

CHAPTER 18

Building Regulations

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ARTICLE 1

Building Inspection

Sec. 18-1-10. Violations.

The following clause concerning violations is set forth in full and adopted with reference to the codes adopted in this Article:

It is unlawful for any person, firm or corporation to erect, construct, alter, move, demolish, repair, use and occupy any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the adopted or modified provisions of any of the codes or standards named in this Article. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-1-20. Penalty.

Any person, firm or corporation violating any of the provisions of this Article, or of the provisions of the codes adopted and modified herein, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the codes and standards adopted herein is committed, continued or permitted, and upon conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for one (1) year, or by both such fine and imprisonment. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-1-30. Repeal.

The repeal or the repeal and reenactment of any provision of the adopted codes as provided in this Article shall not affect any right which has accrued, any duty imposed, violation that occurred prior to the effective date hereof, any prosecution commenced or any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision shall not revive any provision of any ordinance previously repealed or superseded unless expressly stated in this Article. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-1-40. Validity.

If any section, subsection, sentence, clause, or phrase of any of the codes adopted herein is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining provisions of this Article. The Town declares that it would have passed the ordinance codified herein, and each section, subsection, clause or phrase hereof. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 2

International Building Code

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 2204-3401, Chapters 1 through 35 inclusive and Appendix Chapter I, as if fully set out in this Article, with the additions, deletions, insertions and changes set forth in Section 18-2-30 below. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the International Building Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-2-30. Amendments.

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

- (1) Section 101.1, Title, is amended by the addition of the term "Town of Red Cliff" where indicated.
- (2) Section 101.2, Scope, is amended by the deletion of exception 2 in its entirety.
- (3) Section 101.4.1, Electrical, is amended by replacing "ICC Electrical Code" with "adopted electrical code."
- (4) Section 101.4.4, Plumbing, is amended by the deletion of the last sentence.
- (5) Section 101.4.5, Property maintenance, is deleted in its entirety.
- (6) Section 101.4.6, Fire prevention, is amended by renumbering the section as 101.4.5 and replacing "International Fire Code" with "adopted fire code."
- (7) Section 101.4.7, Energy, is deleted in its entirety.
- (8) Section 103.3, Deputies, is amended by the deletion of the last sentence.
- (9) Section 104.1, General, is amended to read as follows:

"104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code and other provisions of the Red Cliff Municipal Code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving the requirements specifically provided for in this code."

(10) Section 104.6, Right of entry, is amended to read as follows:

"104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code and of other provisions of the Red Cliff Municipal Code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code and of other provisions of the Red Cliff Municipal Code, which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code and other provisions of the Red Cliff Municipal Code, provided that, if such structure or premises are occupied, credentials be presented to the occupant and entry requested. If such structure or premises is are unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry."

(11) Section 105.1, Required, is amended by replacing the words "building official" with "Town."

(12) Section 105.5, Expiration, is amended to read as follows:

"105.5 Expiration. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one extension of time, for a period of 180 days. The extension shall be requested in writing prior to the expiration date and shall demonstrate justifiable cause. Work on the site shall be deemed as commenced upon approval of the final footing inspection and shall be deemed as suspended or abandoned if no subsequent inspections have been approved within a 180-day period. No permit shall be extended more than once."

(13) Section 106.2, Site plan, is amended to read as follows:

"106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finish grades and, as applicable, flood hazard areas, floodways and design flood elevations. The site plan shall be based on and be accompanied by a recent topographic survey conforming to National Map Accuracy Standards, prepared by a registered land surveyor licensed to practice in the State of Colorado. When construction is proposed in a floodplain

area, the application shall be accompanied by elevations of the lowest floor of new or substantially improved structures in said areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be submitted. A complete floodplain development plan, as described by F.E.M.A., is required. The surveyor making the plat shall certify thereon that it is correct and that the perimeter monuments described therein have been placed as described, and affix his name and seal. Permanent reference monuments shall be set and marked and shall be made of No. 5 reinforcing bar with a metal cap at least one and three-eighths inches in diameter, and shall protrude no more than four inches from the ground. The plat submitted shall reflect the type of monuments set on the property corners and the location and dimensions of all easements or rights-of-way of record or known. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration, repair or remodel totally within the limits of an existing building or structure, or when otherwise warranted."

(14) Section 108.2, Schedule of permit fees, is amended to read as follows:

"108.2 Schedule of permit fees. On buildings, structures, gas, mechanical, electrical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by resolution by the Board of Trustees for the Town of Red Cliff."

(15) A new Section 108.6, Contractor licensing, shall be added to read as follows:

"108.6 Contractor licensing. All contractors, except electrical contractors who are duly licensed by the State, shall purchase a license for conducting work within the Town of Red Cliff. Established annual fees are:

"Class I: General contractor \$125.

"Class II: Other contractors \$35.

"Class III: Municipal contractors \$75.

"Licenses issued pursuant to this section shall be valid for a period of one year from the date of issue. Every contractor, including electrical contractors and owner-builders, shall provide a current certificate of insurance for statutory workers' compensation and commercial general liability insurance of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate before a contractor's license is issued. An owner-builder is one that will personally perform at least 50% of all labor involved in the construction of a single-family residence and will be on site to supervise all other work involved. The building shall be intended for use as the principal residence of the owner-builder and shall be personally occupied by said owner-builder for a minimum of one year from the date the Certificate of Occupancy is issued."

(16) Section 109.2, Preliminary inspection, is amended by the addition of *a new Section 109.2.2, Site preparation inspection, and Section 109.2.3, Culvert and driveway base, to read as follows:*

"109.2.2 Site preparation inspection. The site preparation inspection shall include the staked property lines, setback lines, area of disturbance and soils erosion control measures. A construction sign with building permit number, street address and contractor's name shall be installed on the site and properly placed to be seen and read from the street, prior to this inspection being approved.

"109.2.3 Culvert and driveway base. The culvert and driveway base inspection shall be done prior to the placement of the permanent driveway covering. The culvert and approach shall conform to the Town of Red Cliff Municipal Code. This inspection is one of the requirements for occupancy of the building."

(17) Section 109.3.1, Footing and foundation inspection, is amended by the addition of the following:

"The footing inspection shall be done after the site preparation inspection and when all footing forms and steel are in place. In winter, blankets and heating devices shall be on site to prevent freezing of the concrete during freezing weather.

"109.3.1.1 Improvement location survey inspection. An improvement location survey shall be prepared by a Colorado-licensed professional land surveyor. The improvement location survey inspection shall be the second part of the foundation inspection. An improvement location survey shall be done at the time of the foundation wall inspection. The survey shall contain all required statutory information and show all walls in relationship to the required setbacks, as well as all pertinent elevations at the top of the wall. The benchmark must be the same one used for the plan approval process. The survey shall be presented to the Town and approved by the Town prior to proceeding with framing. All construction on the site will be stopped until the survey is presented and approved by the Town.

"109.3.1.2 Second improvement location survey. A second improvement location survey prepared by a Colorado-licensed professional land surveyor shall be submitted for all buildings that have been designed to within 18 inches of allowable building height, or within 18 inches of a setback line. The inspection is to be done at the time the ridge boards are in place and shall show all pertinent elevations using the original benchmark. The frame inspection will not be approved until this survey has been presented to the Town and has been approved."

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

(19) A new Section 109.7, Clean up during construction, is added as follows:

"109.7 Cleanup during construction. Job sites shall be kept clean and orderly at all times, and if it becomes necessary for the Town to clean and/or haul debris or material from the site, after reasonable notice, as determined by the Town, to the permit holder to do so, the actual costs for such services shall be charged to the permit holder, which sum shall be payable at the time occupancy is applied for. Construction debris shall be stored in one general location on the site and shall be removed weekly, or more frequently if necessary, by the permit holder or

his agent. Job sites shall be sprinkled as required by the Town to prevent blowing of dust. In determining whether or not to sprinkle, the Town shall consider availability of water, weather conditions and other relevant factors."

(20) Section 110.3 is amended by the addition of the following:

"TEMPORARY CERTIFICATE OF OCCUPANCY for Commercial or Multi-Family buildings covered by the IBC shall mean a Temporary Certificate of Occupancy that may be issued when, but not limited to, the following components of a project are complete and approved by the building official.

- "1. The following items are complete:
 - "a. Address numbers.
 - "b. Handrails at stairways/ ramps.
 - "c. Guards.
 - "d. Landings.
 - "e. Fire-resistive separations.
 - "f. Exit signs/lighting.
 - "g. Exterior wall covering and roofing.
 - "h. Bathrooms.
- "2. Heat source is operable.
- "3. Final electrical, fire alarms, fire sprinklers (if required), plumbing and mechanical approvals.
- "4. Fire department review and approval of project.
- "5. All site improvements/parking and access roads complete.
- "6. Site drainage complete as per grading plans.
- "7. All accessible parking, signage, walkways, ramps and other items installed.
- "8. All utility taps paid.
- "9. Positive drainage away from the building in all directions at 2 percent for a minimum of five feet.
- "10. Where the required cleanup, landscaping or construction required for a certificate of occupancy is not complete, a TCO may be issued upon submittal and approval of a

cleanup, landscaping and construction deposit in accordance with Section 110.3.2. The surety will be returned to the permittee upon issuance of the final certificate of occupancy.

"The Temporary Certificate of Occupancy for Commercial or Multi-Family dwellings shall have a time period of up to, but not more than, six (6) months. A-TCO shall be valid for six (6) months. The building official may grant one TCO extension for up to six (6) months. Such extension shall be granted in writing.

"The TCO shall be posted in a conspicuous place on the premises until final approval for occupancy *is* complete."

(21) Section 110.3, Conditions of the Certificate of Occupancy, is amended as follows:

"110.3.1 Conditions of the Certificate of Occupancy. The Certificate of Occupancy shall not be issued until all construction has been completed, including building, electrical, plumbing, mechanical, fire systems, landscaping, paving, final grading, drainage and all other construction. All signs of construction must be removed from the property, including excess dirt, building materials, trash containers, rubbish, trash and related items, before the Certificate of Occupancy will be issued.

"110.3.2 Cleanup, landscaping and general construction deposit. A cleanup, landscaping and general construction deposit ("deposit") is designed to provide security for all conditions contained in the temporary certificate of occupancy (TCO). The deposit shall be paid in cash and shall be paid to the Town of Red Cliff. In lieu of cash, and upon a showing to the Town that adequate security will be provided thereby, the deposit may be by a letter of credit. The letter of credit must be valid for one year and renewable upon the Town's request. The amount of the deposit required shall be based upon a current bid by a reputable contractor, plus twenty-five percent of the bid, good for sufficient time to allow completion of the work, or upon some other basis deemed acceptable by the Town. The bid shall be based upon completion of all remaining work indicated on the approved building permit plans and any subsequent conditions of approval. If the cleanup, landscaping and general construction, as defined in this Article, is not completed within three months of the date the TCO is issued, the Town may, but shall not be obligated to, complete such cleanup, landscaping and general construction, the cost of doing so, together with a fee in the amount of twenty percent of such costs, to be charged to the permit holder and deducted from the cash deposited. If the cost for completion by the Town, plus the fee, exceeds the amount of the deposit, the excess, together with interest at twelve percent per annum, shall be a lien against the property and may be collected by civil suit, or may be certified to the treasurer of Eagle County to be collected in the same manner as delinquent ad valorem taxes levied against such property."

(22) Section 110.5, Occupancy violations, is amended to read as follows:

"110.5 Occupancy violations. Whenever any building or structure or equipment therein regulated by this code or by other provisions of the Red Cliff Municipal Code is being used contrary to the provisions of this code or of other provisions of the Red Cliff Municipal Code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall

discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code."

(23) Section 112 is repealed and reenacted to read as follows:

"112.1 Appeals to Board of Trustees. A person shall have a right to appeal a decision of the building official to the Board of Trustees acting in the capacity of the Board of Appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the building official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The Board shall render a decision within 30 days of receipt of the appeal. The decision of the Board shall be by resolution and copies shall be furnished to the appellant and to the building official. The building official shall take immediate action in accordance with the decision of the board.

"112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Trustees acting in the capacity of the Board of Appeals shall have no authority to waive requirements of this code.

"112.3 Limitation of liability. Any member of the Board of Trustees, acting in good faith and without malice for the Town of Red Cliff in the discharge of their duties, shall not thereby render themselves personally liable. The members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Board of Trustees because of any act or omission performed by them in the discharge of their duties shall be defended by the Town of Red Cliff until final termination of the proceedings."

(24) Section 114.1, Authority, is amended to read as follows:

"114.1 Authority. Whenever the building official finds any work regulated by this code, other provisions of the Red Cliff Municipal Code or other pertinent laws or ordinances implemented through the enforcement of this code, being performed in a manner either contrary to the provisions of the applicable code, law or ordinance or that is dangerous or unsafe, the building official is authorized to issue a stop work order."

(25) Section 202, Definitions, is amended by the addition of the following:

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

(26) Section 501.2, Premises identification, is amended to read as follows:

"501.2 Premises identification. Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Whenever approved numbers or addresses are not plainly visible and legible from the street or roadway fronting the property due to distance, topography or vegetation, an approved sign or post with such numbers or addresses shall be installed at the street or road at a point giving access to the building or structure. All such letters or numbers shall be of a contrasting color to the background."

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

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

(28) Section 1025.2, Minimum size, is amended by deleting the exception.

(29) Section 1608.2 is amended by deleting this section and replacing it with the following:

"Minimum roof snow load requirements shall be determined by using the most current edition of Snow Load Design Data for Colorado prepared by the Structural Engineering Association of Colorado."

(30) Section 1612.3, Establishment of flood hazard areas, is amended by the insertion of "Town of Red Cliff" where indicated and the date of the latest flood insurance study for the Town, where indicated.

(31) Section 1805.2.1, Depth of footings, is amended by adding "48 inches minimum" to the end of Item 1.

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

(33) Section 3410.2, Applicability, is amended by inserting the effective date as of January 1, 2008. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 3

International Residential Code

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Residential Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 43, inclusive, and Appendix Chapters G and H, is hereby adopted by reference as the Town residential building code as if fully set out in this Article with the additions deletions insertions and changes as set forth in Section 18-3-30 below. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the International Residential Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-3-30. Amendments.

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

(1) Section R101.1, Title, is amended by the addition of the term "Town of Red Cliff" where indicated.

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

(3) Section R104.1, General, is amended to read as follows:

"R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code and other provisions of the Red Cliff Municipal Code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving the requirements specifically provided for in this code."

(4) Section R104.6, Right of entry, is amended to read as follows:

"R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code and of other provisions of the Red Cliff Municipal Code, or where the

building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code and of other provisions of the Red Cliff Municipal Code, which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code and other provisions of the Red Cliff Municipal Code, provided that if such structure or premises are occupied, credentials be presented to the occupant and entry requested. If such structure or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry."

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

(6) Section R105.5, Expiration, is amended to read as follows:

"R105.5 Expiration. Every permit issued shall expire and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one extension of time, for a period of 180 days. The extension shall be requested in writing prior to the expiration date, shall demonstrate justifiable cause and shall include a fee of one-half the amount required for a new permit for such work. Work on the site shall be deemed as commenced upon approval of the final footing inspection and shall be deemed as suspended or abandoned if no subsequent inspections have been approved within a 180-day period. No permit shall be extended more than once."

(7) Section R106.2, Site plan, is amended to read as follows:

"R106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finish grades and, as applicable, flood hazard areas, floodways and design flood elevations. The site plan shall be based on, and be accompanied by, a recent topographic survey conforming to National Map Accuracy Standards, prepared by a registered land surveyor licensed to practice in the State of Colorado. When construction is proposed in a floodplain area, the application shall be accompanied by elevations of the lowest floor of new or substantially improved structures in said areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be submitted. A complete floodplain development plan, as described by F.E.M.A., is required. The surveyor making the plat shall certify thereon that it is correct and that the perimeter monuments described therein have been placed as described and affix his name and seal. Permanent reference monuments shall be set and marked and shall be made of No. 5 reinforcing bar with a metal cap at least one and three-eighths inches in diameter, and shall protrude no more than four inches from the ground. The plat submitted shall reflect the type of monuments set on the property corners and the location and dimensions of all easements or rights-of-way of record or known. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building

official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration, repair or remodel totally within the limits of an existing building or structure, or when otherwise warranted."

(8) Section R108.2, Schedule of permit fees, is amended to read as follows:

"R108.2 Schedule of permit fees. On buildings, structures, gas, mechanical, electrical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by resolution by the Town of Red Cliff."

(9) Section R108.3, Valuation, is amended to include the following sentence:

"The minimum valuation for building permits in the Town of Red Cliff shall not be less than the average cost figures per square foot shown in the most current Building Valuation Data Chart published by the Building Safety Journal of the International Code Council."

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

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

(11) A new Section R108.6, Contractor licensing, shall be added to read as follows:

"R108.6 Contractor licensing. All contractors, except electrical contractors who are duly licensed by the State, shall purchase a license for conducting work within the Town of Red Cliff. Established annual fees are:

"Class I: General contractor \$125.

"Class II: Other contractors \$35.

"Class III: Municipal contractors \$75.

"Licenses issued pursuant to this section shall be valid for a period of one year from the date of issue. Every contractor, including electrical contractors and owner-builders, shall provide a current certificate of insurance for statutory workers' compensation, and general commercial liability insurance of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate before a contractor's license is issued. An owner-builder is one that will personally perform at least 50% of all labor involved in the construction of a single-family residence and will be on site to supervise all other work involved. The building shall be intended for use as the principal residence of the owner-builder and shall be personally

occupied by said owner-builder for a minimum of one year from the date the Certificate of Occupancy is issued."

(12) Section R109, Foundation inspections, is amended to read as follows:

"R109 Foundation inspections. The footing inspection shall be done after the site preparation inspection and when all footing forms and steel are in place. In winter, blankets and heating devices shall be on-site to prevent freezing of the concrete during freezing weather.

"R109.1.1.1 Improvement location survey inspection. An improvement location survey shall be prepared by a Colorado-licensed professional land surveyor. The improvement location survey inspection shall be the second part of the foundation inspection. An improvement location survey shall be done at the time of the foundation wall inspection. The survey shall contain all required statutory information and show all walls in relationship to the required setbacks, as well as all pertinent elevations at the top of the wall. The benchmark must be the same one used for the plan approval process. The survey shall be presented and approved by the Town prior to proceeding with framing. All construction on the site will be stopped until the survey is presented and approved by the Town.

"R109.1.1.2 Second improvement location survey. A second improvement location survey prepared by a Colorado-licensed professional land surveyor shall be submitted for all buildings that have been designed to within 18 inches of allowable building height, or within 18 inches of a setback line. The inspection is to be done at the time the ridge boards are in place and shall show all pertinent elevations using the original benchmark. The frame inspection will not be approved until this survey has been presented to the Town and has been approved. All work on the project will be stopped until the survey is presented and approved by the Town."

(13) Section R109.1.5, Other inspections, is amended by the addition of the following:

"R109.1.5.2 Site preparation inspection. The site preparation inspection shall include the staked property lines, setback lines, area of disturbance and soils erosion control measures. A construction sign with building permit number, street address and contractor's name shall be installed on the site and properly placed to be seen and read from the street, prior to this inspection being approved.

"R109.5.3 Culvert and driveway base. The culvert and driveway base inspection shall be done prior to the placement of the permanent driveway covering. The culvert and approach shall conform to the Red Cliff Municipal Code. This inspection is one of the requirements for occupancy of the building.

"R109.5.4 Special inspections for elevators. Elevators installed in all buildings or structures shall require a third party plan review and inspection by the Northwest Council of Governments or other authorized agency.

"R109.5.5 Insulation inspection. After all insulation has been installed and inspected, insulation in residential buildings shall conform to the following standards.

<i>"Building Element</i>	<i>Minimum R-Value</i>
Ceilings/roofs	R-38 or other approved energy analysis
Exterior walls	R-19
Subfloors over unheated crawl spaces	R-19
Windows and sliding doors	Double-glazed

"R109.5.6 Lath and gypsum inspection. Inspection of all interior or exterior lathing and gypsum board shall be made after installation but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

"R109.5.7 Cleanup during construction. Job sites shall be kept clean and orderly at all times, and if it becomes necessary for the Town to clean and/or haul debris or material from the site, after reasonable notice, as determined by the Town, to the permit holder to do so, the actual costs for such services shall be charged to the permit holder, which sum shall be payable at the time occupancy is applied for. Construction debris shall be stored in one general location on the site and shall be removed weekly or more frequently, if necessary, by the permit holder or his agent. Job sites shall be sprinkled as required by the Town to prevent blowing of dust. In determining whether or not to sprinkle, the Town shall consider availability of water, weather conditions and other relevant factors."

(14) Section R110.3, Certificate issued, is amended by the addition of the following:

"R110.3.1 Conditions of the Certificate of Occupancy. The Certificate of Occupancy shall not be issued until all construction has been completed, including building, electrical, plumbing, mechanical, fire systems, landscaping, paving, final grading, drainage and all other construction. All signs of construction must be removed from the property, including excess dirt, building materials, trash containers, rubbish, trash and related items, before the Certificate of Occupancy will be issued.

"R110.4.1 Conditions of a Temporary Certificate of Occupancy.

"1. A temporary certificate of occupancy (TCO) shall be valid for six months. The building official may grant one TCO extension for up to six months. Such extension shall be granted in writing.

"2. The following shall be completed prior to the issuance of a *TCO* for one- and two-family dwellings:

"a. The exterior of the building is complete, including painted vents, meters and light fixtures.

"b. The interior shell building is complete with all required final inspections approved, including building, fire sprinkler (if required), electrical, plumbing and mechanical.

"c. One bathroom operative as per the approved plans.

"d. Entrance and other work within the public right-of-way must be approved.

"e. Positive drainage away from the buildings in all directions at two percent for a minimum of five feet.

"f. Sufficient roadway access for emergency vehicles and minimum parking requirements must be met.

"g. All utility tap fees paid.

"h. Where the required cleanup, paving, landscaping or construction required for a certificate of occupancy is not complete, a TCO may be issued upon submittal and approval of a cleanup, landscaping and construction deposit. The surety will be returned to the permittee upon issuance of the final certificate of occupancy.

R110.4.2 Cleanup, landscaping and general construction deposit. A cleanup, landscaping and general construction deposit ("deposit") is designed to provide security for all conditions contained in the TCO. The deposit shall be paid in cash and shall be paid to the Town of Red Cliff. In lieu of cash, and upon a showing to the Town that adequate security will be provided thereby, the deposit may be by a letter of credit. The letter of credit must be valid for one year and renewable upon the Town's request. The amount of the deposit required shall be based upon a current bid by a reputable contractor, plus twenty-five percent of the bid, good for sufficient time to allow completion of the work, or upon some other basis deemed acceptable by the Town. The bid shall be based upon completion of all remaining work indicated on the approved building permit plans and any subsequent conditions of approval. If the cleanup, landscaping and general construction, as defined in this Article, is not completed within three months of the date the TCO is issued, the Town may, but shall not be obligated to, complete such cleanup, landscaping and general construction, the cost of doing so, together with a fee in the amount of twenty percent of such costs, to be charged to the permit holder and deducted from the cash deposited. If the cost for completion by the Town, plus the fee, exceeds the amount of the deposit, the excess, together with interest at twelve percent *per annum*, shall be a lien against the property and may be collected by civil suit, or may be certified to the treasurer of Eagle County, to be collected in the same manner as delinquent ad valorem taxes levied against such property.

R110.4.3 Occupancy violations. Whenever any building or structure or equipment therein regulated by this code or by other provisions of the Red Cliff Municipal Code is being used contrary to the provisions of this code or of other provisions of the Red Cliff Municipal Code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code.

(15) Section R112, Board of Appeals, repealed and reenacted to read as follows: *Section R112, General*, is amended by deleting the last three (3) sentences and inserting the following: "The members of the Board of Appeals shall be comprised of the members of the Town Board of Appeals."

"R112.1 Appeals to Board of Trustees. A person shall have a right to appeal a decision of the building official to the Board of Trustees acting in the capacity of the Board of Appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the building official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The board shall render a decision within 30 days of receipt of the appeal. The decision of the board shall be by resolution, and copies shall be furnished to the appellant and to the building official. The building official shall take immediate action in accordance with the decision of the board.

"R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Trustees acting in the capacity of the Board of Appeals shall have no authority to waive requirements of this code.

"R112.3 Limitation of liability. Any member of the Board of Trustees, acting in good faith and without malice for the Town of Red Cliff in the discharge of their duties, shall not thereby render themselves personally liable. The members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Board of Trustees because of any act or omission performed by them in the discharge of their duties shall be defended by the Town of Red Cliff until final termination of the proceedings."

(16) Section R114.1, Authority, is amended to read as follows:

"R114.1 Notice to owner. Whenever the building official finds any work regulated by this code, other provisions of the Red Cliff Municipal Code or other pertinent laws or ordinances implemented through the enforcement of this code, being performed in a manner either contrary to the provisions of the applicable code, law or ordinance or that is dangerous or unsafe, the building official is authorized to issue a stop work order. Upon notice from the building official that any work is being prosecuted contrary to the provisions of this code, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume."

(17) Section R202, Definitions, is amended by the addition of the following:

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

(18) Section R301.2(1) is filled to provide the following:

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

<i>Ground Snow Load</i>	<i>Wind Speed (3 sec. gust)</i>	<i>Seismic Design Category</i>	<i>Subject to Damage From</i>				<i>Winter Design Temp.</i>	<i>Ice Shield Underlay ment Required</i>	<i>Flood Hazard</i>	<i>Air Freezing Index</i>	<i>Mean Annual Temp.</i>
			<i>Weatheri ng</i>	<i>Frost Line Depth</i>	<i>Termite</i>	<i>Decay</i>					
Case study*	90	B	Severe	48 in.	Slight	None to Slight		Yes	Per Town		°F

* Minimum snow load requirements shall be determined by using the most current edition of the Snow Load Design Data Guideline for Colorado, prepared by the Structural Engineers Association of Colorado.

(19) Section R303.8, Required heating, is amended by the addition of the following sentence:

"Heat loss calculations shall be required for all dwelling units; the minimum design criteria shall be a sixty-eight (68) degree temperature inside and a minus twenty (-20) degree temperature outside."

(20) Section R305.1, Minimum height, is amended by deleting Exception #2 and replacing it with the following:

"All basements in new dwelling units, other than those basements clearly identified as cellars or mechanical spaces, shall have ceiling heights as required for habitable spaces. Where existing nonhabitable basements, constructed prior to the adoption of this code, are being converted to habitable uses, the building official shall be permitted to approve a minimum clear ceiling height of 6 feet 8 inches (2,032 mm) from the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1,931 mm) of the finished floor."

(21) Section R310.1.1, Minimum opening area, is amended by deleting the exception.

(22) Section R310.2.1, Ladder and steps, is amended by the addition of an exception to read as follows:

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

(23) Section R312.1, Guards required, is amended by the addition of a third paragraph to read as follows:

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

guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

"Exceptions:

"1. The access side of stairways need not be protected.

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

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

(24) Section R321.1, Premises identification, is amended to read as follows:

"Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Whenever approved numbers or addresses are not plainly visible and legible from the street or roadway fronting the property due to distance, topography or vegetation, an approved sign or post with such numbers or addresses shall be installed at the street or road at a point giving access to the building or structure. All such letters or numbers shall be of a contrasting color to the background."

(25) Section R401.2, Requirements, is amended by the addition of the following:

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

(26) Section R403.1.4, Minimum depth, is amended by changing the first sentence to read as follows:

"Footings shall have a minimum depth of 48 inches from the top of the finished grade to the bottom of the footer."

(27) Section R405.1, Concrete and masonry foundations, is amended by the addition of the following after the first sentence:

"All foundation drains shall be designed and inspected by an engineer licensed and registered in the State of Colorado."

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

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

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

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

30) Section R1704.1, Special inspection, is amended to include the following paragraph:

"Log construction: A third-party inspection by a certified log inspection agency shall be required of all structural logs. A letter of certification from said agency shall be required at the time of framing inspection."

(31) Chapter 11, Energy Efficiency, is deleted in its entirety.

(32) Section M1401.6, Snow depth, is amended to read as follows:

"Any required air intake openings that terminate outdoors shall be located a minimum of 3 feet above final grade.

Exception: With prior approval from the building official, openings may be protected from snow accumulation and drifting by decks, roofs, cantilevers or similar means providing equivalent protection."

(33) Section M1501.3, Length limitation, is amended by deleting Exceptions 1 and 2 in their entirety.

(34) Section G2415.9, Minimum burial depth, is amended by the addition of the following:

"All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."

(35) Section G2417.4.1, Test pressure, is amended by changing "3 psig" to "10 psig."

(36) Section G2420.5, Equipment shutoff valve, is amended by deleting the Exception.

(37) Section G2425.8, Equipment not required to be vented, is amended by the deletion of Item 7 and the paragraph that follows.

(38) Section G2445, Unvented room heaters, is deleted in its entirety.

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

"Water service pipe shall be installed not less than 12 inches (305 mm) below the frost line."

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

(41) Section P3103.1, Roof extension, is amended by filling in both areas where indicated to read "6 inches (152.4 mm)." (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 4

National Electrical Code

Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *National Electrical Code*, most current edition, as adopted by the State of Colorado, is hereby adopted by reference as the Town electrical code as if fully set out in this Article, with the additions, deletions, insertions and changes set forth in Section 18-4-30 below. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive rules and regulations governing materials, methods of installation, inspection and other matters pertaining to the practical safeguarding of persons and property from hazards arising from the use of electricity. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-4-30. Amendments.

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

(1) Article 210.8(A)(4), Dwelling units, shall be amended by the addition of the following section:

"GFCI protection shall be provided for all fixtures, outlets or devices located within a tub or shower in the area from the floor up to and including the ceiling. All fixtures, outlets or devices located within the same room and within 4 ft. of the edge of the tub or shower shall be GFCI protected."

(2) Article 210.8(B)(6), Other than dwelling units, shall be amended by the addition of the following section:

"GFCI protection shall be provided for all fixtures, outlets or devices located within a tub or shower in the area from the floor up to and including the ceiling. All fixtures, outlets or devices located within the same room and within 4 ft. of the edge of the tub or shower shall be GFCI protected."

(Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 5

International Mechanical Code

Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Mechanical Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 15, inclusive, is hereby adopted by reference as the Town mechanical code as if fully set out in this Article with the additions, deletions, insertions and changes set forth in Section 18-5-30 below. The subject matter of the adopted code includes comprehensive provisions and standards relating to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling and refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the Town for the purpose of protecting the public health, safety and general welfare. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the International Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-5-30. Amendments.

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

- (1) Section 101.1, Title, is amended by the addition of the term "Town of Red Cliff" where indicated.
- (2) Section 101.2, Scope, is amended by the deletion of Exception 2 in its entirety.
- (3) Section 603.9, Joints, seams and connections, is amended by the deletion of the last sentence.
- (4) Section 1204.1, Insulation characteristics, is amended by deleting "shall conform to the requirements of the International Energy Conservation Code," from the first sentence.
- (5) Section 1204.2, Required thickness, is amended by the deletion of the section in its entirety. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 6

International Plumbing Code

Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Plumbing Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 13, inclusive, is hereby adopted by reference as the Town plumbing code as if fully set out in this Article, with the additions, deletions, insertions and changes set forth in Section 18-6-30 below. The subject matter of the adopted code includes comprehensive regulations governing materials, installation methods and other matters pertaining to plumbing for the purpose of protecting the public health, safety and general welfare. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the International Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-6-30. Amendments.

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

(1) Section 101.1, Title, is amended by the addition of the term "Town of Red Cliff" where indicated.

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

(3) Section 305.6, Freezing, is amended by changing the last sentence to read:

"Exterior water supply system piping shall be installed not less than 12 inches (305 mm) below the frost line."

(4) Section 305.6.1, Sewer depth, is amended by filling in both areas where indicated to read "12 inches (305 mm)."

(5) Section 313, Equipment efficiencies, is amended by deleting the section in its entirety.

(6) Section 904.1, Roof extension, is amended by inserting the number "6 inches (152.4 mm)" where indicated in the first sentence. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 7

International Fuel Gas Code

Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the *International Fuel Gas Code*, 2003 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 8, inclusive, is hereby adopted by reference as the Town fuel gas code as if fully set out in this Article, with the additions, deletions, insertions and changes set forth in Section 18-7-30 below. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-7-30. Amendments.

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

- (1) Section 101.1, Title, is amended by the addition of the term "Town of Red Cliff" where indicated.
- (2) Section 101.2, Scope, is amended by the deletion of Exception 2 in its entirety.
- (3) Section 301.2, Energy utilization, is deleted in its entirety.
- (4) Section 404.9, Minimum burial depth, is amended by the addition of the following:
"All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."
- (5) Section 406.4.1, Test pressure, is amended by changing "3 psig" to "10 psig."
- (6) Section 501.8, Equipment not required to be vented, is amended by the deletion of Item 8 and the paragraph that follows.
- (7) Section 621, Unvented room heaters, is deleted in its entirety. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 8

International Fire Code

Sec. 18-8-10. Adoption.

Pursuant to Title 31, Article 16, Part 2 C.R.S., there is adopted as prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion the certain standards known as the International Fire Code, 2003 Edition, including Appendix E Hazardous Categories and Appendix F Hazard Ranking, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, save and except such portions as are hereinafter deleted, modified or amended *as set forth in Section 18-8-30 below*. The subject matter of the adopted code includes comprehensive provisions and standards designed to prevent fires. The purpose of the adopted code is to protect the health, safety and welfare of the residents of the Town. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

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

At least one (1) copy of the International Fire Code, certified to be a true copy, has been and is on file in the office of the Town Clerk and is available for inspection by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

Sec. 18-8-30. Amendments.

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

- (1) Section 105.1.1, Permits required, is amended to read as follows:

"105.1.1 Permits required. Permits and inspections required by this code will be administered by and through the Eagle River Fire Protection District. Permit fees, if any, shall be paid to the Eagle River Fire Protection District prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Department or Fire Code Official. (For permit applications and inspections, contact Eagle River Fire Protection District at 90 Benchmark Road, Ste. 101, P.O. Box 7980, Avon, Colorado, 970-748-4739, www.erfpd.org.)

- (2) Section 105.6, Required operational permits, is amended by the deletion of all Sections except 105.6.2, 105.6.4, 105.6.9, 105.6.14, 105.6.21, 105.6.30, 105.6.31, 105.6.37 and 105.6.44 and also amended to read as follows:

"105.6 Required operational permits. The fire code official or authorized designee is authorized to issue operational permits for the operations set forth in Sections 105.6.2, 105.6.4, 105.6.9, 105.6.14, 105.6.21, 105.6.30, 105.6.31, 105.6.37 and 105.6.44."

- (3) Section 105.7, Required construction permits, is amended by the deletion of all sections except 105.7.1, 105.7.3, 105.7.4 and 105.7.11.

- (4) Section 108, Board of Appeals, is amended to read as follows:

"108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official or designated representatives, relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall consist of the governing board of the Eagle River Fire Protection District, plus a representative from the Town of Red Cliff as appointed by the Board of Trustees. The fire code official shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

"108.2 Procedure for appeals. An application for appeal shall be filed with the Town Clerk within twenty days after the date of the decision of the fire code official or designated representative. An application for appeal shall be based on a claim that the intent of this code or rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent method of protection or safety is proposed. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The Board shall render a decision within 30 days of receipt of the appeal. The decision of the Board shall be by resolution, and copies shall be furnished to the appellant and to the fire code official. The fire code official shall take immediate action in accordance with the decision of the Board.

"108.3 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent method of protection or safety is proposed. The Board shall have no authority to waive requirements of this code."

(5) Section 202, General definitions is amended by the addition of a definition for Fire Department to read as follows:

"FIRE DEPARTMENT: The Eagle River Fire Protection District is designated as the Fire Department in the Town of Red Cliff."

(6) Section 308.3.1, Open-flame cooking devices, is amended by the addition of an Exception 3 to read as follows:

"Exception 3: Propane cooking devices."

(7) Section 308.3.1.1, Liquefied-petroleum-gas-fueled cooking devices, is amended to read:

"308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having a gas container greater than 20 pounds shall not be located on combustible balconies or within 10 feet of combustible construction."

(8) Section 603.8.2, Spark arrestor, is amended to include:

"Chimneys used with fireplaces or heating appliances in which solid fuel is used shall be maintained with an effective means of arresting sparks."

(9) Section 905.1, Standpipe systems, general, is amended by revising the third sentence to read as follows:

"The outside Fire Department connections shall be approved by the fire chief."

- (10) Section 907, Fire alarm and detection systems, is amended as follows:
- a. Section 907.2.1, Group A: Delete the exception.
 - b. Section 907.2.2, Group B: Delete the exception.
 - c. Section 907.2.4, Group F: Delete the exception.
 - d. Section 907.2.7, Group M: Delete the exception. (Ord. 3 §1, 2007; Ord. 7 §1, 2010)

ARTICLE 9

Impact Fees

Sec. 18-9-10. Purpose.

(a) The Town requires that areas chosen for development or re-development shall be capable of being provided within a reasonable period of time with an adequate level of fire protection and emergency medical services, including fire protection facilities and emergency medical services facilities.

(b) This Section is intended to:

(1) Provide a rational system for identifying and mitigating costs associated with growth and development and the expansion of fire protection and emergency medical services and facilities made necessary by land development activities, a growing population and economic activity levels.

(2) Regulate the use and development of land to ensure that new development pays no more nor less than its fair share of the cost of capital expenditures necessary to provide adequate fire protection and emergency medical services to developments within the Town.

(3) Assure that the system of impact fees implemented in this Article is linked to a capital facilities program designed to provide the facilities an equipment for which the impact fees are imposed.

(4) Ensure that the impact fees established by this Article are not used to offset existing deficiencies in capital facilities necessary to serve pre-existing development.

(5) Ensure that new development that adequately mitigates or reduces the impact it creates on fire protection and emergency medical services through site-specific dedications or improvements receives offsetting credit against its impact fee obligation. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-20. Use of fees.

(a) All impact fees collected pursuant to this Article shall, after retention of a reasonable administrative fee not to exceed six percent (6%) by the Town, within sixty (60) days following payment to the Town, be transferred to the Eagle River Fire Protection District (the "District").

(b) After payment to the District, all fees collected pursuant to this Article shall be accounted for in the manner required by C.R.S. §29-1-801, *et seq.*, and other applicable law. Fees shall be deposited in an interest-bearing account which clearly identifies the lot, development activity and development approval for which the impact fee was collected and the associated category, account or fund of capital facility, by either aggregate or individual land development. Each such category, account, or fund shall be accounted for separately. Any interest or any income earned on moneys deposited in said interest-bearing account shall be credited to the account.

(c) Revenues from impact fees shall be used exclusively for capital facilities, as defined by Section 29-20-104.5, C.R.S., for fire protection and emergency medical services. The costs of such capital facilities shall include any financing costs associated with such improvements.

(d) No fees shall be used for periodic or routine maintenance, personnel costs or operational expenses.

(e) In the event that bonds or similar financing instruments are used for the advance provision of any capital facilities for which impact fees are required, impact fee revenues may be used to pay debt service on such bonds or similar financing instruments.

(f) The Town may enter into an intergovernmental agreement with the District to jointly fund expenditures and provide capital facilities needed to serve the development for which the impact fees were imposed. To the extent such intergovernmental agreement utilized revenues from the impact fees imposed by this Article, it shall include such terms requiring compliance with this Article and Colorado law regarding impact fees, including Part 8, Article 1, title 29 and Sections 29-20-103 and 29-20-104.5, C.R.S., and auditing of accounts and compliance as deemed appropriate by the Board of Trustees.

(g) In the event this Ordinance is repealed or any such intergovernmental agreement is terminated, such capital facilities during their useful life shall continue to be utilized to provide services to the development for which the impact fees were imposed. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-30 Payment of fees.

(a) As used in this Article the term "development approval" shall constitute a "development permit" as defined and used in Sections 29-20-103 and 29-20-104.5, C.R.S.

(b) A developer requesting a development approval shall be subject to payment of the impact fees established by this Article as a condition of development approval. The obligation to pay such impact fees shall run with the land. The impact fee imposed shall be paid at the time of issuance of each Building Permit.

(c) Where previous development activity has occurred prior to the imposition of the impact fees established by this Article, or for which impact fees were previously paid, impact fees for subsequent development activity on the same lot shall be based on the net increase, if any, in the impact fee based on the demand for capital facilities for fire protection and emergency medical services created by the new development activity as compared to the previous development activity.

(d) For applications for an amendment or change to a development approval previously obtained, but for which the development activity was not completed, the amount of the impact fee for the subsequent development approval shall be based on the net increase, if any, in the demand for capital facilities for fire protection and emergency medical services created by the new development approval as compared to the impact fee paid for the previous development approval. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-40. Timing of payment.

(a) Where development activities may result in multiple levels of development approvals, such as annexation, zoning, subdivision and building permit approval, impact fees shall be imposed upon the earliest development activity to occur for which the amount of impact fees can be reasonably calculated. The impact fee imposed shall be paid at the time of issuance of each Building Permit

(b) If for any reason, the amount of the impact fee cannot be calculated at the time of the initial level of development approval, the Town may defer computation and payment of all or a part of the impact fee until a subsequent level of development approval, or the Town may require that an estimated fee be paid. If an estimated fee is paid, any underpayment shall be recovered at the time of the next development approval at which the impact fee can be reasonably calculated. In the event an over-payment is made, such over-payment shall be refunded, without interest, within thirty (30) days following the date the impact fee can be completely computed. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-50. Alternative fee calculation.

In lieu of payment of impact fee amounts set forth in this Article the developer may prepare and submit to the Town Clerk a site-specific fiscal impact and fee calculation study for the development approval that is requested. The site-specific fiscal impact and fee calculation study shall follow the prescribed methodologies and formats established by the impact fee study submitted by the District. The fiscal impact study submitted shall show the basis upon which the site-specific fee calculation was made. The site-specific fiscal impact and fee calculation study shall be prepared and presented by professionals qualified in their respective fields. The Town Clerk shall consider the documentation submitted by the developer, but is not required to accept such documentation reasonably deemed to be inaccurate or not reliable, and may, in the alternative, require the developer to submit additional or different documentation for consideration. If an acceptable site-specific fiscal impact and fee calculation study is not presented, the developer shall pay the impact fee set forth in this Article. Determinations made by the Town Clerk pursuant to this paragraph may be appealed to the Board of Trustees by filing a written request with the Town Clerk within ten (10) days of the Town Clerk's determination. following the submittal of such request, the Board of Trustees shall hold a public hearing to determine the amount of the impact fee. The decision of the Board of Trustees shall be a final quasi-judicial decision for purposes of Rule 106(a)(4) and (b), C.R.C.P. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-60. Impact fee credit for improvements.

Upon approval by the Board of Trustees, any developer obligated to pay an impact fee shall receive a credit against the amounts due or to become due for any site-specific dedication or improvement provided by the developer to meet the same need for capital facilities for fire protection and emergency medical services for which the impact fee is imposed. No developer shall be required to provide any site specific dedication or improvement to meet the same need for capital facilities for which an impact fee is imposed. Such credit may also be made as a refund or refunds to the developer from impact fees imposed and paid to the Town equal to the fair market value of the site-specific dedication or improvement provided by the developer. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-70. Refund of paid fees.

(a) If a Building Permit expires without commencement of construction or development, the applicant shall be entitled to a refund, without interest, of the impact fee paid as a condition for issuance, except when the fee has been expended or encumbered by the District in advance of and in anticipation of development. The applicant must submit an application for such refund to the town Clerk within thirty (30) days of the expiration of the Building Permit. Neither the Town or the district shall have any obligation to refund any fee that has been expended or encumbered by the District in advance of and in anticipation of the development.

(b) Any impact fee not expended or encumbered by the District by the end of the calendar quarter immediately following town (10) years from the date the fee was paid shall, upon application of the then current landowner to the Town Clerk, be returned to the landowner with interest earned on the fee, within one hundred eighty (180) days of the expiration of such ten (10) year period. Provided, however, that the Board of Trustees, in its discretion, for good cause shown, may extend such period of time for an additional period as the Board of Trustees deems reasonable and necessary. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-80. Lien for unpaid fees.

All impact fees shall constitute a prior, perpetual lien upon each lot or parcel subject to the development approval for which impact fees are imposed from the due date thereof, until paid. If such fee is not paid when due, in addition to any other means provided by law, the Town Clerk shall certify such delinquent fee to the Treasurer of Eagle County, and the fee shall be collected in the same manner as though it were part of the taxes. The Town may withhold or revoke any development approval, including certificates of occupancy, for which payment of impact fees is delinquent. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-90. Waiver.

The Board of Trustees may, by resolution, grant a waiver of the applicable impact fees for fire protection and emergency medical services on a development or portion of a development for the purpose of constructing or providing low or moderately priced housing units for sale or lease to low or moderate income persons; provided that the parties to the development shall agree to appropriately restrict the future use of the applicable units by recorded agreement, deed restriction, covenants, declarations, or similar instruments as may be required by the Board of Trustees. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-100. Impact fee schedule.

The following impact fees for fire protection and emergency medical services are established and imposed. The impact fee amounts and rates are deemed to fairly, equitably and proportionately mitigate the impacts on capital facilities for fire protection and emergency medical services created by development with the Town. Any impact fee for fire protection and emergency medical services hereby imposed shall be imposed and applied on a uniform and non-discriminatory basis throughout the Town to any lot, tract or parcel or expansion for which no building permit has yet been issued.

For Residential, Commercial (including lodging) or Industrial Development, or a combination thereof impact fees imposed for fire protection and emergency medical services shall be based on size of the water meter required for development:

<i>Water Meter Size</i>	<i>Impact Fee</i>
3/4/inch	\$ 1,671
1 inch	\$ 2,841
1.5 inch	\$ 5,515
2 inch	\$ 8, 857
3 inch	\$18,382
4 inch	\$28,409
6 inch	\$55,147

(Ord. 2 §1, 2009; Ord. 7 §1, 2010)

Sec. 18-9-110. Annual adjustment.

The impact fees imposed hereby shall be reviewed by the District and upon the District's recommendation, may be adjusted annually for inflation by resolution passed by the Board Trustees, beginning January 15, 2010, and annually on each anniversary date thereafter. Any such adjustment shall be based upon the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, for Denver-Boulder, all items, all urban consumers, or its successor index, or an equivalent index applicable to Eagle County. (Ord. 2 §1, 2009; Ord. 7 §1, 2010)