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ARTICLE I

Development Fees

Division 1 Capital Improvement Fees

Sec. 18-1-10. Computation of capital improvement fees for residential development.

(a) Each person requesting a building permit for construction of a new single-family equivalent structure shall pay the capital improvement fees set forth in Table 18-1 contained in the Fee Schedule.

(b) If the request is for a building permit for mixed uses, the Chief Building Official shall determine the fee by apportioning space to each specific use and then applying the applicable fee to each use.

(c) If the request is for a building permit for a type of development activity not specified on the fee schedule, the Chief Building Official shall use the fee for the most comparable land use on the fee schedule.

(d) The Board of Trustees reserves the right to modify these fees based upon circumstances which would make the application of these fees inequitable or where the modification could result in an inordinate economic benefit for liability to the Town. (Ord. 423 §1, 2000; Ord. 443 §1, 2001; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 18-1-20. Computation of capital improvement fees for commercial and industrial development.

(a) Each person requesting a building permit for construction of a commercial/industrial structure shall pay the fees set forth in Table 18-2 contained in the Fee Schedule.

(b) If the request is for a building permit for mixed uses, the Town Engineer shall determine the fee by apportioning space to each specific use and then applying the applicable fee to each use.

(c) If the request is for a building permit for a type of development activity not specified on the fee schedule, the Town Engineer shall use the fee for the most comparable land use on the fee schedule.

(d) The Board of Trustees reserves the right to modify these fees based upon circumstances which would make the application of these fees inequitable, or where the modification could result in an inordinate economic benefit for liability to the Town. (Ord. 467 §1, 2003; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 18-1-30. Payment of fees.

The fees required in Sections 18-1-10 and 18-1-20 above shall be paid at the time a building permit is requested. (Ord. 423 §2, 2000; Ord. 467 §2, 2003; Ord. 481 §1, 2003)

Sec. 18-1-40. Use of funds.

(a) The Town shall use the capital improvement fees for the purpose of acquiring, constructing and making capital improvements to public facilities and infrastructure within the Town. Fees may be used for the payment of indebtedness incurred to pay for capital improvements for which these fees may be applied. Each fee shall be segregated and expenditures therefrom separately accounted for.

(b) The Town shall not use capital improvement fees for periodic or routine maintenance. (Ord. 423 §3, 2000; Ord. 467 §3, 2003; Ord. 481 §1, 2003)

Sec. 18-1-50. Review schedule.

The Board of Trustees shall, at least every two (2) years, review and update, as necessary, the costs of construction of public facilities and other factors affecting the capital improvement fees in this Division. These fees may be modified by the Board of Trustees at any time it determines the fees are inequitable or insufficient. (Ord. 423 §5, 2000; Ord. 467 §5, 2003; Ord. 481 §1, 2003)

Division 2
Water Capital Investment Fees

Sec. 18-1-110. Water capital investment fees for residential development.

(a) Each person requesting a building permit for construction of a new single-family equivalent structure shall pay the following capital investment fees, as listed in Table 18-3 contained in the Fee Schedule.

(b) The tap size required for each permit shall be determined through review of the permit application by the Town Engineer and Public Works Director. Single-family residential lots greater than fifteen thousand (15,000) square feet in overall lot size will require a three-quarter-inch tap and meter to be installed.

(c) In addition, the capital investment fees for a five-eighths-inch tap shall be charged and allocated according to Table 18-4 contained in the Fee Schedule.

(d) Plant investment fees and distribution system investment fee allocations for tap sizes greater than five-eighths ($\frac{5}{8}$) inch shall be determined based on their ratio to a five-eighths-inch tap as shown in Table 18-3. (Ord. 448 §2, 2002; Ord. 465 §2, 2003; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 18-1-120. Fees reserved.

The revenue collected from the capital investment fees listed in this Article shall be reserved as follows:

(1) Capital investment fee. The capital investment fee (i.e., "tap fee") for the potable water system is reserved for the construction or replacement of treatment facilities, payment of system development charges or impact fees levied by other water providers. Also, the capital investment fee is reserved for the construction or replacement of all elements of the Town's water distribution and storage system, including, but not limited to, pipes, valves, fittings, vaults, casings, easements, permits, engineering

fees, construction fees, equipment rental or purchase. Additionally, the capital investment fee is reserved for any other expense that is directly related to the improvement or replacement of existing distribution and storage system infrastructure or the construction of new distribution and storage system infrastructure as they are needed to provide improved services to the Town's water utility customers.

(2) Plant investment fee. These revenues are hereby reserved for the construction or replacement of treatment facilities, payment of system development charges or impact fees levied by other water providers.

(3) Distribution system investment fee. These revenues are hereby reserved for construction or replacement of all elements of the Town's water distribution and storage system, including, but not limited to, pipes, valves, fittings, casings, easements, permits, engineering fees, construction fees, equipment rental or purchase, or any other expense that is directly related to the improvement or replacement of existing distribution and storage system infrastructure or the construction of new distribution and storage system infrastructure as they are needed to provide improved service to the Town's water utility customers. (Ord. 448 §§2, 3, 2002; Ord. 465 §2, 2003; Ord. 481 §1, 2003)

Sec. 18-1-130. Review schedule.

Each year, in conjunction with the Town's budget development process, or as needed throughout each fiscal year, the Town staff shall conduct a study of the Town's current water impact fees and recommend to the Board of Trustees any necessary changes to the fee schedule. The Board of Trustees shall review these recommendations no later than the first meeting in December of each year and adopt the recommendations at its discretion. (Ord. 448 §4, 2002; Ord. 465 §6, 2003)

*Division 3
Raw Water Impact Fees*

Sec. 18-1-210. Raw water fees.

(a) The Town acknowledges that the price of one (1) unit or share of Northern Colorado Water Conservancy District (C-BT) water has fluctuated significantly in recent years. Furthermore, the ten-year average delivery rate on a share of C-BT water is seventy percent (70%) of one (1) acre-foot.

(b) Units of C-BT shares must be furnished to the Town in compliance with Table 18-5 contained in the Fee Schedule. The water rights shall be transferred to the Town free and clear of any liens or encumbrances; and all costs and expenses attendant to the conveyance and transfer, change of class or other actions or approvals required of the Northern Colorado Water Conservancy District shall be borne by the applicant. The Town reserves the right to consider cash payment or providing other water rights, in lieu of C-BT shares. (Ord. 448 §2, 2002; Ord. 465 §3, 2003; Ord. 571 §2, 2007)

Sec. 18-1-220. Fees reserved.

These revenues are hereby reserved for the purchase of the raw water necessary to serve the building permit applicant's irrigation and domestic water needs. (Ord. 448 §3, 2002; Ord. 481 §1, 2003)

Sec. 18-1-230. Review schedule.

Each year, in conjunction with the Town's budget development process, or as needed throughout each fiscal year, the Town staff shall conduct a study of the Town's current water impact fees and recommend to the Board of Trustees any necessary changes to the fee schedule. The Board of Trustees shall review these recommendations no later than the first meeting in December of each year and adopt the recommendations at its discretion. (Ord. 448 §4, 2002; Ord. 465 §6, 2003)

*Division 4
Supplemental Impact Fees*

Sec. 18-1-310. Water supplemental impact fees.

(a) Supplemental impact fees are established as set forth in this Section.

(b) The appropriate supplemental impact fees shall also be charged if the new single-family equivalent structure is located within any development under which the Town holds a development agreement or development reimbursement agreement obligating the Town to pay for infrastructure as listed in Table 18-6 contained in the Fee Schedule, or for future capital improvements which benefit only a portion of the Town's water utility customers.

(c) Centennial Farms Subdivision.

(1) Collection of fees and associated expenses. To each building permit issued by the Town to property owners or builders in the Centennial Farms Subdivision, there shall be attached an additional fee as contained in Table 18-7 in the Fee Schedule.

(2) Dispersion of fees collected, form of account and access to account. This money shall be deposited to an interest-bearing account in the Town's name and shall be reserved for the maintenance of the underground irrigation line located at the western edge of the Centennial Farms Subdivision and as indicated on the as-built drawings for this subdivision. The form of this account shall be decided by the Finance Manager in consultation with the Public Works Director. Monies from the account shall be transferred into the operating budget of the Public Works Department upon receipt by the Finance Manager of a memo from the Public Works Director detailing completed maintenance activities and their costs. Appropriate invoices and cost calculations shall accompany the memo.

(d) Appropriate supplemental impact fees shall be charged if the new single-family equivalent structure is located with any development under which the Town holds a development agreement or development reimbursement agreement obligating the Town to pay for infrastructure as listed in Tables 18-6 and 18-7, or for future capital improvements which benefit only a portion of the Town's water utility customers.

(e) These supplemental impact fees replace all other sources of repayment previously listed in any other existing development agreements or development reimbursement agreements. At its discretion, the Board of Trustees may direct Town staff to draft for its review and approval additional supplemental impact fees for additional development or development reimbursement agreements. (Ord. 435 §1, 2001; Ord. 465 §4, 2003; Ord. 571 §2, 2007)

Sec. 18-1-320. Fees reserved.

These revenues are hereby reserved for the purchase of water distribution infrastructure as constructed by developers in accordance with, and governed by, applicable development agreements or development reimbursement agreements entered into by the developer and the Town. These supplemental impact fees replace all other sources of repayment previously listed in any existing development agreements or development reimbursement agreements. At its discretion, the Board of Trustees may direct staff to draft for its review and approval additional supplemental impact fees for additional development or development reimbursement agreements. (Ord. 448 §§2, 3, 2002; Ord. 481 §1, 2003)

Sec. 18-1-330. Review schedule.

Each year, in conjunction with the Town's budget development process, or as needed throughout each fiscal year, the Town staff shall conduct a study of the Town's current water impact fees and recommend to the Board of Trustees any necessary changes to the fee schedule. The Board of Trustees shall review these recommendations no later than the first meeting in December of each year and adopt the recommendations at its discretion. (Ord. 448 §4, 2002; Ord. 465 §6, 2003)

*Division 5
Administration Fees*

Sec. 18-1-410. Administration fee.

(a) An administration fee is applied to all new water tap applications, for review of the necessary documentation and determination of tap sizes, and applicable capital investment, supplemental impact, and raw water fees.

(b) The administration fee is set forth in Table 18-8, contained in the Fee Schedule. (Ord. 465 §5, 2003; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 18-1-420. Review schedule.

Each year, in conjunction with the Town's budget development process, or as needed throughout each fiscal year, the Town staff shall conduct a study of the Town's current water impact fees and recommend to the Board of Trustees any necessary changes to the fee schedule. The Board of Trustees shall review these recommendations no later than the first meeting in December of each year and adopt the recommendations at its discretion. (Ord. 448 §4, 2002; Ord. 465 §6, 2003)

*Division 6
Sewer Capital Investment Fees*

Sec. 18-1-510. Sewer capital investment fee.

Each person requesting a building permit for construction of a new single-family equivalent structure shall pay the fees set forth in Table 18-9 contained in the Fee Schedule. (Ord. 449 §2, 2002; Ord. 481 §1, 2003; Ord. 571 §2, 2007)

Sec. 18-1-520. Investment fees.

(a) Sewer capital investment fees shall be charged according to Table 18-9 contained in the Fee Schedule.

(b) The tap size required for each permit shall be determined through review of the permit application by the Town Engineer and Public Works Director.

(c) In addition, the capital investment fees for a five-eighths-inch tap shall be charged and allocated according to Table 18-10 contained in the Fee Schedule.

(d) Plant investment fees and collection system investment fee allocations for tap sizes greater than five-eighths ($\frac{5}{8}$) inch shall be determined based on their ratio to a five-eighths-inch tap as shown in Table 18-9.

(e) The appropriate supplemental impact fees shall also be charged if the new single-family equivalent structure is located within any development under which the Town holds a development agreement or development reimbursement agreement obligating the Town to pay for infrastructure as listed in Table 18-11 contained in the Fee Schedule, or for future capital improvements which benefit only a portion of the Town's wastewater utility customers. (Ord. 449 §2, 2002; Ord. 571 §2, 2007)

Sec. 18-1-530. Fees reserved.

The revenue collected from the fees listed in this Division shall be reserved as follows:

(1) Plant investment fee. These revenues are hereby reserved for the construction or replacement of treatment or collection facilities including, but not limited to, wastewater treatment plants, lift stations, headworks and screening facilities, pre-treatment plants, or other facilities identified as a requisite part of the wastewater treatment process.

(2) Collection system investment fee. These revenues are hereby reserved for the construction or replacement of all elements of the Town's wastewater collection system, including, but not limited to, pipes, valves, pumps, fittings, casings, easements, permits, engineering fees, construction fees, equipment rental or purchase, or any other expenses that are directly related to the improvement or replacement of existing collection system infrastructure or the construction of new collection system infrastructure as needed to provide improved service to the Town's wastewater utility customers.

(3) Supplemental impact fees. These revenues are hereby reserved for the purchase of wastewater collection and treatment infrastructure as constructed by developers in accordance with, and governed by, applicable development agreements or development reimbursement agreements entered into by the developer and the Town, or as constructed by the Town to serve new development. In cases where the Town has constructed these improvements, these fees will be reserved for the funding of those improvements. These supplemental impact fees replace all other sources of repayment previously listed in any existing development agreements or development reimbursement agreements. At its discretion, the Board of Trustees may direct Town staff to draft for its review and approval additional supplemental impact fees for additional development or development reimbursement agreements. (Ord. 449 §3, 2002)

Sec. 18-1-540. Review schedule.

Each year, in conjunction with the Town's budget development process, or as needed throughout each fiscal year, the Public Works Director shall conduct a study of the Town's current wastewater impact fees and recommend to the Board of Trustees any necessary changes to the fee schedule. The Board of Trustees shall review these recommendations no later than the first meeting in December of each year and adopt the recommendations at its discretion. (Ord. 449 §4, 2002)

*Division 7
Miscellaneous Provisions*

Sec. 18-1-610. Preexisting development agreements.

Where the Town has a binding agreement that establishes a method of payment or collection for particular development which predates the effective date of the initial ordinance codified herein, the method of payment or collection in the agreement shall govern in all respects instead of this Article, but only as to that particular development. (Ord. 423 §4, 2000; Ord. 467 §4, 2003; Ord. 481 §1, 2003)

Sec. 18-1-620. General review schedule.

The Board of Trustees shall, at least every two (2) years, review and update, as necessary, the costs of construction of public facilities and other factors affecting the capital improvement and investment fees in this Article. These fees may be modified by the governing body at any time it determines the fees are inequitable or insufficient. (Ord. 423 §5, 2000; Ord. 465 §5, 2003; Ord. 481 §1, 2003)

ARTICLE II

Building Code

Sec. 18-2-10. Adoption.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 35 inclusive and Appendix Chapter I, to have the same force and effect as if set forth herein in every particular.

(b) The subject matter of the adopted code referenced above includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in the Town for the purpose of protecting the public health, safety and general welfare and providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such, all of which are on file in the office of the Town. (Ord. 386 §1, 1999; Ord. 481 §1, 2003; Ord. 490 §1, 2004)

Sec. 18-2-20. Copy on file.

At least one (1) copy of the Building Code, certified to be a true copy, has been and is now on file in the office of the Town 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. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003; Ord. 490 §1, 2004)

Sec. 18-2-30. Amendments.

The code adopted herein is hereby modified by the following amendments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) IBC Section 110.3 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing it with "town."

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

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

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

(15) IBC Section 116 (Unsafe Structures and Equipment Administrative Policies) is added as follows:

116 — UNSAFE STRUCTURES AND EQUIPMENT ADMINISTRATIVE POLICIES.

"Section 116.1 Preliminary Assessment.

"Following written notice and posting of the property declared as 'Unsafe' in accordance with Section 115.1 of the International Existing Building Code, 2003 Edition, and as a result of suspected contamination as a result of the discovery of chemicals, equipment, or supplies indicative of an illegal drug laboratory or when such a laboratory used to manufacture methamphetamine is otherwise discovered by and reported to the Town by a law enforcement official, the property owner has 21 calendar days in which to have a Preliminary Assessment of the property conducted by a Certified Industrial Hygienist ('consultant') as defined by the Weld County Health Department. A written plan must be provided by the consultant as part of this Preliminary Assessment of the planned actions to decontaminate the subject property.

"Section 116.1.2 Time to Commence Remediation or Demolition. Based upon the findings of the consultant and the written corroboration of the proposed plan by the Weld County Health Department, the property owner has 30 calendar days from the date of the Health Department review to commence remediation or demolition of the structure.

"Section 116.1.3 Permits Required - Time to Complete Remediation and/or Demolition. The property owner shall obtain all necessary permits for the decontamination, remediation and/or demolition of the structure, which work shall in any event not be completed any later than 120 calendar days from the date of the initial posting and notice of the property by the code official.

"Section 116.1.4 Prohibition on Placard Removal. No party may remove any placards identifying the structure as unsafe except by authorization by the appropriate official and subject to the successful remediation or removal of the hazardous condition.

"Section 116.1.5 Appeals. Appeals by persons directed by the code official to take action as described in this section are entitled to a hearing and review as defined in Section 116.6 of the Section and this code."

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

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

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

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

(18) IBC Section 1025.2 (Minimum size) is amended by deleting the exception.

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

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

(21) IBC Section 3410.2 (Applicability) is amended by the insertion of the effective date of building codes for the Town where indicated in [DATE TO BE INSERTED BY JURISDICTION]. (Ord. 386 §3, 1999; Ord. 481 §1, 2003; Ord. 490 §1, 2004; Ord. 541 §1, 2006)

Sec. 18-2-40. Building foundations.

All homes built in the Town shall be installed only upon permanent, perimeter foundations meeting all requirements of all adopted building codes. (Ord. 343 §1, 1996)

Sec. 18-2-50. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 386 §2, 1999; Ord. 481 §1, 2003)

ARTICLE III

Electrical Code

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the *National Electrical Code*, 2008 edition, Chapters 1 through 9 inclusive, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401. The purpose of the adopted Code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive rules and regulations governing materials, methods of installation, inspection and other matters pertaining to the practical safeguarding of persons and property from hazards arising from the use of electricity. (Ord. 481 §1, 2003; Ord. 640 §1, 2010)

Sec. 18-3-20. Copy on file.

At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the Town 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. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003)

Sec. 18-3-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 481 §1, 2003)

Sec. 18-3-40. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 481 §1, 2003)

ARTICLE IV

Mechanical Code

Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Mechanical Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Milliken Mechanical Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article. The subject matter of the adopted Code includes comprehensive provisions and standards relating to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling and refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the Town for the purpose of protecting the public health, safety and general welfare and providing for the issuance of permits and collection of fees therefor; and each and all of the regulation, provisions, conditions and

terms of such International Mechanical Code, on file in the office of the Town Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Article. (Ord. 388 §1, 1999; Ord. 481 §1, 2003; Ord. 490 §3, 2004)

Sec. 18-4-20. Copy on file.

At least one (1) copy of the Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town 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. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003, Ord. 490 §3, 2004)

Sec. 18-4-30. Amendments.

The Code adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

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

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

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

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

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

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

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

(8) IMC Section 703.1.3 (Size of horizontal openings) is amended by the addition of the following exception:

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

(9) IMC Section 703.1.4 (Size of vertical openings) is amended by the addition of the following exception:

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

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

(11) IMC Section 1204.2 (Required Thickness) is amended by the deletion of the section in its entirety. (Ord. 481 §1, 2003; Ord. 490 §3, 2004)

Sec. 18-4-40. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 388 §2, 1999; Ord. 481 §1, 2003)

ARTICLE V

Plumbing Code

Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Plumbing Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Milliken Plumbing Code as if fully set forth in this Article with the additions, deletions, insertions and changes as set forth in this Article. The subject matter of the adopted code includes comprehensive regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of plumbing systems in the Town for the purpose of protecting the public health, safety and general welfare and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code. (Ord. 387 §1, 1999; Ord. 481 §1, 2003; Ord. 490 §2, 2004)

Sec. 18-5-20. Copy on file.

At least one (1) copy of the Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003)

Sec. 18-5-30. Amendments.

The code adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

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

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

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

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

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

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

"Exterior water supply system piping shall be installed not less than 6 inches (152.4 mm) below the frost line and not less than 48 inches (1220 mm) below finish grade."

(6) IPC Section 305.6.1 (Sewer depth) is amended by filling in both areas where indicated to read "24 inches (610 mm)."

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

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

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

"1003.3.5 Commercial kitchen sinks. Commercial kitchen sinks located within commercial establishments where food is prepared, cooked, warmed, heated, processed or assembled and which are provided, designed, used or intended to be used to clean pots, pans, plates, flatware or other

utensils used in the preparation, serving or consumption of food shall be protected by either a grease trap or a grease interceptor.

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

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

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

"1003.3.8 Chemical treatment agents. Chemical treatment agents used for the emulsification, separation and removal of grease shall be prohibited unless specifically approved or authorized by the building official and the Town's environmental pre-treatment authority.

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

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

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

"Formula 1003.3.9.1

[Seating Capacity ¹	X	Restaurant Loading Factor ²]	*	X	Storage Factor ³	X	Waste Flow Rate ⁴	X	Retention Time ⁵	X	Single Service Modifier if Applicable ⁶	=	Interceptor Volume (Gallons)
---	-------------------------------	---	--	---	---	---	-----------------------------	---	------------------------------	---	-----------------------------	---	--	---	------------------------------

* Seating capacity and Restaurant Loading Factor may be combined into a single factor when approved by the building official when such single factor identifies the peak meals per hour, if such number is known and can be substantiated.

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

² Restaurant Loading Factor: A factor used to modify the Seating Capacity to approximate the anticipated maximum meals served per hour (turn over rate) as follows:
"Fast food with drive through = 1.25
"Fast food without drive through = 1.0
"High volume (Cafeteria/Lunchroom and/or Facility accessed or fronted on arterial streets) =1.0

"Medium volume (Family/Casual Dining and/or Facility accessed or fronted on collector street) = 0.75

"Low volume (Formal/Leisure Dining/Bar/Lounge and/or Facility accessed or fronted on local streets) = 0.5

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

⁴ Waste Flow Rates:

"With dishwashing machine = 6 gallons

"Without dishwashing machine = 5 gallons

"Single service kitchen utilizing only disposable and non-reusable serving dishes and utensils (paper and/or plastic) = 2 gallons

"Additional flow for dishwasher = 1 gallon

"Additional flow for food grinder (disposal) = 1 gallon

⁵ Retention Time: 2.5 hours

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

⁶ Single Service Modifier When Applicable: 0.25

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

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

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

(Ord. 481 §1, 2003; Ord. 490 §2, 2004)

Sec. 18-5-40. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 387 §2, 1999; Ord. 481 §1, 2003)

ARTICLE VI

Fire Code

Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code for the Town, by reference thereto, the *Uniform Fire Code*, 1997 edition, published by Western Fire Chiefs Association and the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive provisions and standards designed to govern conditions hazardous to life and property from fire or explosion. The purpose of the adopted code is to protect the public health, safety and general welfare of the residents of the Town. (Ord. 481 §1, 2003)

Sec. 18-6-20. Copy on file.

At least one (1) copy of the Uniform Fire Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003)

Sec. 18-6-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 481 §1, 2003)

Sec. 18-6-40. Variance procedure for propane use.

(a) The owners of real property within the Town may process a petition for a variance to the Town's restriction on the use of propane as the primary heating source within the Town in accordance with the Town's established variance procedure.

(b) The following guidelines shall be used by the Board of Trustees to determine whether the granting of this variance is appropriate:

(1) If the real estate owned by the applicant is less than one (1) acre in size, there must be adequate spatial buffering. The distance to adjoining property lines and structures shall not be less than fifty (50) feet. The tank shall be visibly buffered from the adjoining properties by berming, landscaping and fencing or a combination of the three (3). The cylinder itself should be placed on a permanent pad. The pad shall be at least four (4) inches above the ground level.

(2) The uses of structures adjoining the property for which the variance is being requested are not such that there would be an unreasonable danger to adjoining property owners. Special considerations should be given to locations near public facilities and commercial or industrial areas that use flammable or toxic products.

(3) The proximity of the building to a source of natural gas and the cost of connecting to the source. An estimate of the cost of connection shall be documented by a credible bid.

(c) The Board of Trustees shall condition the grant of this variance upon a review of these conditions not less than every five (5) years, at which time the Board of Trustees shall determine whether the conditions set forth in Subsections (b) above are still applicable and are appropriate for the continued use of propane.

(d) It is the intent of the Board of Trustees to reduce where possible the number of structures that use propane as their primary heating source, recognizing, however, that under the foregoing terms and conditions propane may be appropriate. (Ord. 440 §1, 2001)

Sec. 18-6-50. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 481 §1, 2003)

ARTICLE VII

Dangerous Buildings Code

Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the dangerous buildings code for the Town, by reference thereto, the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, Chapters 1 through 9, published by the International Conference of Building Officials (ICBO), 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive regulations governing a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished in the Town; providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Uniform Code for the Abatement of Dangerous Buildings is hereby referred to, adopted and made a part hereof as if fully set out in this Article. (Ord. 379 §2, 1998; Ord. 481 §1, 2003)

Sec. 18-7-20. Copy on file.

At least one (1) copy of the Uniform Code for the Abatement of Dangerous Buildings, certified to be a true copy, has been and is now on file 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. The code as finally adopted shall

be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 379 §1, 1998; Ord. 481 §1, 2003)

Sec. 18-7-30. Amendments.

The code adopted herein is hereby modified by the following amendments: Section 203 of Chapter 2, Violations, shall be amended to read as follows:

"203 – VIOLATIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

"Upon conviction thereof, the person, firm or corporation shall be punished by a fine not to exceed \$300.00 or by imprisonment not to exceed ninety (90) days in jail or both such fine and imprisonment. Each separate day or portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided."

(Ord. 379 §4, 1998; Ord. 481 §1, 2003)

ARTICLE VIII

Housing Code

Sec. 18-8-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the housing code for the Town, by reference thereto, the *Uniform Housing Code*, 1997 edition, Chapters 1 through 16, published by the International Conference of Building Officials (ICBO), 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive regulations to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the Town; providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Uniform Housing Code is hereby referred to, adopted and made a part hereof as if fully set out in this Article. (Ord. 379 §3, 1998; Ord. 481 §1, 2003)

Sec. 18-8-20. Copy on file.

At least one (1) copy of the Uniform Housing Code, certified to be a true copy, has been and is now on file in the office of the Town 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. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 379 §1, 1998; Ord. 481 §1, 2003)

Sec. 18-8-30. Amendments.

The code adopted herein is hereby modified by the following amendments: Section 204 of Chapter 2, entitled Violations, shall be amended to read as follows:

"203 – VIOLATIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

"Upon conviction thereof, the person, firm or corporation shall be punished by a fine not to exceed \$300.00 or by imprisonment not to exceed ninety (90) days in jail or both such fine and imprisonment. to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided."

(Ord. 379 §5, 1998; Ord. 481 §1, 2003)

ARTICLE IX

Energy Codes

Sec. 18-9-10 Adoption

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy code for *the Town*, by reference thereto, the *State of Colorado Energy Conservation Standards* as listed in the second edition, dated November 1977, of the *Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings* and including the *Renovation Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings* as the official guidelines of this type of construction in the Town. (Ord. 134 §1, 1978; Ord. 481 §1, 2003)

Sec. 18-9-20. Copy on file.

At least one (1) copy of the State of Colorado Energy Conservation Standards, Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings and including the Renovation Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings is available for inspection by the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. (Ord. 134 §2, 1978; Ord. 481 §1, 2003)

Sec. 18-9-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 481 §1, 2003)

ARTICLE X

Residential Code

Sec. 18-10-10 Adoption

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Residential Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 43 inclusive and Appendix Chapters G and H, is hereby adopted by reference as the Town of Milliken Residential Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article. (Ord. 490 §1, 2004)

Sec. 18-10-20 Amendment

The code adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

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

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

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

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

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

"The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

(6) IRC Section R109.1.4 (Frame and Masonry inspection) is amended by replacing the words "rough inspections are approved" with "rough-in systems are completed."

(7) IRC Section R109.1.5.1 (Fire resistance rated construction inspection) is amended by adding a second sentence as follows: "An insulation certificate shall be available at final inspection stating the R-Value installed in attics, crawlspaces, basements, and walls."

<u>"Building Element</u>	<u>Minimum R Value</u>
Ceilings	R-30
Exterior Walls	R-11
Sub-floors over unheated crawl spaces	R-11
Windows & sliding doors	Double-glazed"

(8) IRC Section R110.4 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing it with "Town."

(9) IRC Section R110.5 (Revocation) is amended by adding a sentence:

"The Town may revoke a temporary certificate of occupancy if the contingencies were not completed in the allotted time."

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

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

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

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

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

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

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

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

"Where non-habitable basements are being converted to habitable uses, the building official shall be permitted to approve a minimum clear ceiling height of 6 feet 8 inches (2032 mm) from the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor."

(14) IRC Section R310.1.1 (Minimum opening area) is amended by deleting the exception.

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

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

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

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

"Exceptions: The access side of stair-ways need not be protected.

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

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

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

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

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

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

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

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

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

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

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

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

"Exception: Where combustion air ducts serve equipment which are located within and serve an individual dwelling unit and communicate directly with the outdoors, 6 inch (152.4 mm) round

combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU the ducting shall be increased by adding an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

(24) IRC Section G2406.2 (Prohibited location) is amended by deleting exceptions 3 and 4.

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

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

(26) IRC Section G2415.9 (Minimum burial depth) is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of eighteen (18) inches (457 mm) below grade."

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

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

(29) IRC Section G2420.5 (Equipment shutoff valve) is amended by deleting the exception.

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

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

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

"Water service pipe shall be installed not less than 48 inches (1220 mm) deep or less than 6 inches (152.4 mm) below the frost line."

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

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

(35) IRC Table N1102.1, Climate Zone 13 Row, is amended to read:

**Table N1102.1
Climate Zone 13 Row**

<i>Climate zone</i>	<i>HDD</i>	<i>Glazing U-factor</i>	<i>Ceilings</i>	<i>Walls</i>	<i>Floors</i>	<i>Basement walls (Fin.)</i>	<i>Slab perimeter</i>	<i>Unvented crawlspace</i>
13	6,000— 6,499	0.35	R-38	R-15	R-21	R-10	R-9, 4 ft	R-15

(36) IRC Section N1102.2.6 is amended to read:

"Habitable space within a basement shall be insulated in accordance with Table N1102.1. When insulating basement walls, the required R-value shall be applied from the top of the basement wall to a depth of 10 feet below grade or to the top of the basement floor, whichever is less."

(Ord. 490 §1, 2004; Ord. 640 §1, 2010)

Sec. 18-10-30. Occupancy permits for factory-built residential structures.

Prior to the issuance of a certificate of occupancy for a factory-built residence or any residential unit in a duplex, triplex or multi-family modular-constructed facility, both certificates shall be present in each single-family structure. The certification seals as to compliance with federal and state requirements shall be posted in each single-family residential unit; e.g., each side of a duplex would have both certification seals. This ensures that no owner of a single-family residence will be dependent upon an adjoining owner having possession of these manufacturing and installation inspection certifications which confirm that the structure was manufactured and installed correctly. (Ord. 498 §1, 2004)

ARTICLE XI

Fuel Gas Code

Sec. 18-11-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Fuel Gas Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Milliken Fuel Gas Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in the Article. (Ord. 490 §4, 2004)

Sec. 18-11-20. Amendments.

The Code adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

- (1) IFGC Section 101.1 (Title) is amended by the addition of the term "Town of Milliken" where indicated.

- (2) IFGC Section 101.2 (Scope) is amended by the deletion of exception 2 in its entirety.
- (3) IFGC Sections 103 (Department of Inspection), 104 (Duties and powers of the Code official), 105 (Approval), 106 (Permits), 108 (Violations) and 109 (Means of appeals) are deleted and substituted by the corresponding and applicable provisions contained within Chapter 1 (Administration) of the International Building Code as amended by the Town.
- (4) IFGC Section 301.2 (Energy utilization) is amended by deleting the section in its entirety.
- (5) IFGC Section 404.9 (Minimum burial depth) is amended by the addition of the following:

"All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."
- (6) IFGC Section 404.9.1 (Individual outside appliances) is deleted in its entirety.
- (7) IFGC Section 406.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.
- (8) IFGC Section 409.5 (Equipment shutoff valve) is amended by deleting the exception.
- (9) IFGC Section 501.8 (Equipment not required to be vented) is amended by the deletion of item 8 and the paragraph that follows.
- (10) IFGC Section 614.6.1 (Maximum length) is amended by deleting the exception in its entirety.
- (11) IFGC Section 621 (Unvented room heaters) is deleted in its entirety. (Ord. 490 §4, 2004)