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CHAPTER 11.01

Parker Administrative Code

11.01.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Administrative Code. (Ord. 4.71 §1, 2003; Ord. 4.13 §1, 1983)

11.01.020 Purpose.

This Chapter is adopted to promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the Town by providing the administration and enforcement of the technical codes adopted by the Town. (Ord. 4.71 §1, 2003; Ord. 4.13 §2, 1983)

11.01.030 Parker Administrative Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the Parker Administrative Code, 2009 Edition, as published by the Town of Parker, Colorado, 20120 E. Mainstreet, Parker, CO 80138-7344, is adopted by reference and incorporated into this Chapter as though fully set forth herein. The Parker Administrative Code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.89.1 §1, 2009; Ord. 4.89 §1, 2006; Ord. 4.87 §1, 2005; Ord. 4.71 §1, 2003; Ord. 4.13.3 §1, 1999; Ord. 4.13 §3, 1983)

11.01.040 Copies.

At the time of adoption, one (1) copy of the Parker Administrative Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the Parker Administrative Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.71 §1, 2003)

11.01.050 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the Parker Administrative Code, it shall be defined to mean that area included within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.71 §1, 2003; Ord. 4.13.3 §3, 1999; Ord. 5.30.1 §21, 1993; Ord. 4.13.2 §2, 1989)

11.01.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Administrative Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.89.1 §2, 2009; Ord. 4.89 §2, 2006; Ord. 4.71 §1, 2003)

11.01.070 Nonliability.

The adoption of this Chapter, and of the Parker Administrative Code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said Code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said Code. Nothing in this Chapter or in said Code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.71 §1, 2003)

11.01.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.89.1 §3, 2009; Ord. 4.89.1 §3, 2009; Ord. 4.89 §3, 2006; Ord. 4.71 §1, 2003)

CHAPTER 11.02

Parker Residential Code for One- and Two-Family Dwellings

11.02.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Residential Code for One- and Two-Family Dwellings. (Ord. 4.81 §1, 2003; Ord. 4.72 §1, 2003; Ord. 4.34 §1, 1983)

11.02.020 International Residential Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.91.2 §1, 2009; Ord. 4.91 §1, 2006; Ord. 4.81 §1, 2003; Ord. 4.72 §1, 2003; Ord. 4.34 §2, 1983)

11.02.030 Copies.

At the time of adoption, one (1) copy of the International Residential Code for One- and Two-Family Dwellings, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Residential Code for One- and Two-Family Dwellings shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.81 §1, 2003; Ord. 4.72 §1, 2003; Ord. 4.34 §3, 1983)

11.02.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the code, it shall mean that area within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.72 §1, 2003; Ord. 4.81 §1, 2003; Ord. 4.34 §4, 1983)

11.02.050 Amendments.

The International Residential Code for One- and Two-Family Dwellings, as adopted by this Chapter, is amended as follows (section numbers correspond with those in the International Residential Code for One- and Two-Family Dwellings):

- (1) Delete appendix chapters A, B, C, D, E, F, H, I, J, K, L, N, O, P and Q.
- (2) Amend Section R101.1, Title, to read:

"These provisions shall be known as the Parker Residential Code for One- and Two-Family Dwellings Building Code, and shall be cited as such and will be referred to herein as this 'code.'"

- (3) Sections R101.2, Scope, and R101.3, Intent, are unchanged.

(4) The remainder of Chapter 1 of the Code, entitled "Scope and Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

- (5) Delete Table R301.2(1), including footnotes, and replace with:

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

"WIND DESIGN			Seismic Design Category ^f	SUBJECT TO DAMAGE FROM			Winter Design Temp ^e	Ice Barrier Under- layment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
Ground Snow Load	Speed ^d (mph)	Topo- graphic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c					
30 lbs.	90 (3-second gust) Exposure C ^k	NO	B	Severe	36"	Slight to moderate	-3°F	No	Adopted 9/30/2005 Class 7 NFIP# 080310	867	48.1°

"For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- "a Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., 'negligible,' 'moderate' or 'severe') for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- "b The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- "c The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- "d The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- "e The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- "f The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- "g The jurisdiction shall fill in this part of the table with: (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); (b) the date(s) of the Flood Insurance Study; and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs, or other flood hazard map adopted by the authority having jurisdiction, as amended.
- "h In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with 'YES.' Otherwise, the jurisdiction shall fill in this part of the table with 'NO.'
- "i The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table 'Air Freezing Index - USA Method (Base 32° Fahrenheit)' at www.ncdc.noaa.gov/fpsf.html.
- "j The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table 'Air Freezing Index - USA Method (Base 32° Fahrenheit)' at www.ncdc.noaa.gov/fpsf.html.
- "k In accordance with Section R301.2.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with 'YES.' Otherwise, the jurisdiction shall indicate 'NO' in this part of the table."

(6) Delete Table R302.1 and replace with:

**"Table R302.1
Exterior Walls**

"EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	5 feet ¹
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	5 feet ²
Openings	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	> = 3 feet and < 5 feet
	Unlimited	0 hours	> = 5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	> = 3 feet

"N/A = Not Applicable.

¹ Fire separation distance of 3 feet can be used if the exterior wall cladding and trim is of noncombustible material (refer to Section R202 for definition of noncombustible).

² Fire separation distance of 3 feet can be used if the soffit cladding and fascia board is of noncombustible material (refer to Section R202 for definition of noncombustible)."

(7) Amend the Exception to Section R302.2 to read:

"Exception: A common 2 hour . . . "

The remainder is unchanged.

(8) Amend Section R302.2.4 by deleting Exception #5 and replacing with:

"5. *Townhouses* separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2."

(9) Amend Section R302.5.1, Opening protection, by adding a third sentence to read:

"Such doors shall be tight fitting and self-closing."

(10) Amend the Exceptions to Section R303.1, Habitable rooms, as follows:

a. Delete Exception #1 in its entirety.

b. Delete Exception #2 in its entirety.

c. Exception #3 remains unchanged.

d. Add Exception #4 to read:

"4. All habitable rooms in basements of R occupancies shall be provided with aggregate glazing area of not less than 4 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 2 percent of the floor area being ventilated."

(11) Add a new Section R303.1.2, Mechanical ventilation, to read:

"R303.1.2 Mechanical ventilation. Dwelling units shall be provided with a mechanical exhaust system, supply system, or combination thereof to provide whole-building ventilation with outdoor air. Such system shall comply with Sections R303.1.2.1 through R303.1.2.2.

"Exceptions:

"1. Dwelling units in climate zones 1 and 2.

"2. Other approved mechanical ventilations systems."

(12) Add a new Section R303.1.2.1, Mechanical ventilation rate, to read:

"R303.1.2.1 Mechanical ventilation rate. The mechanical ventilation system shall provide outdoor air continuously at a rate of not less than that determined in accordance with Table R303.4.1(1).

"Exception: Continuous operation of the system is not required where the system has controls that enable operation for not less than 25% of each 6-hour segment and the ventilation rate prescribed in Table R303.1.2.1(1) is multiplied by the factor in accordance with Table R303.1.2.1(2)."

(13) Add a new Table R303.1.2.1(1), to read:

**"Table R303.1.2.1(1)
Ventilation Air Requirements, CFM¹**

"Floor Area (square feet)	Bedrooms				
	0—1	2—3	4—5	6—7	>7
< 1,500	30	45	60	75	90
1,501 — 3,000	45	60	75	90	105
3,001 — 4,500	60	75	90	105	120
4,501 — 6,000	75	90	105	120	135
6,001 — 7,500	90	105	120	135	150
> 7,500	105	120	135	150	165

"For SI: 1 square foot = 1 square foot = 0.0929 m²."

¹ Equation R303.1.2.1(1) can be used as an alternative to Table R303.1.2.1(1)

" $Q_{fan} = 0.01 A_{floor} + 7.5(N_{br} + 1)$

"Where:

" Q_{fan} = fan flow rate in cubic feet per minute (cfm).

" A_{floor} = floor area in square feet (ft²).

" N_{br} = number of bedrooms; not to be less than 1."

(14) Add a new Table R303.1.2.1(2), to read:

**"Table R303.1.2.1(2)
Intermittent Mechanical Ventilation Rate Factors^{a, b}**

"Run-Time Percentage in Each 6 Hour Segment	25%	33%	50%	66%	75%
Factor	4	3	2	1.5	1.3

^a Interpolation between entries is permitted.

^b The ventilation system run time shall be not less than 25%."

(15) Add a new Section R303.1.2.2, System design, to read:

"R303.1.2.2 System design. The required whole-house ventilation system shall consist of one or more supply or exhaust fans or a combination thereof and associated ducts and controls. Outdoor air ducts connected to the return side of an air handler shall be considered to be supply ventilation where the manufacturer's requirements for minimum return air temperature for the air handler are met."

(16) Add a new Section R303.1.2.3, System controls, to read:

"R303.1.2.3 System controls. The mechanical ventilation system shall be provided with controls that enable occupant override."

(17) Add a new Section R303.3.1, Bathroom ventilation, to read:

"R303.3.1 Bathroom ventilation. Bathrooms shall be mechanically exhausted in accordance with Section 1507."

(18) Amend Section R303.8, Required heating, as follows:

In the first sentence remove "68°F (20°C)" and replace with "70°F (21°C)."

(19) Amend the Exception to Section R310.1, Emergency escape and rescue required, to read:

"Exception: Basements and habitable attics . . ."

The remainder is unchanged.

(20) Delete the exception to Section R310.1.1, Minimum opening area.

(21) Amend Section R310.2, Window wells, by adding the following exception to read:

"Exception: In basements of existing R-3 (One- or Two-Family Dwellings) occupancies, egress window wells may have a minimum horizontal projection of 24 inches (610 mm) and must be the full width of the window. If a ladder is required in the window well, the ladder must be installed such that it does not interfere with or be in front of the operable side of the window."

(22) Amend Section R313.1, Townhouse automatic fire sprinkler systems, to read:

"Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in townhouses."

(23) Amend Section R313.2, One- and two-family dwellings automatic fire systems, to read:

"Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings."

(24) Amend Section R315.1, Carbon monoxide alarms, to read:

"For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages."

(25) Add an Exception to Section R315.1.2, Where required in existing dwellings, to read:

"Exception: Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section."

(26) Amend Section R408.1, Ventilation, as follows:

In the second and third sentences after "Class 1 vapor retarder" insert "(min. 10 mill in thickness)."

(27) Amend Section R408.3 #1 as follows:

In the first sentence after "Class 1 vapor retarder," insert "(min. 10 mill in thickness)."

(28) Amend Section R703.2, Water-resistant barrier, by deletion of Exception #1.

(29) Delete the definition for Conditioned Space (Section R202) and replace with:

"Conditioned Space. An area or room within a building being heated or cooled, containing uninsulated ducts, or with a fixed opening directly into an adjacent conditioned space."

(30) Amend the Exception to Section N1101.1, Scope, to read:

"Exception: Portions of the building envelope that do not enclose conditioned space are exempt from building thermal envelope provisions of this chapter."

(31) Delete Section N1101.6, Insulation product rating, and replace with:

"N1101.6 Insulation product rating. The thermal resistance (R-value) of insulation shall be determined in accordance with the U.S. Federal Trade Commission R-value rule (CFR Title 16, Part 460, May 31, 2005) in units of $h\ ft^2\ ^\circ F/Btu$ at a mean temperature of 75°F (24°C)."

(32) Add a new Section N1101.10 to read:

"N1101.10 Maintenance information. Maintenance instructions shall be furnished for equipment and systems that require preventative maintenance. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. The label shall include the title or publication number for the operation and maintenance manual for that particular model and type of product."

(33) Delete Table N1102.1 and replace with:

**"Table N1102.1
Insulation and Fenestration Requirements by Component^a**

"Climate Zone	Fenestration U-Factor ^b	Skylight U-Factor ^b	Glazed Fenestration SHGC ^{b, e}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value ⁱ	Floor R-Value	Basement ^c Wall R-Value	Slab ^d R-Value & Depth	Crawl Space ^c Wall R-Value
1	1.2	0.75	0.30	30	13	¾	13	0	0	0
2	0.65 ^j	0.75	0.30	30	13	4/6	13	0	0	0
3	0.50 ^j	0.65	0.30	30	13	5/8	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10.2 ft.	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 ^h	13/17	30 ^g	10/13	10.2 ft.	10/13
6	0.35	0.60	NR	49	20 or 13+5 ^h	15/19	30 ^g	15/19	10.4 ft.	10/13
7 and 8	0.35	0.60	NR	49	21	19/21	38 ^g	15/19	10.4 ft.	10/13

"NR = No requirement.

"For SI: 1 foot = 304.8 mm.

^a R-values are minimums. U-factors and SHGC are maximums. R-19 batts compressed into a nominal 2x6 framing cavity such that the R-value is reduced by R-1 or more shall be marked with the compressed batt R-value in addition to the full thickness R-value.

^b The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^c '15/19' means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. '15/19' shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. '10/13' means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

^d R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.

^e There are no SHGC requirements in the Marine Zone.

^f Basement wall insulation is not required in warm-humid locations as defined by Figure 301.1 and Table 301.1.

^g Or insulation sufficient to fill the framing cavity. R-19 minimum.

^h '13+5' means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

ⁱ The second R-value applies when more than half the insulation is on the interior of the mass wall.

^j For impact rated fenestration complying with Section R301.2.1.2 of the International Residential Code or Section 1608.1.2 of the International Building Code, the maximum U-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3."

(34) Delete Table N1102.1.2 and replace with:

**"Table N1102.1.2
Equivalent U-Factors^a**

"Climate	Fenestration	Skylight	Ceiling	Frame	Mass Wall	Floor U-	Basement Wall	Crawl Space
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Zone	U-Factor	U-Factor	U-Factor	Wall U-Factor	U-Factor ^b	Factor	U-Factor	Wall U-Factor
1	1.20	0.75	0.035	0.082	0.197	0.064	0.360	0.477
2	0.65	0.75	0.035	0.082	0.165	0.064	0.360	0.477
3	0.50	0.65	0.035	0.082	0.141	0.047	0.091 ^c	0.136
4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065
7 and 8	0.35	0.60	0.026	0.057	0.057	0.028	0.050	0.065

^a Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

^b When more than half the insulation is on the interior, the mass wall U-factors shall be a maximum of 0.17 in Zone 1, 0.14 in Zone 2, 0.12 in Zone 3, 0.10 in zone 4 except Marine, and the same as the frame wall U-factor in Marine Zone 4 and Zones 5 through 8.

^c Basement wall U-factor of 0.360 in warm-humid locations as defined by Figure 301.1 and Table 301.2."

(35) Delete Section N1102.2.2, Ceilings without attic spaces, and replace with:

"N1101.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3."

(36) Add a fourth sentence in the right column of the first row of Table N1102.4.2 to read:

"Air-permeable insulation is inside of an air barrier."

(37) Add a new Section N1102.5 to read:

"N1102.5 Maximum fenestration U-factor and SHGC. The area-weighted average maximum fenestration U-factor permitted using trade-offs from Section 402.1.4 or 404 shall be 0.48 in Zones 4 and 5 and 0.40 in Zones 6 through 8 for vertical fenestration, and 0.75 in Zones 4 through 8 for skylights. The area-weighted average maximum fenestration SHGC permitted using trade-offs from Section 405 in Zones 1 through 3 shall be 0.50."

(38) Add an Exception to Section N1103.8.3, Pool covers, to read:

"Exception: Pools deriving over 60 percent of the energy or heating from site-recovered energy or solar energy source."

(39) Amend Section M1503.1, General, by deleting the Exception.

(40) Amend Section M1503, Kitchen exhaust rates, to read:

"Domestic kitchen cooking appliances shall be equipped with ducted range hoods or down-draft exhaust systems. The fans shall be sized in accordance with Section M1507.3."

(41) Amend Section M1503.4 by changing the first sentence and adding a third sentence as follows:

First sentence to read: "Exhaust hood systems capable of exhausting 600 cubic feet per minute (0.19 m³/s) or more . . ."

The remainder is unchanged.

Add a third sentence to read: "Makeup air systems shall be capable of maintaining a minimum makeup air temperature of 50°F (10°C) during the heating season."

(42) Amend Section M1601.1.1, Above-ground duct systems, by deleting requirements 7, 7.1, 7.2, 7.3, 7.4 and replacing with:

"7. Stud wall cavities and the spaces between solid floor joists shall not be used as supply air or return air plenums."

(43) Delete Sections G2417.4.1 (406.4.1) and G2417.4.2 (406.4.2) and replace with:

"G2417.4.1 Test pressure and duration. Test pressure shall be 20 psig for 24 hours."

(44) Delete all subsections of Section G2445 (621) in their entirety and replace with:

"G2445.1 General. Unvented room heaters are prohibited from installation."

(45) Amend the end of the sentence in Section AG105.5, Barrier exceptions, to read:

". . . shall be exempt from the provisions of this section."

(Ord. 4.91.2 §2, 2009)

11.02.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Residential Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.91.2 §3, 2009; Ord. 4.91 §3, 2006; Ord. 4.81 §1, 2003; Ord. 4.72 §1, 2003; Ord. 4.34 §6, 1983)

11.02.070 Nonliability.

The adoption of this Chapter, and of the code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this

Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.72 §1, 2003; Ord. 4.81 §1, 2003; Ord. 5.30.1 §22, 1993; Ord. 4.34 §9, 1983)

11.02.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.91.2 §4, 2009; Ord. 4.91 §4, 2006; Ord. 4.81 §1, 2003; Ord. 4.72 §1, 2003)

CHAPTER 11.03

Parker Building Code

11.03.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Building Code. (Ord. 4.73 §1, 2003; Ord. 4.24.1 §1, 1999; Ord. 4.24 §1(1), 1989)

11.03.020 International Building Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Building Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.92.1 §1, 2009; Ord. 4.92 §1, 2006; Ord. 4.73 §1, 2003; Ord. 4.24.1 §1, 1999; Ord. 4.24 §1(2), 1989)

11.03.030 Copies.

At the time of adoption, one (1) copy of the International Building Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Building Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.73 §1, 2003; Ord. 4.24.1 §1, 1999)

11.03.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the International Building Code, it shall be defined to mean that area included within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.73 §1, 2003; Ord. 4.24.1 §1, 1999; Ord. 4.24 §1(3), 1989)

11.03.050 Amendments.

The International Building Code, as adopted by this Chapter, is amended as follows (section numbers correspond with those in the International Building Code):

(1) Delete all appendix chapters.

(2) Amend Section 101.1, Title, to read:

"These regulations shall be known as the Parker Building Code, hereinafter referred to as the 'code.' "

(3) Sections 101.2, 101.2.1 and 101.3 remain unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Scope and Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Amend Section 716.5.3 #2.1, by deleting "Kitchen, clothes dryer."

(6) Amend Section 1608.2, Ground snow loads, to read:

"The ground snow load within the Town of Parker shall be a minimum of 30 pounds per square foot for calculating roof drifting. Snow load for roofs shall be 30 pounds per square foot minimum, plus drifting."

(7) Amend Section 1609.3, Basic wind speed, to read:

"The basic wind speed for the Town of Parker shall be 90 mph, 3-second gust."

(8) Amend Subsection 1609.4.1, Exposure category, to read:

"Exposure C shall be used for the design of all structures in the Town of Parker."

(9) Amend Chapter 31 to add a new Section 3110, Manufactured housing, to read:

"Manufactured housing constructed in accordance with standards other than those set forth in this code may be erected in approved locations. The site-constructed foundation, porches, decks, utilities and other functions must meet the standards set forth in this code and other related ordinances. Permits may be issued for these elements of the building; however, a certificate of occupancy will not be issued as the conformance with the Town's standards of the manufactured home is not known to the department. No additions shall be made to a manufactured home unless said addition meets the standards set forth in this code and other related ordinances."

(Ord. 4.92.1 §2, 2009)

11.03.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Building Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.92.1 §3, 2009; Ord. 4.92 §3, 2006; Ord. 4.73 §1, 2003; Ord. 4.24.1 §1, 1999; Ord. 5.30.1 §23, 1993; Ord. 4.24 §2, 1989)

11.03.070. Nonliability.

The adoption of this Chapter, and of the Parker Building Code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.73 §1, 2003; Ord. 4.24.1 §1, 1999)

11.03.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.92.1 §4, 2009; Ord. 4.92 §4, 2006; Ord. 4.73 §1, 2003)

CHAPTER 11.04

Parker Fire Protection Code

11.04.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Fire Protection Code. (Ord. 4.74 §1, 2003; Ord. 4.42.1 §1, 1999; Ord. 4.42 §1(A), 1989)

11.04.020 International Fire Code adopted.

Pursuant to Section 7.7 of the Parker Home Rule Charter, the International Fire Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.93.1 §1, 2009; Ord. 4.93 §1, 2006; Ord. 4.74 §1, 2003; Ord. 4.42.1 §1, 1999; Ord. 4.42 §1(B), 1989)

11.04.030 Copies.

At the time of adoption, one (1) copy of the International Fire Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Fire Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.74 §1, 2003; Ord. 4.42.1 §1, 1999)

11.04.040 Definitions.

(a) Jurisdiction. Whenever the word *jurisdiction* is used in the International Fire Code, it shall mean that area within the corporate limits of the Town or any area hereafter annexed to the Town.

(b) Chief. Where the *chief* is referred to in the International Fire Code, it shall mean the Chief of the South Metro Fire Rescue Authority. (Ord. 4.93.1 §2, 2009)

11.04.050 Amendments.

The International Fire Code, as adopted by this Chapter, is hereby amended as follows (article numbers correspond with those in the International Fire Code):

(1) Delete Appendix Chapters A, D, E, F, G, H and I.

(2) Amend Section 101.1, Title, to read:

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

(3) Amend Section 108.1 to read:

"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 a board of appeals. The board of appeals shall be the Regional Fire Code Board of Appeals and shall hold office at its pleasure."

(4) Amend Section 109.3, Violation penalties, to read:

"Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than four hundred ninety-nine dollars (\$499.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(5) Amend Section 111.4, Failure to comply, to read:

"Any person who shall 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, shall be liable to a fine of not more than four hundred ninety-nine dollars (\$499.00)."

(6) Amend Section 507.3, Fire flow, to read:

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

(7) Amend Section 507.5, Fire hydrant systems, to read:

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

(8) Amend Section 903.2.7, Group M, to read:

"903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

"1. A Group M fire area exceeds 12,000 square feet (1,115 m²).

"2. A Group M fire area is located more than three stories above grade plane.

"3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).

"4. A Group M fire area is used for the display and sale of upholstered furniture where the fire area exceeds 5,000 square feet (454 m²)."

(9) Amend Section 907.5.1 by deleting Exception #2.

(10) Add to Section 3506.2, (Geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited), to read:

"3506.2 (Geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited). Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited."

(11) Amend the Exception to Section 3301.1.3, Fireworks, to read:

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

"Exceptions:

"1. Unchanged.

"2. Deleted.

"3. The use of fireworks for fireworks displays as allowed in Section 3308.

"4. The possession, storage, sale, handling and use of permissible fireworks, as defined by C.R.S. §12-28-101(8)(a), as follows:

"Permissible fireworks as defined by C.R.S. §12-28-101(8)(a), as amended, are permitted in the Town, except as provided by Chapter 6.04 of the Parker Municipal Code, as amended. Permissible fireworks include the following:

"a. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;

"b. Cone fountains, total pyrotechnic composition not to exceed fifty grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;

"c. Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred grams for each complete wheel;

"d. Ground spinner, a small device containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;

"e. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred grams each;

"f. Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;

"g. Any of the following that do not contain more than fifty milligrams of explosive composition:

"1. Explosive auto alarms;

"2. Toy propellant devices;

"3. Cigarette loads;

"4. Strike-on-box matches; or

"5. Other trick noise makers;

"h. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units;

"i. Multiple tube devices with:

"1. Each tube individually attached to a wood or plastic base;

"2. The tubes separated from each other on the base by a distance of at least one-half of one inch;

"3. The effect limited to a shower of sparks to a height of no more than fifteen feet above the ground;

"4. Only one external fuse that causes all of the tubes to function in sequence; and

"5. A total pyrotechnic composition of no more than five hundred grams.

"j. 'Permissible fireworks' do not include aerial devices or audible ground devices, including, but not limited to, firecrackers."

(12) Add to Section 3404.2.9.6.1 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited):

"The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of the Town of Parker Zoning Ordinances."

(13) Add to Section 3406.2.4.4 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited):

"The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of the Town of Parker Zoning Ordinances."

(14) Add to Section 3804.2 (Geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas):

"Restricted use. Bulk storage of liquefied petroleum gas within all business and commercial zones is restricted for the protection of heavily populated or congested commercial areas. The aggregate capacity of any one installation shall not exceed two thousand (2,000) gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the chief after consideration of any special features, such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and the facilities of the South Metro Fire Rescue Authority. Storage and use of propane in cylinders that are designed to hold more than forty (40) pounds is prohibited on any residential lot in the Town. Storage and use of propane in cylinders with an aggregate capacity of more than one hundred fifty (150) pounds is prohibited on any residential lot in the Town."

(Ord. 4.93.1 §2, 2009)

11.04.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Fire Protection Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.93.1 §3, 2009)

11.04.070 Nonliability.

The adoption of this Chapter, and of the Code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.74 §1, 2003; Ord. 4.42.1 §1, 1999)

11.04.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.93.1 §4, 2009; Ord. 4.93 §4, 2006; Ord. 4.74 §1, 2003)

CHAPTER 11.05

Parker Electrical Code

11.05.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Electrical Code. (Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.72 §1, 2003; Ord. 4.27.1 §1, 1999; Ord. 4.27 §1(1), 1989)

11.05.020 National Electrical Code adopted.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.85.1 §1, 2009; Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.27.1 §1, 1999; Ord. 4.27 §1(2), 1989)

11.05.030 Copies.

At the time of adoption, one (1) copy of the National Electrical Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the National Electrical Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.27.1 §1, 1999)

11.05.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the code, it shall be defined to mean that area included within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.27.1 §1, 1999; Ord. 4.27 §1(3), 1989)

11.05.050 Amendments.

The National Electrical Code, as adopted by this Chapter, is hereby amended as follows (article numbers correspond with those in the National Electrical Code):

(1) Amend Article 110.26(A)(3), Height of Working Space, by the addition of a new subparagraph (1) and Fine Print Note (FPN) to read:

"The width of the working space shall include the wall space at the equipment.

"FPN: Increasingly, wall space above and below service equipment is used for cable, satellite, phone and other type of equipment. This leads to problems when additions to the service equipment are required."

(2) Amend Figure 210.52 by revising the description to read:

"Determination of area behind sink. Small appliance outlets are not allowed behind a cooking appliance."

(3) Amend Article 210.52(B)(3), Kitchen Receptacle Requirements, by the addition of a new subparagraph (1) to read:

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

(4) Amend Article 220.14(I), Receptacle Outlets, by the addition of a new subparagraph (1) to read:

"For dwellings, 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. 4.85.1 §2, 2009; Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.27.1 §1, 1999; Ord. 4.27 §1(4), 1989)

11.05.060 Violation; penalty.

In addition to the penalty provisions contained in the National Electrical Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.85.1 §3, 2009; Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.27.1 §1, 1999; Ord. 5.30.1 §25, 1993; Ord. 4.27 §2, 1989)

11.05.070 Nonliability.

The adoption of this Chapter, and of the code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town or its officers, employees or agents. (Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003; Ord. 4.27.1 §1, 1999)

11.05.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.85.1 §4, 2009; Ord. 4.85 §1, 2005; Ord. 4.75 §1, 2003)

CHAPTER 11.06

Parker Mechanical Code

11.06.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Mechanical Code. (Ord. 4.76 §1, 2003; Ord. 4.25.1 §1, 1999; Ord. 4.25 §1(1), 1989)

11.06.020 International Mechanical Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Mechanical Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.94.1 §1, 2009; Ord. 4.94 §1, 2006; Ord. 4.76 §1, 2003; Ord. 4.25.1 §1, 1999; Ord. 4.25 §1(2), 1989)

11.06.030 Copies.

At the time of adoption, one (1) copy of the International Mechanical Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Mechanical Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.76 §1, 2003; Ord. 4.25.1 §1, 1999)

11.06.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the International Mechanical Code, it shall be defined to mean that area included within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.76 §1, 2003; Ord. 4.25.1 §1, 1999; Ord. 4.25 §1(3), 1989)

11.06.050 Amendments.

The International Mechanical Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Mechanical Code):

(1) Delete Appendix Chapters A and B.

(2) Amend Section 101.1, Title, to read:

"These regulations shall be known as the Parker Mechanical Code, hereinafter referred to as the 'code.' "

(3) Sections 101.2, 101.2.1 and 101.3 remain unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Amend Section 202, General definitions, to add new definitions to read:

"*Certified Solid Fuel Burning Device* shall mean a solid fuel burning device which is certified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment to meet the Emissions Standards set forth in Section IV of Regulation No. 4 of Volume I of Colorado Air Quality Control Commission, hereinafter referred to as 'State Regulations.'

"*Solid Fuel Burning Device* shall mean any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other nonliquid or nongaseous fuel.

"*Wood Burning Fireplace* shall mean an open hearth or fire chamber or similarly prepared place in which a fire may be made and which is built in conjunction with a chimney."

(6) Amend Section 505.2 by adding a third sentence to read:

"Makeup air systems shall be capable of maintaining a minimum makeup air temperature of 50°F (10°C) during the heating season."

(7) Delete Section 602.3, Stud cavity and joist space plenums, and replace with:

"602.3 Stud cavity and joist space plenums. Stud wall cavities and the spaces between floor joists shall not be utilized as air plenums."

(8) Amend Section 905.1, General, to add a new second paragraph to read:

"Installation of a certified solid fuel burning device will be permitted within the Town of Parker when such device meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State Regulations."

(Ord. 4.94.1 §2, 2009)

11.06.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Mechanical Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.94.1 §3, 2009; Ord. 4.94 §3, 2006; Ord. 4.76 §1, 2003; Ord. 4.25.1 §1, 1999; Ord. 5.30.1 §26, 1993; Ord. 4.25 §2, 1989)

11.06.070 Nonliability.

The adoption of this Chapter, and of the code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.76 §1, 2003; Ord. 4.25.1 §1, 1999)

11.06.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.94.1 §4, 2009; Ord. 4.94 §4, 2006; Ord. 4.76, 2003)

CHAPTER 11.07

Parker Plumbing Code

11.07.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Plumbing Code. (Ord. 4.77 §1, 2003; Ord. 4.26.1 §1, 1999; Ord. 4.26 §1(1), 1989)

11.07.020 International Plumbing Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Plumbing Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted

in full, including the outline of contents, index and appendices contained therein. (Ord. 4.95.1 §1, 2009; Ord. 4.95 §1, 2006; Ord. 4.77 §1, 2003; Ord. 4.26.1 §1, 1999; Ord. 4.26 §1(2), 1989)

11.07.030 Copies.

At the time of adoption, one (1) copy of the International Plumbing Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Plumbing Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.77 §1, 2003; Ord. 4.26.1 §1, 1999)

11.07.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the International Plumbing Code, it shall be defined to mean that area included within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.77 §1, 2003; Ord. 4.26.1 §1, 1999; Ord. 4.26 §1(3), 1989)

11.07.050 Amendments.

The International Plumbing Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Plumbing Code):

(1) Delete Appendix Chapters A, C, D, E, F and G.

(2) Amend Section 101.1, Title, to read:

"These regulations shall be known as the Parker Plumbing Code, hereinafter referred to as the 'code.' "

(3) Sections 101.2 and 101.3 remain unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Scope and Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Amend Section 913.3, Vent installation below the fixture flood level rim, by adding a new exception to read:

"Exception: A vent is not required if the island drain is the uppermost fixture on a 3" branch drain."

(Ord. 4.95.1 §2, 2009)

11.07.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Plumbing Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each

such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.95.1 §3, 2009; Ord. 4.95 §3, 2006; Ord. 4.77 §1, 2003; Ord. 4.26.1 §1, 1999; Ord. 5.30.1 §27, 1993; Ord. 4.26 §2, 1989)

11.07.070 Nonliability.

The adoption of this Chapter, and of the code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.77 §1, 2003; Ord. 4.26.1 §1, 1999)

11.07.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.95.1 §4, 2009; Ord. 4.95 §4, 2006; Ord. 4.77 §1, 2003)

CHAPTER 11.08

Reserved

CHAPTER 11.09

Reserved

CHAPTER 11.10

Grading and Earth Movement

11.10.010 Purpose.

This Chapter provides a mechanism within the Town for the issuance of permits relating to grading and earth movement. Its purpose is to minimize soil erosion and movement of sediment, and to protect the water quality and soil surfaces during and after construction. (Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994; Ord. 4.40 §1, 1986)

11.10.020 Definitions.

As used in this Chapter:

Applicant means any person, corporation, firm or entity that owns real property that comprises the project for a permit pursuant to this Chapter.

Project means all of the development to be performed by the applicant as described in the proposed plan, including all phases of a proposed subdivision, or the development by the applicant of multiple lots or parcels that are contiguous, abutting, adjacent, adjoining, bordering, neighboring or tangential to each other.

Public Works Department shall include all of its representatives, designees or agents. (Ord. 4.66.1 §1, 2004; Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994)

11.10.030 Permit required.

(a) Unless specified in Section 11.10.060 below, no person, corporation, firm or entity shall commence grading and earth movement activities without first obtaining a permit. No permit shall be issued by the Public Works Department for any project until the provisions of this Chapter are satisfied and the real property that is the subject of the permit has received final site plan or subdivision plat approval in accordance with the Parker Land Development Ordinance, except as otherwise provided in Section 11.10.160 of this Chapter.

(b) A separate permit is required for each site and/or subdivision filing. (Ord. 4.66 §1, 2002; Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994; Ord. 4.40 §2, 1986)

11.10.040 Standards.

All erosion and sediment control plans and specifications shall meet the following criteria:

(1) The Town of Parker Storm Drainage and Environmental Criteria Manual, which may be amended from time to time by the Public Works Director.

(2) Additionally, all erosion and sediment control plans must provide for the control and reduction of erosion and sediment based upon the following standards of performance:

a. During over lot grading or construction, sediment discharged with water from disturbed lands within a basin shall not exceed historic amounts by more than fifteen percent (15%) when a ten-year, twenty-four-hour rainfall event occurs. In addition, wind-borne sediments from the same disturbed lands shall not exceed annual historic amounts by more than fifteen percent (15%).

b. After over lot grading, infrastructure construction and reseeded have been completed, sediment discharged with water from disturbed lands within a basin shall not exceed historic amounts when a ten-year, twenty-four-hour rainfall event occurs. In addition, wind-borne sediment from the disturbed basin shall not exceed annual historic amounts.

c. Historic sediment discharge is considered to be the amount of sediment from a basin due to water or wind when the land was established as dry land grass having an average ground cover of sixty-five percent (65%).

(3) All plans shall be prepared and implemented to prevent damage to any adjacent property, to avoid the deposition of debris or sediment on any private or public property not designed or designated as an area to collect the sediment, to avoid any hazard to any persons or property, and to ensure there is no detrimental influence upon the public welfare or upon the total development of any watershed. (Ord. 4.66.1 §2, 2004; Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994; Ord. 4.26 §1(4), 1989)

11.10.050 Plans.

For each site upon which an excavation, grading or fill permit is required, the applicant shall submit two (2) copies of the plans to the Public Works Department. One (1) copy will be forwarded by the Public Works Department to its designee. The plan must comply with the latest issue of the Storm Drainage and Environmental Criteria Manual, including, but not limited to, the following criteria:

(1) A vicinity sketch at a maximum scale of one (1) inch to two thousand (2,000) feet, indicating the site location as well as the adjacent properties within five hundred (500) feet of the site boundaries.

(2) A boundary survey map of the site on which the work is to be performed.

(3) A plan of the site at a maximum scale of one (1) inch to one hundred (100) feet on a twenty-four-inch-by-thirty-six-inch sheet, showing:

a. The name, address and telephone number of the landowner and the developer;

b. A timing schedule indicating the anticipated starting and completion dates of the construction, the sequence and the time of the over lot grading and construction phases, and the extent of exposure and the time of completion of the effective erosion and sediment control measures. The time and extent of exposure shall be the minimum time and extent reasonably achievable;

c. A statement of the quantity of excavation and fill involved in a format approved by the Public Works Department;

d. The existing topography (shown by dashed lines) at two-foot contour intervals, unless otherwise specified by the Public Works Department;

e. The proposed topography (shown by solid lines) and spot elevations at two-foot contour intervals, unless otherwise specified by the Public Works Department;

f. The location on the site of structures or natural features, such as stream channels, trees, rock outcroppings and wetlands;

g. The location of structures or natural features on the land adjacent to the site or within fifty (50) feet of the boundary line of the site;

h. The location of proposed structures or development on the site;

i. The elevations, spot elevations, dimensions, location, extent and slope of all proposed grading, including building and driveway grades;

j. An itemized estimate and total cost estimate of the required temporary and permanent soil erosion and sediment control measures; and estimates shall include quantities and unit costs;

k. The plans and timing schedule for each and every drainage provision, retaining wall, cribbing, planting, erosion and sediment control measures, or other temporary or permanent soil erosion and sediment control measure to be constructed in connection with, or as a part of the proposed work. The plans and timing schedule shall comply with the standards set forth in Section 11.10.040 above; and

l. Any other information or data that may be required by the Public Works Department, including, but not limited to, a soil investigation report which includes data regarding the nature, distribution and supporting ability of existing soils and rock on the site.

In preparing the plan, the applicant shall utilize the soil classification data for the site identified by the U.S. Soil Conservation Service, unless the applicant submits data which is collected, analyzed and reported upon by a qualified soils engineer registered in the State. In the latter event, evaluation of the plan shall be based upon the site-specific data described therein. (Ord. 4.66.1 §3, 2004; Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994; Ord. 4.40 §4, 1986)

11.10.060 Exceptions.

A permit is required for any grading, compaction, filling or earth movement within the Town. However, no permit is required for the following projects:

(1) Grading in an area of one (1) acre or less which is an isolated self-contained area, provided that the Public Works Department determines that such grading shall not result in significant negative impact upon private or public property. However, this exemption shall not apply to any individual lot or parcel which is a portion of a larger parcel or subdivision.

(2) An excavation below finished grade for basements and footing of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.

(3) Cemetery graves.

(4) Refuse disposal sites controlled by other regulations.

(5) Exploratory excavations of less than five hundred (500) square feet undertaken under the direction of soil engineers or engineering geologists.

(6) Fill of less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical, or less than three (3) feet in depth, not intended to support

structures, which does not exceed fifty (50) cubic yards on any one (1) lot and does not obstruct a drainage course. (Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994; Ord. 4.40 §5, 1986)

11.10.070 Review, approval, revision and amendment procedures.

(a) The Public Works Department shall review and comment upon, and either approve or return to the applicant, the plan within twenty (20) working days of the date of a complete submission. If the Public Works Department determines that the plan cannot be reviewed within twenty (20) working days, the applicant shall be notified and they shall mutually agree upon the time for completion of the plan review. If the applicant wishes to have the plan approved prior to twenty (20) working days or at a time sooner than the Public Works Department can complete the review, the applicant shall agree to pay for an outside review that will be performed by a qualified person selected by the Public Works Department.

(b) The Public Works Department shall review all plans submitted pursuant to Section 11.10.050 above based upon the standards specified in Section 11.10.040 above. Incomplete or otherwise inadequate plans shall not be approved and shall be returned to the applicant with comments. It shall be the sole responsibility of the applicant to ensure the plan complies with this Chapter. No permit shall be issued until the plan is approved by the Public Works Department.

(c) If the applicant amends the plan, an amended plan which complies with the requirements set forth in Sections 11.10.040 and 11.10.050 above shall be submitted for review by the Public Works Department. No work shall commence pursuant to the amended plan until the amended plan is approved by the Public Works Department. (Ord. 4.40.5 §1, 2000; Ord. 4.40.3 §1, 1998; Ord. 4.40.2 §1, 1994; Ord. 4.40 §6, 1986)

11.10.080 Term of permit.

All permits shall be effective for a period of twenty-four (24) months from the date issued. The permit may be renewed at the end of the twenty-four (24) months upon approval by the Public Works Department that the applicant has complied with the provisions of the permit. The Public Works Director shall determine the length of the renewal period. (Ord. 4.66.1 §4, 2004; Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994)

11.10.090 Fees.

(a) At the time of filing an application for a grading permit, a nonrefundable filing fee of one hundred dollars (\$100.00) plus fifteen dollars (\$15.00) an acre shall be paid to the Town. The filing fee shall cover one (1) hour of administrative review and consultation with the Public Works Department and an initial inspection. Any additional inspection or review time shall be subject to an additional charge of the actual cost plus fifteen percent (15%), which amount shall be paid by the applicant within ten (10) days from the billing. Failing to pay the bill when due shall result in the withholding of the permit, building permit, temporary certificate of occupancy or certificate of occupancy, or the issuance of a stop work order.

(b) If the permit expires, the renewal fee shall be twenty-five dollars (\$25.00). (Ord. 4.40.5 §1, 2000; Ord. 4.40.3 §2, 1998; Ord. 4.40.2 §1, 1994; Ord. 4.40 §7, 1986)

11.10.100 Security.

To ensure the rehabilitation of the site, there shall be required at the time the original permit is issued a letter of credit or other security acceptable to the Public Works Director ("security"), which shall name the Town as the protected party. The Public Works Director shall determine the amount of the security by considering the magnitude of the excavation activities and the cost of revegetating and returning the property back to its original condition prior to the excavation. In no instance shall the security be less than five thousand dollars (\$5,000.00). The security shall not be released until the Public Works Department has completed its final inspection and given its final approval of the project. (Ord. 4.40.5 §1, 2000; Ord. 4.40.3 §3, 1998; Ord. 4.40.2 §1, 1994; Ord. 4.40 §8, 1986)

11.10.110 Insurance.

Every applicant shall be insured against personal injury and property damage, from insurers acceptable to the Town, but in no event less than the coverages described as follows:

(1) Workers' compensation insurance to cover obligations imposed by applicable laws for any employee engaged in the performance of work, and employer's liability insurance with minimum limits of five hundred thousand dollars (\$500,000.00) each accident, five hundred thousand dollars (\$500,000.00) disease policy limit, and five hundred thousand dollars (\$500,000.00) disease each employee. Evidence of qualified self-insured status may be substituted for the workers' compensation requirements of this Section.

(2) General liability insurance with minimum combined single limits of one million dollars (\$1,000,000.00) each occurrence and two million dollars (\$2,000,000.00) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products and completed operations. The policy shall contain a severability of interests provision.

(3) Comprehensive automobile liability insurance with minimum combined single limits for bodily injury and property damage of not less than one million dollars (\$1,000,000.00) each occurrence and one million dollars (\$1,000,000.00) aggregate with respect to each of the applicant's owned, hired, and nonowned vehicles assigned to or used in performance of the work. The policy shall contain a severability of interests provision. If the applicant has no owned automobiles, the requirements of this Paragraph shall be met by each employee of the applicant performing work.

(4) The policy required by Paragraph (2) above shall be endorsed to include the Town and the Town's officers, employees and consultants as additional insureds. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers, its employees or its consultants shall be excess and not contributory insurance to that provided by the applicant. The applicant shall be solely responsible for any deductible losses under any policy required above.

(5) The certificate of insurance provided for the Town shall be completed by the applicant's insurance agent as evidence that policies providing the required coverages, conditions and minimum limits are in full force and effect, and shall be reviewed and approved by the Town prior

to issuance of the permit. No other form of certificate shall be used. The certificate shall identify this Section and shall provide that the coverages afforded under the policies shall not be cancelled, terminated or materially changed until at least thirty (30) days' prior written notice has been given to the Town. The completed certificate of insurance shall be sent to:

Town of Parker
Attn: Risk Management
20120 East Main Street
Parker, Colorado 80138

The insurance shall not be released until the Public Works Department has completed its final inspection and given its final approval of the project. (Ord. 4.66.1 §5, 2004; Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994; Ord. 4.40 §9, 1986)

11.10.120 Stop work order.

If the plan approved by the Public Works Department is not complied with or the time schedule is not met, the Public Works Department may issue a notice to stop work on the project. Within the time period specified in the notice to stop work, the work specified in the approved plan must be completed and, if necessary, any unauthorized deviations from the approved plan must be corrected, abated, removed or repaired. If the project is not in compliance with the approved plan within the time specified in the notice, the Public Works Department shall issue a stop work order. Work shall not resume on the project until the Public Works Department approves of a completion/ correction plan. Also, additional security may be required to ensure compliance with the completion/correction plan. The criteria specified in Section 11.10.100 above shall establish the type and amount of the additional security. (Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994)

11.10.130 Withholding permit and certificate of occupancy.

Failure to comply with the plan shall result in the withholding of the building permit, the certificate of occupancy or the temporary certificate of occupancy for the project. (Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994)

11.10.140 Penalties.

(a) Any person convicted of violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of not more than four hundred ninety-nine dollars (\$499.00) for each separate offense. Each day a violation of this Chapter continues shall constitute a separate offense. The Town also may seek in Municipal Court an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. A person convicted of violating this Chapter shall be liable for the actual cost of rehabilitating the property. The costs may be recovered as restitution in a Municipal Court proceeding or in a separate civil action.

(b) The Town may also assess and file a lien against any property for the cost of any rehabilitation that was performed by the Town on the property. The lien shall be a first and prior lien to all other liens. (Ord. 4.40.5 §1, 2000; Ord. 4.40.2 §1, 1994)

11.10.150 Sale of site and/or subdivision filing subject to a valid grading permit and/or security retained pursuant to this Chapter 11.10.

(a) In the event an applicant pursuant to Section 11.10.020 of this Chapter sells, conveys, assigns, dedicates or otherwise effectuates a change in ownership of a site and/or subdivision filing that is subject to a valid grading permit, and excavating, grading or other work authorized under the plan submitted pursuant to Section 11.10.050 of this Chapter has not been completed:

(1) The new owner of the site and/or subdivision filing, or an authorized representative of the new owner, shall apply for a new and separate grading permit, and shall comply with all of the provisions of this Chapter, prior to any work being conducted following the change of ownership.

(2) No work shall continue or commence following a change of ownership until a new and separate grading permit for the new applicant has been issued, and security provided therefor pursuant to Section 11.10.100 of this Chapter.

(b) In the event an applicant pursuant to Section 11.10.020 of this Chapter sells, conveys, assigns, dedicates or otherwise effectuates a change in ownership of a site and/or subdivision filing that is subject to a valid grading permit, and excavating, grading or other work authorized under the plan submitted pursuant to Section 11.10.050 of this Chapter has been completed, and is within the warranty period waiting for final inspection and approval:

(1) The new owner of the site and/or subdivision filing, or an authorized representative of the new owner, may apply for a new and separate grading permit, and shall comply with all of the provisions of this Chapter, including providing security for the new and separate permit pursuant to Section 11.10.100 of this Chapter.

(2) In the alternative, the new owner of the site and/or subdivision filing, or an authorized representative of the new owner, may obtain an assignment of the rights and obligations under the previously issued grading permit, provided that:

a. The form of the assignment is acceptable to the Public Works Department; and

b. Replacement security pursuant to Section 11.10.100 of this Chapter is provided to the Town prior to the expiration of the security previously submitted by the applicant.

(c) Nothing herein shall be construed to modify the time period for the Town to complete its final inspection and approval, nor shall anything herein be deemed to constitute a renewal of a grading permit other than as set forth in Section 11.10.080 of this Chapter. (Ord. 4.40.4 §1, 1998)

11.10.160 Early Grading Permit.

(a) The Public Works Director may, to the extent provided in this Section, authorize the issuance of an "Early Grading Permit" prior to final approval of a site plan or subdivision, in order to relieve a particular and exceptional practical difficulty or exceptional and undue hardship that is not created by the property owner if the following requirements are satisfied:

(1) All other provisions of this Chapter are satisfied.

- (2) The real property that is the subject of the Early Grading Permit has received:
- a. preliminary plan approval if the permit is for a residential development;
 - b. minor development plat or final plat approval if the permit is for any nonresidential development;
 - c. will combine earthwork activities between two (2) real properties, both of which are part of the same planned development and one (1) of which has received final site plan or plat approvals from the Town.
- (3) The request for an Early Grading Permit shall not include a request to approve roadway templates or building site pad grading.
- (4) The Interim Site Improvement Agreement described in Subsection (c) below is executed by the property owner.
- (5) A Tree Conservation Plan approved by the Planning Director is required and made part of the application for an Early Grading Permit.
- (6) A waiver and consent form, prepared by the Town Attorney, is executed by the property owner in which the property owner acknowledges and agrees that the property owner:
- a. has not received final site plan or subdivision approval, and that in the absence of such approval, the property owner is proceeding at his or her own risk in excavating the real property that is the subject of the Early Grading Permit;
 - b. that the location and design of private and public improvements on the real property may be subject to change as a condition to any final site plan or subdivision approval;
 - c. that the Early Grading Permit does not create any vested rights; and
 - d. that the Town, in the exercise of its legislative authority, may amend or enact legislation which may have an adverse effect on the property owners ability to obtain final site plan or subdivision from the Town and/or which may increase the costs of the project.
- (7) The property owner demonstrates to the satisfaction of the Public Works Director that the issuance of the Early Grading Permit will advance a significant public interest, which shall include one (1) of the following:
- a. As a part of the Early Grading Permit, a significant regional public facility will be constructed or improved at no cost to the Town. The regional public facility would not be constructed without the Early Grading Permit;
 - b. The Early Grading Permit will result in a consolidation of earth-moving activities which will result in a significant reduction on the use of Town public rights-of-way to transport excavated materials; or

c. The real property which is the subject of the Early Grading Permit was previously disturbed and the Early Grading Permit will result in restoring such property to its natural condition, to the extent practicable, as determined by the Public Works Director.

(b) The application for an Early Grading Permit shall be subject to an administrative review process by the Public Works Director and Planning Director. The Public Works Director shall be authorized to determine if the application for an Early Grading Permit meets the requirements contained in this Section. The Public Works Director shall further have the authority, based on the nature and scope of the application to require that the applicant obtain approval by the Town Council following public notice and hearing. The applicant shall also have the right, in the event the Public Works Director denies the application or imposes conditions determined by the applicant to be unreasonable, to appeal the decision of the Public Works Director to the Town Council within ten (10) days of the Public Works Director's decision.

(c) The following information shall be provided and approved by the Public Works Director as part of the request for consideration of an Early Grading Permit:

(1) A Grading and Erosion Control Plan and Construction Plans for all of the required improvements necessitated by the issuance of an Early Grading Permit.

(2) An Interim Site Improvement Agreement approved by the Town, which provides for the construction of all required improvements necessitated by the issuance of an Early Grading Permit, including applicable regional improvements and a financial guarantee in the amount of one hundred fifty percent (150%) of the costs identified by the Town as part of the Early Grading Permit. (Ord. 4.66 §2, 2002)

CHAPTER 11.11

Damages for Delay; Construction Projects

11.11.010 Legislative declaration.

The Town Council finds and determines that the construction of local capital improvements using local funds, and contracts for such construction are matters of purely local concern as to which Article XX of the Colorado Constitution reserves to the Town exclusive authority. The Town Council further finds and determines that properly drafted "no-damage-for-delay" clauses shifting to the construction contractor the risk of unforeseen delays beyond the Town's direct control are necessary and proper to the prevention of cost overruns on public projects and, thus, to permit the Town to properly budget for such projects, and that such clauses are not inequitable since contractors customarily factor the risk of delay into their bids. (Ord. 4.43 §1(1), 1989)

11.11.020 No-damage-for-delay.

All Town construction contracts where the amount to be paid to the contractor exceeds five thousand dollars (\$5,000.00) shall contain a "no-damage-for-delay" clause, in a form acceptable to the Town Attorney, providing that the contractor may receive an extension of time for completion but

shall receive no additional compensation for delays due to unforeseen circumstances outside the Town's direct and exclusive control. (Ord. 4.43 §1(2), 1989)

CHAPTER 11.12

Responsibility for Nuisances

11.12.010 Definitions.

Building Inspector is an inspector who works for the Town Building Department.

Chief Building Official is the Chief Building Official for the Town.

Permittee means any person, firm, partnership, or corporation, its or their assigns, successors or agents who is issued an official document or certificate by the Building Official authorizing performance of a specified activity.

Property means the real property upon which the permittee is authorized to perform the specified activity.

Public Works Department is the Department of Public Works of the Town.

Public Works Director is the Director of Public Works. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.020 Responsibility of permittee.

The permittee shall be responsible for the abatement or the cost of abatement of any nuisance, obstruction or damage to any street, avenue, alley, sidewalk, highway, public right-of-way, public grounds, park, recreation facility, or public property within the Town (hereinafter *nuisance*) which was caused by work undertaken by the permittee, its agents, subcontractors or employees. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.030 Notice and abatement.

(a) If the permittee is responsible for the nuisance, the Town shall provide notice to abate by posting the property for which the building permit was issued, or notifying in person, by telephone or in writing the author of the nuisance, the property owner or occupant, the person designated in the application to receive notice of a nuisance, or the permittee that the nuisance shall be abated within twenty-four (24) hours or such time as the Building Inspector or Public Works Director or designee believes is necessary. Prior to issuance of a permit, the permittee shall provide the name, address and telephone number of the person the Town may notify if a nuisance exists.

(b) Within the time period specified in the notice to abate, the permittee shall abate, remove or repair any nuisance. However, if for good cause the permittee cannot abate, remove or repair the nuisance within the time specified in the notice to abate, the permittee shall file with the Public Works Director or his or her designee an "Abatement Plan." If the Abatement Plan is not accepted by the Town, the permittee shall comply with the notice to abate.

(c) If the permittee fails to comply with the terms of the Abatement Plan or if no Abatement Plan was filed within twenty-four (24) hours and the permittee fails to comply with the notice to abate, the Town may abate the nuisance without any further notice, issue a stop work order or both.

(d) If the Building Inspector or Public Works Director or designee issues a stop work order, work shall not resume on the site that is the subject of a building permit until the nuisance specified in the notice to abate is abated, removed or repaired. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.040 Cost of abatement.

If the Town has to abate, remove or repair any nuisance that the permittee is responsible for under Section 11.12.020 above, the permittee shall be responsible for the following costs:

(1) The actual cost of abatement, which shall be based upon a schedule of costs prepared by the Building Department or Public Works Director from time to time; plus

(2) An administrative fee equaled to fifteen percent (15%) of the actual cost of abatement; plus

(3) A penalty of ten percent (10%) of the actual cost of abatement for the first offense within one (1) year; a penalty of twenty-five percent (25%) of the actual cost of abatement for the second offense within one (1) year; and a penalty of fifty percent (50%) of the actual cost of abatement for the third offense within one (1) year; or

(4) A cost of five hundred dollars (\$500.00) if the sum total of (1) through (3) above is less than five hundred dollars (\$500.00). (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.050 Withholding certificate of occupancy and filing lien.

If the permittee does not pay the costs when requested by the Town, the Town shall withhold the issuance of a certificate of occupancy to the permittee and file a lien against the property until all costs are paid. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.060 Protest.

If the Town denies a certificate of occupancy because a permittee has failed to pay the costs set forth in Section 11.12.040 above, the permittee may protest the costs by filing a written protest and depositing a sum equaled to the costs specified in Section 11.12.040 with the Chief Building Official or Public Works Director, whichever is applicable. All protests shall be limited to whether the permittee, its agents, subcontractors or employees was the author of the nuisance. Both the written protest and the deposit must be received by the Chief Building Official or Public Works Director, whichever is applicable, within fifteen (15) days of the Town's denial of the certificate of occupancy. If the permittee fails to file the protest and deposit within the fifteen (15) days, the permittee shall not be entitled to a hearing and the Town shall withhold the certificate of occupancy until it receives its costs. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.070 Hearing.

All protests shall be heard by the Chief Building Official or Public Works Director, whichever is applicable. He or she shall determine if there was a violation of this Chapter. If there was a violation, then the costs set forth in Section 11.12.040 above shall be collected from the permittee's deposit. If the Chief Building Official or Public Works Director, whichever is applicable, determines there was not a violation, the certificate of occupancy shall be issued and the deposit returned to the permittee. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

11.12.080 Enforcement and penalty.

It shall be unlawful and deemed a nuisance, under Chapter 6.01 of this Code, to obstruct or damage any street, avenue, alley, sidewalk, highway, public right-of-way, public grounds, park, recreation facility or public property within the Town. The Town may pursue all the remedies and penalties set forth in Chapter 6.01, in addition to filing a lien and withholding the certificate of occupancy, as provided under this Chapter. (Ord. 5.24.4 §1, 2000; Ord. 5.24.2 §8, 1994)

CHAPTER 11.13

Contracting Procedures for Public Works Projects

11.13.010 Application and definitions.

- (a) This Chapter shall apply to contracting procedures for public works projects.
- (b) The term *bid* means an open bid for a public works project awarded to the lowest responsible bidder after ample advertisement.
- (c) The term *competitive proposal* means a proposal submitted in response to a request for a competitive proposal for a public works project.
- (d) The term *contract* for a public works project means a contract for the construction of a public works project.
- (e) The term *Public Works Director* includes the Public Works Director or authorized designee.
- (f) The term *public works project* means the building, altering, repairing, improving or demolishing of any public structure or building or other public improvements of any kind to any public real property.
- (g) The term *Town Administrator* includes the Town Administrator or authorized designee. (Ord. 4.86 §1, 2005)

11.13.020 General requirements.

- (a) Every contract for a public works project shall be evidenced by a written contract.
- (b) Every contract for a public works project in an amount which exceeds one hundred thousand dollars (\$100,000.00) shall be approved or ratified by the Town Council.

(c) Every contract for a public works project in an amount greater than fifty thousand dollars (\$50,000.00) but less than one hundred thousand dollars (\$100,000.00) shall be approved or ratified by the Town Administrator.

(d) Every contract for a public works project in an amount of fifty thousand dollars (\$50,000.00) or less shall be approved or ratified by the Public Works Director.

(e) A contract for a public works project shall be submitted to the Town Attorney and approved as to legal form and the Public Works Director as to content before it is executed. (Ord. 4.86 §1, 2005)

11.13.030 Bidding required.

(a) Every contract for a public works project in an amount that exceeds one hundred thousand dollars (\$100,000.00) shall be by bid, unless the Town Council determines, upon recommendation of the Town Administrator, that the public interest will be best served by competitive proposal or by negotiating a contract with a single contractor.

(b) Every contract for a public works project in an amount greater than fifty thousand dollars (\$50,000.00) but less than one hundred thousand dollars (\$100,000.00) shall be by bid, unless the Town Administrator determines, upon recommendation of the Public Works Director, that the public interest will be best served by competitive proposal or by negotiating with a single contractor.

(c) Every contract for a public works project in an amount of fifty thousand dollars (\$50,000.00) or less shall be by competitive proposal or by negotiating with a single contractor.

(d) In case of emergency affecting the public peace, health or safety, the Town Council may waive all requirements for bidding or competitive proposals for an expenditure of less than one hundred thousand dollars (\$100,000.00). In such cases, the Town Administrator may direct the appropriate department head to procure emergency needs by informal, open-market procedures, at no more than commercial prices, as expeditiously as possible. The Town Administrator shall present a full report of the circumstances necessitating the emergency action at the next Town Council meeting. (Ord. 4.86 §1, 2005)

11.13.040 Bidding procedure and selection criteria.

(a) An invitation for bids shall be published at least once in an area newspaper or trade journal selected for maximum impact on prospective bidders.

(b) A bid bond or deposit shall be required when deemed necessary by the Public Works Director. If a bid is not accepted or a bidder is unsuccessful, the bid bond or deposit shall be returned. When a bid is awarded, but the successful bidder fails to enter into a contract within ten (10) days of the award, the bid bond or deposit shall be forfeited.

(c) Sealed bids shall be opened in public at the time and place stated in the public notice, unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection.

(d) After the bids have been reviewed, the Town Administrator shall submit a report to the Town Council which contains an analysis of the bids, a recommendation for an award and the reasons for the recommendation. The contract shall be awarded to the lowest responsible bidder meeting the bid specifications, unless the Town Council determines, after reviewing the Town Administrator's report, that the public interest would be better served by accepting a higher bid.

(e) In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:

(1) The bidder's skill, ability and capability to perform the services or to furnish the materials, equipment or supplies required;

(2) Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;

(3) The bidder's character, integrity, reputation, judgment, experience and efficiency;

(4) The quality of the bidder's performance of previous contracts;

(5) The bidder's previous and current compliance with statutes, ordinances and rules relating to the contract;

(6) The sufficiency of the bidder's financial resources necessary for the performance of the contract;

(7) The bidder's ability to provide future maintenance or service;

(8) The number and nature of any conditions attached to the bid;

(9) The cost as determined by relevant formulae based on the efficiency, life cycle or other relevant data of the items necessary to complete the contract; and

(10) The unreasonable failure of a bidder to promptly supply information in connection with an inquiry with respect to responsiveness may be grounds for a determination of nonresponsiveness with regard to such bidder.

(f) Upon recommendation of the Town Administrator, the Town Council may reject all bids when it determines that such action is in the public interest. (Ord. 4.86 §1, 2005)

11.13.050 Competitive proposal procedure and selection criteria.

(a) When a bid is not required, as provided in this Chapter, the Public Works Director may solicit competitive proposals from contractors that are prequalified for such projects, based upon the procedures established by the Public Works Director and as provided in this Chapter. The contract will be awarded to the most competitive proposal that is submitted from the prequalified contractors, in the manner provided in this Chapter.

(b) In order to be considered for prequalification for a public works project, potential contractors shall furnish to the Town evidence of the following and, when checking references, the Town may ask about the following:

- (1) Availability of equipment necessary to accomplish the project;
- (2) Availability of trained personnel to accomplish the project;
- (3) Contractor's organization and technical staff with the size, training, experience and capability to accomplish the project;
- (4) Financial capability to perform the project;
- (5) Demonstrated experience in the type of work required for the project;
- (6) Satisfactory performance of similar projects, including, but not limited to, compliance with all contract terms and specifications, satisfactory quality of workmanship and consistent on-time performance;
- (7) Whether the contractor is not allowed to bid on public works projects in any jurisdiction;
- (8) Whether the contractor has made false, deceptive or fraudulent statements in the application for prequalification or any other information submitted to the Town;
- (9) Listing of all projects of the type and size for which prequalification is sought, or projects similar to it, performed by the contractor within the last five (5) years, with name, address and phone number of the owner's representative on each project;
- (10) Any additional criteria necessary to determine qualification for the specific project; and
- (11) Statement of understanding that the Town or Town's agent will check any or all previous projects for evidence of quality of workmanship, compliance with contract terms, timeliness and other factors indicating ability to perform the project.

(c) Any contractor who is disqualified from submitting a competitive proposal on a project by the prequalification process may request a reconsideration of his or her application for prequalification, by submitting a written request within five (5) days to the Public Works Director from the date of notification. The Town Administrator and the Public Works Director shall meet with the contractor for such reconsideration within five (5) days of the contractor's request. The contractor may present additional information and request a summary of the information the Town has used in its decision, but the contractor will not be entitled to names of those persons the Town contacted for references or the statements of reference. (Ord. 4.86 §1, 2005)

11.13.060 Rules and administrative procedures.

The Public Works Director, subject to approval by the Town Administrator, is authorized to promulgate rules and administrative procedures to implement the provisions of this Chapter. (Ord. 4.86 §1, 2005)

11.13.070 Exclusions.

This Chapter does not apply to service agreements for professional services, which include, but are not limited to, specialized design, management, consulting or similar services which are traditionally unique in their nature and not susceptible to bidding or competitive proposals. (Ord. 4.86 §1, 2005)

CHAPTER 11.14

Energy Code

11.14.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Energy Code. (Ord. 4.79 §1, 2003)

11.14.020 International Energy Conservation Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Energy Conservation Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.96.1 §1, 2009; Ord. 4.96 §1, 2006; Ord. 4.79 §1, 2003)

11.14.030 Copies.

At the time of adoption, one (1) copy of the International Energy Conservation Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Energy Conservation Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.79 §1, 2003)

11.14.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the International Energy Conservation Code, it shall mean that area within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.79 §1, 2003)

11.14.050 Amendments.

The International Energy Conservation Code, as adopted by this Chapter, is hereby amended as follows:

- (1) Delete Section 101.1, Title, and replace with:

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

(2) Delete all sections after Part 2 – Administration and Enforcement (Refer to the Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(3) Amend Section 302.1, Interior design conditions, by replacing "72°F (22°C)" with "70°F (21°C)."

(4) Amend the title of Section 404.1 to read:

"404.1 Lighting equipment."

(Ord. 4.96.1 §2, 2009)

11.14.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Energy Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.96.1 §3, 2009; Ord. 4.96 §3, 2006; Ord. 4.79 §1, 2003)

11.14.070 Nonliability.

The adoption of this Chapter, and of the energy code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.79 §1, 2003)

11.14.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.96.1 §4, 2009; Ord. 4.96 §4, 2006; Ord. 4.79 §1, 2003)

CHAPTER 11.15

Parker Fuel Gas Code

11.15.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Fuel Gas Code. (Ord. 4.80 §1, 2003)

11.15.020 International Fuel Gas Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Fuel Gas Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.97.1 §1, 2009; Ord. 4.97 §1, 2006; Ord. 4.80 §1, 2003)

11.15.030 Copies.

At the time of adoption, one (1) copy of the International Fuel Gas Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Fuel Gas Code shall be available for sale to the public at the Planning Department Offices, at a price reflecting cost to the Town. (Ord. 4.80 §1, 2003)

11.15.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the International Fuel Gas Code, it shall mean that area within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.80 §1, 2003)

11.15.050 Amendments.

The International Fuel Gas Code, as adopted by this Chapter, is amended as follows (section numbers correspond with those in the International Fuel Gas Code):

(1) Delete Appendix Chapters A, B, C and D.

(2) Delete Section 101.1, Title, and replace with:

"101.1 Title. These regulations shall be known as the Parker Fuel Gas Code, hereinafter referred to as 'this code.' "

(3) Sections 101.2 through 101.2.5 are unchanged.

(4) The remainder of Chapter 1 of the code, entitled "Administration," is deleted in its entirety (see Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).

(5) Delete Sections 406.4.1 and 406.4.2 and replace with:

"406.4.1 Test pressure and duration. Test pressure shall be 20 psig for 24 hours."

(6) Delete all subsections of Section 621 (IFGC) and replace with:

"621.1 General. Unvented room heaters are prohibited from installation."

(Ord. 4.97.1 §2, 2009)

11.15.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Fuel Gas Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.97.1 §3, 2009; Ord. 4.97 §3, 2006; Ord. 4.80 §1, 2003)

11.15.070 Nonliability.

The adoption of this Chapter, and of the code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liabilities, or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents. (Ord. 4.80 §1, 2003)

11.15.080 Effective date.

The ordinance codified in this Chapter shall take effect on January 1, 2010. (Ord. 4.97.1 §4, 2009; Ord. 4.97 §4, 2006; Ord. 4.80 §1, 2003)

CHAPTER 11.16

Parker Nonresidential Property Maintenance Code

11.16.010 Title.

The provisions of this Chapter shall be known and cited as the Parker Nonresidential Property Maintenance Code. (Ord. 4.101 §1, 2009)

11.16.020 International Property Maintenance Code.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Property Maintenance Code, 2009 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein. (Ord. 4.101.1 §1, 2009; Ord. 4.101 §1, 2009)

11.16.030 Copies.

At the time of adoption, one (1) copy of the International Property Maintenance Code, including outline of contents, index, appendices and amendments shown herein, certified to be a true copy, is 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. After final adoption, the International Property Maintenance Code shall be available for sale to the public at the Community Development Department Offices, at a price reflecting cost to the Town. (Ord. 4.101 §1, 2009)

11.16.040 Jurisdiction defined.

Whenever the word *jurisdiction* is used in the code, it shall mean that area within the corporate limits of the Town or any area hereafter annexed to the Town. (Ord. 4.101 §1, 2009)

11.16.050 Amendments.

The International Property Maintenance Code is amended as follows (section numbers correspond with those in the International Property Maintenance Code):

(1) Delete Chapters 1, 4, 5, 6 and 7.

(2) Amend Section 301.2 to read:

"301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code."

(3) Delete Section 301.3.

(4) Delete Sections 302.4, 302.5, 302.6, 302.7 and 302.8.

(5) Delete Section 303.

(6) Delete Section 304.

(7) Delete Section 305.

(8) Delete Section 306.

(9) Delete Section 307.

(10) Delete Section 308.

(11) Delete Section 309. (Ord. 4.101.1 §2, 2009; Ord. 4.101 §1, 2009)

11.16.060 Violation; penalty.

In addition to the penalty provisions contained in the Parker Nonresidential Property Maintenance Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars

(\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 4.101.1 §3, 2009; Ord. 4.101 §1, 2009)

11.16.070 Nonliability.

The adoption of this Chapter, and of the code provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Chapter or said code. No person, firm, corporation or other entity shall have any civil liability remedy against the Town or its officers, employees or agents for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said code. Nothing in this Chapter or in said code shall be construed to create any liability or to waive any of the immunities, limitations on liabilities or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town or its officers, employees or agents. (Ord. 4.101 §1, 2009)

11.16.080 Effective date.

The ordinance codified in this Chapter shall take effect on June 1, 2010. (Ord. 4.101.1 §4, 2009; Ord. 4.101 §1, 2009)