(5) Location of all natural features, such as watercourses, on the proposed site or within one hundred (100) feet of the graded area.

(6) A revegetation plan.

(b) The general grading permit shall be issued by the Town staff within two (2) weeks of its complete submittal and may have conditions placed upon it, including a request for an engineered grading permit. The permittee may challenge these conditions in a public hearing before the Board of Trustees. Said hearing must be requested in writing by the permittee within two (2) weeks of the Town staff's decision and shall be held within sixty (60) days of the request for hearing. A separate fee may be imposed for the appeals process. (Prior code 4-1-2)

**Sec. 18-3-50. Engineered grading permit.**

(a) Each application shall be accompanied by two (2) sets of plans and specifications, supporting data and a construction sequence outlining the proposed timetable for completion of the grading and revegetation. The plans shall contain the following information:

(1) General vicinity of the proposed site.

(2) Property limits and accurate contours of existing ground and details of terrain and area drainage.

(3) Limiting dimensions, elevation or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

(4) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structure on the land of adjacent owners that are within fifteen (15) feet of the property or that may be affected by the proposed grading operations.

(5) Recommendations included in the soils engineering report shall be incorporated in the grading plans and specifications.

(6) Location, size and depth of all existing utilities and easements on the proposed site.

(7) Location of all natural features, such as watercourses, on the proposed site.

(8) A soils engineering report. The soils engineering report required shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

(9) A revegetation plan.

(b) The engineered grading permit shall be issued by the Town Engineer within thirty (30) days of its complete submittal and may have conditions placed upon it. The permittee may challenge these conditions in a public hearing before the Board of Trustees. Said hearing must be requested in writing by the permittee within two (2) weeks of the Town Engineer's decision and shall be held within sixty (60) days of the request for hearing. A separate fee may be imposed for the appeals process. (Prior code 4-1-2)

#### **Sec. 18-3-60. Hazards.**

Whenever the Building Official determines that any existing excavation or embankment or fill has become a hazard to life or limb, endangers property or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this Code. (Prior code 4-1-2)

#### **Sec. 18-3-70. Environmental hazards.**

Off-site fill material shall be free of environmental hazardous materials. Applicants for a permit shall ensure the Town that fill material hauled from an off-site location is free of environmental contaminants. The source of fill material shall be identified prior to application for a grading permit. If directed by the Town, the applicant shall have testing performed on a representative sample of the fill material to determine if environmentally hazardous materials are present in the fill. (Prior code 4-1-2)

**Sec. 18-3-80. Fill material.**

Detrimental amounts of organic material shall not be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills unless included and approved as part of an engineered grading permit. All fills shall be compacted to a minimum of ninety percent (90%) of maximum density. (Prior code 4-1-2)

**Sec. 18-3-90. Erosion and sedimentation control.**

The applicant conducting the grading activity shall install and maintain temporary and permanent erosion and sedimentation control measures. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted. (Prior code 4-1-2)

**Sec. 18-3-100. Permit fee.**

Applicants for a permit under this Section shall pay the required and necessary fee to the Town before the issuance of such permit. The fees for such permit shall be established and amended from time to time by resolution of the Board of Trustees, or as established in the adopted Building Code. (Prior code 4-1-2)

**Sec. 18-3-110. Valid period.**

All grading permits shall be valid for six (6) months from the date the permit is issued, provided that the approved application and the conditions of its approval have not changed. No more than one (1) general grading permit shall be issued for one (1) parcel of land within a three-year period. (Prior code 4-1-2)

**Sec. 18-3-120. Display of permit.**

Each permit issued under this Article shall be kept at the grading site while the work is in progress and shall be exhibited upon request to any employee of the Town. (Prior code 4-1-2)

**Sec. 18-3-130. Bonds.**

The Town may require bonds in such forms and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plan and specifications, will be corrected to eliminate hazardous conditions. (Prior code 4-1-2)

**Sec. 18-3-140. Penalties.**

Every person convicted of a violation of any provision of this Section shall be punished as set forth in Section 1-4-10 of this Code. Additionally, the convicted person may be required to replace the graded, excavated or filled land to its original condition. (Prior code 4-1-2)

**Sec. 18-3-150. Construction and site work restrictions.**

(a) Construction restrictions. Construction shall only be allowed on the outside of any commercial or residential structure only between the hours of sunrise and sunset, Monday through Friday, and 8:00 a.m. to 6:30 p.m., Saturday and Sunday.

(b) Site work restrictions. Site work that prepares any property for improvements, or that creates any improvements on the property, shall be allowed only between the hours of sunrise and sunset, Monday through Friday, and 8:00 a.m. to 6:30 p.m., Saturday and Sunday.

(c) Construction and site work exception. The Board of Trustees may grant an exception to the above work hours for specific construction activities to occur outside of the above-specified work hours. The grant of exception may be conditioned upon compliance with rules and conditions as specified by the Board of Trustees to minimize the impacts of construction activities.

(d) Penalty. It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Section, and the violation of any provision of this Section shall be punishable as set forth in Section 1-4-10 of this Code. (Prior code 7-9-1, 7-9-2, 7-9-3; Ord. 328 §1, 2007; Ord. 330 §1, 2007)

## **ARTICLE 4**

### **Flood Damage Prevention Regulations**

#### **Sec. 18-4-10. Statement of 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 in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area. (Prior code 4-3-1; Ord. 338 Part. 1, 2007)

#### **Sec. 18-4-20. Methods of reducing flood losses.**

In order to accomplish its purposes, this Article uses the following methods:

- (1) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

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

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;

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

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Prior code 4-3-2; Ord. 338 Part. 1, 2007)

**Sec. 18-4-30. Definitions.**

Unless specifically defined below, words or phrases used in this Article shall be interpreted to give them the meanings they have in common usage and to give this Article its most reasonable application.

*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition and unpredictable flow paths.

*Appeal* means a request for a review of the Town Manager's interpretation of any provisions of this Article or a request for a variance.

*Area of shallow flooding* means a designated AO, AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

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

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Development* means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means, for insurance purposes, a nonbasement building which has its lowest floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

*Existing construction* means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *Existing construction* may also be referred to as *existing structures*.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

*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 (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of *flood*).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory 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 a designated height.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in states without approved programs.

*Levee* means a man-made 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, usable 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

nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

*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. The term *manufactured home* does not include a recreational vehicle.

*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.

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

*New construction* means, for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Recreational vehicle* means a vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light-duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]), includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means either 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 or 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 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. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary conditions; or
- b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

*Variance* means a grant of relief to a person from the requirements of this Article when specific enforcement would result in unnecessary hardship. A *variance*, therefore, permits construction or development in a manner otherwise prohibited by this Article. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Prior code 4-3-3; Ord. 338 Part. 1, 2007)

#### **Sec. 18-4-40. General provisions.**

- (a) Lands to which this Article applies. This Article shall apply to all areas of special flood hazard within the jurisdiction of the Town.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Fraser," dated January 2, 2008, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article.

(c) Establishment of development permit. A development permit shall be required to ensure conformance with the provisions of this Article.

(d) Compliance. No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this Article and other applicable regulations.

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

(f) 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.

(g) 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. On rare occasions, greater floods can and will occur, and 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 community or any official or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Prior code 4-3-4; Ord. 338 Part. 1, 2007)

#### **Sec. 18-4-50. Administration.**

(a) Designation of the Floodplain Administrator. The Town Manager is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 C.F.R. (National Flood Insurance Program regulations) pertaining to floodplain management.

(b) Duties and responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article.
- (2) Review permit application to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this Article.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is 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 Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Subsection 18-4-40(b) above, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Sections 18-4-70 to 18-4-110 of this Article.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

(10) Under the provisions of 44 C.F.R., Chapter 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE or AH on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

(c) Permit procedures.

(1) Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Subsection 18-4-80(b) of this Article.

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. A record of all such information maintained in accordance with Paragraph (b)(1) above.

(2) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage.

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

c. The danger that materials may be swept onto other lands to the injury of others.

d. The compatibility of the proposed use with existing and anticipated development.

e. The safety of access to the property in times of flood for ordinary and emergency vehicles.

f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.

g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

h. The necessity to the facility of a waterfront location, where applicable.

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

j. The relationship of the proposed use to the Comprehensive Plan for that area. (Prior code 4-3-5; Ord. 330 §1, 2007; Ord. 338 Part. 1, 2007)

**Sec. 18-4-60. Variance procedures.**

(a) The Board of Adjustment as established by the Town shall hear and render judgment on requests for variances from the requirements of this Article.

(b) The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Article.

(c) Any person aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.

(d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

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

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ( $\frac{1}{2}$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Paragraph 18-4-50(c)(2) above have been fully considered. As the lot size increases beyond the one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article.

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

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

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

(2) Variances shall only be issued upon:

a. Showing a 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 or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(1) The criteria outlined in Subsections (a) through (i) above are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Prior code 4-3-6; Ord. 338 Part. 1, 2007)

**Sec. 18-4-70. Flood hazard reduction; general standards.**

(a) In all areas of special flood hazard, the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

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

(b) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

(c) Under the provisions of 44 C.F.R. Chapter 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE or AH on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision). (Prior code 4-3-7; Ord. 330 §1, 2007; Ord. 338 Part. 1, 2007)

**Sec. 18-4-80. Flood hazard reduction; specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Subsection 18-4-40(b), Paragraph 18-4-50(b)(8) or Subsection 18-4-90(c) of this Article, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Subsection as proposed in Paragraph 18-4-50(c)(1) above is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. 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 of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which 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 meet or exceed the following minimum criteria:

a. 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.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

a. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, 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.

b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. Manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Paragraph 18-4-80(4) must be elevated so that either:

1. The lowest floor of the manufactured home is at or above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM must either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements of Paragraph 18-4-50(c)(1) of this Article, and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

(6) Below-grade residential crawlspace construction. New construction and substantial improvement of any below-grade crawlspace shall:

a. Have the interior grade elevation that is below base flood elevation no lower than two (2) feet below the lowest adjacent grade;

- b. Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall not exceed four (4) feet at any point;
- c. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- d. Be anchored to prevent flotation, collapse or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
- e. Be constructed with materials and utility equipment resistant to flood damage;
- f. Be constructed using methods and practices that minimize flood damage;
- g. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- h. 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:
  - 1. 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;
  - 2. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - 3. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. (Ord. 338 Part. 1, 2007)

**Sec. 18-4-90. Flood hazard reduction; standards for subdivision proposals.**

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 18-4-10 and 18-4-20 of this Article.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the development permit requirements of Subsections 18-4-40(c) and 18-4-50(c) of this Article and the provisions of Sections 18-4-70 through 18-4-110 of this Article.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to Subsection 18-4-40(b) or Paragraph 18-4-50(b)(8) of this Article.
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. 338 Part. 1, 2007)

**Sec. 18-4-100. Flood hazard reduction; standards for areas of shallow flooding (AO/AH Zones).**

Located within the areas of special flood hazard established in Subsection 18-4-40(b) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two [2] feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two [2] feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Paragraph 18-4-50(c)(1) of this Article, are satisfied.

(4) Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. (Ord. 338 Part. 1, 2007)

**Sec. 18-4-110. Flood hazard reduction; floodways.**

Located within areas of special flood hazard established in Subsection 18-4-40(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 18-4-70 through 18-4-110.

(3) Under the provisions of 44 C.F.R., Chapter 1, § 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA. (Ord. 338 Part. 1, 2007)

**Sec. 18-4-120. Penalties and enforcement.**

(a) Every person convicted of a violation of any provision of this Article or the codes adopted herein shall be punished as set forth in Section 1-4-10 of this Code.

(b) In the event of any violation or threatened violation of this Article, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation. (Prior code 4-3-8; Ord. 330 §1, 2007; Ord. 338 Part. 1, 2007)

**ARTICLE 5**

**Storm Water Drainage Facilities and Erosion Control**

**Sec. 18-5-10. Statement of purpose.**

It is the purpose of this Article to promote the public health, safety and general welfare by requiring that all developments within the Town provide for storm water drainage and erosion control. (Ord. 266, 1999)

**Sec. 18-5-20. Drainage plan.**

The Town shall not approve any building permit that does not make adequate provisions for storm water drainage on a lot. The storm water drainage system shall be separate and independent of any wastewater system. An approved drainage plan shall be required to be submitted with each application for a building permit for any new structure. This requirement may be waived by the Town staff if there is no drainage impact associated with the proposed land use. The drainage plan (preferred scale 1" = 20', optional scale 1" = 50') shall include the following: existing and proposed improvements, existing and proposed contours, existing and proposed easements, snow storage areas, utility lines, spot elevations and flow direction arrows, as needed, to clearly portray the proposed drainage layout and detail, and any drainage facilities needed to mitigate the anticipated impacts. If swales are proposed, include a cross-section detail of the proposed swale with dimensions. Silt fences, sediment traps, catch basins and/or detention ponds may be required at the discretion of the Town. The drainage plan shall also indicate temporary and permanent methods to be used to stabilize and prevent the erosion of soils. Revisions to a submitted drainage plan may be required at the discretion of the Town. No approval for occupancy shall be issued and no structure shall be used or occupied until the provisions of the approved drainage plan have been implemented. The owner of

the property shall be responsible for maintaining all facilities required by the approved drainage plan after completion of construction. (Ord. 266, 1999)

**Sec. 18-5-30. Violation and penalty.**

Any person convicted of violating the provisions of this Article shall be punished by a fine or imprisonment, or both, as provided in Section 1-4-10 of this Code. (Ord. 266, 1999; Ord. 330 §1, 2007)

**ARTICLE 6**

**Emergency Services Impact Fees**

**Sec. 18-6-10. Purpose.**

The purpose of this Article is to:

(1) Provide a rational system for identifying and mitigating growth-related costs associated with growth and development and the expansion of emergency services and facilities made necessary by land development activities, a growing population and economic activity levels.

(2) Ensure that the impact fees established by this Article are based on, and do not exceed, the cost of providing additional capital improvements necessitated by new development.

(3) Regulate the use and development of land to ensure that new development bears a roughly proportionate share of the cost of capital expenditures necessary to provide adequate emergency services within the Town.

(4) Assure that the system of impact fees implemented in this Article is linked to a capital improvements program designed to provide the facilities and equipment for which the impact fees are imposed. (Prior code 10-9-1)

**Sec. 18-6-20. Definitions.**

The following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

*Capital improvement* includes:

a. Fire protection or emergency medical, rescue and ambulance service planning, preliminary architectural and engineering services, architectural and engineering design studies, land surveys, land acquisition, site improvements and off-site improvements associated with new or expanded facilities used for fire protection or emergency medical, rescue and ambulance service.

b. Construction of buildings and facilities used for fire protection or emergency medical, rescue and ambulance services.

c. Purchase of fire suppression or emergency medical, rescue and ambulance apparatus and equipment, including communications equipment, with an average useful life of at least five (5) years, necessary to adequately protect and defend new development and its inhabitants.

*Capital improvement* excludes periodic or routine maintenance of facilities and equipment, personnel costs or operational expenses.

*Developer* means a person or entity that commences a land development activity requiring additional emergency services and development approval.

*Development approval* means the approval of any building permit for a land development activity requiring additional emergency services following the effective date of the ordinance codified herein, for which an impact fee has not been previously paid.

*Emergency services provider* means a governmental entity providing public fire protection, emergency medical, rescue and ambulance services or any combination of such services.

*Fire protection* means the prevention and extinguishment of fire, protection of life and property from fire and enforcement of municipal, county, district and state fire prevention codes.

*Fiscal impact fee study* means a study prepared by an outside engineer or consultant that mathematically calculates the fiscal impact of future demand for services on existing facilities of the applicable emergency service provider, as approved by ordinance or resolution of the Board of Trustees.

*Impact fee* means a fee for fire protection or emergency medical, rescue and ambulance service established by Section 18-6-40 or 18-6-50 of this Article.

*Land development activity requiring additional emergency services* means any activity requiring a development approval that requires additional capital improvements as identified in the fiscal impact study. When a change of use, redevelopment or modification of an existing use requires development approval, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. (Prior code 10-9-2)

#### **Sec. 18-6-30. Imposition of impact fees.**

Any developer who seeks a development approval for a land development activity requiring additional emergency services, who has not already dedicated land to defer anticipated impacts of the proposed development, must pay an impact fee in the manner and amount set forth in this Article. (Prior code 10-9-3)

#### **Sec. 18-6-40. Impact fee amount.**

(a) The amount of any impact fee to be charged shall be set and revised from time to time by ordinance of the Board of Trustees, based on a fiscal impact fee study to be conducted by the applicable emergency services provider.

(b) Pursuant to the East Grand Fire Protection Study of Fiscal Impact, prepared December 2004 by Rocky Mountain Group, the impact fees and formulas are as follows:

Residential impact fee:	
Present cost of future expenditures at 6% rate:	\$4,542,668 <sup>1</sup>
Multiplied by the share attributed to new growth:	<u>36%<sup>1</sup></u>
Equals the net cost (allocation) to new growth:	\$1,635,360
Minus the net present value of payments toward debt service for new capital expenses:	<u>\$ 100,000<sup>1</sup></u>
Equals new growth's share of net capital costs:	3,270 <sup>1</sup>
Divided by expected residential units of new growth:	<u>114</u>
Plus commercial square footage converted to "Residential Equivalent Units" <sup>2</sup> :	3,384
Equals the impact fee:	454
Commercial impact fee: The impact fee for commercial development is determined by dividing the total square footage of a proposed development by 1,800 <sup>2</sup> and then multiplying by \$454. [proposed building square footage/1800 x \$454 = commercial impact fee]	
Hotel/motel impact fee: According to the Fiscal Impact Study, land uses with higher densities have an increased impact on fire protection service providers. The Fiscal Impact Study estimates that the fiscal impact on fire protection for an average hotel/motel unit is 2.5 times the impact on the average residential unit. The amount of the hotel/motel impact fee shall be calculated as follows: [proposed square footage/1800 x \$454 x 2.5 = hotel/motel impact fee]	
<sup>1</sup> Determined in the Fiscal Impact Study	
<sup>2</sup> A Residential Equivalent Unit is arrived at by dividing the total projected commercial square footage by the average residential unit size, which in the study was determined to be 1,800 square feet.	

(Prior code 10-9-4; Ord. 309 Part 1, 2005)

**Sec. 18-6-50. Alternative calculation study.**

In lieu of computation of the impact fee in accordance with the schedule adopted pursuant to Section 18-6-40 above, the developer may prepare and submit to the applicable emergency service provider, for review and recommendation to the Town, a site-specific fiscal impact and impact fee calculation study for the development approval requested. The site-specific fiscal impact and impact fee calculation study shall follow the prescribed methodologies and formats established by the applicable emergency service provider. The fiscal impact fee study submitted shall show the basis upon which the site-specific impact fee calculation was made, and such calculation shall reflect the same level of service and standards contemplated by the fiscal impact fee study. The site-specific fiscal impact and impact fee calculation study shall be prepared and presented by professionals qualified in their respective fields. The Town Manager shall consider the documentation submitted by the developer and recommendation of the emergency service provider, but is not required to accept such documentation or recommendation. If the Town Manager determines that an acceptable site-specific fiscal impact and impact fee calculation study has not been presented, the developer shall pay the impact fee based upon the schedule adopted pursuant to Section 18-6-40 above. Determinations made by the Town Manager pursuant to this Section may be appealed to the Board of Trustees by filing a written request with the Town Clerk within ten (10) days of the determination by the Town Manager. Following the submittal of such request, the Board of Trustees shall hold a public hearing

to determine the amount of the impact fee that shall be paid prior to the development approval. (Prior code 10-9-5)

**Sec. 18-6-60. Time for payment of impact fee.**

A developer requesting approval of a land development activity requiring additional emergency services shall pay the impact fee prior to any issuance of a building permit by the Town. (Prior code 10-9-6)

**Sec. 18-6-70. Use of impact fees.**

(a) All impact fees collected pursuant to this Article shall, within sixty (60) days following payment to the Town, be transferred to the applicable emergency service provider for which the impact fee was established by the ordinance adopted pursuant to Section 18-6-40 above. The payment of such impact fee shall represent an expenditure by the Town for assisting in the provision of fire protection services to new development within the Town.

(b) All impact fees collected pursuant to this Article shall be deposited by the applicable emergency service provider in an interest-bearing account which clearly identifies the category, account or fund of capital expenditure for which such charge was imposed. Each such category, account or fund shall be accounted for separately. The emergency service provider shall determine whether the accounting requirement shall be by category, account or fund and by aggregate or individual land development. Any interest or other income earned on moneys deposited in said interest-bearing account shall be credited to the account.

(c) Impact fees shall be used exclusively for capital improvements.

(d) No impact fees shall be used for periodic or routine maintenance, personnel costs or operational expenses.

(e) In the event bonds or similar debt instruments are used to fund capital improvements prior to collecting the necessary impact fees, once collected, impact fees may be used to pay debt service on such bonds or similar debt instruments.

(f) The Town may enter into an intergovernmental agreement with the applicable emergency service providers regarding the method of collection and administration of the impact fee program. (Prior code 10-9-7)

**Sec. 18-6-80. Credit for improvements.**

Upon approval by the Board of Trustees, the applicable emergency service provider shall calculate the amount of any credit that shall be granted to any developer for the amounts due or to become due for capital improvements installed, purchased and paid for by such developer when such capital improvements offset the need or amount of the impact fee that would otherwise be required. (Prior code 10-9-8)

**Sec. 18-6-90. Unpaid impact fees.**

The Board of Trustees reserves the right to withhold or revoke any permits, certificates or other approvals for any land or building for which the payment of impact fees is delinquent. (Prior code 10-9-9)

**Sec. 18-6-100. Adjustment and review of impact fees.**

The amount of the impact fee shall be reviewed and adjusted as follows:

(1) The impact fee shall be adjusted annually for inflation, effective January 15 of each year. The adjustment shall be based upon the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers or its successor index or an equivalent index applicable to the Town.

(2) The Board of Trustees shall annually, in conjunction with the presentation of the Town's proposed budget, recommend any further adjustments to the impact fee following consultation with the applicable emergency service provider.

(3) No less frequently than every five (5) years, the applicable emergency service provider shall provide an updated fiscal impact fee study. (Prior code 10-9-10)

**Sec. 18-6-110. Application.**

The requirements of this Article shall apply only within the jurisdiction and boundaries of an emergency service provider for which an ordinance setting an impact fee has been adopted pursuant to Section 18-6-40 above. Only applicants who submit applications for development fees after adoption of the impact fee will be assessed such fee. (Prior code 10-9-11)

**Sec. 18-6-120. Judicial review.**

The developer may seek a declaratory judgment to determine whether the impact fee assessed complies with state law requirements for the imposition of impact fees. The Board of Trustees shall allow the developer, upon payment of the impact fee, to proceed with development of his or her property pursuant to the development approval while the court reviews the validity of the impact fee. (Prior code 10-9-12)