

Chapter 18

Building Regulations

Article I Frederick Building Code

- Sec. 18-1-10 Title
- Sec. 18-1-20 Purpose
- Sec. 18-1-30 Scope
- Sec. 18-1-40 Standards
- Sec. 18-1-50 Authority
- Sec. 18-1-60 Adopted
- Sec. 18-1-70 Amendments
- Sec. 18-1-80 Violations
- Sec. 18-1-90 Certification

Article II Reserved

Article III International Fire Code

- Sec. 18-71 International Fire Code, 2006 Edition, adopted
- Sec. 18-71.5 Amendments
- Sec. 18-72 Penalties
- Sec. 18-73 Storage of liquefied petroleum gas
- Sec. 18-74 Permits required
- Sec. 18-75 Appeals
- Sec. 18-76 Violations
- Sec. 18-77 Inspections of buildings and premises

Article IV Design Standards and Construction Specifications

- Sec. 18-91 Adoption of standards
- Sec. 18-92 Amendments
- Sec. 18-93 Violations; penalties
- Sec. 18-94 Interpretation
- Sec. 18-95 Titles and headings not part of legislation
- Sec. 18-96 Notes not part of legislation
- Sec. 18-97 Severability
- Sec. 18-98 Amendment procedure
- Sec. 18-99 Supplementation
- Sec. 18-100 Enactment
- Sec. 18-101 Certification
- Sec. 18-102 Copies kept on file
- Sec. 18-103 Sale of books
- Sec. 18-104 Enforcement

ARTICLE I

Frederick Building Code

Sec. 18-1-10. Title.

The regulations contained herein shall be known as the "Frederick Building Code" and may be cited as such and will be referred to herein as "this building code." (Ord. 940, § 1, 2007)

Sec. 18-1-20. Purpose.

This building code is adopted in order to provide minimum standards to preserve and protect the public health, safety and general welfare and the safety, protection and sanitation of dwellings, buildings and structures in the incorporated areas of the Town. The purpose of this building code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this building code. (Ord. 940, § 1, 2007)

Sec. 18-1-30. Scope.

This building code provides for the regulation of the construction, alteration, use and occupancy of dwellings, buildings and structures, together with plumbing, mechanical and electrical installations, fuel-gas piping, fuel-gas utilization equipment and related accessory equipment, the abatement of dangerous buildings and the installation and maintenance of sewage systems therein or in connection therewith, located in the incorporated areas of the Town. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in this building code. Vehicles, vessels or other mobile structures (excluding mobile or manufactured homes) shall be treated as buildings in fixed locations when occupied as dwellings. (Ord. 940, § 1, 2007)

Sec. 18-1-40. Standards.

The standards in this building code shall be those listed in the standard codes named below, which are hereby incorporated into and made a part of this building code, along with the amendments noted. Unless otherwise provided in this building code, no section of any standard code which deals with the administration or enforcement of said standard code shall be considered to be incorporated into this building code. Any reference made to the standard codes in this building code shall be the same as those incorporated by reference into this building code. (Ord. 940, § 1, 2007)

Sec. 18-1-50. Authority.

This building code is adopted and administered under the authority granted by Part 6 of Article 15 of Title 31, Part 4 of Article 15 of Title 31, Part 1 of Article 16 of Title 31 and Part 2 of Article 16 of Title 31, C.R.S. (Ord. 940, § 1, 2007)

Sec. 18-1-60. Adopted.

The following codes are hereby adopted and enacted by reference:

(1) The *International Building Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001-2070, Chapters 1 through 35 inclusive and Appendices B, C, E and I, is hereby incorporated by this reference as part of this building code, to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings and structures for the purpose of safeguarding the public health, safety and general welfare. All references in this Code to the *International Building Code* are to the edition referenced above.

(2) The *International Residential Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001-2070, Chapters 1 through 43 and Appendices Chapters A, C, E, G, H and J, is hereby incorporated by this reference as part of this building code, to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the attached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and their accessory structures. The purpose of this code is to provide minimum requirements to safeguard the public health, safety and general welfare, through affordability, structural strength, means of the egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment. All references in this Code to the *International Residential Code* are to the edition referenced above.

(3) The *International Mechanical Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001-2070, Chapters 1 through 15 inclusive, is hereby incorporated by this reference as a part of this building code, to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted or replaced in this Chapter. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. All references in this Code to the *International Mechanical Code* are to the edition referenced above.

(4) The *National Electrical Code*, 2005 Edition, NFPA No. 70-2005, as published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts 02269, as modified or amended herein, is incorporated by this reference as a part of this building code for the purpose of regulating the installation of electric conductors and equipment within or on public and private buildings or other structures, including mobile homes, recreational vehicles, floating buildings and other premises such as yards, carnivals, parking lots and industrial substations; the installation of conductors and equipment that connect to the supply of electricity; the installation of other outside conductors and equipment on premises; and the installation of optical fiber cable in the Town; and providing for issuance of permits and collection of fees therefor.

(5) The *International Fuel Gas Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001-2070, Chapters 1 through 8 inclusive, is hereby incorporated by this reference as a part of this building code, to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories within this jurisdiction. All references in this Code to the *International Fuel Gas Code* are to the edition referenced above.

(6) The *International Plumbing Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001-2070, Chapters 1 through 13 inclusive, is hereby incorporated by this reference as a part of this building code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted or replaced in this Chapter. The adopted code includes comprehensive provisions and standards regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum typing, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. All references in this Code to the *International Plumbing Code* are to the edition referenced above.

(7) The publication of the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, known as the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, as modified or amended herein, is incorporated by this reference as a part of this building code for the purpose of establishing standards for equitable remedies consistent with other laws for the repair, vacation or demolition of dangerous buildings in the Town and providing for the issuance of permits and collection of fees therefor.

(8) The *International Energy Conservation Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001, is hereby incorporated by this reference as a part of this building code to have the same force and effect as if set forth in this Chapter in every particular, save and except such portions as are added, amended, deleted or replaced in this Chapter. The adopted code shall regulate the design and construction of buildings for the effective use of energy. (Ord. 940, § 1, 2007; Ord. 974, § 1, 2008)

Sec. 18-1-70. Amendments.

The *International Building Code*, and the secondary codes adopted therein by reference as described and adopted in Section 18-1-60 of this Code, are hereby amended as follows:

International Building Code

(1) The *International Building Code* is amended by substituting the words "The Town of Frederick" in lieu of the words "[NAME OF JURISDICTION]" wherever said words may appear in the *International Building Code*, except where the context indicates the original wording is appropriate.

(2) The *International Building Code* is amended by substituting the words "adopted electrical code" in lieu of the words "ICC Electrical Code" wherever said words may appear in the *International Building Code*.

(2.1) Section 105.3 of the *International Building Code* is amended by the addition of the following:

"105.3.3 Zoning check. The application, plans, and specifications filed by an applicant for any permit required by this Chapter shall be checked by the Building Official for compliance with applicable zoning and subdivision laws, regulations, resolutions, and ordinances."

(3) Section 108.2 of the *International Building Code* is deleted in its entirety and reenacted 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 the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution.

"108.2.1 Plan review. A plan review fee shall be paid when a permit application is submitted."

(4) Section 108.4 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, gas, mechanical, electrical or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the permit fee."

(5) Section 112.1 of the *International Building Code* is deleted in its entirety and reenacted 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 Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official."

(6) Section 112.2 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"112.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Board of Adjustments. 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 did 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 building official within 20 days after the notice was served."

(7) Section 112.3 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"112.3 Qualifications, limitations of authority. The Board of Adjustments shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees. The Building Appeals Board shall have no authority relative to the interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code."

(8) Section 112 of the *International Building Code* is amended by the addition of the following Section 112.4, to read as follows:

"112.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

(9) Section 113 of the *International Building Code* is hereby deleted in its entirety.

(10) Section 202 of the *International Building Code* is amended by the addition of the following:

"MANUFACTURED HOME. A single-family dwelling which is partially or entirely manufactured in a factory; which is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; which is installed on a permanent foundation; which has brick, wood or cosmetically equivalent siding extending to the ground level; which has a pitched roof; which has the delivery system, including wheels, tires, axles and tongue hitch, removed; and which is certified pursuant to the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 U.S.C. § 5041, et seq., as amended."

(11) Section D102.2.2 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

"D102.2.2 Group H. Group H occupancies shall be reviewed by the Fire Marshal, Chief Building Official and the Town Administrator."

International Residential Code

(12) The *International Residential Code* is amended by substituting the words "The Town of Frederick" in lieu of the words "[NAME OF JURISDICTION]" wherever said words may appear in the *International Residential Code*, except where the context indicates the original wording is appropriate.

(13) The *International Residential Code* is amended by substituting the words "adopted electrical code" in lieu of the words "ICC Electrical Code" wherever said words may appear in the *International Residential Code*.

(14) Section R104.10.1 of the *International Residential Code* is amended to read as follows:

"R104.10.1 Areas prone to flooding. The Building Official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the Town Flood Plain Administrator."

(15) Section R105.1.1 of the *International Residential Code* is amended to read as follows:

"R105.1.1 Excavation permit. No person shall excavate for a foundation for a building or a structure without first having obtained a permit from the building official."

(16) Section R106.1.3 of the *International Residential Code* is amended to read as follows:

"R106.1.3 Information for construction in areas prone to flooding. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the Town Flood Plain Administrator and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources."

(17) Section R108.2 of the *International Residential Code* 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 the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution.

"R108.2.1 Plan review. A plan review fee shall be paid when a permit application is submitted."

(18) Section R108.3 of the *International Residential Code* is amended to read as follows:

"R108.3 Building permit valuations. Building permit valuations shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical and plumbing equipment and other permanent systems, including materials and labor. The building official shall set final building permit valuation based on the latest valuation schedule published in the *Building Safety* magazine by the International Code Council or other accepted schedule."

(19) Section R108 of the *International Residential Code* is amended by the addition of a new Section R108.6, to read as follows:

"R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, gas, mechanical, electrical or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the permit fee."

(20) Section R108 of the *International Residential Code* is amended by the addition of a new Section R108.7, to read as follows:

"R108.7 Re-inspections. A re-inspection fee may be assessed when inspections are requested before the work is ready, and on the second occurrence for re-inspection."

(21) Section R112.1 of the *International Residential Code* is deleted 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 Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official."

(22) Section R112.2 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"R112.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Board of Adjustments. 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 did 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 building official within 20 days after the notice was served."

(23) Section R112.3 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"R112.3 Qualifications. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(24) Section R112 of the *International Residential Code* is amended by the addition of the following Section R112.5, to read as follows:

"R112.5 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance."

(25) Section 113 of the *International Residential Code* is hereby deleted in its entirety.

(26) Section R202 of the *International Residential Code* is amended by the replacement of the definition for "manufactured home" with the following:

"MANUFACTURED HOME. A single-family dwelling which is partially or entirely manufactured in a factory; which is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; which is installed on a permanent foundation; which has brick, wood or cosmetically equivalent siding extending to the ground level; which has a pitched roof; which has the delivery system, including wheels, tires, axles and tongue hitch, removed; and which is certified pursuant to the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 U.S.C. § 5041, et seq., as amended."

(27) Section R401.2 of the *International Residential Code* is amended by the addition of the following paragraph:

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

(28) Section G2415.9 of the *International Residential Code* is hereby deleted in its entirety and reenacted to read as follows:

"G2415.9 (404.9) Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18" (457 mm) below grade, except as provided for in Section 2415.9.1."

(29) Section G2417.4.1 (406.4.1) of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall not be less than one and one-half times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure."

(30) Section G2417.4.2 (406.4.2) of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"G2417.4.2 (406.4.2) Test duration. The test duration shall be not less than 15 minutes."

(31) Section P3103.1 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

"P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least 6 inches above the roof or 6 inches above the anticipated snow accumulation, 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."

(32) Section AE201.1 of the *International Residential Code* is amended by the replacement of the definition for "manufactured home" with the following:

"MANUFACTURED HOME. A single-family dwelling which is partially or entirely manufactured in a factory; which is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; which is installed on a permanent foundation; which has brick, wood or cosmetically equivalent siding extending to the ground level; which has a pitched roof; which has the delivery system, including wheels, tires, axles and tongue hitch, removed; and which is certified pursuant to the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 U.S.C. § 5041, et seq., as amended."

(33) Section AE201.1 of the *International Residential Code* is hereby amended by the deletion of the following:

"PRIVATELY OWNED (NONRENTAL) LOT: A parcel of real estate outside of the manufactured home rental community (park) where the land and the manufactured home to be installed there—on are held in common ownership."

(34) Section AE501.1 of the *International Residential Code* is amended by the deletion of the following exception:

"Exception: When specifically authorized by the building official, foundation and anchorage systems which are constructed in accordance with the methods specified in Section AE600 of these provisions, or in the United States Department of Housing and Urban Development Handbook, *Permanent Foundations for Manufactured Housing*, 1984 Edition, shall be deemed to meet the requirements of this Appendix E."

(35) Section AE502.1 of the *International Residential Code* is amended to read as follows:

"AE502.1 General. A permanent perimeter foundation completely enclosing a below grade basement or crawlspace is required. The top of the foundation wall shall be no more than twelve inches above the finished grade surrounding the structure. Foundations for mobile or manufactured homes shall be engineered by a licensed Colorado engineer to conform with Chapter 18 of the *Frederick Municipal Code*. The engineered foundation shall be based on a soils analysis for the specific location where the foundation is to be installed. Both the foundation system and connection of the mobile or manufactured home shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions prescribed by the manufacturer. Wooden foundations are prohibited."

(36) Section AE502.2 of the *International Residential Code* is amended to read as follows:

"AE502.2 Soil classification. The classification of the soil at each manufactured home site shall be determined by an engineer or architect licensed by the State to conduct soil investigations.

"The classification shall be based on observation and any necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil-bearing capacity, compressibility and expansiveness. The soil classification design bearing capacity and lateral pressure shall be shown on the plans."

(37) Section AE502.4 of the *International Residential Code* is amended to read as follows:

"AE502.4 Foundation design. The foundation system shall be designed in accordance with the applicable structural provisions of this Code and shall be designed to minimize differential settlement."

(38) Section AE503 of the *International Residential Code* is deleted in its entirety.

(39) Section AE604.1 of the *International Residential Code* is deleted in its entirety.

(40) Section AE605 of the *International Residential Code* is deleted in its entirety.

International Mechanical Code

(41) The *International Mechanical Code* is amended by substituting the words "The Town of Frederick" in lieu of the words "[NAME OF JURISDICTION]" wherever said words may appear

in the *International Mechanical Code*, except where the context indicates the original wording is appropriate.

(42) The *International Mechanical Code* is amended by substituting the words "adopted electrical code" in lieu of the words "ICC Electrical Code" wherever said words may appear in the *International Mechanical Code*.

(43) The *International Mechanical Code* is amended by substituting the words "Department of Building Safety" in lieu of the words "department of mechanical inspection" wherever said words may appear in the *International Mechanical Code*.

(44) The *International Mechanical Code* is amended by substituting the words "building official" in lieu of the words "code official" wherever said words may appear in the *International Mechanical Code*.

(45) Section 106.5.2 of the *International Mechanical Code* is hereby deleted in its entirety and reenacted to read as follows:

"106.5.2 Fee schedule. The fees for mechanical work shall be in accordance with the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution."

(46) Section 108 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

(47) Section 109.1 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"109.1 General, qualifications. 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 Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(48) Section 109.2 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"109.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Board of Adjustments. 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 did 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 building official within 20 days after the notice was served."

(49) Section 109.3 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"109.3 Limitations of authority. The Board of Adjustments shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the board be empowered to waive requirements of this Code."

(50) Section 109.4 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

"109.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

(51) Section 109 of the *International Mechanical Code* is hereby amended by the deletion of the following sections: 109.5 Postponed hearing; 109.6 Board decision; 109.7 Court review.

International Fuel Gas Code

(52) The *International Fuel Gas Code* is amended by substituting the words "The Town of Frederick" in lieu of the words "[NAME OF JURISDICTION]" wherever said words may appear in the *International Fuel Gas Code*, except where the context indicates the original wording is appropriate.

(53) The *International Fuel Gas Code* is amended by substituting the words "adopted electrical code" in lieu of the words "ICC Electrical Code" wherever said words may appear in the *International Fuel Gas Code*.

(54) The *International Fuel Gas Code* is amended by substituting the words "Department of Building Safety" in lieu of the words "department of inspection" wherever said words may appear in the *International Fuel Gas Code*.

(55) The *International Fuel Gas Code* is amended by substituting the words "building official" in lieu of the words "code official" wherever said words may appear in the *International Fuel Gas Code*.

(56) Section 106.5.2 of the *International Fuel Gas Code* is hereby deleted in its entirety and reenacted to read as follows:

"106.5.2 Fee schedule. The fees for work shall be in accordance with the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution."

(57) Section 108 of the *International Fuel Gas Code* is hereby deleted in its entirety.

(58) Section 109.1 of the *International Fuel Gas Code* is deleted in its entirety and reenacted to read as follows:

"109.1 General, qualifications. 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 Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(59) Section 109.2 of the *International Fuel Gas Code* is deleted in its entirety and reenacted to read as follows:

"109.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Board of Adjustments. 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 did 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 building official within 20 days after the notice was served."

(60) Section 109.3 of the *International Fuel Gas Code* is deleted in its entirety and reenacted to read as follows:

"109.3 Limitations of authority. The Board of Adjustments shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the board be empowered to waive requirements of this Code."

(61) Section 109.4 of the *International Fuel Gas Code* is deleted in its entirety and reenacted to read as follows:

"109.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

(62) Section 109 of the *International Fuel Gas Code* is hereby amended by the deletion of the following sections: 109.5 Postponed hearing; 109.6 Board decision; 109.7 Court review.

(63) Section 406.4.1 of the *International Fuel Gas Code* is hereby deleted in its entirety and reenacted to read as follows:

"406.4.1 Test pressure. The test pressure to be used shall not be less than one and one-half times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure."

(64) Section 406.4.2 of the *International Fuel Gas Code* is hereby deleted in its entirety and reenacted to read as follows:

"406.4.2 Test duration. Test duration shall not be less than ½ hour for each 500 cubic feet (14m cubed) of pipe volume or fraction thereof. When testing a system having a volume less

than 10 cubic feet (0.28m cubed) or a system in a single-family dwelling, the test duration shall be not less than 15 minutes. The duration of the test shall not be required to exceed 24 hours."

International Plumbing Code

(65) The *International Plumbing Code* is amended by substituting the words "The Town of Frederick" in lieu of the words [NAME OF JURISDICTION] wherever said words may appear in the *International Plumbing Code*, except where the context indicates the original wording is appropriate.

(66) The *International Plumbing Code* is amended by substituting the words "adopted electrical code" in lieu of the words "ICC Electrical Code" wherever said words may appear in the *International Plumbing Code*.

(67) The *International Plumbing Code* is amended by substituting the words "Department of Building Safety" in lieu of the words "department of plumbing inspection" wherever said words may appear in the *International Plumbing Code*.

(68) The *International Plumbing Code* is amended by substituting the words "building official" in lieu of the words "code official" wherever said words may appear in the *International Plumbing Code*.

(69) Section 101.3 of the *International Plumbing Code* is amended to read as follows:

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

(70) Section 106.6.2 of the *International Plumbing Code* is hereby deleted in its entirety and reenacted to read as follows:

"106.6.2 Fee schedule. The fees for all plumbing work shall be in accordance with the schedule as established by the Board of Trustees. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a resolution."

(71) Section 108 of the *International Plumbing Code* is hereby deleted in its entirety.

(72) Section 109.1 of the *International Plumbing Code* is deleted in its entirety and reenacted to read as follows:

"109.1 General, qualifications. 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 Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(73) Section 109.2 of the *International Plumbing Code* is deleted in its entirety and reenacted to read as follows:

"109.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Board of Adjustments. 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 did 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 building official within 20 days after the notice was served."

(74) Section 109.3 of the *International Plumbing Code* is deleted in its entirety and reenacted to read as follows:

"109.3 Limitations of authority. The Board of Adjustments shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the board be empowered to waive requirements of this Code."

(75) Section 109.4 of the *International Plumbing Code* is deleted in its entirety and reenacted to read as follows:

"109.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

(76) Section 109 of the *International Plumbing Code* is hereby amended by the deletion of the following sections: 109.5 Postponed hearing; 109.6 Board decision; 109.7 Court review.

Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition

(77) Section 205.1 of the *Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition*, is deleted in its entirety and reenacted to read as follows:

"205.1 General, qualifications. 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 Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the

Board of Trustees. The Board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

(78) Section 205.2 of the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is deleted in its entirety and reenacted to read as follows:

"205.2 Application for appeal. A person shall have the right to appeal the decision of the building official to the Board of Adjustments. 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 did 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 building official within 20 days after the notice was served."

(79) Section 205 of the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is amended by the addition of a new Section 205.3, to read as follows:

"205.3 Limitations of authority. The Board of Adjustments shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the board be empowered to waive requirements of this Code."

(80) Section 205 of the *Uniform Code for the Abatement of Dangerous Buildings*, is amended by the addition of a new Section 205.4, to read as follows:

"205.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

(Ord. 974, § 2, 2008; Ord. 1032, §§ 1—14, 2010)

Sec. 18-1-80. Violations.

Violation of the provisions of this Building Code, including each supplemental code adopted herein, shall be subject to this general violation section.

(1) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, remove, demolish or utilize any building, structure or equipment regulated by this Building Code, or cause the same to be done, in conflict with or in violation of any of the provisions of this Building Code.

(2) Commencement of proceedings. Whenever the Building Official has inspected or caused to be inspected any building or premises and has found and determined that violations of this Building Code exist, he or she shall commence proceedings to cause the correction of said violations.

a. Notice and order. The Building Official shall issue a notice and order directed to the record owner of the building or premises. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building or premises is located.

2. A concise description of the conditions found to be in violation of this Building Code and including the specific section of the code violated.

3. A statement of the action required to be taken as determined by the Building Official.

a) If the Building Official has determined that a building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty [60] days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

b) If the Building Official has determined that a building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.

c) If the Building Official has determined that a building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine is reasonable (not to exceed sixty [60] days from the date of the order); that all required permits be secured therefor within sixty (60) days from the date of the order; and that the demolition be completed within such time as the Building Official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official:

a) Will order the building or premises vacated and posted to prevent further occupancy until the work is completed; and

b) May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising:

a) That any person having any record title or legal interest in the building or premises may appeal from the notice and order or any action of the Building Official to the Board of Adjustments, provided that the appeal is made in writing as provided in this Building Code and filed with the Building Official within thirty (30) days from the date of service of such notice and order; and

b) That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

b. Service of notice and order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building, premises or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this Section.

c. Method of service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his or her address as it appears on the last property assessment roll of the County or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice or to accept delivery of such notice shall not affect the validity of any proceedings taken under this Section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

d. Proof of service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the Building Official.

(3) Stop work orders. Upon notice from the Building Official that work is being done contrary to the provisions of this Building 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 the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00).

(4) Prosecution of violation. If the notice of violation is not complied with promptly, the Building Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Building Code or of the order or direction made pursuant thereto. In addition, the Building Official may issue and serve the violator(s) a summons and complaint requiring appearance in the Municipal Court to answer the charge(s) brought against him or her. These remedies are not exclusive; one (1) does not preclude pursuit of any other remedy noted herein or otherwise available to the Town.

(5) Violation penalties. Persons who shall violate a provision of this Building Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Building Code, shall be guilty of a noncriminal violation, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate and distinct offense.

(6) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction, restrain, correct or abate a violation, prevent illegal occupancy of a building, structure or premises or stop an illegal act, conduct, business or utilization of the installations on or about any premises.

(7) Repair, vacation and demolition. The following standards shall be followed by the Building Official (and by the Board of Adjustments if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

a. Any building declared a dangerous building under this Building Code shall be made to comply with one (1) of the following:

1. The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

2. The building shall be demolished at the option of the building owner; or

3. If the building does not constitute an immediate danger to the life, limb, property or safety of the public, it may be vacated, secured and maintained against entry.

b. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

(8) Unsafe installations. An installation that is unsafe, constitutes a fire or health hazard or is otherwise dangerous to human life, as regulated by this Building Code, is hereby declared an unsafe installation. Use of an installation regulated by this Building Code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

a. Authority to condemn installations. Whenever the Building Official determines that any installation, or portion thereof, regulated by this Building Code has become hazardous to life, health or property, he or she shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective installation after receiving such notice. When such installation is to be disconnected, written notice as prescribed in Paragraph 18-1-80(2) above shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

b. Authority to disconnect service utilities. The Building Official shall have the authority to require disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

c. Connection after order to disconnect. A person shall not make energy source connections to installations regulated by this Building Code which have been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such installations. When an installation is maintained in violation of this Building Code, and in violation of a notice issued pursuant to the provisions of this Section, the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

(9) Notice to vacate.

a. Posting. Every notice to vacate shall, in addition to being served as provided in Subparagraph 18-1-80(2)b., be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building, or to remove or deface this notice.
Building Official, Town of Frederick

b. Compliance. Whenever such notice is posted, no person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under a permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code. (Ord. 974, § 3, 2008)

Sec. 18-1-90. Certification.

The Town Clerk shall certify to the passage of the ordinance codified herein, and not less than one (1) copy of the codes adopted by this Article shall be kept in the office of the Town Clerk at all times and may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. Copies of the codes adopted by this Article may be purchased from the Town Clerk upon the payment of a fee, to be set by resolution of the Board of Trustees. (Ord. 974, § 3, 2008; Ord. 990, §§ 2, 3, 2009)

ARTICLE II

Reserved

ARTICLE III

International Fire Code

Sec. 18-71. International Fire Code, 2006 Edition, adopted.

(a) Subject to the amendments set forth in Section 18-71.5 below, the *International Fire Code*, 2006 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC, 20001-2070 including the outline of contents, index, Chapters 1—45 and Appendix Chapters A—G (the "International Fire Code"), is hereby adopted by this reference and incorporated into and made a part of this Code. The purpose and subject matter of the 2006 *International Fire Code* is to:

- (1) Regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices;
- (2) Provide greater safety and protection to the public from conditions hazardous to life or property in the occupancy of buildings or premises; and
- (3) Provide for the issuance of permits and collection of fees therefor.

(b) Except as amended in Section 18-71.5 below, the 2006 *International Fire Code* is adopted in full, including the outline of contents, index and Appendix Chapters A—G. Any reference to the *International Fire Code* within this Chapter shall be to the 2006 edition of said code.

(c) The Town Clerk shall maintain sufficient copies of the *International Fire Code* as required by law in the Town Hall.

(d) The code adopted herein shall be enforced by the one (1) or more fire districts having jurisdiction within the Town that shall serve as the Bureau of Fire Prevention of the Town. (Ord. 941, § 1, 2007)

Sec. 18-71.5. Amendments.

The *International Fire Code* as adopted herein by reference is amended as follows:

- (1) Section 108.1 is amended to read:

"**108.1.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official on the application and interpretation of this code, there is hereby created a board of appeals. The three-member board of appeals shall be comprised of the Chief Building Official, the Fire Chief and an independent fire safety engineer, architect, industrial hygienist or other qualified individual with expertise in interpreting and applying this code with respect to the specific issues being appealed, and who is mutually agreed upon by the Chief Building

Official and the Fire Chief. The board of appeals may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the fire code official."

(2) Section 108.3 is deleted in its entirety.

(3) Appendix A is deleted in its entirety and reenacted to read as follows:

"Appendix A — Board of Appeals.

"Section A101 — General.

"A101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of the *International Fire Code* pursuant to the provisions of Section 108. The board shall be established and operated in accordance with this section and shall be authorized to hear evidence from appellants and the fire code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

"A101.2 Membership. The three-member Board shall consist of the Chief Building Official, the Fire Chief and an independent fire safety engineer, architect, industrial hygienist or other qualified individual with expertise in interpreting and applying this code with respect to the issues being appealed. The Fire Chief and the Chief Building Official shall mutually agree upon the individual to serve as the third board member.

"A101.3 Quorum. All three members of the board are required for a quorum. In varying the application of any provisions of this code or in modifying an order of the fire code official, an affirmative vote of at least two of the three Board members is required.

"A101.4 Secretary of the Board. The Fire District's Administrative Assistant shall serve as the secretary of the Board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions and the vote of each member.

"A101.5 Meetings. The board shall meet within 10 days after notice of appeal has been received or as soon thereafter as practicable.

"A101.6 Decisions. Every decision shall be promptly filed in writing in the office of the fire code official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the fire code official for 2 weeks after filing.

"A101.7 Procedures. The board shall be operated in accordance with the Colorado Administrative Procedures Act and shall establish rules and regulations for its own procedures not inconsistent with the provisions of this code and State law."

(4) A part 5 is adopted to address Public Safety Radio Amplification Systems as follows:

"511.5 General. Public safety radio amplification systems for the enhancement of emergency services communications within buildings shall be designed, installed and maintained in accordance with this section.

"511.6 Approval and permit. Plans shall be submitted for approval prior to installation. At the conclusion of successful acceptance testing, a renewable permit shall be issued for the public safety radio enhancement system by the Town.

"511.7 Where required. Where adequate radio coverage cannot be established within a building, as defined by the Fire Chief, public safety radio amplification systems shall be installed in the following locations:

"1. New buildings with a total building area greater than 50,000 square feet. For the purpose of this section, fire walls shall not be used to define separate buildings.

"2. All new basements over 10,000 square feet.

"3. Existing buildings meeting the criteria of Item #1 or 2 of this section undergoing alterations or additions exceeding 50% of the existing aggregate area of the building as of the date of this ordinance.

"Exceptions:

"1. One- and two-family dwellings and townhouses.

"2. If approved by the Fire Chief, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 511.3 and final on-site testing.

"511.8 Design and installation. Public safety radio amplification systems shall be designed and installed in accordance with the criteria established by the Fire Chief based on the capabilities and communication features of the jurisdictions providing emergency services. Except as otherwise provided in this article, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency services providers.

"1. After a building permit has been issued, upon request by the owner or the owner's agent, the fire department will, within ten to fourteen days, identify the frequency range or ranges that must be supported.

"2. In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this article, such agency shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

"3. For purposes of this section, adequate radio coverage shall constitute a successful communications test between the building and the communications centers for all appropriate emergency service providers for the building.

"Inbound into the building: A minimum average in-building field strength of (-95 dBm) throughout 100% of the area of each floor of the building when transmitted from the

appropriate emergency service dispatch centers which are providing police, fire and emergency medical protection services to the building

"If the field strength outside the building where the receiver antenna system for the in-building system is located is less than the -95 dBm, then the minimum required in-building field strength shall equal the field strength being delivered to the receiver antenna of the building.

"As used in this part, 100% coverage or reliability means the radio will transmit 85% of the time at the field strength and levels as defined in this part.

"Outbound from the building: A minimum average signal strength of (-95 dBm) as received by the appropriate emergency service dispatch centers which are providing police, fire and emergency medical protection services to the building.

"FCC authorization: If amplification is used in the system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the Town.

"511.9 Enhanced amplification systems. Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established in Section 511.4, with amplification systems as needed.

"If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery and/or generator system for a period of at least 12 hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

"The public radio enhancement system shall include automatic supervisory and trouble signals for malfunction of the signal booster(s) and power supplies that are annunciated by the fire alarm system.

"511.10 Final acceptance test. A minimum signal strength of -95 dBm must be receivable in 90% of the area of each floor of the building when a 700/800 MHz radio signal is transmitted from the nearest public safety radio communication site.

"A minimum signal strength of -95 dBm must be received at the nearest public safety radio communication site when a 700/800 MHz radio signal is transmitted from 90% of the area of each floor of the building.

"The 700/800 MHz frequency range must be able to be received and transmitted within 90% of the structure 95% of the time.

"511.11 Testing procedures. Tests shall be made using frequencies close to the frequencies used by the emergency services agencies. If testing is done on the actual frequencies, then this testing must be coordinated with the appropriate emergency services agencies. All testing must be done on frequencies that are authorized by the FCC. A valid

FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.

"Where in-building radio coverage is required, and upon completion of the installation, it will be the building owner's responsibility to have the radio system tested to ensure that two-way coverage on each floor of the building is a minimum of 90%.

"Each floor of the building shall be divided into a grid of approximately 20 equal areas. A maximum of two (2) nonadjacent areas will be allowed to fail the test. In the event that three of the areas fail the test, in order to be more statistically accurate, the floor may be divided into forty equal areas. A maximum of four (4) nonadjacent areas will be allowed to fail the test.

"511.12 Annual tests. Annual tests shall be the building owner's responsibility to have all active components of the system, such as signal boosters, power supplies and backup batteries tested at a minimum of once every 12 months. If the communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approved criteria.

"If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

"Any system degradation or failure not related to the performance of the owners on-site system will be the responsibility of the appropriate emergency service agency.

"511.13 Maintenance. Public safety radio amplification systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. A complete and accurate maintenance log shall be kept at the site at all times, and shall, at a minimum, include the following information:

"1. Installing contractor.

"2. Site address.

"3. Maintenance performed.

"4. Maintenance contractor".

(Ord. 941, § 1, 2007; Ord. 1038, § 1, 2010)

Sec. 18-72. Penalties.

Any person who violates any provision of this Article shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Article is committed, continued or permitted by any such person shall be a separate offense. (Ord. 941, § 1, 2007)

Sec. 18-73. Storage of liquefied petroleum gas.

There shall be no storage of liquefied petroleum gas within the Town limits, and the limits referred to in Chapter 38 of the *International Fire Code* in which storage of flammable liquids in outside aboveground tanks is prohibited, are established as follows: There shall be no such storage of flammable liquids except within the following described area: those lots, tracts or parcels of land located in the Town wherein the same is stored at the time of the adoption of the *International Fire Code* by reference. (Ord. 941, § 1, 2007)

Sec. 18-74. Permits required.

Whenever in the *International Fire Code* it is required that permits be obtained, such permits shall be obtained in writing from the Town Clerk. Before any such permit may be issued, the Fire Chief shall make or cause to be made such inspections or tests as are necessary to assure that the provisions of said code are complied with, and the Fire Chief shall approve the application for permit. All permits shall be valid for the calendar year in which they are issued and shall be renewed each year. (Ord. 941, § 1, 2007)

Sec. 18-75. Appeals.

Whenever the Fire Chief shall disapprove an application or refuse to approve a permit applied for, or when it is claimed that the provisions of the *International Fire Code* do not apply or that the true intent and meaning of said code have been misconstrued or wrongfully interpreted, the applicant may appeal the decision of the Fire Chief to the Board of Trustees within thirty (30) days after the date of the decision appealed. (Ord. 941, § 1, 2007)

Sec. 18-76. Violations.

It shall be unlawful for any person to violate any of the provisions of the *International Fire Code*, to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement, specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and such violation shall constitute a violation of this Code and shall be punishable as herein provided. (Ord. 941, § 1, 2007)

Sec. 18-77. Inspections of buildings and premises.

(a) It shall be the duty of the Fire Chief to inspect, or cause to be inspected by the Bureau of Fire Prevention or by Fire Department officers or members, all buildings and premises except the interior of dwellings, no less than once every three (3) years, or as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of the *International Fire Code*, or any other ordinance affecting the fire hazard.

(b) The Fire Chief, Chief of the Bureau of Fire Prevention or an inspector, upon the complaint of any person or whenever he, she or they shall deem it necessary, shall inspect any building and premises within their jurisdiction. (Ord. 941, § 1, 2007)

Secs. 18-78—18-90. Reserved.

ARTICLE IV

Design Standards and Construction Specifications

Sec. 18-91. Adoption of standards.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there are hereby adopted by reference thereto the *Town of Frederick, Colorado, Design Standards and Construction Specifications*, as promulgated August 23, 2007, by the Town of Frederick, P.O. Box 435, 401 Locust, Frederick, Colorado 80530.

(b) The *Town of Frederick, Colorado, Design Standards and Construction Specifications* shall be referred to hereinafter as the "Design Standards" and may be cited as such. (Ord. 939, § 1, 2007)

Sec. 18-92. Amendments.

The Design Standards, adopted herein by reference as described and adopted in Section 18-91 above, are hereby amended as follows:

- (1) Section 102.3 of the Design Standards is hereby amended to read as follows:

"SECTION 102.3 Enforcement

"The Town is authorized to enforce all provisions of these Standards and Specifications and may appoint an inspector or other authorized representative to act on the Town's behalf.

"1. Nonconformance Reports:

"a. A Nonconformance Report (NCR) will be issued to the Contractor for any defective materials, poor workmanship, or work not in conformance with the approved plans and other applicable criteria that is not immediately remedied by the Contractor.

"b. NCRs require a written response from the Contractor outlining the proposed corrective action(s) for the nonconforming item(s). Where rework or repair is necessary to bring the nonconforming item(s) into compliance, such rework or repair shall not commence until the NCR is approved by the Town Engineer.

"c. Repeated or unresolved NCRs shall be grounds for the Town to serve a stop work notice on the project. Construction acceptance on a project shall not be issued until all NCRs are resolved to the satisfaction of the Town Engineer.

"2. Stop Work:

"a. In the event that any of the provisions of the accepted plans or other applicable criteria of the Town are violated by the Developer or any of the Developer's Contractors or subcontractors, or significant changes to the accepted plans are made without the review and acceptance by the Town, or improvements are not constructed in accordance with the reviewed and accepted plans, the Town may serve written notice of the Town's intention to stop work on the project. Unless the violations cease and satisfactory arrangements for correction(s) are made, the work shall be stopped immediately after serving written notice.

In the event of any such termination, the Town shall immediately serve notice to the Developer and the Contractor. If not resolved within 30 days of the written notice, the Town may, at its sole discretion, take over the work and finish it at the expense of the Developer and/or Contractor.

"b. In addition, it may become necessary for the Town to immediately stop work on a project to protect the health, safety, and welfare of the citizens of the Town. Such instances may include, but are not limited to, the creation of a public safety hazard, lack of required permits, inadequate traffic control, or obstruction of an emergency access. The Town, or the Town's authorized representative, has the authority to stop work immediately after the Contractor has been served with written notice as provided in this Section 102.3. The Contractor shall not resume work without written approval from the Town.

"3. Liability: The Town, or the Town's authorized representatives charged with the enforcement of these Standards and Specifications, acting in good faith, will not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by any reason of any act or omission in the discharge of their duties.

"4. Noncriminal Violation: It shall be a noncriminal violation of these Design Standards for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in these Design Standards.

"5. Penalty: Any person, firm or corporation convicted of violating the terms or conditions of the Design Standards adopted hereby may be fined by an amount not to exceed five hundred dollars (\$500.00). Each day during which such violation continues shall be deemed a separate charge.

"6. Additional Remedies: In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Town Board, may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. The Remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies."

(2) Section 104.4 of the Design Standards is amended by the addition of the following:

"j. All drawings shall include the following signature block for the signature of the Town Engineer. No construction shall be commenced until and unless all drawings have been signed by the Town Engineer.

'APPROVAL

'ALL WORK SHALL BE CONSTRUCTED TO THE TOWN OF FREDERICK STANDARDS AND SPECIFICATIONS. THIS DRAWING HAS BEEN REVIEWED AND FOUND TO BE IN GENERAL COMPLIANCE WITH THE STANDARDS AND SPECIFICATIONS AND OTHER TOWN REQUIREMENTS. THE ENGINEERING DESIGN AND CONCEPT REMAINS THE RESPONSIBILITY OF THE PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE APPEAR HEREON.

Accepted by _____
Town Engineer Date' "

(3) Section 102.1 of the Design Standards is hereby amended by the addition of the subsection (5) to read as follows:

"5. As the approved materials list and the construction notes contained in the appendices of the Design Standards and Construction Specifications are subject to frequent updates, the Town Engineer has been authorized by the Board of Trustees to update, change, modify and revise these appendices as may be required from time to time. The Town Engineer shall use current engineering principles and current industry practices in determining what materials are approved and included in these appendices and what general notes are required on construction plans. Changes shall be posted on the Town's website and an official copy of the Design Standards and Construction Specifications shall be maintained in the Town Clerk's office."

(4) Section 403.03 of the Design Standards is hereby amended by the addition of subsection (2) to read as follows:

"2. The following table shows minimum allowable subgrade R values based on the minimum ESAL amounts shown in Section 509.01. All subgrade upon which street or other paving will be placed shall be shown by a geotechnical engineer to have at least the minimum R values shown below. If the subgrade does not meet the minimum R values shown below, then subgrade stabilization, as directed by the geotechnical engineer and approved by the Town Engineer, shall be required.

<i>"Classification</i>	<i>Industrial</i>	<i>Commercial</i>	<i>Multi-Family</i>	<i>Single-Family</i>
Arterial	23	21	18	18
4-Lane Collector	18	18	18	18
2-Lane Collector	15	15	10	10
Low Density Rural	8	—	—	—
Local Street	12	10	8	7
Fire Lane	10	10	8	—
Parking, Cars Only	6	6	6	6
Parking, All Others	12	12	6	6"

(5) Section 500, Street improvements, is hereby amended by the addition of subsection 522, Street lighting, to read as follows:

"522. Street lighting standards.

"1. Street lighting and associated underground street lighting supply circuits shall be installed. Roadway lighting shall conform to the illuminance or luminance design values shown in Table 3-5a of the AASHTO Roadway Lighting Design Guide, 2005, which has been reproduced in part below. These values are for continuous lighting. Conflict lighting at intersections shall be twice these values. A photometric study drawing is required to be included with the construction plans for all subdivisions.

		"Illuminance Method"		
		Average Maintained Illuminance	Minimum Illuminance	Illuminance Uniformity Ratio
		Asphalt Road Surface (typical) foot-candles (min)		
			foot-candles	avg/min (max)
Arterials	Commercial	1.4	As uniformity ratio allows	4:1
	Intermediate	1.0		4:1
	Residential	0.7		4:1
Collectors	Commercial	1.1		4:1
	Intermediate	0.8		4:1
	Residential	0.6		4:1
Local	Commercial	0.8		6:1
	Intermediate	0.7		6:1
	Residential	0.4		6:1

"2. Types of allowed light poles and fixtures. Unless otherwise approved by the Town Engineer, all light poles shall be of types indicated in the approved materials list in Appendix 1. Roadway lighting shall be mounted with poles of either 15 or 30 feet, as approved by the Town Engineer, corresponding to a luminaire height of either 15 or 30 feet. The height of the roadway lighting shall conform to the general character of the development. The height of the roadway lighting shall be chosen while considering possible luminaire wattages from 70 to 250 watts, such that the illuminance levels (shown in the above table) or luminance levels (shown in Table 3-5a of the AASHTO Roadway Lighting Design Guide, 2005) are provided.

"3. Pedestrian lighting. Pedestrian lighting is required for all trails and trail connections that are not adjacent to and illuminated by roadway lighting. Such lighting shall be of a type and character that provides for both pedestrian safety and aesthetic conformance to the adjacent development. At a minimum, pedestrian lighting shall be provided at intersections of pedestrian trails and at intersections of trails with roadways.

"4. Height standards for lighting. Light fixtures shall be mounted on poles no higher than the maximum height for structures allowed in that zone district, unless a different height is approved by the Town Engineer. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high, unless otherwise approved by the Town Engineer."

(6) Section 1103.01 is hereby amended to read as follows:

"1103.01. Fence.

"1. Fence materials shall conform to the Town of Frederick Zoning Codes and Subdivision Regulations, Section 16-16-10, Fences and walls.

"a. Steel components: All steel components including fabric, pipe and fittings shall be first quality, full weight, hot-dipped galvanized materials. Zinc coating shall be applied to the interior and exterior of materials and shall conform to ASTM B6, Specification for Zinc-Prime Western Grade. Materials for fence posts and rails shall meet the strength testing requirements for Group 1A or Group 1C piping in accordance with ASTM F669, Strength Requirements of Metal Posts and Rails for Industrial Chain Link Fence. Gates shall be constructed in accordance with ASTM F900.

"b. Wood components. Unless otherwise specified, wood fences shall be composed of the following:

"1. Posts: 4 inch by 6 inch rough sawn, No. 2 Grade, Red Cedar with chamfered tops, no knot holes.

"2. Boards: 2 inch by 8 inch rough sawn, No. 2 Grade, Red Cedar, no knot holes.

"3. Stain: Olympic No. 721 Semi-Transparent stain, color as selected by the Town Engineer."

(7) Section 500.01 is hereby amended by the addition of subsection 10 to read as follows:

"10. All roundabouts shall adhere to the standards and recommendations contained in the FHWA publication *Roundabouts: An Informational Guide, FHWA-RD-00-067.*"

(8) Section 521 is hereby amended to read as follows:

"Standards Referenced in Section 500:	
Standard	Title
AASHTO M145	Classification of Soils and Soil-Aggregate Mixtures for Highway Construction Purposes, Single-User Digital Publication
AASHTO T27	Sieve Analysis of Fine and Coarse Aggregates
AASHTO T89	Standard Method of Test for Determining the Liquid Limit of Soils
AASHTO T90	Determining the Plastic Limit and Plasticity Index of Soils, Single-User Digital Publication
AASHTO T164	Standard Method of Test for Quantitative Extraction of Asphalt Binder from Hot-Mix Asphalt (HMA)
AASHTO T180	Standard Method of Test for Moisture-Density Relations of Soils Using a 4.54-kg (10-lb) Rammer and a 457-mm (18-in.) Drop
AASHTO T190	Standard Method of Test for Resistance R-Value and Expansion Pressure of Compacted Soils
AASHTO T-206	Standard Method of Test for Penetration Test and Split-Barrel Sampling of Soils
AASHTO T230	Standard Method of Test for Laboratory Determination of Moisture Content of Soils
AASHTO T265	Standard Method of Test for Laboratory Determination of Moisture Content of Soils
AASHTO T290	Standard Method of Test for Determining Water-Soluble Sulfate Ion Content in Soil
ASTM D698	Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort
ASTM D1557	Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort

ASTM D2950	Standard Test Method for Density of Bituminous Concrete in Place by Nuclear Methods
ASTM D2487	Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)
ASTM D4546	Standard Test Method for Density of Bituminous Concrete in Place by Nuclear Methods
CP 44	Bulk Specific Gravity and Percent Relative Compaction of Compacted Bituminous Mixtures Using Saturated Surface-Dry
CP 48	Determination of the Voids in the Mineral Aggregate (VMA)
CP 51	Determining the Maximum Specific Gravity of HMA
CP 81	Density and Percent Relative Compaction of In-Place Bituminous Pavement by the Nuclear Method
CP 82	Field Correction of the In-Place Measurement of Density of Bituminous Pavement by the Nuclear Method
FHWA-RD-00-067	Roundabouts: An Informational Guide"

(Ord. 939, § 1, 2007; Ord. 980, § 1, 2008)

Sec. 18-93. Violations; penalties.

Any person, firm or corporation who shall alter or change these Design Standards, except in the manner prescribed in this Article, or who shall alter or tamper with the Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided in Section 18-104 below. (Ord. 939, § 1, 2007)

Sec. 18-94. Interpretation.

(a) In their interpretation and application, the provisions of these Design Standards shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare.

(b) Whenever the requirements of these Design Standards are in conflict with the requirements of any other ordinance, rule, regulation, private covenant or deed restriction, the more restrictive or that imposing the higher standards shall govern. (Ord. 939, § 1, 2007)

Sec. 18-95. Titles and headings not part of legislation.

Section titles and headings and other divisions in the Design Standards or in supplements made to the Design Standards are inserted in the Design Standards and may be inserted in supplements to the Design Standards for the convenience of persons using the Design Standards and are not part of the Design Standards. (Ord. 939, § 1, 2007)

Sec. 18-96. Notes not part of legislation.

Notes, including footnotes and endnotes, indicating sources of sections, giving other information or referring to the statutes or to other parts of the Design Standards are inserted in the Design Standards and may be inserted in supplements to the Design Standards for the convenience of persons using the Design Standards and are not part of the Design Standards. (Ord. 939, § 1, 2007)

Sec. 18-97. Severability.

If any section, subsection or provision of the Design Standards or the application thereof to any person or circumstances is declared unconstitutional or otherwise invalid by any competent court, the remainder of the Design Standards shall continue in full force and effect, it being the intent of the Board of Trustees that the Design Standards would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, provision or part of the Design Standards or the application thereof to any person or circumstances is held invalid, the remainder of the Design Standards and the application thereof to other persons or circumstances shall not be affected thereby. (Ord. 939, § 1, 2007)

Sec. 18-98. Amendment procedure.

Amendments to the Design Standards passed or adopted after the adoption of this Article may be passed or adopted either in the form of amendments to the Design Standards adopted by this Article or without specific reference to the Design Standards. In either case, all such ordinances, resolutions and amendments to the Design Standards and parts thereof shall be deemed amendments to the Design Standards, and all of the substantive, permanent and general parts of said ordinances, resolutions and amendments to the Design Standards and the changes made thereby in the Design Standards shall be inserted in the Design Standards as provided in Section 18-99 below. (Ord. 939, § 1, 2007)

Sec. 18-99. Supplementation.

(a) The Board of Trustees shall cause supplementation of the Design Standards to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances, resolutions and amendments to the Design Standards adopted by the Board or adopted by initiative and referendum prior to the supplementation and since the previous supplementation shall be included in the supplementation.

(b) In supplementing the Design Standards, grammatical corrections and other minor nonsubstantive changes may be made in the text. It is the intention of the Board of Trustees that all such changes be adopted as part of the Design Standards as if the ordinances or resolutions so changed had been previously formally amended to read as such.

(c) It shall be the duty of the Town Clerk or someone authorized and directed by the Town Clerk to keep up to date the certified copy of the book containing the Design Standards required to be filed in the office of the Town Clerk for the use of the public. (Ord. 939, § 1, 2007)

Sec. 18-100. Enactment.

Upon approval and adoption by the Board of Trustees, a certified copy of these Design Standards shall be filed in the office of the Town Clerk. (Ord. 939, § 1, 2007)

Sec. 18-101. Certification.

The Town Clerk shall carefully examine at least one (1) copy of the Design Standards. The Town Clerk shall then insert a certificate in the front of said true and correct copy of the Design Standards, certifying substantially that the copy is a true and correct copy. The Mayor and the Town Clerk shall

sign the certificate and seal it with the Seal of the Town. The copy of the Design Standards as originally adopted, or as amended, certified and sealed, shall constitute the Design Standards as of the date indicated in the certificate and shall be so accepted by the courts of law, administrative tribunals and by all others concerned. (Ord. 939, § 1, 2007)

Sec. 18-102. Copies kept on file.

At least one (1) copy of the Design Standards so certified and sealed most recently shall be kept in the office of the Town Clerk at all times and may be inspected by any interested person at any time during regular office hours, except that, after adoption, a copy may be kept in the office of the Town Engineer instead of the Town Clerk's office. (Ord. 939, § 1, 2007)

Sec. 18-103. Sale of books.

Copies of the Design Standards book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees. (Ord. 939, § 1, 2007)

Sec. 18-104. Enforcement.

The following sections of the Design Standards which contain enforcement clauses are herewith set forth in full and hereby enacted:

"SECTION 102.3 Enforcement

"The Town is authorized to enforce all provisions of these Standards and Specifications and may appoint an inspector or other authorized representative to act on the Town's behalf.

"1. Nonconformance Reports:

"a. A Nonconformance Report (NCR) will be issued to the Contractor for any defective materials, poor workmanship, or work not in conformance with the approved plans and other applicable criteria that is not immediately remedied by the Contractor.

"b. NCRs require a written response from the Contractor outlining the proposed corrective action(s) for the nonconforming item(s). Where rework or repair is necessary to bring the nonconforming item(s) into compliance, such rework or repair shall not commence until the NCR is approved by the Town Engineer.

"c. Repeated or unresolved NCRs shall be grounds for the Town to serve a stop work notice on the project. Construction acceptance on a project shall not be issued until all NCRs are resolved to the satisfaction of the Town Engineer.

"2. Stop Work:

"a. In the event that any of the provisions of the accepted plans or other applicable criteria of the Town are violated by the Developer or any of the Developer's Contractors or subcontractors, or significant changes to the accepted plans are made without the review and acceptance by the Town, or improvements are not constructed in accordance with the reviewed and accepted plans, the Town may serve written notice of the Town's intention to stop work on

the project. Unless the violations cease and satisfactory arrangements for correction(s) are made, the work shall be stopped immediately after serving written notice. In the event of any such termination, the Town shall immediately serve notice to the Developer and the Contractor. If not resolved within 30 days of the written notice, the Town may, at its sole discretion, take over the work and finish it at the expense of the Developer and/or Contractor.

"b. In addition, it may become necessary for the Town to immediately stop work on a project to protect the health, safety, and welfare of the citizens of the Town. Such instances may include, but are not limited to, the creation of a public safety hazard, lack of required permits, inadequate traffic control, or obstruction of an emergency access. The Town, or the Town's authorized representative, has the authority to stop work immediately after the Contractor has been served with written notice as provided in this Section 102.3. The Contractor shall not resume work without written approval from the Town.

"3. Liability: The Town, or the Town's authorized representatives charged with the enforcement of these Standards and Specifications, acting in good faith, will not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by any reason of any act or omission in the discharge of their duties.

"4. Noncriminal Violation: It shall be a noncriminal violation of these Design Standards for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in these Design Standards.

"5. Penalty: Any person, firm or corporation convicted of violating the terms or conditions of the Design Standards adopted hereby may be fined by an amount not to exceed five hundred dollars (\$500.00). Each day during which such violation continues shall be deemed a separate charge."

"6. Additional Remedies: In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Town Board, may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. The Remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies."

(Ord. 939, § 1, 2007)

Secs. 18-105—18-120. Reserved.