# CHAPTER 18   Building Regulations

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## ARTICLE I   Building Codes

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[Sec. 18-1-70. Penalties.](#BK_BE6BFEB9C7BBB67587FD246667466525)

Sec. 18-1-10.   Building permit required.

(a) No building or work on any building shall be commenced within the Town without first obtaining a building permit as required by this Article and the codes adopted herein and paying the appropriate building permit fee.

(b) For any work requiring a contractor licensed or registered pursuant to Chapter 6, Article III of this Code, permits under this Article shall only be issued to the contractor or registrant or their authorized representative. It shall be unlawful for any person to fraudulently use a license or registration issued to a contractor or registrant to obtain a permit for another person.

(Ord. 1-02, 2002; Ord. 2004-3, 2004, §1, Ord. 2010-02, §2)

Sec. 18-1-20.   Adoption of codes.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., the codes and standards hereinafter described are hereby adopted by reference, subject to the amendments herein set forth. The subject matter of the codes and standards adopted herein includes the regulation of the new construction, alteration and repair of all new and existing structures, along with all plumbing, mechanical and installations therein or in connection therewith. In case of any conflict between a code adopted herein and any other specific provision of this Code, the specific provision of this Code shall prevail.

(b) The *International Building Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 35 inclusive and Appendix Chapter I, is hereby adopted by reference as the Town of Keenesburg Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

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

(2) **IBC Section 101.4.1.** IBC Section 101.4.1 (Electrical) is amended by replacing "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."

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

(4) **IBC Section 101.4.6.** IBC Section 101.4.6 (Fire prevention) is amended by replacing "International Fire Code" with "adopted fire code".

(5) **IBC Section 105.1.** IBC Section 105.1 (Required) is amended by replacing the words "building official" with "Town."

(5.5) **IBC Section 105.2.** IBC Section 105.2.9 (Work exempt from permit) is amended to read as follows:

"Accessory to a Group R3 occupancy, prefabricated swimming pools where the entire structure is installed aboveground.

"Accessory to any single-family residential occupancy, a prefabricated greenhouse that does not exceed 120 square feet and for which the Town has provided written confirmation, in advance of construction, that all setback requirements have been met."

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

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

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

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

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

(7) **IBC Section 110.3.** IBC Section 110.3 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing them with "Town."

(8) **IBC Section 112.1.** IBC Section 112.1 (General) is amended by deleting the last two (2) sentences and inserting the following:

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

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

(10) **IBC Section 202.** IBC Section 202 (Definitions) is amended by addition of the following:

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

(11) **IBC Section 1013.1.** IBC Section 1013.1 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

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

(12) **IBC Section 1612.3.** IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "Town of Keenesburg" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the Town 08/24/1981, where indicated in [Date of Issuance].

(13) **IBC Section 3109.4.** IBC Section 3109.4 (Residential swimming pools) is amended by replacing the exception with the following:

"A hot tub or spa with a safety cover complying with ASTM F 1346."

(14) **IBC Section 3401.3.** IBC Section 3401.3 (Compliance with other codes) is amended by deleting International Fire Code and inserting in its place "adopted fire code," deleting "International Private Sewage Disposal Code" and deleting "ICC Electrical Code" and inserting in its place "Current Code Adopted by the Colorado State Electrical Board."

(15) **IBC Section 3410.2.** IBC Section 3410.2 (Applicability) is amended by the insertion of September 1, 2009 as the effective date of building codes for the town where indicated in [DATE TO BE INSERTED BY JURISDICTION].

(c) The *International Residential Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 43 inclusive and Appendix Chapters G, H and M, is hereby adopted by reference as the Town of Keenesburg Residential Building Code as if fully set out in this Article with the additions deletions insertions and changes as follows:

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

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

(2.5) **IRC Section R105.2.** IRC Section 105.2.7 (Work exempt from permit) is amended to read as follows:

"Prefabricated swimming pools where the entire structure is installed aboveground."

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

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

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

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

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

(4) **IRC Section R109.1.5.** IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection as follows:

**"R109.1.5.3 Insulation Inspection.** Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed."

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

(6) **IRC Section R112.1.** IRC Section R112.1 (General) is amended by deleting the last three (3) sentences and inserting the following:

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

(7) **IRC Section R202.** IRC Section R202 (Definitions) is amended by addition of the following:

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

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

\_\_\_\_\_\_\_\_\_\_\_\_

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Ground Snow Load | Wind Speed (mph) | Seismic Design Category | Subject to Damage From | Winter Design Temp | Ice Shield Underlayment Required | Flood Hazard | Air Freezing Index | Mean Annual Temp |
| Weathering | FrostLineDepth | Termite |
| 30 psf | 90 | B | Severe | 30 in. | Slight to Moderate | 1 | NO | NSFHA | 1000 | 45°F" |

\_\_\_\_\_\_\_\_\_\_\_\_

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

"Exception: Only one (1) window well ladder shall be required in an unfinished basement."

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

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

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

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

(12) **IRC Section R405.1.** IRC Section R405.1 (Concrete and masonry foundations) is amended with the addition of the following after the first sentence:

"All foundation drains shall be designed and inspected by a State of Colorado registered design professional."

(13) **IRC Section M1502.6.** IRC Section M1502.6 (Duct length) is amended by deleting Exception 1 in its entirety.

(14) **IRC Section G2415.9.** IRC Section G2415.9 (Minimum burial depth) is amended by the addition of the following:

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

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

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

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

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

(d) The *International Mechanical Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Keenesburg Mechanical Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

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

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

(e) The *International Fuel Gas Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Keenesburg Fuel Gas Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

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

(2) **IFGC Section 404.9.** IFGC Section 404.9 (Minimum burial depth) is amended by the addition of the following:

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

(3) **IFGC Section 404.9.1.** IFGC Section 404.9.1 (Individual outside appliances) is deleted in its entirety.

(4) **IFGC Section 406.4.1.** IFGC Section 406.4.1 (Test pressure) is amended by changing "3 psig" to "10 psig."

(5) **IFGC Section 614.6.1.** IFGC Section 614.6.1 (Maximum length) is amended by deleting the exception in its entirety.

(f) The *International Plumbing Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Keenesburg Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

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

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

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

(g) The *International Property Maintenance Code,* 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Keenesburg Property Maintenance Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

(1) **IPMC Section 101.1.** IPMC Section 101.1 (Title) is amended by the addition of the term "Town of Keenesburg" where indicated.

(2) **IPMC Section 103.5.** IPMC Section 103.5 (Fees) is amended by deleting the section in its entirety.

(3) **IPMC Section 111.2.** IPMC Section 111.2 (Membership of board) is amended by deleting the section in its entirety and inserting the following:

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

(4) **IPMC Section 111.2.1.** IPMC Section 111.2.1 (Alternate members) is amended by deleting the section in its entirety.

(5) **IPMC Section 111.2.2.** IPMC Section 111.2.2 (Chairman) is amended by deleting the section in its entirety.

(6) **IPMC Section 111.2.3.** IPMC Section 111.2.3 (Disqualification of member) is amended by deleting the section in its entirety.

(7) **IPMC Section 111.2.4.** IPMC Section 111.2.4 (Secretary) is amended by deleting the section in its entirety.

(8) **IPMC Section 111.2.5.** IPMC Section 111.2.5 (Compensation of members) is amended by deleting the section in its entirety.

(9) **IPMC Section 604.2.** IPMC Section 604.2 (Service) is amended by replacing "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."

(10) **IPMC Section 702.1.** IPMC Section 702.1 (General) is amended by replacing "International Fire Code" with "adopted fire code."

(11) **IPMC Section 702.2.** IPMC Section 702.2 (Aisles) is amended by replacing "International Fire Code" with "adopted fire code."

(12) **IPMC Section 704.1.** IPMC Section 704.1 (General) is amended by replacing "International Fire Code" with "adopted fire code."

(13) **IPMC Section 704.2.** IPMC Section 704.2 (Smoke alarms) is amended by replacing "International Fire Code" with "adopted fire code."

(h) The *International Existing Building Code,* 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Keenesburg Existing Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

(1) The International Existing Building Code is amended by replacing all references to "International Fire Code" with "adopted fire code."

(2) The International Existing Building Code is amended by replacing all references to "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."

(3) **IEBC Section 101.1.** IEBC Section 101.1 (Title) is amended by the addition of the term "Town of Keenesburg" where indicated.

(4) **IEBC Section 1201.** IEBC Section 1201.1 (Conformance) is amended by deleting the section in its entirety and replacing it with the following:

"Structures moved into or within the jurisdiction shall comply with the provision of this code for new structures."

(i) The *International Energy Conservation Code*, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Keenesburg International Energy Conservation Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

(1) The International Energy Conservation Code is amended by replacing all references to "International Fire Code" with "adopted fire code."

(2) The International Energy Conservation Code is amended by replacing all references to "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."

(3) The International Energy Conservation Code IECC Section 101.1 (Title) is amended by the addition of the term "Town of Keenesburg" where indicated.

(Ord. 2009-07, §2; Ord. 2011-04, 2011, §1; Ord. 2012-05, 2012, §§1, 2; Ord. 2013-03, 2013, §1; Ord. 2014-08, 2014, §1)

Sec. 18-1-30.   Reserved.

Sec. 18-1-40.   Purpose.

The purpose of adopting the foregoing code is to protect the public health, safety and general welfare of the inhabitants of the Town by providing for sound and safe structures and prohibiting certain practices.

(Ord. 6-00, 2000, §3; Ord. 1-02, 2002; Ord. 2004-03, 2004, §5)

Sec. 18-1-50.   Scope.

The subject matter of the adopted primary code and secondary codes includes the construction, erection and demolition of buildings, providing for the issuance of permits for certain construction and regulating construction practices and establishing standards for construction in the Town.

(Ord. 6-00, 2000, §4; Ord. 1-02, 2002; Ord. 2004-03, 2004, §5)

Sec. 18-1-60.   Certificate of occupancy required.

(a) No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion of a building shall be made until the Building Official has issued a certificate of occupancy as provided in the International Building Code. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this Code or other ordinance of the Town.

(b) A temporary certificate of occupancy shall not be issued unless the administrative authority believes that a final certificate of occupancy will be issued within thirty (30) days, the structure is safe and the structure is complete except for minor matters which do not affect the health, safety and welfare of the inhabitants. If the structure is not complete within thirty (30) days of the issuance of a temporary certificate of occupancy and no final certificate of occupancy has been issued within such thirty-day period, a penalty in the amount of one hundred dollars ($100.00) per day shall accrue for each day the building is occupied in violation of the Section.

(Ord. 1-02, 2002; Ord. 2004-03, 2004, §5)

Sec. 18-1-70.   Penalties.

(a) It shall be unlawful for any person, firm, corporation or other entity to violate any of the provisions of this Article.

(b) Any person, firm, corporation or other entity violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each such person, firm, corporation or entity, upon conviction of any violation of this Article, shall be punished by a fine of not more than three hundred dollars ($300.00) or be imprisoned for not more than ninety (90) days or both such fine and imprisonment for each offense.

(c) When a violation of any section of this Article or any part of the adopted code occurs and continues for more than one (1) day, each day such violation occurs or continues shall constitute a separate offenses.

(Ord. 6-00, 2000, §5; Ord. 1-02, 2002; Ord. 2004-03, 2004, §5)

## ARTICLE II   Fire Code of Southeast Weld Fire Protection District

[Sec. 18-2-10. Adoption.](#BK_BAEA0D996175ED0CAA5A66145D55DC0C)

[Sec. 18-2-20. Modifications.](#BK_C5EAE9F8105C4823564C020383B6376C)

[Sec. 18-2-30. Purpose.](#BK_301BF30E1F1B973B756A8320E0D9DED4)

[Sec. 18-2-40. Penalties.](#BK_BEDFEF7DE8BD100D28B74BCE52C428B9)

Sec. 18-2-10.   Adoption.

(a) Pursuant to Title 31, Article 16, Part II, C.R.S., there is hereby adopted by reference the Fire Code of the Southeast Weld Fire Protection District, adopted and issued by Resolution No. 2006-3, November 22, 2006, by the Board of Directors of the Southeast Weld Fire Protection District, having an address of P. O. Box 1, Keenesburg, Colorado, 80643.

(b) There is also adopted herewith the secondary code contained in the Fire Code of the Southeast Weld Fire Protection District as such code was adopted by the Southeast Weld Fire Protection District, together with all amendments, deletions and additions thereto as therein amended. Such secondary code is as follows:

(1) The *International Fire Code*, published by the International Code Council, Inc., 2006 Edition, including the International Fire Code Appendix Chapters A through G, for the purpose of establishing standards for fire code enforcement relating to the provision of fire protection to the Town.

(Ord. 2008-04, §2)

Sec. 18-2-20.   Modifications.

Whenever in the adopted Fire Code of the Southeast Weld Fire Protection District and secondary code included therein reference is made to the Southeast Weld Fire Protection District, when applicable, such reference shall be to the "Town of Keenesburg" and reference made to the Board of Directors, when applicable, such reference shall be to the "Board of Trustees of the Town of Keenesburg."

(Ord. 2008-04, §2)

Sec. 18-2-30.   Purpose.

The purpose and subject of the 2006 International Fire Code is to: (1) regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials, and devices; (2) provide greater safety and protection to the public from conditions hazardous to life or property in the occupancy of buildings or premises; and (3) provide for the issuance of permits and collection of fees therefor.

(Ord. 2008-04, §2)

Sec. 18-2-40.   Penalties.

(a) It shall be unlawful for any person, firm, corporation or other entity to violate any of the provisions of this Article.

(b) Any person, firm, corporation or other entity violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each such person, firm, corporation or entity, upon conviction of any violation of this Article, shall be punished by a fine of not more than three hundred dollars ($300.00) or be imprisoned for not more than ninety (90) days or both such fine and imprisonment for each offense.

(c) When a violation of any section of this Article or any part of the adopted code occurs and continues for more than one (1) day, each day such violation occurs or continues shall constitute a separate offense.

(Ord. 2008-04, §2)

## ARTICLE III   Floodplain Damage Prevention

[Sec. 18-3-10. Statutory authorization.](#BK_0FEB737E1636F3C77AFAE5EA5C9E3534)

[Sec. 18-3-20. Findings of fact.](#BK_3FE28DC86CE2141C3037171402D6878F)

[Sec. 18-3-30. Statement of purpose.](#BK_8A83B80D881EA0DE56BFFDD0A3402C5D)

[Sec. 18-3-40. Methods of reducing flood losses.](#BK_46232715D570354AC91704DCDB5C1DE7)

[Sec. 18-3-50. Definitions.](#BK_E2B2A2A1EB3BC6933DFBAB782BC0CDD8)

[Sec. 18-3-60. Land to which this Article applies.](#BK_13FF25A2ABB07A0A08CCEE0CE517018F)

[Sec. 18-3-70. Basis for establishing the special flood hazard area.](#BK_3E87F5309D1D0AC99194AAA1AFEA158B)

[Sec. 18-3-80. Establishment of floodplain development permit.](#BK_5DC1A5BE257E956C26EAE366975CDB48)

[Sec. 18-3-90. Compliance.](#BK_8D4D1B64718DF5F43C9F14B83BA55912)

[Sec. 18-3-100. Abrogation of greater restrictions.](#BK_BF15522256B7F08CD57A12B7DA6859A7)

[Sec. 18-3-110. Interpretation.](#BK_0D969B27B68B8F6B3E3914A2B18A980B)

[Sec. 18-3-120. Warning and disclaimer of liability.](#BK_F4D12FAF1BA12D9ABC51D652C7BB2595)

[Sec. 18-3-130. Designation of the Floodplain Administrator.](#BK_B1E59FC977DBA606CD613B8FDE88858A)

[Sec. 18-3-140. Duties and responsibilities of the Floodplain Administrator.](#BK_27FC5CC50D9A92C8510FCB1EB934AA19)

[Sec. 18-3-150. Permit procedures.](#BK_F0F5A751190796FAE720456E761B32F4)

[Sec. 18-3-160. Variance procedures.](#BK_7E0C00B8CDE4908F3EA09DFB6B56C7F5)

[Sec. 18-3-170. Penalties for noncompliance.](#BK_CF2A7B86FF772B8161356AB398FDB356)

[Sec. 18-3-180. Flood hazard reduction—General standards.](#BK_1011F987409AB6DD4EEB92816EF60C2E)

[Sec. 18-3-190. Flood hazard reduction—Specific standards.](#BK_28CD761606897774F7D186DA8333C16B)

[Sec. 18-3-200 Alteration of a watercourse.](#BK_FDFD090ABD9C64201C069EB956EC2B21)

[Sec. 18-3-210. Properties removed from the floodplain by fill.](#BK_C2F7027F9513B88587636B20561622E9)

[Sec. 18-3-220. Standards for subdivision proposals.](#BK_9C0445AFDEEADF44A323E1348F0C3195)

[Sec. 18-3-230. Standards for critical facilities.](#BK_F06850951D7D2A1B7751C01CE1B5148A)

Sec. 18-3-10.   Statutory authorization.

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees of Keenesburg, Colorado, does hereby adopt the floodplain management regulations set forth in this Article.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-20.   Findings of fact.

(a) The flood hazard areas of the Town of Keenesburg 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. 2013-04, 2013, §1)

Sec. 18-3-30.   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) Insure that potential buyers are notified that property is located in a flood hazard area.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-40.   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. 2013-04, 2013, §1)

Sec. 18-3-50.   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 (one-percent-annual-chance flood). The terms "100-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 100-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 500-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 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 of Colorado 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, as specified in Section 18-3-230, 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 18-3-230.

*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 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 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 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:

(1) The overflow of water from channels and reservoir spillways;

(2) The unusual and rapid accumulation or runoff of surface waters from any source; or

(3) 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 floodplain management ordinance.

*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 non-structural 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 Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) 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:

(1) 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;

(2) 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 to qualify as a registered historic district;

(3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved State program as determined by the Secretary of the Interior; or

b. 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 non-elevation 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.

*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.

*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.

*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:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) 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 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 (50) percent 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 (50) percent 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:

(1) 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

(2) 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) of the National Flood Insurance Program regulations 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. 2013-04, 2013, §1)

Sec. 18-3-60.   Land to which this Article applies.

The 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 Keenesburg, Colorado.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-70.   Basis for establishing the special flood hazard area.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Weld County," dated 01/20/2016, 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 Town of Keenesburg. 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. 2013-04, 2013, §1; Ord. [2015-06](http://newords.municode.com/readordinance.aspx?ordinanceid=760619&datasource=ordbank), 2015, §1)

Sec. 18-3-80.   Establishment of floodplain development permit.

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

(Ord. 2013-04, 2013, §1)

Sec. 18-3-90.   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 Town of Keenesburg 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. 2013-04, 2013, §1)

Sec. 18-3-100.   Abrogation of 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. 2013-04, 2013, §1)

Sec. 18-3-110.   Interpretation.

In the interpretation and application of this Article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-120.   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. 2013-04, 2013, §1)

Sec. 18-3-130.   Designation of the Floodplain Administrator.

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

(Ord. 2013-04, 2013, §1)

Sec. 18-3-140.   Duties and responsibilities of the 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, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 18-3-150.

(2) Review, approve, or deny all applications for floodplain development permits required by adoption of this Article.

(3) Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(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) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Article, including proper elevation of the structure.

(6) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (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.

(7) When base flood elevation data has not been provided in accordance with Section 18-3-70, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article.

(8) 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 FEMA.

(9) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-150.   Permit procedures.

(a) Application for a floodplain 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 special flood hazard area. 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 Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 18-3-190(2);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with Section 18-3-140.

(b) Approval or denial of a floodplain 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;

(10) The relationship of the proposed use to the comprehensive plan for that area.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-160.   Variance procedures.

(a) The Building Code Board of Appeals established pursuant to this Chapter 18 shall hear and render judgment on requests for variances from the requirements of this Article.

(b) 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.

(c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(d) 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.

(e) 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, providing the relevant factors in Section 18-3-150(b) have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

(f) 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 18-3-30.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) 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.

(i) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. 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.

(3) 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.

(j) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) The criteria outlined in Sections 18-3-160(a)—(i) are met, and

(2) 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. 2013-04, 2013, §1)

Sec. 18-3-170.   Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an offense. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined or imprisoned, or both, as provided in Chapter 1, Article IV of this Code. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-180.   Flood hazard reduction—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 manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(7) 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; and

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-190.   Flood hazard reduction—Specific standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in (i) Section 18-3-70, (ii) Section 18-3-140(7), or (iii) Section 18-3-220, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) 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, as set forth in Section 18-3-230, 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, as set forth in Section 18-3-150.

(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.

c. 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 to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-200   Alteration of a 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 Keenesburg floodplain requirements and regulations.

(6) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-210.   Properties removed from the 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), with a lowest floor elevation placed below the base flood elevation with one (1) foot of floorboard that existed prior to the placement of fill.

(Ord. 2013-04, 2013, §1)

Sec. 18-3-220.   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 floodplain development permit requirements of Section 18-3-80 and the permitting and other requirements of Sections 18-3-130 to 18-3-170.

(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 18-3-70 or Section 18-3-140.

(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. 2013-04, 2013, §1)

Sec. 18-3-230.   Standards for critical facilities.

(a) 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.

(b) 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 Town to identify and confirm that specific structures located within the Town meet the following criteria:

(1) 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);

b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory 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);

e. 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), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

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 as-needed basis upon request.

(2) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c. Refineries;

d. Hazardous waste storage and disposal sites; and

e. Above-ground 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(s) 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 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 hazardous materials facilities include:

a. 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.

(4) At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

a. Elder care (nursing homes);

b. Congregate care serving twelve (12) or more individuals (day care and assisted living); and

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children.

(5) Facilities vital to restoring normal services including government operations. These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

b. 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.

(c) 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:

(1) Location outside the special flood hazard area; or

(2) Elevation of the lowest floor or floodproofing of the structure to at least two (2) feet above the base flood elevation.

(d) 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. 2013-04, 2013, §1)

## ARTICLE IV   Reserved

## ARTICLE V   Building Demolition

[Sec. 18-5-10. Building moving.](#BK_5088862859E525B8DC7910183381C898)

[Sec. 18-5-20. Building demolition.](#BK_67A7ED60212CA9782280474401A3530A)

[Sec. 18-5-30. Building moving outside of Town.](#BK_85BEAFF19CAD572B1468EF3FB0C895BA)

Sec. 18-5-10.   Building moving.

No person shall, without the written permission of the Town, move any building or structure over or across any street or alley within the corporation limits of said Town.

(Ord. 42, 1942, §1; Ord. 1-98, 1998, §1)

Sec. 18-5-20.   Building demolition.

No person shall demolish, tear down or wreck any building or structure within the corporate limits of the Town without first obtaining a permit from the Board of Trustees

(Ord. 42, 1942, §2; Ord. 1-98, 1998, §1)

Sec. 18-5-30.   Building moving outside of Town.

No permit shall be issued or granted without a hearing for the moving of any buildings or structure now located within the corporate limits of the Town, to a place outside of the corporate limits of the Town.

(Ord. 42, 1942, §3)

## ARTICLE VI   Building Inspector

[Sec. 18-6-10. Appointment.](#BK_400CE6D555B2DFAAFFF4E092E6D12F30)

[Sec. 18-6-20. Enforcement powers.](#BK_4EA7E50BAF5DDB1EA91B9BDE367EAEC2)

[Sec. 18-6-30. Inspections.](#BK_8EA4CBF5FA76B22A6E2C4E37282ED254)

[Sec. 18-6-40. Stop work order.](#BK_A1EA01F1967832ECA669F590CE096FD6)

[Sec. 18-6-50. Condemnation.](#BK_659B85C0458801D9A38D027846DFBC60)

[Sec. 18-6-60. Building permit.](#BK_7B2924708E17B1F6E766B128DF74CEE6)

[Sec. 18-6-70. Electrical inspection.](#BK_08906FCA2638AC535A4F25EC2E72BC46)

[Sec. 18-6-80. Application for building permit.](#BK_71D48B40BDBE9D1A10F172D62D8E4008)

[Sec. 18-6-90. Plans and specifications.](#BK_0A576811724C02ADA198063A1615AAD7)

[Sec. 18-6-100. Building permit fees.](#BK_F96486211AA0A1BCA9226C354FF3B252)

[Sec. 18-6-110. Violation; penalties.](#BK_5080C76BD3ECF147553214EC61E02B70)

Sec. 18-6-10.   Appointment.

There shall be a Building Inspector appointed who shall be under the direction and control of the Board of Trustees.

(Ord. 44, 1946, §1; Ord. 1-98, 1998, §1)

Sec. 18-6-20.   Enforcement powers.

The Building Inspector shall enforce all the provisions of this Article and shall have the powers of a police officer therefor. He or she shall:

(1) Approve all plans which conform to the provisions of this Article.

(2) Sign all permits or notices required to be issued hereunder.

(3) Make rulings on such matters as are left to his or her discretion by the terms of this Article when so requested by the owner, architect or builder.

(4) Report to the Town Clerk for prosecution of violations and sign all complaints therefor.

(5) Keep a proper register of his or her transactions and submit to the Board of Trustees monthly a statement showing in detail all his or her official transactions, fees received and all violations by any persons of the provisions of this Article, together with the particulate thereof.

(Ord. 44, 1946, §2; Ord. 1-98, 1998, §1)

Sec. 18-6-30.   Inspections.

The Building Inspector shall inspect, and he or she may enter, at various intervals during the erection, construction, enlarging, alteration, repairing, moving, demolition, conversion and occupancy, all buildings and structures referred to in this Article.

(Ord. 44, 1946, §3; Ord. 1-98, 1998, §1)

Sec. 18-6-40.   Stop work order.

Whenever any building work is being done contrary to the provisions hereof or is being done in an unsafe or dangerous manner, the Building Inspector may order the work stopped by notice in writing, served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to recommence and proceed with the work.

(Ord. 44, 1946, §4)

Sec. 18-6-50.   Condemnation.

(a) When any building or portion thereof, including buildings or structures in the process of erection, is found to be dangerous to persons or property, unsafe for the purpose for which it is being used, in danger from fire due to defects in construction, dangerous for use because of insufficient means of egress in case of fire, which violates the provisions of this Chapter, due to the removal, decay, deterioration or falling off of any thing, appliance, device or requirement, originally required by this Chapter, or which has become damaged by the elements or fire to an extent of fifty percent (50%) of its value, it may be condemned by the Building Inspector.

(b) The Building Inspector may order portions of the structural frame of a building or structure to be exposed for inspection when, in his or her opinion, they are in an unsafe condition. In any of the aforesaid case, the Building Inspector shall serve notice in writing on the owner, reputed owner or person in charge of such a building or premises, setting forth what must be done to make such building safe. The person receiving such notice shall commence, within forty-eight (48) hours thereafter, to make the changes, repairs or alterations set out in such notice and diligently proceed with such work or demolish the building.

(c) No such building shall be occupied or used for any purpose after the Building Inspector serves written notice of its unsafe or dangerous condition until the instructions of the Building Inspector have been complied with.

(d) If, at the expiration of the time as set forth in the first notice, the instructions, as stated, have not been complied with, a second notice shall be served personally upon the owner, his or her agent or the person in possession, charge or control of such building or structure or part thereof, stating therein such precautionary measures as may be necessary or advisable to place such building, structure or part thereof in a safe condition.

(e) Should the necessary changes not be made within thirty (30) days after the service of such second notice, the Board of Trustees may order the Building Inspector to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Board of Trustees, which shall cause the same to be paid, certified to the County Treasurer as an assessment, and levied as a lien against the property.

(f) Proper service of either such notices shall be personal service upon the owner of record if he or she is within the Town. If he or she is not in the Town, such service may be had upon any person accustomed to collect rents on the property in question who may be in the Town and, in the absence of such a person, upon the tenant of the premises. In the event such premises are vacant and the owner is not in the Town, such service will be completed when the notice is sent by certified mail to the last known address of the owner.

(Ord. 44, 1946, §5; Ord. 1-98, 1998, §1)

Sec. 18-6-60.   Building permit.

(a) No person shall erect, construct, add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, or cause the same to be done, without first obtaining a building permit therefor from the Town.

(b) Permits will not be required for:

(1) Maintenance. Permits will not be required for ordinary maintenance consisting of restoring any part of the building to its original condition or for minor interior repairs where there is no interference with the means of egress or the structural part of the building.

(2) Alterations. Permits will not be required for minor alterations in buildings other than dwellings, such as moving or erecting nonbearing, dwarf partitions or partitions that do not involve any change in the walls, members or structural parts or in their stairways, fire escapes, light ventilation or classification, where the cost of such repairs does not exceed one hundred dollars ($100.00).

(Ord. 44, 1946, §6; Ord. 1-98, 1998, §1)

Sec. 18-6-70.   Electrical inspection.

(a) All electrical construction work or material and all appliances used in connection with electrical work and the operation of all electrical apparatus in buildings or on any street or alley in the Town shall be in conformity with the rules and requirements set forth in what is known as the "National Electrical Code" and its latest supplements.

(b) The placing, installing or operating of electric wires, appliances, apparatus or the construction in or on any building in the Town shall be executed in accordance with the plans and specifications previously approved in writing by the Building Inspector, and no wiring shall be concealed until approved by the Building Inspector,

(c) The Building Inspector is authorized to have service disconnected from such wiring installation as may, in his or her judgment, be hazardous to property or life, such wiring not to be again connected to service until brought into accord with the requirements of this Article.

(Ord. 44, 1946, §7; Ord. 1-98, 1998, §1)

Sec. 18-6-80.   Application for building permit.

(a) Any person desiring a building permit, as required by this Chapter, shall file with the Town an application therefor in writing on a blank form to be furnished for that purpose.

(b) Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot, block or tract or similar general description that will readily identify and definitely locate the proposed building or work.

(c) Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the Town.

(Ord. 44, 1946, §8; Ord. 1-98, 1998, §1)

Sec. 18-6-90.   Plans and specifications.

(a) Copies of plans and specifications and a lot plan, showing the location of the proposed building and of every existing building thereon, shall accompany every application for a permit and shall be filed in duplicate with the Town; provided, however, that the Building Inspector may authorize the issuance of a permit without plans or specifications for small or unimportant work.

(b) Plans shall be drawn to scale upon Mylar paper or cloth and the essential parts shall be drawn to a scale of not less than one-eighth (1/8) inch to one (1) foot.

(c) All plans shall bear the name of the architect, structural engineer or designer.

(d) The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Inspector and if found to be in conformity with the requirements of this Chapter and all other laws or ordinances applicable thereto, the Building Inspector shall endorse "Approved" thereon and certify the fact to the Town Clerk, who shall upon receipt of the required fee, issue a permit therefor.

(e) One (1) such approved set of plans and specifications shall be retained by the Building Inspector as a public record, and one (1) such approved set shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Inspector and all work shall be done in accordance with the approved plans.

(Ord. 44, 1946, §9; Ord. 1-98, 1998, §1)

Sec. 18-6-100.   Building permit fees.

Any person desiring a building permit shall, at the time of filing an application therefor, as provided herein, pay to the Town Clerk a fee as required according to County and Town fee schedule.

(Ord. 44, 1946, §10; Ord. 1-98, 1998, §1)

Sec. 18-6-110.   Violation; penalties.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, be fined as set forth in Section 1-4-20 of this Code.

(Ord. 44, 1946, §16; Ord. 1-98, 1998, §1)

## ARTICLE VII   Reserved

## ARTICLE VIII   Reserved

## ARTICLE IX   Building Permits

[Sec. 18-9-10. Building permit criteria.](#BK_F8936932FA6EE57EB8024D1645982A52)

Sec. 18-9-10.   Building permit criteria.

The Building Official or his or her designee is hereby granted the authority to authorize the issuance of building permits and to issue or deny building permits. A building permit shall only be issued upon a finding that all of the following conditions exist or are met:

(1) The building and building site conform or will conform to all requirements of the zoning district where the building site is located.

(2) The building site has not been divided or subdivided except by approval of the Board of Trustees.

(3) The building site abuts or fronts and has legal access to a dedicated public street or highway which has been accepted for maintenance by the Town, the County or the State or a private street with access to a public street.

(4) Any structure which requires a supply of domestic water or generates wastewater will be connected to the authorized water and wastewater system, or with the prior approval of the Board of Trustees to a septic system when the wastewater system is unavailable to the property.

(5) No building permit shall be issued without proof of ownership satisfactory to the administrative official.

(Ord. 1-02, 2002, Ord. 2009-09, §1)