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## ARTICLE IX

### Additional Provisions

#### Sec. 29-9-10. Fire suppression systems.

A. Permit requirements. No person shall install, modify, alter or repair a fire suppression system without first obtaining a fire suppression system permit from the Fire Department or district having jurisdiction.

B. Code compliance. The applicant shall comply with the written requirements for application and inspections as adopted by the Fire Department or district and approved by the County.

C. Final approval and certificate of occupancy. A final inspection and certificate of occupancy shall not be issued by the Building Inspection Department until the fire suppression systems have been approved by the Fire Department or district.

#### Sec. 29-9-20. Alternate materials and modification.

A. Alternate materials authorized. The provisions of this Chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this Building Code, provided that any such alternate has been approved.

B. Approval. The Building Official may approve any such alternate, provided that he or she finds that the proposed design is satisfactory and that the material, method or work offered is for the purpose intended and is at least the equivalent of that prescribed in this Building Code in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

C. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Building Code, the Building Official may grant modifications for individual cases provided that he or she shall first find that a special individual reason makes the strict letter of this Building Code impractical, that the modification is in conformity with the spirit and purpose of this Building Code, and that such modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modification shall be recorded and entered in the files of the Building Inspection Department.

#### Sec. 29-9-30. Conflicting code standards.

Whenever two (2) sections of this Building Code conflict in the materials prescribed, the more restrictive provision governs.

**Sec. 29-9-40. Tests.**

A. Tests required. Whenever there is insufficient evidence of compliance with the provisions of this Building Code or evidence that any material or any construction does not conform to the requirements of this Building Code, or in order to substantiate claims for alternate materials or methods of construction, the Building Official may require tests as proof of compliance, to be made at the expense of the owner or his or her agent by an approved third party agency.

B. Test methods. Test methods shall be as specified by this Chapter for the material in question. If there are not appropriate test methods specified in this Chapter, the Building Official shall determine the test procedure.

C. Records of test results. Copies of the results of all such tests shall be retained by the Building Official for a period of not less than two (2) years after the acceptance of the structure.

**Sec. 29-9-50. Notice of lien.**

A. Requirement of notice. Upon issuing a building permit for the improvement, restoration, remodeling or repair of or the construction of improvements or additions to residential property, the Building Official or other authority issuing the permit shall send a written notice, as set forth in Section 29-11-20 of this Chapter, by first-class mail addressed to the property for which the permit was issued.

B. Form of notice. The notice shall be in at least ten-point bold-faced type, if printed, or in capital letters, if typewritten, shall identify the contractor by name and address, and shall state substantially as follows:

"IMPORTANT NOTICE TO OWNERS: UNDER COLORADO LAW, SUPPLIERS, SUBCONTRACTORS OR OTHER PERSONS PROVIDING LABOR OR MATERIALS FOR WORK ON YOUR RESIDENTIAL PROPERTY MAY HAVE A RIGHT TO COLLECT THEIR MONEY FROM YOU BY FILING A LIEN AGAINST YOUR PROPERTY. A LIEN CAN BE FILED AGAINST YOUR RESIDENCE WHEN A SUPPLIER, SUBCONTRACTOR OR OTHER PERSON IS NOT PAID BY YOUR CONTRACTOR FOR THEIR LABOR OR MATERIALS. HOWEVER, IN ACCORDANCE WITH THE COLORADO GENERAL MECHANICS' LIEN LAW, SECTIONS 38-22-102(3.5) AND 38-22-113(4), COLORADO REVISED STATUTES, YOU HAVE AN AFFIRMATIVE DEFENSE IN ANY ACTION TO ENFORCE A LIEN, IF YOU OR SOME PERSON ACTING ON YOUR BEHALF HAS PAID YOUR CONTRACTOR AND SATISFIED YOUR LEGAL OBLIGATIONS.

"YOU MAY ALSO WANT TO DISCUSS WITH YOUR CONTRACTOR, YOUR ATTORNEY OR YOUR LENDER POSSIBLE PRECAUTIONS INCLUDING THE USE OF LIEN WAIVERS, OR REQUIRING THAT EVERY CHECK ISSUED BY YOU ON YOUR BEHALF IS MADE PAYABLE TO THE CONTRACTOR, THE SUBCONTRACTOR AND SUPPLIERS FOR AVOIDING DOUBLE PAYMENTS IF YOUR PROPERTY DOES NOT SATISFY THE REQUIREMENTS OF SECTIONS 38-22-102(3.5) AND 38-22-113(4), COLORADO REVISED STATUTES.

"YOU SHOULD TAKE WHATEVER STEPS NECESSARY TO PROTECT YOUR PROPERTY."

C. Notice not required. The notice prescribed by this Section shall not be required when a building permit is issued for new residential construction or for residential property containing more than four (4) living units.

D. Definitions. As used only in this Section:

1. *New residential construction* means the construction or addition of living units on real property that was previously unimproved or was used for nonresidential purposes.

2. *Residential property* means any real property, including improvements, containing living units and used for human habitation.

E. Failure to give notice. The failure of the Building Official or other authority which issues building permits to provide the notice required by this Section shall not be an affirmative defense to any lien claimed pursuant to the provisions of this Article; nor shall the agency or any employee of the agency incur liability as a result of such failure.

F. Personal service. The Building Official or other authority which issues building permits may deliver the notice required by this Section personally to the owner of the property, in lieu of mailing the notice as provided by Article XI of this Chapter.