

## CHAPTER 18

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## ARTICLE I

### General Provisions

#### **Sec. 18-1-10. Purpose.**

The purpose of the codes adopted herein is to provide standards for and to regulate the materials, design and construction methods for the planning, design and construction of buildings and other improvements and to provide a comprehensive fire code. The codes adopted herein contain considerable data, requirements, procedures and technical information designed to ensure the public health, safety and welfare. It is, therefore, essential that this Article be effective at the earliest possible date. (Ord. 97-2 §1.2; Ord. 04-17 §1)

#### **Sec. 18-1-20. Penalties.**

Any person, firm or corporation violating any of the provisions of this Article or any code incorporated herein shall be deemed guilty of a misdemeanor, and any such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed, continued or permitted, and upon conviction of any such violations, such person, firm or corporation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of, any violation of any provisions of the Douglas County Codes adopted herein. (Ord. 97-2 §3.2; Ord. 01-09 §3.5; Ord. 04-17 §1)

## ARTICLE II

### Building Code

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

This Article shall be known as the *Lone Tree Building Code*. (Ord. 11-06 Arts. 3, 4)

#### **Sec. 18-2-20. Adoption by reference.**

(a) The International Building Code, 2009 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the building code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Building Code, 2009 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 4)

**Sec. 18-2-30. Definition.**

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 4)

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

The International Building Code, 2009 Edition, shall be amended as follows:

- (1) Section 103.2 is deleted and replaced by the following:

"103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the building official under this code."

- (2) Section 109.2 is deleted and replaced by the following:

"109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule.

"109.2.1 Exception. Building permit and plan review fees shall not be charged for elevators, escalators, moving walks and dumbwaiters when separate fees are charged directly to the applicant by the elevator inspection agency."

- (3) Section 109.6 is deleted and replaced by the following:

"109.6 Refunds. The building official shall authorize the refunding of fees as follows:

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

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

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

"The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The building official is authorized to adjust the refund amount and timing if justifiable cause is demonstrated."

- (4) A new Section 109.7 is added to read as follows:

"109.7 Use tax. The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4, Article III of the Lone Tree Municipal Code."

- (5) A new Section 109.8 is added to read as follows:

"109.8 Elevator/escalator inspection fee. An annual inspection fee in accordance with the City of Lone Tree Administrative Fee Schedule shall be paid for each separate elevator/escalator installed in the city. This fee shall cover annual safety inspections. Yearly notice of the fee shall be given to each conveyance owner by the building division."

(6) Section 1608.2 is deleted and replaced by the following:

"1608.2 Ground snow loads. The ground snow load shall be a minimum of 30 pounds per square foot. The design roof snow load shall be no less than 30 psf at any element of the roof."

(7) Section 1609.3 is deleted and replaced by the following:

"1609.3 Basic wind speed. Minimum basic wind speed for the city is hereby designated as seventy-five (75) miles per hour fastest mile (90 miles per hour 3-second gust)."

(8) The provisions of Appendix K, Administrative Provisions, are hereby adopted.

(9) Section 114.4 is deleted and replaced by the following:

"114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs a building or structure 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 code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(10) Section 115.3 is deleted and replaced by the following:

"115.3 Unlawful continuance. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Arts. 3, 4)

### **ARTICLE III**

#### **Residential Code**

##### **Sec. 18-3-10. Title.**

This Article shall be known as the *Lone Tree Residential Code*. (Ord. 11-06 Arts. 3, 5)

**Sec. 18-3-20. Adoption by reference.**

(a) The International Residential Code, 2009 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the residential code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Residential Code, 2009 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 5)

**Sec. 18-3-30. Definition.**

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 5)

**Sec. 18-3-40. Amendments.**

The International Residential Code, 2009 Edition, shall be amended as follows:

(1) Section R103.2 is deleted and replaced by the following:

"R103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the building official under this code."

(2) Section R108.2 is deleted and replaced by the following:

"R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Lone Tree Administrative Fee Schedule."

(3) Section R108.5 is deleted and replaced by the following:

"R108.5 Refunds. The building official shall authorize the refunding of fees as follows:

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

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

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

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

The building official is authorized to adjust the refund amount and timing if justifiable cause is demonstrated."

(4) A new Section R108.6 is added to read as follows:

"R108.6 Use tax. The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4, Article III of the Lone Tree Municipal Code."

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

"TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD:	30
WIND SPEED (mph-3 sec. gust):	90
SEISMIC DESIGN CATEGORY:	B
SUBJECT TO DAMAGE FROM:	
Weathering	Severe
Frost line depth	36"
Termite	n/a
WINTER DESIGN TEMP:	1°F
ICE BARRIER UNDERLAYMENT REQUIRED:	No
FLOOD HAZARDS:	2005
AIR FREEZING INDEX:	500-1,000
ANNUAL MEAN TEMP:	50°F"

(6) The Exception in Section R302.2 is deleted and replaced by the following:

"Exception: A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 35 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section 302.4."

(7) Section R302.3 is deleted and replaced with the following:

"R302.3 Two-family dwellings. Dwelling units in two-family dwellings shall be separated from each other by fire-resistance rated walls identical to those separation townhouses in R302.2 through R302.4 and/or floor-ceiling assemblies having not less than a 1-hour fire-resistance rating when tested in accordance with ASTM E119 or UL 263. Fire-resistance-rated floor-ceiling assemblies shall extend to and be tight against the exterior wall."

(8) Section R302.5.1 is amended by adding a new sentence to the end of the paragraph to read as follows:

"Doors shall be self-closing and self-latching."

(9) Section R313 is deleted and replaced by the following:

"SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

"R313.1 Townhouse automatic fire sprinkler systems. Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in townhouses, subject to the following exceptions:

"Exceptions:

"1. An automatic residential fire sprinkler system shall not be required effective January 1, 2013, unless such requirement is affirmed by ordinance prior to that date.

"2. An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed."

"R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.

"R313.2 One- and two-family dwellings automatic fire sprinkler systems. Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in one- and two- family dwellings, subject to the following exceptions:

"Exceptions:

"1. An automatic residential fire sprinkler system shall not be required effective January 1, 2013, unless such requirement is affirmed by ordinance prior to that date.

"2. An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing buildings that are not already provided with an automatic residential fire sprinkler system."

"R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D."

(10) Section R401.3 is deleted and replaced by the following:

"R401.3 Drainage and site grading. General. Grading shall be performed in such a manner as to minimize impact from drainage on adjacent properties and to minimize damage to structures. The provisions of this section are minimums, and greater protection may be required by the soil report or engineered foundation plan.

"R401.3.1 Yards. All yards shall have a minimum slope of five percent and a maximum slope of twenty-five percent away from the building for a minimum distance of ten feet from the building. Where lot lines, walls, slopes or other physical barriers prohibit 6 inches

(152 mm) of fall within 10 feet (3,048 mm), drains and swales shall be provided to ensure drainage away from the structure.

"R401.3.2 Seasonal limits. No fill material shall be placed, spread or rolled while it is frozen or thawing or during unfavorable weather conditions.

"R401.3.3 Downspouts. The location and direction of downspouts shall be such that no drainage or ponding problems are created and water is carried a minimum distance of three feet from buildings. Where practical, downspouts shall not dump onto hard surfaces, driveways, sidewalks or patios.

"R401.3.4 Window wells. Window wells shall extend a minimum of four inches above final grade.

"R401.3.5 Exposed foundation walls. Final grading shall be performed in such a manner that exposed, unfinished foundation walls do not exceed eighteen inches above grade. For a foundation wall to be considered finished, the exterior wall/finish materials or other approved materials shall effectively decorate or mask the foundation wall."

(11) Section N1101.2 is deleted and replaced by the following:

"N1101.2 Compliance. Compliance shall be demonstrated by either meeting the requirements of the International Energy Conservation Code, 2009 Edition, or meeting the requirements of this chapter. The climate zone for the City of Lone Tree is established as Zone 5."

(12) Section G2417.4.1 is deleted and replaced by the following:

"G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be no less than 20 psi (137.8 kPa) gauge pressure. For welded piping and for piping carrying gas at a pressure in excess of 14 inches (356 mm) water column pressure, the test pressure shall not be less than 60 psi (413.4 kPa) gauge pressure."

(13) The provisions of Appendix G, Swimming Pools, Spas and Hot Tubs, are hereby adopted.

(14) Section AG 105.2 of Appendix G, Outdoor Swimming Pool, Subsection No. 9 is deleted.

(15) Section R113.4 is deleted and replaced by the following:

"R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs a building or structure 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 code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses,

including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(16) Section R114.2 is deleted and replaced by the following:

"R114.2 Unlawful continuance. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Arts. 3, 5)

## ARTICLE IV

### Mechanical Code

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

This Article shall be known as the *Lone Tree Mechanical Code*. (Ord. 11-06 Arts. 3, 6)

#### **Sec. 18-4-20. Adoption by reference.**

(a) The International Mechanical Code, 2009 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the mechanical code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Mechanical Code, 2009 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 6)

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

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 6)

#### **Sec. 18-4-40. Amendments.**

The International Mechanical Code, 2009 Edition, shall be amended as follows:

(1) Section 103.2 is deleted and replaced by the following:

"103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code."

(2) Section 106.5.2 is deleted and replaced by the following:

"106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the City of Lone Tree Administrative Fee Schedule."

(3) Section 106.5.3 is deleted and replaced by the following:

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

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

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

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

"The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official is authorized to adjust the refund amount and timing if justifiable cause is demonstrated."

(4) A new Section 106.5.4 is added to read as follows:

"106.5.4 Use tax. The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4, Article III of the Lone Tree Municipal Code."

(5) Section 108.4 is deleted and replaced by the following:

"108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(6) The last sentence of Section 108.5 is deleted and a new Section 108.5.1 is added to read as follows:

"108.5.1 Unlawful continuance. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Arts. 3, 6)

## ARTICLE V

### Plumbing Code

#### Sec. 18-5-10. Title.

This Article shall be known as the *Lone Tree Plumbing Code*. (Ord. 11-06 Arts. 3, 7)

#### Sec. 18-5-20. Adoption by reference.

(a) The International Plumbing Code, 2009 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the plumbing code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Plumbing Code, 2009 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City of Lone Tree offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 7)

#### Sec. 18-5-30. Definition.

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 7)

#### Sec. 18-5-40. Amendments.

The International Plumbing Code, 2009 Edition, shall be amended as follows:

(1) Section 103.2 is deleted and replaced by the following:

"103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code."

(2) Section 106.6.2 is deleted and replaced by the following:

"106.6.2 Fee schedule. The fees for all plumbing work shall be as indicated in the City of Lone Tree Administrative Fee Schedule."

(3) Section 106.6.3 is deleted and replaced by the following:

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

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

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

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

"The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official is authorized to adjust the refund amount and timing if justifiable cause is demonstrated."

(4) A new Section 106.6.4 is added to read as follows:

"106.6.4 Use tax. The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4, Article III of the Lone Tree Municipal Code."

(5) Section 305.6.1 is deleted and replaced by the following:

"305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 36 inches below grade."

(6) Section 904.1 is deleted and replaced by the following:

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

(7) Section 108.4 is deleted and replaced by the following:

"108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(8) The last sentence of Section 108.5 is deleted and a new Section 108.5.1 is added to read as follows:

"108.5.1 Unlawful continuance. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Arts. 3, 7)

## ARTICLE VI

### Fuel Gas Code

#### Sec. 18-6-10. Title.

This Article shall be known as the *Lone Tree Fuel Gas Code* (Ord. 11-06 Arts. 3, 8)

#### Sec. 18-6-20. Adoption by reference.

(a) The International Fuel Gas Code, 2009 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the fuel gas code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Fuel Gas Code, 2009 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 8)

#### Sec. 18-6-30. Definition.

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 8)

#### Sec. 18-6-40. Amendments.

The International Fuel Gas Code, 2009 Edition, shall be amended as follows:

- (1) Section 103.2 is deleted and replaced by the following:

"103.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code."

- (2) Section 106.5.2 is deleted and replaced by the following:

"106.5.2 Fee schedule. The fees for all work shall be as indicated in the City of Lone Tree Administrative Fee Schedule."

- (3) Section 106.6.3 is deleted and replaced by the following:

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

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

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

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

"The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official is authorized to adjust the refund amount and timing if justifiable cause is demonstrated."

(4) A new Section 106.6.4 is added to read as follows:

"106.6.4 Use tax. The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4, Article III of the Lone Tree Municipal Code."

(5) Section 406.4.1 is deleted and replaced by the following:

"406.4.1 Test pressure. The test pressure to be used shall be no less than 20 psi (137.8 kPa) gauge pressure. For welded piping and for piping carrying gas at a pressure in excess of 14 inches (356 mm) water column pressure, the test pressure shall not be less than 60 psi (413.4 kPa) gauge pressure."

(6) Section 108.4 is deleted and replaced by the following:

"108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(7) The last sentence of Section 108.5 is deleted and a new Section 108.5.1 is added to read as follows:

"108.5.1 Unlawful continuance. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Arts. 3, 8)

## ARTICLE VII

### Electrical Code

#### **Sec. 18-7-10. Title.**

This Article shall be known as the *Lone Tree Electrical Code*. (Ord. 11-06 Arts. 3, 9)

#### **Sec. 18-7-20. Adoption by reference.**

(a) The National Electrical Code, 2011 Edition, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the electrical code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the National Electrical Code, 2011 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 9)

#### **Sec. 18-7-30. Definition.**

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 9)

#### **Sec. 18-7-40. Amendments.**

The National Electrical Code, 2011 Edition, shall be amended as follows:

(1) Section 210.52(B)(3), Kitchen Receptacle Requirements, is amended by adding a new sentence to the end of the paragraph to read as follows:

"There shall be no more than four (4) outlet openings on a residential kitchen small appliance branch circuit."

(2) Section 220.14(I), Receptacle Outlets, is amended by adding a new sentence to the end of the paragraph to read as follows:

"For dwellings and general purpose outlets, the number of outlets per circuit shall not exceed ten (10) on a 15-ampere circuit or thirteen (13) on a 20-ampere circuit."

(Ord. 11-06 Arts. 9)

## ARTICLE VIII

### Electrical Code – Administrative Provisions

#### Sec. 18-8-10. Title.

This Article shall be known as the *Lone Tree Electrical Code – Administrative Provisions*. (Ord. 09-06 Art. 10)

#### Sec. 18-8-20. Adoption by reference.

(a) The International Code Council Electrical Code – Administrative Provisions, 2006 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the administrative provisions for the electrical code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Code Council Electrical Code – Administrative Provisions, 2006 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 09-06 Art. 10)

#### Sec. 18-8-30. Definition.

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 09-06 Art. 10)

#### Sec. 18-8-40. Amendments.

The International Code Council Electrical Code, Administrative Provisions, 2006 Edition, shall be amended as follows:

- (1) Section 301.2 is deleted and replaced by the following:

"301.2 Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code."

- (2) Section 404.2 is deleted and replaced by the following:

"404.2 Fee schedule. The fees for all work shall be as indicated in the City of Lone Tree Administrative Fee Schedule."

- (3) Section 404.5 is deleted and replaced by the following:

"404.5 Fee Refunds. The code official shall authorize the refunding of fees as follows:

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

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

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

"The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. The code official is authorized to adjust the refund amount and timing if justifiable cause is demonstrated."

(4) A new Section 404.6 is added to read as follows:

"404.6 Use Tax. The use tax for materials used in construction will be collected by the City at the time of the issuance of the permit, pursuant to Chapter 4, Article III of the Lone Tree Municipal Code."

(5) Chapter 13, REFERENCED STANDARDS, in the category ICC, Standard reference number, all references to "06" are deleted and replaced by "09." In the category NFPA, Standard reference number "70-05" is deleted and replaced by "70-11."

(6) The provisions of Appendix K, Administrative Provisions, of the International Building Code, 2009 Edition, as amended, Chapter 18, Article II of this Code, are hereby adopted and shall apply to all matters affecting or relating to this Article. In case of a conflict between Appendix K and this Article, Appendix K shall prevail.

(7) Section 1003.1 is deleted and replaced by the following:

"1003.1 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters or repairs work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorney's fees. Each day that a violation continues shall be considered a separate offense."

(8) Section 1004.3 is deleted and replaced by the following:

"1004.3 Unlawful continuance. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Art. 10)

## ARTICLE IX

### Fire Code

#### **Sec. 18-9-10. Title.**

This Article shall be known as the *Lone Tree Fire Code*. (Ord. 11-06 Arts. 3, 11)

#### **Sec. 18-9-20. Adoption by reference.**

(a) The International Fire Code, 2009 Edition, as published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference and incorporated into this Article as though fully set forth herein as the fire code of the City. Except as otherwise provided, this code is adopted in full.

(b) One (1) copy of the International Fire Code, 2009 Edition, as amended by this Article, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts. 3, 11)

#### **Sec. 18-9-30. Definition.**

*Jurisdiction*, as used in this code, means the City of Lone Tree and includes all areas within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts. 3, 11)

#### **Sec. 18-9-40. Amendments.**

The International Fire Code, 2009 Edition, shall be amended as follows:

(1) The following Appendices are hereby adopted as part of this code: Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; and Appendix J, Emergency Responder Radio Coverage.

(2) Section 103.1 is deleted and replaced by the following:

"103.1 General. The South Metro Fire Rescue Authority is hereby designated as the department of fire prevention within the jurisdiction of the City under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code."

(3) Section 103.2 is deleted and replaced by the following:

"103.2 Appointment. The Chief of the South Metro Fire Rescue Authority or a designee is hereby appointed as the fire code official for the department of fire prevention."

(4) Section 108.1 is deleted and replaced by the following:

"108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). The board of appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official."

(5) Section 507.3 is deleted and replaced by the following:

"507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or by an approved method."

(6) Section 507.5 is deleted and replaced by the following:

"507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C."

(7) Section 4603.6.6 is amended to read as follows:

"4603.6.6 Group R-2. (no change)

"Exceptions:

"1. (no change).

"2. (no change).

"3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1023.6, Exception 4."

(8) Section 903.2.7 is amended to read as follows:

"903.2.7 Group M. (no change)

"1. (no change).

"2. (no change).

"3. (no change).

"4. A Group M occupancy that is used for the display and sale of upholstered furniture where the fire area exceeds 5,000 sq. ft. (454 m<sup>2</sup>)."

(9) Section 907.5.1, Exception 2, is deleted.

(10) Section 3301.1.3 is deleted and replaced by the following:

"3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

"Exceptions:

"1. The use of fireworks for display as allowed in Section 3308.

"2. The possession, storage, handling and use of permissible fireworks as defined by Section 12-28-101, C.R.S."

(11) Section 3404.2.9.6.1 is deleted and replaced by the following:

"3404.2.9.6.1 Locations of above-ground tanks. Above-ground tanks shall be located in accordance with this section."

(12) Section 3406.2.4.4 is deleted.

(13) Section 3506.2 is deleted.

(14) Section 3804.2 is deleted.

(15) Section 109.3 is deleted and replaced by the following:

"109.3 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters, repairs or does work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(16) Section 111.4 is deleted and replaced by the following:

"111.4 Failure to comply. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Arts. 3, 11)

## ARTICLE X

### Energy Conservation Code

#### Sec. 18-10-10. Title.

The provisions of this Article shall be known and cited as the *Lone Tree Energy Conservation Code*. (Ord. 11-06 Arts 3. 12)

#### Sec. 18-10-20. Adoption by reference.

(a) The 2009 International Energy Conservation Code, as amended herein, published by the International Code Council Inc., 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference and incorporated into this Article as though fully set forth herein, as the energy conservation code of the City.

(b) Copies of the 2009 International Energy Conservation Code, including the amendments herein, certified to be a true copy by the Mayor and City Clerk, shall be on file in the office of the City Clerk and Chief Building Official and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. This code, as adopted and amended, shall be available for sale to the public at the City offices at a price reflecting the cost to the City. (Ord. 11-06 Arts 3. 12)

#### Sec. 18-10-30. Definition.

*Jurisdiction*, as used in this code, means within the corporate limits of the City and any area annexed to the City. (Ord. 11-06 Arts 3. 12)

#### Sec. 18-10-40. Amendments.

The 2009 International Energy Conservation Code shall be amended as follows:

- (1) Section 302.1, reference to "72°F (22°C)" is deleted and replaced by "70°F (21°C)."
- (2) A new Subsection 402.1.4.1 is added to read as follows:

"402.1.4.1 Acceptable software. The REScheck computer program provided by the United States Department of Energy is acceptable software to show compliance with the 'Total UA alternative' path for energy compliance. This program enables the user to select the appropriate Code, for the location use Littleton, Colorado, until such time as the program supports design conditions for the City."

- (3) The Title to Section 404 is deleted and replaced by the following:

"SECTION 404  
LIGHTING EQUIPMENT"

- (4) A new Subsection 502.1.2.1 is added to read as follows:

"502.1.2.1. Acceptable software. The COMcheck computer program provided by the United States Department of Energy is acceptable software to show compliance with the 'U-factor alternative' path for energy compliance. This program enables the user to select the appropriate Code, for the location use Littleton, Colorado, until such time as the program supports design conditions for the City. The report shall be certified by the Registered Design Professional."

(5) Section 502.4.7 is amended to add new Exceptions as follows:

"7. Doors used primarily for emergency exits.

"8. Doors protected with an engineered air curtain."

(6) A new Section is added to read as follows:

"Appointment. The building official for the City, as designated by the City Manager, is hereby appointed the code official under this code."

(7) A new Section is added to read as follows:

"Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, constructs, alters, repairs or does work in violation of the approved construction documents or directive of the building code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. In addition, such person shall pay all reasonable costs and expenses, including attorneys' fees. Each day that a violation continues shall be considered a separate offense."

(8) A new Section is added to read as follows:

"Failure to comply. It shall be a violation of this code for any person to continue any work 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."

(Ord. 11-06 Art. 12)

**Sec. 18-10-50. Administration.**

The provisions of Chapter 1, Administration, of the International Building Code, 2009 Edition, as amended, Chapter 18, Article II of this Code, shall apply to all matters affecting or relating to this Article. (Ord. 11-06 Arts 3. 12)

## ARTICLE XI

### Miscellaneous Codes

#### **Sec. 18-11-10. Adoption of Douglas County Codes.**

The following codes are hereby adopted by reference and made a part hereof as if fully set out in this Article (hereafter "the Douglas County Codes"); provided, however, that such Douglas County Codes are adopted with the exceptions specified in Section 18-11-40 below:

(1) Emission Performance Standards for Fireplaces in the unincorporated area of Douglas County.

(2) The Douglas County Grading, Erosion and Sediment Control ("GESCC") Manual. (Ord. 97-2 §2.1; Ord. 05-04 Art 3; Ord. 08-09 Art. 3; Ord. 09-06 Art. 13)

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

(a) The following terms, when used in the codes being adopted, shall have the following meanings:

*Appointing authority* means the City Council of the City of Lone Tree.

*Building Official* means Perry C. Tyree of Tyree Associates, Inc.

*Code enforcement agency* means Tyree Associates, Inc.

*Jurisdiction* means the City of Lone Tree.

(b) Where the term *Douglas County* or *County* is found, the term *City of Lone Tree* or *City* shall be substituted; for example, where the term *County Engineer* is used, the term *City Engineer* shall be substituted.

(c) Where the term *Board of County Commissioners* is found, the term *City Council* shall be substituted, unless the context refers to a specific action previously taken by the Douglas County Board of County Commissioners.

(d) Where the term *Department of Public Works* is used, whether standing alone or modified by *Douglas County* or *County*, the term *City Engineer* shall be substituted. (Ord. 97-2 §§2.2.8—2.2.11; Ord. 09-06 Art. 13)

#### **Sec. 18-11-30. Emission Performance Standards for Fireplaces.**

The purpose of the Douglas County Emission Performance Standards for Fireplaces is to establish emission performance standards for fireplaces. (Ord. 97-2 §2.1.3.1; Ord. 09-06 Art. 13)

**Sec. 18-11-40. Exceptions.**

The Douglas County Grading, Erosion and Sediment Control ("GES") Manual, as adopted in March, 2004, is adopted by the City with the following exceptions:

- (1) Where the term *Douglas County* or *County* is found, the term *City of Lone Tree* or *City* shall be substituted.
- (2) Where the term *Board of County Commissioners* is found, the term *City Council* shall be substituted.
- (3) Where the term *Douglas County Zoning Resolution* is found, the term *City of Lone Tree Zoning Ordinance* shall be substituted. (Ord. 05-04 Art. 3; Ord. 09-06 Art. 13)

**ARTICLE XII**

**Flood Damage Prevention**

*Division 1  
General Provisions*

**Sec. 18-12-10. Statement of purpose.**

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruption;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood-blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area. (Ord. 04-08 Art. 1; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-20. Methods of reducing flood losses.**

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

(1) Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

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

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

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

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Ord. 04-18, Art. 1; Ord. 05-13; Ord. 09-06 Art. 13)

### **Sec. 18-12-30. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The

term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

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

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

*Historic structure* means any structure that is:

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

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

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

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

*Recreational vehicle* means a vehicle which is:

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

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes *substantial improvement* and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual *start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 02-01 §1802; Ord. 04-17 §1; Ord. 04-18, Art. 2; Ord. 05-13; Ord. 09-06 Art. 13)

#### **Sec. 18-12-40. Application.**

This Article shall apply to all areas of special flood hazard within the City. (Ord. 04-08 Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-50. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Douglas County, Colorado and Incorporated Areas," dated September 30, 2005, and as amended from time to time, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. (Ord. 04-18, Art. 3; Ord. 05-10, Art. 2; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-60. Establishment of development permit.**

A development permit shall be required to ensure conformance with the provisions of this Article. (Ord. 04-18, Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-70. Compliance.**

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this Article and other applicable regulations. (Ord. 04-18, Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-80. Abrogation and greater restrictions.**

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 04-18, Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-90. Interpretation.**

In the interpretation and application of this section, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 04-18, Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-100. Warning and disclaimer of liability.**

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur, and flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 04-18, Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-110. Designation of Floodplain Administrator.**

The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ord. 04-18, Art. 4; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-120. Duties and responsibilities of Floodplain Administrator.**

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

- (1) Maintaining and holding open for public inspection all records pertaining to the provisions of this Article.
- (2) Reviewing permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Reviewing, approving or denying all applications for development permits required by adoption of the ordinance codified herein.
- (4) Reviewing permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notifying, in riverine situations, adjacent communities and the state coordinating agency, prior to any alteration or relocation of a watercourse, and submitting the evidence of such notification to the Federal Emergency Management Agency.
- (7) Assuring that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Section 18-12-50, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Division 2 of this Article.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all

other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

(10) Under the provisions of 44 C.F.R., Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE or AH on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision). (Ord. 04-18, Art. 4; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-130. Permit procedures.**

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

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

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 18-12-220(2).

(4) A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) A record of all such information maintained in accordance with Section 18-12-120.

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

(1) The danger to life and property due to flooding or erosion damage.

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

(3) The danger that materials may be swept onto other lands, to the injury of others.

(4) The compatibility of the proposed use with existing and anticipated development.

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

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

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

(8) The necessity to the facility of a waterfront location, where applicable.

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

(10) The relationship of the proposed use to the Comprehensive Plan for that area. (Ord. 04-18, Art. 4; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-140. Variance procedures.**

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

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

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

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

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

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Subsection 18-12-130(b) of this Article have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Section 18-12-10.)

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

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued

designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

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

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

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

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

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

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

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

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 04-18, Art. 4; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-150. Penalties.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days, or both, for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 04-18, Art. 6; Ord. 05-13; Ord. 09-06 Art. 13)

*Division 2*  
*Flood Hazard Reduction*

**Sec. 18-12-210. General standards.**

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

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

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

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

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

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

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

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

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

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE or AH on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision). (Ord. 04-18, Art. 5; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-220. Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18-12-50, 16-18-40, 18-12-120(8) or 18-12-230(c), the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Subsection, as proposed in Section 18-12-130(a)(1), is satisfied.

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

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

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

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

(4) Manufactured homes.

a. Require that manufactured homes to be placed within Zone A on a community's FHBM or FIRM be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

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

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

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

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

- a. Be on the site for fewer than one hundred eighty (180) consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of Subsection 18-12-130(a) and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions. (Ord. 04-18, Art. 5; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-230. Standards for subdivision proposals.**

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions, shall be consistent with Sections 18-12-10 and 18-12-20 of this Article.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Section 18-12-60, Section 18-12-130 and the provisions of Division 2 of this Article.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to Section 18-12-50 or 18-12-120 of this Article.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. 04-18, Art. 5; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-240. Standards for areas of shallow flooding (AO/AH Zones).**

Located within the areas of special flood hazard established in Section 18-12-50, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

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

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

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

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

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Article, as proposed in Section 18-12-130(a)(1) are satisfied.

(4) within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. (Ord. 04-18, Art. 5; Ord. 05-13; Ord. 09-06 Art. 13)

**Sec. 18-12-250. Floodways.**

Located within areas of special flood hazard established in Section 18-12-50, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated

through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Division.

(3) Under the provisions of 44 C.F.R., Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA. (Ord. 04-18, Art. 5; Ord. 05-13; Ord. 09-06 Art. 13)

## ARTICLE XIII

### Discharge Runoff and Enforcement

#### Sec. 18-13-10. Definitions.

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

*Earth disturbance or earth-disturbing activities* means any man-made change in the natural vegetative or soil cover or the change in the existing topography of land, including all grading, filling, excavating, stripping, construction of improvements or other activities which may result in or contribute to soil erosion or the sedimentation into waters of the State.

*Erosion* means the process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

*Excavation* means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, relocated or stockpiled.

*Filling* means any act by which soil, rock or other construction materials are placed, stockpiled, relocated, moved, dumped or a combination thereof onto the surface of the earth.

*Grading* means any stripping, excavating, filling or stockpiling of soil or rock or any combination thereof and also included shall be the land in its excavated or filled condition.

*Municipal Separate Storm Sewer System (MS4)* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by the City.

*Permanent soil erosion control measures* mean those control measures which are installed or constructed to permanently control soil erosion and which are maintained after completion of all earth disturbance activities.

*Person* means a natural person, firm, corporation, partnership or association.

*Sediment or sedimentation* means particulate solid material, either inorganic or organic, that will settle or be deposited in a liquid or gas under the force of gravity.

*Stormwater runoff* means any flow of water resulting from rain or other forms of natural precipitation.

*Stripping* means any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

*Temporary soil erosion control measures* means interim or temporary control measures which are installed or constructed and maintained to control, manage or prevent accelerated soil erosion which occurs from earth-disturbing activities until permanent soil erosion control measures are implemented, installed or completed.

*Waters of the State of Colorado (State waters)* means any and all surface waters that are contained in or flow in or through the State. This includes all watercourses, even if they are usually dry. This does not include those conveyances that are strictly a part of an MS4. (Ord. 05-07 Art. 2; Ord. 05-13; Ord. 09-06 Art. 13)

#### **Sec. 18-13-20. General provisions.**

(a) Any person engaged in earth-disturbing activities shall undertake reasonable efforts to prevent, mitigate and control accelerated soil erosion resulting or arising from such earth-disturbing activities. At a minimum, reasonable efforts to prevent, mitigate and control accelerated soil erosion shall include the design, installation and implementation of temporary erosion control measures prior to and during any earth-disturbance activities conducted in accordance with the Grading, Erosion and Sediment Control Manual. No building permit or certificate of occupancy for any improvement shall be issued where reasonable efforts to control erosion resulting from earth-disturbing activities have not been undertaken.

(b) It shall be unlawful for any person to discharge or cause to be discharged or spilled any substance other than naturally occurring stormwater runoff into the City's MS4, with the following exceptions: return flows from irrigation; water from building foundation drainage; runoff from noncommercial car washing; dechlorinated water from swimming pools; water from fire hydrants, including water used for firefighting; emergency discharges of contaminated water from ditches and canals as necessary to protect public drinking water supplies; and other waters determined by the City to be noncontaminated and acceptable for return to the City's MS4 and State waters. Nothing contained herein shall be construed to relieve any person discharging water into the City's MS4 from any liability for damage caused by the volume or quality of water thus discharged. (Ord. 05-07 Art. 3; Ord. 05-13; Ord. 09-06 Art. 13)

#### **Sec. 18-13-30. Administration and enforcement.**

(a) The authorized representatives or employees of the City may enter at all reasonable times in or upon any private or public property for the purpose of inspecting or investigating conditions and practices which may constitute a violation of this Division.

(b) If necessary to assure compliance with the provisions of this Division, or to protect public health, safety, welfare or natural resources, the City Engineer may issue a stop work order for the purpose of preventing or minimizing accelerated soil erosion, contaminated stormwater runoff or other conditions posing imminent and substantial danger to public health, safety, welfare or natural resources.

(c) The stop work order, when issued, shall require all specified earth-disturbing activities to be stopped. A copy of the stop work order shall immediately be submitted to other state and local agencies with regulatory jurisdiction.

(d) If the City Engineer determines that soil erosion and sedimentation of State waters has or will reasonably occur from a parcel of land in violation of this Division, the City Engineer may seek to enforce this Division by notifying the person who owns the land, by certified mail, return receipt requested, of its determination. The notice shall contain a description of specific soil erosion and sedimentation control measures which, if implemented by the property owner, would bring the owner into compliance.

(e) A person who owns land subject to this Division shall implement and maintain soil erosion and sedimentation control measures in conformance with this Division within ten (10) days after the notice of violation has been given as specified in Subsection (c) above.

(f) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Division and other applicable regulations. Violation of the provisions of this Division by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Division or fails to comply with any stop work order or any other requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days or both for each violation and, in addition, shall pay all administrative and legal costs associated with the City's enforcement of this Division. Each day the violation exists shall constitute a separate violation. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 05-07 Art. 4; Ord. 05-13; Ord. 09-06 Art. 13)