ARTICLE I - Building and Residential Codes

ARTICLE II - Electrical Code

ARTICLE III - Mechanical Code

ARTICLE IV - Plumbing Code

ARTICLE V - Fire Code

ARTICLE VI - Dangerous Buildings Code

ARTICLE VII - Drainage Requirements

ARTICLE VIII - Fuel Gas Code, Liquefied Petroleum Gas Code and LP-Gas Code Handbook

ARTICLE IX - Energy Conservation Code

ARTICLE X - Property Maintenance Code

ARTICLE XI - Flood Damage Prevention

ARTICLE XII - Growing and Processing of Marijuana in Residential Structures

ARTICLE I Building and Residential Codes

Sec. 18-1-10. Adoption.

Sec. 18-1-20. Copies on file.

Sec. 18-1-30. Amendments.

Sec. 18-1-40. Violations and penalty.

Sec. 18-1-50. Contractor's license.

Sec. 18-1-10. 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, 2006 edition, as amended, and the International Residential Code, 2006 edition, as amended, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, to have the same force and effect as if set forth herein in every particular.

(Ord. 3, 2006 §1)

Sec. 18-1-20. Copies on file.

Copies of the International Building Code and the International Residential Code are available for public inspection and review in the office of the Town Clerk.

(Ord. 3, 2006 §1)

Sec. 18-1-30. Amendments.

- (a) The International Building Code as adopted in this Article shall be amended as follows:
 - (1) Delete Section 102.6 in its entirety and substitute the following:
 - "102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change unless the use or the type of occupancy of the structure is changed. If the use or occupancy changes, the building will only be required to meet the minimum requirements of the new occupancy class."
 - (2) Delete Section 103.3 in its entirety and substitute the following:
 - "For the maintenance of existing properties, see the International Property Maintenance Code."
 - (3) Delete Section 105.1.1 in its entirety and substitute the following:
 - "105.1.1 3-Year permit. A new construction-building permit issued under this code shall expire 3 years from the date of issue. After such time, if the construction has not been completed and certificate of occupancy has not been issued, the permit may be renewed before expiration date for an additional year of time."
 - (4) Delete Section 105.1.2 in its entirety and substitute the following:
 - "105.1.2 Annual permits. Exemptions from the 3-year permit is issued for repair and alteration. Those types of permit are the following:
 - "1. Mechanical.
 - "2. Roofing.
 - "3. Remodel.
 - "4. Decks.
 - "5. Alteration.
 - "6. Foundation.
 - "7. Demolition.
 - "8. Basement finish.
 - "9. Excavation."
 - (5) Delete Section 108.2 in its entirety and substitute the following:
 - "108.2. Schedule of permit fees. On buildings, structures, structural remodels or alterations requiring a permit, a fee for each permit shall be paid in an amount to be set and determined by the Board of Trustees by resolution."
 - (6) Reserved.
 - (7) Delete Section 109 in its entirety and substitute the following:
 - "109 Inspections.

"109.1 General. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection.

"Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

"It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

"A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

"109.2 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

"109.3 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least two working days before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

"It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

"109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

"There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

"109.5 Required inspections.

"109.5.1 General. Reinforcing and steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

"Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

"The building official, upon notification, shall make the inspections set forth in the following sections.

"109.5.2 Footing/monolithic and structural pad inspection. To be made after excavations for footings and pads are complete and any required reinforcing steel is in place and before placement of concrete.

"109.5.3 Foundation wall inspection. For concrete foundations, any required forms and required reinforcing steel shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. Where the foundation

wall is to be constructed of approved treated wood, additional inspections may be required by the building official.

"109.5.4 Concrete slab or under-floor inspection. To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

"109.5.5 Sheathing inspection. To be made after exterior walls and roof have been sheathed and before any covering is placed over the nail patterns.

"109.5.6 Frame inspection. To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

"109.5.7 Lath or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

"109.5.8 Mid-roof inspection. To be made after ice and water shield, valley underlayment and flashing placement, but before any shingles or metal roof material installment.

"109.5.9 Fire-rated drywall inspection. To be made after the ?" drywall for fire protection has been installed, but before any taping or plaster application.

"109.5.10 Final inspection. To be made after finish grading and the building is completed and ready for occupancy.

"109.6 Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws, which are enforced by the code enforcement agency.

"109.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

"This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

"Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

"To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the fee established by the building official.

"In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid."

(8) Delete Section 112.1 the following:

"There shall be and is hereby created a board of appeals."

And substitute the following:

"There shall be a board of appeals created when necessary."

- (9) Add Section 116, Licensing/Registration of Contractors (See Resolution 96-59 of the County).
- (10) Delete Section 502.1 in its entirety and substitute the following:

- "502.1 Height, building. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:
 - "1. The elevation of the highest adjoining sidewalk of ground surface within a 5-foot (1,524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet (3,048 mm) above lowest grade.
 - "2. An elevation 10 feet (3,048 mm) higher than the lowest grade when the sidewalk or ground surface described in Item 1 is more than 10 feet (3,048 mm) above lowest grade.

"The height of a stepped or terraced building is the maximum height of any segment of the building."

(11) Delete Section 3303 and substitute the following:

SECTION 3303 DEMOLITION

- 3303.1 Permit and construction documents. No demolition of any building shall occur without first obtaining a demolition permit from the building official. Construction documents and a schedule for demolition shall be submitted to the building official at the time of application for a demolition permit. No permit shall be issued and no work shall be done until such construction documents and schedule are approved.
- 3303.2 Pedestrian protection. The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by this chapter.
- 3303.3 Means of egress. A horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.
- 3303.4 Vacant lot. Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade and finished in a way which promotes adequate drainage. All demolition spoils and debris shall be removed and the site shall be landscaped in a manner to be approved by the town prior to demolition. No weeds shall be allowed to proliferate on the vacant lot.
- 3303.5 Water accumulation. Provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.
- 3303.6 Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and requirements of the applicable governing authority. With specific reference to water service, the water service line and connections shall be removed and capped at the water main.
- 3303.7 Fire safety during construction. Fire safety during demolition shall comply with the applicable requirements of this code and the applicable provisions of Chapter 56 of the International Fire Code.
- 3303.8 Asbestos. Prior to the commencement of demolition the owner of the property shall either submit to the Town a certification, in a form reasonably acceptable to the Town, that the structure is asbestos-free or submit a plan for removal of asbestos for approval by the building official.
- 3303.9 Additional requirements. The building official may include as conditions of the demolition permit additional requirements reasonably related to the health, safety and welfare of the Town's residents and the protection of properties in the vicinity.
- (b) The International Residential Code, as adopted in this Article, shall be amended as follows:
 - (1) Delete Section R102.7 in its entirety and substitute the following:
 - "R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change unless the use or the type of

occupancy of the structure is changed. If the use or occupancy changes, the building will only be required to meet the minimum requirements of the new occupancy class."

(2) Add to Section R103.2.1 the following:

"The basic wind speed for Park County residential structures is 110 m.p.h."

(3) Delete from Section R105.5 the following:

"for periods not more than 180 days each."

(4) Add Section R105.9:

"R105.9. Schedule of permit fees. On buildings, structures, structural remodels or alterations requiring a permit, a fee for each permit shall be paid in an amount to be set and determined by the Board of Trustees by resolution.

- (5) Reserved.
- (6) Delete Section R109 in its entirety and substitute the following:

"109 Inspections.

"R109.1 General. All construction or work for which a permit is required shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection.

"Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

"It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

"A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

"R109.2 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

"R109.3 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least two working days before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

"It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

"R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

"There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

"R109.5 Required inspections.

"R109.5.1 General. Reinforcing and steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

"Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

"The building official, upon notification, shall make the inspections set forth in the following sections.

"R109.5.2 Footing/monolithic and structural pad inspection. To be made after excavations for footings and pads are complete and any required reinforcing steel is in place and before placement of concrete.

"R109.5.3 Foundation wall inspection. For concrete foundations, any required forms and required reinforcing steel shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. Where the foundation wall is to be constructed of approved treated wood, additional inspections may be required by the building official.

"R109.5.4 Concrete slab or under-floor inspection. To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

"R109.5.5 Sheathing inspection. To be made after exterior walls and roof have been sheathed and before any covering is placed over the nail patterns.

"R109.5.6 Frame inspection. To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

"R109.5.7 Lath or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

"R109.5.8 Mid-roof inspection. To be made after ice and water shield, valley underlayment and flashing placement, but before any shingles or metal roof material installment.

"R109.5.9 Fire-rated drywall inspection. To be made after the ?" drywall for fire protection has been installed, but before any taping or plaster application.

"R109.5.10 Final inspection. To be made after finish grading and the building is completed and ready for occupancy.

"R109.6 Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws, which are enforced by the code enforcement agency.

"R109.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

"This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

"Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans without obtaining a change order on the original plans.

"To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the fee established by the building official.

"In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid."

(7) Delete from Section R112.1 the following:

"There shall be and is hereby created a board of appeals."

And substitute:

"A board of appeals shall be created when needed."

(8) Delete Section R202 in its entirety and substitute the following:

"R202 Height, building. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- "1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot (1,524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet (3,048 mm) above lowest grade.
- "2. An elevation 10 feet (3,048 mm) higher than the lowest grade when the sidewalk or ground surface described in Item 1 is more than 10 feet (3,048 mm) above lowest grade.

"The height of a stepped or terraced building is the maximum height of any segment of the building."

- (9) Delete Section R202, Manufactured home, in its entirety.
- (10) Add Section R308.4 as follows:

"R308.4 Hazardous locations #12. Glazing within 60 inches above the plane of any window or bench seat."

- (11) Delete from Section R309.3 the following: "to a drain or."
- (12) Delete from Section R309.4 the following: "to a drain or."
- (13) Delete from Section R319.1.4 Exceptions 1. and 2. the following: "and the earth is covered by an approved impervious moisture barrier."
- (14) Delete Section R403.1.3.1 in its entirety and substitute the following:

"R403.1.3.1 Foundations with stem walls. Foundations with stem walls shall have installed a minimum of two No. 4 rebar 60 grade or two No. 5 rebar 40 grade within 12 inches (305 mm) of the top of the wall and two No. 4 rebar 60 grade or two No. 5 rebar 40 grade located 3 inches (76 mm) to 4 inches (102 mm) from the bottom of the footing. Figure R403.1.3.1 Suggested Foundation Design attached hereto."

- (16) Add Figure R403.1 Note (1):
 - "(1) Basement or crawl space with foundation wall bearing directly on soil. A soils report and engineered foundation design will be required if the basement or crawl space wall is bearing directly on soil and no footing is present."
- (16) Add Figure R403.1 Note (2):

- "(2) Permanent wood foundation basement wall section. All wood foundations will bear an engineer stamp on footing or gravel."
- (17) Add Figure R403.1 Note (3):
 - "(3) Permanent wood foundation crawl space section. All wood foundations will bear an engineer stamp on footing or gravel."
- (18) Delete from Section R403.1.5 the following:

"The bottom surface of footings shall not have a slope exceeding one unit vertical in 10 units horizontal (10-percent slope)."

(19) Delete Section R405.1 Exception:

"A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soils Classification System, Group I Soils, as detailed in Table R405.1."

(20) Add to Section R408.1 the following:

"Reduce venting to 10% (percent) of this requirement if 6 mil plastic is used to cover soil and added as a vapor barrier."

(21) Delete from Table Section R602.3(1) the following: "all references to staples"; and add Note j. as follows:

"Staples are not allowed as a fastener for any structural components."

(22) Delete from Table Section R602.3(2) the following: "all references to staples"; and add Note g. as follows:

"Staples are not allowed as an alternate attachment."

- (23) Delete Section R602.7.1, Wood structural panel box headers, in its entirety.
- (24) Delete Table R602.7.2, Maximum spans for wood structural panel box headers, in its entirety.
- (25) Delete Figure R602.7.2, Typical wood structural panel box header construction, in its entirety.
- (26) Delete from Section R905.2.7 the following: all references to "starting at the eaves"; and substitute: "starting at the edge of the ice barrier."
- (27) Delete Section R1004.4, Unvented gas log heaters, in its entirety.
- (28) Delete Section M1305.1.4 in its entirety and substitute:

"Park County Building Department, 1994 Edition, Uniform Mechanical Code Interpretation dated 8/11/1999. Attached hereto."

(Ord. 3, 2006 §1; Ord. No. 2014-4, § 17—20, 5-5-2014; Ord. No. 2014-7, § 1, 7-21-2014)

Sec. 18-1-40. Violations and penalty.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code. A person or entity who violates this Code may be fined in an amount not to exceed one hundred dollars (\$100.00), or imprisoned for not more than ten (10) days or suffer both fine and imprisonment, in addition to other sanctions set forth in Sections 30-28-209 and 210, C.R.S.

(Ord. 5, 1999 §1; Ord. 11, 2002 §1; Ord. 12, 2002 §2; Ord. 3, 2006 §2)

Sec. 18-1-50. Contractor's license.

- (a) License required. All persons, general contracting firms, subcontracting firms and other entities engaged in construction work of any kind or nature, including but not limited to general contracting, electrical, plumbing, excavating and concrete finishing within the Town limits shall be licensed under the applicable terms and provisions adopted by the Board of County Commissioners prior to: (1) applying for any type of building permit for the performance of any construction work within the Town limits; or (2) entering into a contract to perform or performing any construction work within the Town limits.
- (b) Any person or entity that is required hereunder to be licensed to perform construction work may only enter into a contract to perform that type of construction work for which they are licensed by the County.
- (c) Any natural person may construct a single-family dwelling on real property owned by such person without having first obtained a contractor's license from the County if: (1) the person has been issued a building permit; (2) the construction complies with all applicable building codes and land use regulations; (3) such person does not construct any more than one (1) single-family dwelling unit within any two (2) consecutive calendar year periods; and (4) such single-family dwelling is constructed as such natural person's principal residence.

(Ord. 4, 1997 §1; Ord. 4, 2006 §1)

ARTICLE II Electrical Code

Sec. 18-2-10. Adoption.

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

Sec. 18-2-30. Amendments.

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the National Electrical Code, 1978 edition, and all appendices, tables and examples thereto, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. 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. 7, 1979 §2; Ord. 11, 2002 §1)

Sec. 18-2-20. 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. 11, 2002 §1)

Sec. 18-2-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 11, 2002 §1)

ARTICLE III Mechanical Code

Sec. 18-3-10. Adoption.

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

Sec. 18-3-30. Amendments.

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code for the Town, by reference thereto, the International Mechanical Code, 2006 edition, together with all appendices and tables thereto, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive provisions and standards 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. 7, 1979 §2; Ord. 11, 2002 §1; Ord. 3, 2006 §1)

Sec. 18-3-20. 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. 11, 2002 §1; Ord. 3, 2006 §1)

Sec. 18-3-30. Amendments.

The code adopted herein is hereby modified by the following amendments: None.

(Ord. 7, 1979 §4; Ord. 11, 2002 §1; Ord. 3, 2006)

ARTICLE IV Plumbing Code

Sec. 18-4-10. Adoption.

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

Sec. 18-4-30. Amendments.

Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the Town, by reference thereto, the Uniform Plumbing Code, 1976 edition, and all appendices and tables thereto, published by the International Association of Plumbing and Mechanical Officials, headquarters at 5032 Alhambra Avenue, Los Angeles, California, as amended by the Plumbing Code of the State (pursuant to state statutes), and by the Rules and Regulations promulgated by the State Examining Board of Plumbers, 1390 Logan Street, Suite 400, Denver, Colorado 80203. 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. 7, 1979 §2; Ord. 11, 2002 §1)

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

At least one (1) copy of the Uniform Plumbing Code, together with those portions of the plumbing code as adopted by the State, 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. 11, 2002 §1)

Sec. 18-4-30. Amendments.

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

- (1) Section 20.7, Schedule of Fees, is amended by the deletion of the Fee Schedule contained in the section and the insertion of the Fee Schedule, Table 3A, of this Article in its place.
- (2) Chapter 4, Section 401, Material, Paragraph A, Subparagraph 2 is amended to read as follows:
 - "2. ABS or PVC installations limited to Residential & Commercial Construction, not more than two (2) stories in height.

"Where deemed to be used in a hazardous manner, the Building Official may reject the use."

(Ord. 7, 1979 §5; Ord. 11, 2002 §1)

ARTICLE V Fire Code

Sec. 18-5-10. Adoption.

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

Sec. 18-5-30. Amendments.

Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fire code for the Town, by reference thereto, the Uniform Fire Code, 1997 edition, published by the International Fire Code Institute, 5360 South Workman Mill Road, Whittier, California 90601, inclusive of all tables and appendices, except as otherwise provided by amendment or deletion as set forth in this Article. 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. 5, 2001 §1; Ord. 11, 2002 §1)

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

At least one (1) copy of the Uniform Fire Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk or Building Official and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. 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. 5, 2001 §1; Ord. 11, 2002 §1)

Sec. 18-5-30. Amendments.

The Uniform Fire Code as adopted in this Article shall be amended as follows:

(1) Section 101.5, "Liability," shall read as follows:

"Sec. 101.5 Liability. The Fire Chief or any duly authorized representative charged with the enforcement of this code acting in good faith and without malice shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties, and such official shall be entitled to all immunities and limitations as provided to public employees under the Colorado Governmental Immunity Act, C.R.S. 24-10-101, et seq.

"This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof or the Town of Fairplay be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code."

(2) Section 103.1.4, "Appeals," shall read as follows:

"Sec. 103.1.4 Appeals. Appeals from determinations or decisions made by the chief and/or an inspection official relative to the application, enforcement and interpretation of the Uniform Fire Code and the companion codes incorporated therein shall be processed and heard by the Board of Trustees for the Town of Fairplay sitting as the Board of Appeals."

(3) Section 103.3.1.2, "Right of Entry," shall read as follows:

"Sec. 103.3.1.2 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when an inspection official has reasonable cause to believe that there exists a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the inspection official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such premises be occupied, credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the inspection official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, or no person having charge or control over the building or premises can be located, the inspection official shall obtain a warrant from the Fairplay Municipal Court authorizing the building official to make entry into the building or premises. Owners, occupants or any other person having charge, care or control of any building or premises shall, after proper request is made as herein provided, promptly permit entry therein by the inspection official for the purpose of inspection and examination pursuant to this code."

(4) A new Section 103.4.6.1, "Violations and penalties," is added to read as follows:

"Sec. 103.4.6.1 Violations and penalties. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or premises in the Town of Fairplay, or cause the same to be done, contrary to or in violation of any of the provisions of the Uniform Fire Code. A violation of any of the provisions of the code shall be punishable upon conviction by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment for each separate offense. A separate offense shall be deemed committed on each day, or portion thereof, that the violation of any of the provisions of the code occurs or continues unabated after the time limit set for abatement of the violation."

- (5) Section 5.1, "One- and Two-Family Dwellings," of Appendix III-A, "Fire-Flow Requirement for Buildings," is amended to read as follows:
 - "Sec. 5.1 One- and Two-Family Dwellings. Fire flow and fire flow durational requirements shall be governed by the fire flow supply and capacity of the existing municipal water distribution system and infrastructure."
- (6) Section 5.2, "Buildings other than One- and Two-Family Dwellings," of Appendix III-A, "Fire-Flow Requirement for Buildings," is amended to read as follows:

"Sec. 5.2 Buildings other than One- and Two-Family Dwellings. Fire flow and fire flow durational requirements shall be governed by the fire flow supply and capacity of the existing municipal water distribution system and infrastructure."

(Ord. 5, 2001 §2; Ord. 11, 2002 §1)

ARTICLE VI Dangerous Buildings Code

Sec. 18-6-10. Adoption.

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

Sec. 18-6-30. Amendments.

Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the dangerous building code for the Town, by reference thereto, the Uniform Dangerous Buildings Code, 1976 edition, and all appendices and tables thereto published by the International Conference of Building Officials and the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California. 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. 7, 1979 §2; Ord. 11, 2002 §1)

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

At least one (1) copy of the Uniform Dangerous 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. 11, 2002 §1)

Sec. 18-6-30. Amendments.

The code adopted herein is hereby modified by the following amendment: The Board of Trustees will act as the Board of Appeals with regard to all appeals filed under the terms of the Uniform Dangerous Buildings Code.

(Ord. 7, 1979 §8; Ord. 11, 2002 §1)

ARTICLE VII Drainage Requirements

Sec. 18-7-10. Drainage devices required.

Sec. 18-7-20. Town to establish requirements.

Sec. 18-7-30. Drainage device form.

Sec. 18-7-10. Drainage devices required.

The owners of all new construction in the Town shall be required to install such appropriate drainage devices under any driveway or other barrier which would interfere with the natural and existing drainage of the Town. It shall be the duty of the Building Official to enforce and implement this Article.

(Ord. 5, 1980 §1)

Sec. 18-7-20. Town to establish requirements.

It shall be the duty of the Building Official to determine the proper requirements for each site in regard to the nature and design for each drainage device required hereunder.

(Ord. 5, 1980 §2)

Sec. 18-7-30. Drainage device form.

To enable the Building Official to enforce and implement this Article, the Building Official:

- (1) Shall cause a form to be issued with the building permit setting forth the requirements for the drainage device to be installed; and
- (2) Shall condition issuance of the certificate of occupancy upon compliance with the requirements set forth by the Building Official in the form issued under Subsection (1) above.

(Ord. 5, 1980 §3; Ord. 11, 2002 §1)

ARTICLE VIII Fuel Gas Code, Liquefied Petroleum Gas Code and LP-Gas Code Handbook Sec. 18-8-10. Adoption.

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

Sec. 18-8-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there are hereby adopted the following: the International Fuel Gas Code, 2006 edition, as amended, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; and the NFPA 58 Liquefied Petroleum Gas Code, 2001 edition, as amended, published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, with the 1998 LP-Gas Code Handbook, fifth edition, as amended, published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, to have the same force and effect as if set forth herein in every particular.

(Ord. 3, 2006 §1)

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

Copies of the International Fuel Gas Code, the NFPA 58 Liquefied Petroleum Code and the 1998 LP-Gas Code Handbook are available for public inspection and review in the office of the Town Clerk.

(Ord. 3, 2006 §1)

ARTICLE IX Energy Conservation Code

Sec. 18-9-10. Adoption.

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

Sec. 18-9-30. Amendments.

Sec. 18-9-10. Adoption.

- (a) The International Energy Conservation Code, 2003 Edition, including the outline of contents, index and appendices contained therein, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted.
- (b) The provisions of the International Energy Conservation Code, 2003 Edition, shall apply to the construction of, and renovations or additions to, all commercial and residential buildings within the Town.
- (c) Violations of any code adopted herein shall be punished as provided in Section 18-1-40 of this Chapter.

(Ord. 2008-2 §1)

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

At least one (1) copy of the International Energy Conservation Code, certified to be a true copy, has been and is on file in the office of the Town Clerk or Building Official and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. 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. 2008-2 §1)

Sec. 18-9-30. Amendments.

The International Energy Conservation Code, as adopted in this Article, shall be amended as follows:

- (1) Deletions. The following sections, subsections and tables of the International Energy Conservation Code are hereby deleted: 101.4.4; 101.4.5; 101.5.2; 102.1.1; 102.1.2; 102.1.3; Table 102.1.3(1); Table 102.1.3(2); Table 102.1.3(3); 103.1.1; 104; 105; 107; 401.2; 401.3; 402.1; 402.1.1; 402.1.2; 402.1.3, together with exceptions 1, 2 and 3; 402.2.2; table 402.2.4; 402.2.6; 402.2.7; 402.2.8; 402.2.9; 402.2.10; 402.3.1; 402.3.2; 402.3.3; 402.3.4; 402.3.5; 402.3.6; 402.4; 402.1, including subparagraphs 1 through 10 inclusive; 402.4.2, including all exceptions; 402.4.3, including subparagraphs 1, 2 and 3; 402.5, including exceptions 1, 2 and 3; 402.6; 403; and 404.
- (2) Additions.
 - a. A new Subsection 303 is hereby added to read as follows:
 - "303 Park County Climate Zone.
 - "303.1 Park County Climate Zone. In recognition of local weather conditions, and the provision of this Chapter notwithstanding, as to all residential construction, Park County shall be considered Climate Zone 5."
 - b. Footnote f is added to the entire "Ceiling R-Value" column contained in Table 402.1.1.
 - c. A new footnote h is added to the entire "Ceiling R-Value" column contained in Table 402.1.1, to read as follows:
 - "h. Baffles shall be provided against the underside of roof sheathing to facilitate ventilation above exterior walls on trussed roofs and entire roofs when framing members supporting both the roof and ceilings are less than 14 inches deep. All such baffles shall be a minimum of 1 inch deep."

(Ord. 2008-2 §1)

ARTICLE X Property Maintenance Code

Sec. 18-10-10. Adoption.

Sec. 18-10-20. Copy on file.

Sec. 18-10-30. Amendments.

Sec. 18-10-40. Penalties.

Sec. 18-10-10. Adoption.

(a) The International Property Maintenance Code, 2006 Edition, including the outline of contents, index and appendixes contained therein, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted.

- (b) The provisions of the International Property Maintenance Code, 2006 Edition, shall apply to the construction of, renovations or additions to and maintenance of all commercial and residential buildings within the Town.
- (c) Violations of any code adopted herein shall be punished as provided in Section 18-10-40 of this Article.

(Ord. 2009-7 §1)

Sec. 18-10-20. Copy on file.

At least one (1) copy of the International Property Maintenance Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk or Building Official and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. 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. 2009-7 §1)

Sec. 18-10-30. Amendments.

The International Property Maintenance Code as adopted in this Article shall be amended as follows:

- (1) Section 101.1: Insert "Town of Fairplay."
- (2) Section 102, Applicability, is amended by the addition of a new Subsection 102.9 to read as follows:
 - "102.9 Conflicts with other provisions. In the event of a conflict between the provision of this code and any other provision of the Fairplay Municipal Code or other codes adopted by the Town, the stricter provision shall govern, it being the intent of the Board of Trustees to strictly enforce requirements pertaining to the health, safety and welfare of the Town's residents and businesses."
- (3) Section 103, Department of Property Maintenance Inspection, is amended to read as follows:

"SECTION 103 "CODE OFFICIAL

- "103.1 Code Official. The Code Official, as that term is used in this code, shall be the Fairplay Building Official."
- (4) Section 111.2, Membership of Board, is amended to read as follows:
 - "111.2 Board of Appeals. The Board of Appeals, as that term is used in this code, shall be the Fairplay Board of Adjustment created and governed by Chapter 16, Article XXII of the Fairplay Municipal Code."
- (5) Section 302.4: Insert "twelve (12) inches."
- (6) Section 304.14 is repealed.
- (7) Section 602.3: Insert "October 1 to May 1."
- (8) Section 602.4: Insert "October 1 to May 1." (Ord. 2009-7 §1)

Sec. 18-10-40. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. Violation of any of the provisions of this Article shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or both such fine and imprisonment for each separate offense. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Article occurs or continues unabated after the time limit set for abatement of the violation.

(Ord. 2009-7 §1)

ARTICLE XI Flood Damage Prevention

Sec. 18-11-10. Statutory authorization.

Sec. 18-11-20. Findings of fact.

Sec. 18-11-30. Statement of purpose.

Sec. 18-11-40. Methods of reducing flood losses.

Sec. 18-11-50. Definitions.

Sec. 18-11-60. Lands to which this Article applies.

Sec. 18-11-70. Basis for establishing areas of special flood hazard.

Sec. 18-11-80. Establishment of development permit.

Sec. 18-11-90. Compliance.

Sec. 18-11-100. Abrogation and greater restrictions.

Sec. 18-11-110. Interpretation.

Sec. 18-11-120. Warning and disclaimer of liability.

Sec. 18-11-130. Designation of Floodplain Administrator.

Sec. 18-11-140. Duties and responsibilities of Floodplain Administrator.

Sec. 18-11-150. Permit procedures.

Sec. 18-11-160. Variance procedures.

Sec. 18-11-170. General standards.

Sec. 18-11-180. Specific standards.

Sec. 18-11-190. Standards for areas of shallow flooding (AO/AH Zones).

Sec. 18-11-200. Floodways.

Sec. 18-11-210. Alteration of watercourse.

Sec. 18-11-220. Properties removed from floodplain by fill.

Sec. 18-11-230. Standards for subdivision proposals.

Sec. 18-11-240. Standards for critical facilities.

Sec. 18-11-10. Statutory authorization.

The Legislature of the State has, in Title 29, Article 20, C.R.S., delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees hereby adopts the following floodplain management regulations.

(Ord. 2013-6 §1)

Sec. 18-11-20. Findings of fact.

- (a) The flood hazard areas of the Town are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. 2013-6 §1)

Sec. 18-11-30. Statement of purpose.

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

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

(Ord. 2013-6 §1)

Sec. 18-11-40. Methods of reducing flood losses.

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

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters:
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. 2013-6 §1)

Sec. 18-11-50. Definitions.

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

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms one-hundred-year flood and one-percent-chance flood are synonymous with the term 100-year flood. The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

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

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation.

Community means any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional letter of map revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 18-11-240.

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

DFIRM database means a database, usually spreadsheets containing data and analyses, that accompany DFIRMs. The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital flood insurance rate map (DFIRM) means the FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

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

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

Federal Register means the official daily publication for Rules, proposed Rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

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

- a. The overflow of water from channels and reservoir spillways;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas, such as earth carried by a current of water and deposited along the path of the current.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Article.

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

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half ($\frac{1}{2}$) foot (six [6] inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic structure means any structure that is:

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

Letter of map revision (LOMR) means FEMA's official revision of an effective flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs) or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR § 65.10.

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

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes, which includes working, storage, sleeping, cooking and eating or recreation, or any combination thereof. This includes any floor that could be converted to such a use, such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

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

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

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

Material safety data sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash

point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

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

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

Physical map revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

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

Special flood hazard area means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction means the date the building permit was issued, including substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the

structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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

Threshold planning quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

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

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

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 2013-6 §1)

Sec. 18-11-60. Lands to which this Article applies.

This Article shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the Town.

(Ord. 2013-6 §1)

Sec. 18-11-70. Basis for establishing areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Park Country, Colorado and Incorporated Areas," dated December 18, 2009, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Board of Trustees. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

(Ord. 2013-6 §1)

Sec. 18-11-80. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this Article.

(Ord. 2013-6 §1)

Sec. 18-11-90. Compliance.

No structure or land shall hereafter be located, altered or have its use changed within the special flood hazard area without full compliance with the terms of this Article and other applicable regulations. Nothing herein shall prevent the Board of Trustees from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

(Ord. 2013-6 §1)

Sec. 18-11-100. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2013-6 §1)

Sec. 18-11-110. Interpretation.

In the interpretation and application of this Article, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2013-6 §1)

Sec. 18-11-120. Warning and disclaimer of liability.

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

(Ord. 2013-6 §1)

Sec. 18-11-130. Designation of Floodplain Administrator.

The Chief Building Official is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. 2013-6 §1)

Sec. 18-11-140. Duties and responsibilities of Floodplain Administrator.

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

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article.
- (2) Review permit applications to determine whether the proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this Article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Paragraph 18-11-150(a)(3) below, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other course in order to administer the provisions of this Article.

(Ord. 2013-6 §1)

Sec. 18-11-150. Permit procedures.

- (a) Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (1) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation, in relation to mean sea level, to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 18-11-180(2) of this Article.
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (5) Maintain a record of all such information in accordance with Paragraph 18-11-140(2) above.

- (b) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner:
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - (10) The relationship of the proposed use to the comprehensive plan for that area.

(Ord. 2013-6 §1)

Sec. 18-11-160. Variance procedures.

- (a) The Board of Adjustment (hereinafter referred to as the "Appeal Board") may consider and grant or deny variances to the requirements of this Article in accordance with the standards and procedures set forth in Article XXII of Chapter 16 of this Code. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Article.
 - (1) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
 - (2) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
 - (3) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Section 18-11-150 above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 - (4) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article as stated in Section 18-11-30 of this Article.
 - (5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (6) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (7) Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon:
 - Showing a good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (8) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - a. The criteria outlined in Paragraphs (1)—(7) above are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 2013-6 §1)

Sec. 18-11-170. General standards.

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

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 2013-6 §1)

Sec. 18-11-180. Specific standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in this Article, the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- (2) Nonresidential construction. With the exception of critical facilities, outlined in Section 18-11-240 of this Article, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one (1) foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. Such certification shall be maintained by the Floodplain Administrator.
- (3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - Openings may be equipped with screens, louvers, valves or other coverings or devices
 provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
 - All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites:
 - 1. Outside of a manufactured home park or subdivision;
 - 2. In a new manufactured home park or subdivision;
 - 3. In an expansion to an existing manufactured home park or subdivision; or
 - 4. In an existing manufactured home park or subdivision on which manufactured home has incurred substantial damage as a result of a flood;

are elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) is elevated to one (1) foot above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Subparagraph shall be elevated so that either:
 - 1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are one (1) foot above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) Recreational vehicles.
 - All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either:
 - 1. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Meet the permit requirements of Section 18-11-150 of this Article and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above.
 - b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(Ord. 2013-6 §1)

Sec. 18-11-190. Standards for areas of shallow flooding (AO/AH Zones).

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

- (1) Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- (2) Nonresidential construction.
 - a. With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the

Floodplain Administrator that the standards of this Section, as proposed in Section 18-11-150 of this Article are satisfied.

b. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(Ord. 2013-6 §1)

Sec. 18-11-200. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 18-11-50 of this Article). Located within special flood hazard area established in Section 18-11-70 of this Article, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 18-11-180 of this Article.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(Ord. 2013-6 §1)

Sec. 18-11-210. Alteration of watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- (5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.

- (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions in the floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 18-11-200 above.
- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. 2013-6 §1)

Sec. 18-11-220. Properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

- (1) Residential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill.
- (2) Nonresidential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill, or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. 2013-6 §1)

Sec. 18-11-230. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the floodplain development permit requirements of this Article.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 18-11-70 of this Article or Section 18-11-140 of this Article.
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. 2013-6 §1)

Sec. 18-11-240. Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- (1) Classification of critical facilities. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services. It is the responsibility of the Board of Trustees to identify and confirm that specific structures in its community meet the following criteria:
 - Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines.
 - These facilities consist of:
 - a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
 - Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures, but excluding clinics, doctors' offices and non-urgent care medical structures that do not provide these functions);
 - c) Designated emergency shelters;
 - d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
 - Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
 - f) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure [aviation control towers, air traffic control centers and emergency equipment aircraft hangars]).
 - Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
 - 3. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an asneeded basis upon request.
 - b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
 - 1. These facilities may include:

- a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- Laboratories containing highly volatile, flammable, explosive, toxic and/or waterreactive materials;
- c) Refineries:
- d) Hazardous waste storage and disposal sites; and
- e) Aboveground gasoline or propane storage or sales centers.
- Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Article, but exclude later amendments to or editions of the regulations.
- 3. Specific exemptions to this category include:
 - Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - c) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Article.

- c. At-risk population facilities include medical care, congregate care and schools. These facilities consist of:
 - 1. Elder care (nursing homes).
 - 2. Congregate care serving twelve (12) or more individuals (day care and assisted living).
 - 3. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children.
- facilities vital to restoring normal services, including government operations. These facilities consist of:

- 1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers).
- 2. Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

- (2) Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Article, protection shall include one (1) of the following:
 - a. Location outside the special flood hazard area; or
 - b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the base flood elevation.
- (3) Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. 2013-6 §1)

ARTICLE XII Growing and Processing of Marijuana in Residential Structures [1]

Sec. 18-12-10. Purpose.

Sec. 18-12-20. Growing of marijuana in residential structures.

Sec. 18-12-30. Compressed flammable gas prohibited in residential THC extraction.

Sec. 18-12-10. Purpose.

This Article is intended to apply to the growing of marijuana in residential structures whether such growing is done by persons for their own use, or by primary caregivers.

(Ord. No. 2014-10, § 1, 8-18-2014)

Sec. 18-12-20. Growing of marijuana in residential structures.

A person may use, cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana in a residential structure subject to the following:

(1) Such cultivation, production, or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, section 14 and/or 16 of the Colorado Constitution, the

- Colorado Medical Marijuana Code, C.R.S. §§ 12-43.3-101 et seq., the Medical Marijuana Program, C.R.S. § 25-1.5-106; and the Colorado Retail Marijuana Code, as applicable.
- (2) Such marijuana plants are cultivated, produced, or possessed within a person's primary residence, as defined by subsection (8) below.
- (3) The cultivation, production, or possession of such marijuana plants must not be perceptible from the exterior of the primary residence, including but not limited to:
 - a. Common visual observation, including any form of signage;
 - b. Unusual odors, smells, fragrances, or other olfactory stimulus;
 - c. Light pollution, glare, or brightness that disturbs the repose of another; and
 - d. Undue vehicular or foot traffic, including excess parking within the residential zone.
- (4) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
- (5) Such cultivation, production, or possession of marijuana plants shall be limited to the following space limitations within a primary residence:
 - a. Within a single-family dwelling unit (Group R-1 as defined by the International Residential Code): A secure, defined, contiguous one hundred fifty (150) square foot area within the primary residence of the person.
 - b. Within a multi-family dwelling unit (Group R-2 and R-3 as defined by the International Residential Code): A secure, defined, contiguous one hundred (100) square foot area within the primary residence of the person.
 - Such cultivation, production, or possession of marijuana plants not occur in any accessory structure.
- (6) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted Town of Fairplay building and life/safety codes.
- (7) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer providers within the Town.
- (8) For purposes of this Article, "primary residence" means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.
- (9) For purposes of this Article, "a secure" area means an area within the primary residence accessible only to the owners or occupants. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals, or anyone not licensed or authorized to possess marijuana.
- (10) The cultivation, production, or possession of marijuana plants in a residential structure pursuant to this Article is and shall be deemed consent by the owner or occupant, upon reasonable notice, for the Town to inspect the premises to assure compliance with the provisions of this Article.

(Ord. No. 2014-10, § 1, 8-18-2014)

Sec. 18-12-30. Compressed flammable gas prohibited in residential THC extraction.

It is unlawful for a person to use any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinol (THC) or any other cannabinoids in any residential structure in the Town.

(Ord. No. 2014-10, § 1, 8-18-2014)

FOOTNOTE(S):

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Editor's note—Ord. No. 2014-10, § 1, adopted Aug. 18, 2014, repealed the former Art. XII, §§ 18-12-10, 18-12-20, and enacted a new Art. XII as set out herein. The former Art. XII pertained to similar subject matter and derived from Ord. 1, 2012, § 1.(Back)