

**Town of Basalt
Ordinance No. 13
Series of 2007**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, REPEALING AND READOPTING CHAPTER 18, BUILDING
REGULATIONS, OF THE MUNICIPAL CODE OF THE TOWN OF BASALT,
COLORADO, AND ADOPTING BY REFERENCE AND AMENDING CERTAIN
SECTIONS OF THE 2006 EDITIONS OF THE INTERNATIONAL (BUILDING,
RESIDENTIAL, MECHANICAL, FUEL GAS, ENERGY CONSERVATION, FIRE
AND EXISTING BUILDING) CODES, INCLUDING SOME APPENDIX CHAPTERS,
AND THE PLUMBING AND ELECTRICAL CODES ADOPTED BY THE STATE OF
COLORADO; AND REPEALING SECTIONS OF THE MUNICIPAL CODE
INCONSISTENT THEREWITH**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to the Home Rule Charter for the Town of Basalt and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. The Town Council desires to adopt, for the benefit of the Town, by regulating construction activity and the business of developing and improving real property within the Town, the 2006 editions of the International Building, Residential, Mechanical, Energy Conservation, Fire and Existing Building Codes; and the 2003 International Plumbing and Fuel Gas Codes and 2005 National Electrical Code currently adopted by the State of Colorado.

C. The International codes adopted by reference are an update of those Uniform and International codes currently in effect.

D. At a public meeting held on June 26, 2007, the Town Council considered the following amendments to Chapter 18 of the Town Code on first reading and scheduled a public hearing and second reading for the ordinance for July 10, 2007, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on July 10, 2007, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to amend the Town Code as provided herein and is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

1. Chapter 18 of the Basalt Municipal Code, Construction Codes, is hereby repealed and reenacted to read as follows:

Article I Contractor Licensing

Section 18-1: Contractor Licenses Required

(a) Any person, firm, partnership, corporation or other legal entity ("firm") who undertakes with or for another to perform construction work within the scope of building codes adopted by the Town, is a contractor. Every contractor must have taken and passed a contractor examination and provide proof of insurance to be approved for a license.

A license shall be required of any person or firm which contracts to perform labor or services in any of the following categories:

- Concrete
- Construction Management
- Drywall
- Excavation
- Fireplace
- Framing
- General Contractor
- Insulation
- Masonry
- Mechanical
- Metal stud/Drop ceiling
- Roofing
- Structural steel
- Stucco/EIFS

The term of all contractor licenses issued by the Town shall be three (3) years.

Those exempted from this Section (a) are:

1. Any person constructing, remodeling, or adding to a single-family dwelling or accessory building which they own and occupy, provided he or she does all the work himself or herself or with the aid of no more than one (1) other compensated person. Homeowner/builders shall be required to provide proof of builder's risk insurance with a policy limit not less than the valuation of the home as set forth in the building permit. Persons having more than one (1) employee will be required to provide proof of workmen's compensation insurance to the Town.
2. The owner/builder exemption in Section 18-1(a)1, of the Basalt Municipal Code does not apply to a homeowner/builder constructing, remodeling or adding to more than one single-family dwelling or accessory building, which they own and occupy, over a three (3) year period.
3. Any electrical contractor holding a current license from the State.

4. Any plumbing contractor holding a current license from the State.

(b) A license in one (1) of the following classifications is required for contracting for or performing work within the scope of the building code in the Town of Basalt:

1. General contractor (unlimited). This license shall entitle the holder to contract for the construction, alteration or repair of any structure of any type of construction or occupancy classification permitted by the building code.

2. General contractor (commercial). This license shall entitle the holder to contract for the construction of any structure of any type of construction and occupancy classification permitted by the building code, with the exception of Type I construction. This license also entitles the holder to contract for the alteration or repair of any structure of any type of construction or occupancy classification permitted by the building code.

3. General contractor (light commercial). This license shall entitle the holder to contract for the construction, alteration or repair of A-2, A-3, B, E-3, H-4, M, R, S or U occupancy classifications of any type of construction with the exception of Type I construction as set forth in the building code.

4. General contractor (homebuilder). This license shall entitle the holder to contract for the construction, alteration or repair of R-3 and U occupancies of Type VB construction.

5. Specialty. This license shall entitle the holder to contract for work involving any specialty trades regulated by building codes, including but not limited to:

- Alarm installation
- Alteration and maintenance
- Awning installation
- Boiler (hot water heat)
- Carpentry
- Concrete
- Drywall
- Excavation
- Fire sprinkler
- Gas fitter
- Glass and glazing
- Insulation
- Irrigation
- Landscape construction
- Masonry
- Mechanical contractor
- Metal stud installation
- Roofing
- Solid fuel and gas appliance
- Structural steel erection
- Stucco
- Warm air heating

Electrical contractors, plumbing contractors and manufacturers' representatives are exempt from this licensing requirement.

Section 18-2: Contractor Testing

(a) Contractors must have taken and passed a contractor examination as described in Subsection (b) below to be approved for a Town contractor's license. Firms must appoint a person ("examinee") who has taken and passed an appropriate examination as specified under Subsection (b) below. Upon issuance of a contractor's license to the firm, all construction work performed by the firm shall be under the direction and control of the examinee. Examinees must be retested every three (3) years.

(b) The examinations given for the purpose of licensing general contractors or specialty contractors shall be the current examinations in use under the B.E.S.T. (Board of Examiners for Standardized Testing) program as participated in under a current, active intergovernmental agreement with other jurisdictions. In the licensing of general contractors or specialty contractors, the Town may recognize the examinations successfully completed by the applicant examinee in other jurisdictions, at the discretion of the Building Official.

Examinations under the B.E.S.T. program given in the Town will be administered by the Building Official or his or her designated representative. The costs for these examinations will be an amount approved by the Town Council pursuant to Section 2-381 et seq. Examinations shall be in a classification appropriate for the license requested.

Section 18-3: Licensing Requirements

(a) Holders of contractors' licenses issued by the Town or the State shall pay a registration fee according to amounts and classifications as approved by the Town Council pursuant to Section 2-381 et seq.

(b) There shall be no prorating of license fees or registration fees for a period of less than twelve (12) months. The renewal fee shall be applicable only if the applicant was properly licensed for the immediately preceding year. The term of the licenses and registrations shall be from the first day of January of each year, and the license or registration fee renewal must be applied for and the renewal fee paid prior to the first day of March in order to qualify for the renewal fee. All such fees shall be paid annually on or before the first day of March of each year.

(c) Holders of contractors' licenses issued by the Town shall be required to maintain throughout the time that their licenses are in effect liability insurance coverage covering fire and all risk claims for personal injury and property damage with limits not less than amounts approved by the Town Council pursuant to Section 2-381 et seq. Persons having more than one (1) employee will be required to provide proof of workmen's compensation insurance to the Town.

(d) Any electrical contractor, properly licensed by the Colorado State Electrical Board, performing work within the Town limits shall have in force general liability insurance covering fire and all risk claims for personal injury and property damage with limits in amounts approved by the Town Council pursuant to Section 2-381 et seq. and shall have Workers'

Compensation insurance on all employees and shall meet all other requirements set by the Colorado State Electrical Board.

(e) Any plumbing contractor, properly licensed by the Colorado State Plumbing Board, performing work within the Town limits shall have in force general liability insurance covering fire and all risk claims for personal injury and property damage in limits not less than an amount approved by the Town Council pursuant to Section 2-381 et seq., and shall have Workers' Compensation insurance on all employees.

(f) There shall be a multiple license rate by which the holder of one (1) license shall be charged one-half ($\frac{1}{2}$) of the license fee for each additional license held by the holder. Application for a contractor's license shall be submitted to the Building Inspector on forms provided by him or her. Said application shall be accompanied by a certificate evidencing that the person, or appointee of a firm, has passed the Town's test relating to the type of license applied for. Said application must also be accompanied by a certificate of insurance for both workers' compensation and general liability in the amount listed above.

(g) Failure of any person or firm holding a Town contractor's license to maintain in the Town offices a certificate of liability insurance and proof of workers' compensation insurance in compliance with this Section, showing the policies to be in force, shall be subject to immediate revocation of such license by the Building Inspector in addition to being subject to the general penalty for violations of this Code set forth in Section 1-82. If the contractor has no employees, a waiver of workers' compensation insurance may be filed with the Town.

(h) The general contractor or homeowner/builder on a job site within the Town shall ensure that any subcontractor he or she has hired is in compliance with the regulations set forth in this Section. The failure of any contractor or subcontractor to be in compliance with this Section constitutes a violation of this Code, and the contractor responsible and/or subcontractor are subject to the general penalty for violations set forth in Section 1-82 in addition to immediate revocation of his or her contractor's license. Each day such violation occurs shall constitute a separate offense, subject to penalty.

Secs. 18-4 – 18-10 Reserved

Article II Construction Codes

1. Site Management

Section 18-11. Construction Sites

(a) All construction sites shall be required to be kept clean and free of debris, specifically:

1. All dirt and other materials tracked onto any public rights-of way shall be removed at the end of each week;
2. All loose material on the construction site shall be secured to keep from being carried off the site.
3. An adequate trash receptacle shall be kept on site at all times, not on public property without permission of the Building Official, and used to dispose of all

construction and personal trash. The receptacle is to be removed to a landfill site in an appropriate and timely manner and is to be covered in transit;

4. Adequate sanitary facilities shall be maintained and available for all workers;
5. Backflow protection must be provided for any temporary connection to the municipal water source;
6. Adequate signage and pedestrian protection shall be provided and maintained as required by this Section; and
7. The site shall be posted and secured to discourage trespassers.”

(b) Excavations, for building construction, water or sewer lines or any other purpose shall be protected to prevent the potential for hazard to adults and children. In addition, all excavations are determined to be a potential attractive nuisance for children and are to be protected to prevent and discourage entry into this hazardous area. Protection systems are to be in place at all times that excavation work is underway or the excavation is open. Systems used for providing this protection shall be approved by the Building Official or the Public Works Director.

(c) Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property on which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

(d) Any person found to be in violation of this Section shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished as provided in Section 1-82 of this Code.

18-12. Construction noise.

(a) Definition. *Construction noise* shall include the noise of saws, chain saws, air-powered equipment, nail guns, hammers, earth-moving equipment, pumps, compressors, power drills, concrete trucks, jackhammers or radios on job sites.

(b) No contractor or owner builder shall allow or cause construction noise before 7:00 a.m. or after 7:00 p.m. Use of heavy equipment with back-up alarms in residential zone districts is prohibited before 8:00 am.

(c) No contractor or owner builder shall allow or cause construction noise at any time on Sundays or at any time on the following holidays:

1. New Year's Day (January 1).
2. Memorial Day (last Monday in the month of May).
3. Independence Day (July 4).
4. Labor Day (first Monday in the month of September).
5. Veteran's Day (November 11).

6. Thanksgiving Day (fourth Thursday in the month of November).
7. Christmas Day (December 25).

(d) Exemptions.

1. This Section shall not apply to emergency work necessary to restore property to a safe condition following a calamity.
2. This Section shall not apply to work not requiring a building permit such as normal home repairs, small projects, landscaping, etc.

(e) Waiver. The Town Manager may waive the enforcement of this Section as it applies (which waiver may include appropriate conditions and time limits to be determined by the Town Manager) to those owner/builders who can establish or demonstrate that:

1. Enforcement of this Section would result in unreasonable economic hardship to the owner/builder;
2. Each neighbor within a three-hundred-foot radius of the owner/builder's construction site has consented to construction noise on Sundays and holidays;
3. The location of the owner/builder's construction site is such that good cause exists for the Town Manager's waiver of enforcement of this Section; or
4. Other factors establishing good cause for the issuance of a waiver.

(f) Penalties. Any person found to be in violation of this Section shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished as provided in Section 1-82 of this Code.

Section 18-13. Tree Preservation

(a) Trees and declaration of policy. The Town Council hereby finds that trees provide important environmental and aesthetic benefits to the residents of the Town and to its visitors that extend beyond the property upon which trees may grow. The Town Council further finds that trees enhance the real estate values of property upon which trees grow and of neighboring properties. Large trees are a resource that cannot be fully replaced if injured, damaged or removed. Property development and construction activities can result in injury or loss of valuable trees in the Town. It is the intent of this Section to preserve to the fullest extent possible existing trees considered desirable by the Public Works Director as herein set forth and to prevent the net loss of tree volume, both in quantity and quality.

(b) Definitions and applicability.

1. The terms and provisions of this Section shall apply to all private and public real property situated in or subsequently annexed to the corporate limits of the Town.
2. The term tree shall include, for purposes of this Section, all deciduous trees having a trunk diameter of six (6) inches or more; *Quercus gambelii* (Gambel Oak), *Acer glabrum* (Rocky Mountain Maple), *Amelanchier* spp. (Serviceberry), and *Prunus virginiana* (Chokecherry) with a trunk diameter of three (3) inches or more; and coniferous trees

having a height of twelve (12) feet or more. Trunk diameters shall be measured in inches measured as close to four and one-half (4½) feet above ground as possible. For purposes of this Section, the species of trees known as *Ulmus Pumila* (Siberian Elm) and *Elaeagnus angustifolia* (Russian Olive) are not included within the term tree.

3. The term *damage* shall mean, for purposes of this Section, any cut below the surface of the outer bark of any part of a tree more than one-half (½) inch in depth or more than two (2) inches in length.

(c) Removal or damage to trees prohibited without permit.

1. It shall be unlawful for any person, without first obtaining a permit as herein provided, to damage, remove or cause to be damaged or removed any tree.

a. It shall be unlawful for any person, without first obtaining a permit for tree removal as herein provided, to dig, excavate, turn, compact or till the soil within the dripline of any tree in such a manner as to cause material damage to the root system of the tree. For purposes of this Subsection, the *dripline* of a tree is a cylinder extending from grade level down to a depth of ten (10) feet below grade, having a radius equal to the length of the longest branch of a tree measured horizontally, with the center of the cylinder located at the center of the trunk of the tree. *Material damage* means, for any tree, damage, breakage or destruction to any root one (1) inch in diameter or larger, or to roots whose cross section aggregation exceeds that of a root one (1) inch in diameter.

b. It shall be unlawful for any person in the construction of any structure or other improvement to park or place machinery, automobiles or structures; or to pile, store or place soil, excavated material, fill or any other matter within the dripline of any tree. During construction, the Building Official or the Public Works Director, or his or her designee, may require the erection of suitable barriers around all trees, including trees not included in the definition set forth at Subsection (b) of this Section, to be preserved. Roots shall be protected from exposure to the elements with a landscape fabric. In addition, during construction, no attachments or wires, other than protective guy wires, shall be attached to any tree.

c. It shall be unlawful for any person, without first obtaining a permit for tree removal as herein provided, or approval from the Public Works Director of a project site plan, to pave or cover, with any nonporous material, more than ten percent (10%) of the area within the dripline of any tree.

d. It shall be unlawful for any person, without first obtaining a permit for tree removal as herein provided, to intentionally top, damage, girdle or poison any tree. For purposes of this Section, *topping* a tree is the removal of more than ten percent (10%) of the height from the top of any deciduous tree or the removal of the terminal bud from a coniferous tree. The terminal bud of a coniferous tree is the highest bud on the tree.

e. It shall be unlawful for any person, without first obtaining a permit as herein provided, to relocate any tree. If a relocated tree dies within two (2) years of relocation and is not replaced with a tree of equal size, the death of the relocated

tree shall be deemed an unpermitted tree removal. This Section shall not apply to the initial planting of trees obtained from nursery stock.

f. It shall be unlawful for any person to fail to provide the Public Works Director, or his or her designee, with written notice, delivered at least three (3) working days in advance, of the time and date on which removal of any tree will occur. Written notice pursuant to this Section is required even if a permit for tree removal, as herein provided, has been obtained.

2. Normal pruning to promote the health of the tree or to prevent possible damage to a structure by limbs of a tree is exempt from the provisions of this Section. Pruning by, or at the direction of, organizations furnishing service through aerial transmission lines is not exempt from the provisions of this Section.

3. Each violation of the above Subsections (c)(1)a - f shall be a separate offense.

(d) Tree removal permits.

1. Any person wishing to obtain a permit or to relocate a tree shall file an appropriate application with the Public Works Director or his or her designee. Such application shall contain such information as the Public Works Director, or his or her designee, shall require to facilitate adequate enforcement of this Section. Any application for a tree removal permit or to relocate a tree shall be accompanied by a tree permit application fee in an amount approved by the Town Council pursuant to Section 2-381 et seq.

2. On request of the Public Works Director, Building Official, or appropriate Town designee, and when necessary to adequately apprise the Public Works Director of the intended tree removal, said application shall include information necessary to evaluate the tree removal and may include a site plan showing the following:

- a. Location of proposed driveways, other planned areas of structures and impervious surfaces on said site;
- b. Location of all trees with trunk diameter four (4) inches or over, all oak trees with trunk diameter of two (2) inches or over and all conifers more than ten (10) feet in height, identified by trunk diameter or height and species;
- c. Designation of all diseased trees and any trees endangering any roadway pavement or structures, and trees endangering utility service lines;
- d. Designation of any trees proposed to be removed, retained and relocated and areas which will remain undisturbed;
- e. Any proposed grade changes which may adversely impact any trees on the site.

3. After filing said application, the Public Works Director, or his or her designee, shall review the application (and site plan if required) and determine what effect the intended removal or relocation of trees will have on the natural resources of the area. More specifically, the Public Works Director, or his or her designee, shall consider:

- a. Whether the trees intended for removal or relocation are necessary to minimize flood, snowslide or landslide hazards;
- b. Whether retention of the trees is necessary to prevent excess water runoff or otherwise protect the watershed or riparian habitat;
- c. Whether the removal or relocation of the trees will cause wind erosion or otherwise adversely affect air quality;
- d. The condition of the trees with respect to disease, danger of falling and interference with utility lines;
- e. The number and types of trees in the neighborhood, the contribution of the trees to the natural beauty of the area and the effect of removal or relocation on property values in the area;
- f. The necessity, or lack thereof, to remove the trees to allow reasonable economic use and enjoyment of the property;
- g. The implementation of good forestry practices, including consideration of the number of healthy trees that the parcel of land in question can support; and
- h. The adequacy of the methods proposed to be used to relocate any trees.

4. Based on review of these factors, the permit shall either be granted or denied by the Public Works Director.

5. The Town Building Official shall initiate inquiry as a part of each building permit application regarding the possibility of construction-related impacts to trees and shall provide to each applicant, as appropriate, a copy of this Section 18-6 and a tree removal permit application.

6. Tree Removal Permits/Tree Mitigation. The Public Works Director or appropriate Town designee may, as a condition of any tree removal permit require that the owner replace any removed or relocated trees with a tree or trees of comparable value on the affected property. When, in the opinion of the Public Works Director or appropriate Town designee replacement or relocated trees can not reasonably be accomplished within the current planting season, the applicant shall escrow funds with the Town equal to the comparable value or, if a comparable value cannot be obtained, equal to the basic value as calculated below, of the aggregate of all trees required for mitigation. Upon acceptance of planted trees by the Public Works Director or appropriate Town designee, funds escrowed with the Town will be released. *Comparable value* for purposes of this Section shall mean the replacement cost of a tree or trees of aggregate value, cross section and species equal to the trees removed or relocated. Such cash-in-lieu payments shall be used by the Town to acquire and plant trees.

(e) Valuation of trees. When, in accordance with this Section, the value of a tree must be determined because an aggregate comparable value cannot be obtained, the basic value shall equal thirty-six dollars (\$36.00) per square inch of the cross sectional area of the tree at the point where the diameter of the tree is measured. In calculating the basic value, the following equation shall be used:

Basic Value = \$36.00 x 3.14 x (D/2)²
Where D = the diameter of the tree in inches

(f) Removal of trees from Town property. No trees of any size or species shall be removed from Town property, other than by direction of the Public Works Director or appropriate Town designee, except in accordance with this Section 18-6.

(g) Removal of dead trees. The removal of dead trees shall be governed by the same regulations as the removal of living trees and shall be in accordance with this Section 18-6.

(h) Emergency tree removal. In case of an emergency caused by a tree being in a hazardous or dangerous condition posing an immediate threat to person or property, such tree may be removed without resort to the procedures herein described; provided, however, that evidence of such an emergency is provided to the Public Works Director, or appropriate Town designee, within twenty-four (24) hours after the removal of the tree and the Public Works Director, or appropriate Town designee, provides written agreement with such evidence that a hazardous or dangerous condition existed that posed an immediate threat to persons or property.

(i) Enforcement. Any person convicted of violating any provision of this Section 18-6 shall be subject to punishment as set forth in Section 1-82 of this Code.

2. Fees

Section 18-14. Fees

(a) Permit fees. On buildings, structures, gas, mechanical, and plumbing systems requiring a permit, a fee for each permit, in an amount approved by the Town Council pursuant to Section 2-381 et seq. of the Municipal Code shall be paid as required.

(b) Plan review fee. When construction documents are submitted for a building permit a plan review fee shall be paid. Said plan review fee shall be sixty five percent (65%) of the building permit fee determined by the building official.

(c) Energy code review fee. The Town of Basalt shall assess a fee of 10% of the associated Building Permit fee for review and compliance of the Town's Energy Conservation Code. Said fee shall not exceed \$400.

EXCEPTION: Structures that comply with Colorado E-STAR Home Energy Rating System shall not be subjected to this fee."

(d) REMP fees. REMP fees will be collected by the Building Department at the time of the permit application. REMP fees will be used to offset the greenhouse gas emissions of these applications through community investments in renewable energy and energy efficiency. Expenditures of REMP funds for community projects will be recommended for Town Council approval by a joint committee of the Community Office for Resource Efficiency and the Building Official.

1. Under the Renewable Energy Mitigation Program (REMP), houses over three thousand five hundred (3,500) square feet of habitable space must install a renewable energy system on site (e.g., a two-panel solar hot-water system, a two-module photovoltaic array, or geothermal system) or pay a REMP fee of three thousand five hundred dollars (\$3500.00).

2. For exterior uses of energy, such as snowmelt, pools, spas and garages the REMP fees are based on the cost of electricity for the equivalent amount of BTU's used over twenty (20) years. Except one hundred percent (100%) of the energy required is permitted if fifty percent (50%) of the annual energy required is produced with renewable energy systems and installed on site.

Calculation of the REMP fee is made as per the following schedule:

Energy Use	BTUs per sq. ft. per year	"Free allowed square footage"	Fee per sq. ft. for 20 years *
Snowmelt	34,425	200	\$ 14
Small Spa	430,000	64	176
Summer Pool	29,000	200	12
Winter Pool	332,000	none	136
Heated Garage	19,500	see §18-84(f)	8

*These fees must be adjusted for efficiency.

Example: Snowmelt system of 400 square feet is needed for a driveway, boiler efficiency is 85%, 200 square feet is free.

REMP Fee = (\$14 per sq. ft. divided by 0.85) times (400-200 sq. ft.) = \$3,294.

Example: Summer pool with surface area of 600 square feet, boiler efficiency is 87%, 200 square feet is free.

REMP Fee = (\$12 per sq. ft. divided by .87) times (600-200 sq. ft.) = \$5,517.

(e) Special improvement fee. In addition to all other fees provided by this code, a special improvement fee shall be paid to the Town at the time of issuance of a building permit. The special improvement fee shall apply to the construction of any building or additions to existing buildings for which a building permit is required by this code. The Special Improvement Fee shall be in an amount approved by the Town Council pursuant to Section 2-381 et seq. of the Municipal Code. All area shall be counted using the definition of *total square feet* as set forth in Section 16-4 of the Municipal Code, with the exception that any area used for underground parking and associated access shall not be counted in determining the fee. Parking shall be deemed underground if more than 50 percent of the parking structure is below finished grade.

The fees paid and collected by virtue of this subsection shall not be used for general or other governmental proprietary purposes of the Town, except to pay for each new development's equitable share of the cost of accounting, planning, management, administration and government of the Town. Other than as described above, the fees charged herein shall be used solely to pay the costs of planning, operation, maintenance,

repair, improvement, renewal, replacement, reconstruction or other services provided by the Town on behalf of or as a result of new development within the Town.”

(f) Construction deposit. A deposit in a form acceptable to the Town shall be posted with the Town as a condition of the issuance of any building permit for new construction, or additions. The purpose is to insure that the requirements of Section 3305.2 of the International Building Code, as amended, are met. The amount of such deposit shall be within the range approved by the Town Council pursuant to Section 2-381 of the Municipal Code, as determined by the Building Official.

In the event that the construction site is not maintained as set forth in Section 18-1 of the Municipal Code, the Town may, after providing written notice to the permittee and construction contractor of such violations, draw upon such security for the purpose of performing the requirements as set forth. In the event that the deposit is reduced by this process the permittee shall post additional security with the Town so that the full amount if the security is available at all times. In the event that the permittee does not post additional security, the Town may, after providing written notice to the permittee and the construction contractor of such failure, cancel the building permit and take any other necessary legal action to prevent any further construction activity and to ensure that such permittee or construction contractor complies with these requirements. Upon the issuance of a Certificate of Occupancy paid construction deposits shall be refunded to the owner/permittee.”

(g) Fire sprinkler and fire alarm fees. Permit and plan review fees for fire sprinkler and fire alarm systems, as determined by the Basalt and Rural Fire Protection District, are payable direct to the Basalt and Rural Fire Protection District.

3. Adoption of codes

Section 18-15. Adoption of Codes by Reference.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., the following codes are hereby adopted, by reference thereto, as the Codes of the Town, as amended hereby:

(1) The International Building Code, 2006 Edition, and Appendix Chapters G (Flood Resistant Construction), and J (Grading) thereto, as amended herein, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(2) The International Residential Code, 2006 Edition, and Appendix Chapters J (Existing Buildings and Structures), K (Sound Transmission) and L (Permit Fees), as amended herein, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(3) The International Existing Buildings Code, 2006 Edition, and Appendix Chapter B (Supplementary Accessibility Requirements), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(4) The International Mechanical Code, 2006 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(5) The International Fuel Gas Code (2003) edition currently adopted by the State of Colorado, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, including Chapter 1 in its entirety and Appendix Chapters A - D.

(6) The International Plumbing Code (2003) edition currently adopted by the State of Colorado, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, including Chapter 1 in its entirety and Appendix Chapters B, D, E, F and G.

(7) The National Electrical Code, (2005) edition currently adopted by the State of Colorado, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269.

(b) These adopted codes include comprehensive provisions and standards regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings and structures for the purpose of protecting public health, safety and general welfare.

4. Building Code Amendments

Section 18-16. Amendments to the International Building Code.

(a) Adoption of the International Building Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:

(1) Section 101.1, Title, is amended by the insertion of "Town of Basalt" as the name of jurisdiction.

(2) Section 106.1, Submittal documents, is amended to read as follows:

"106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a design professional licensed by the State of Colorado where required by state statute. All foundation designs shall be prepared by a structural engineer licensed in the State of Colorado. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a structural engineer licensed in the State of Colorado.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a licensed design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code."

(3) Section 108.3, Building permit valuations, is amended by the addition of the following paragraphs to read as follows:

“The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing electrical, plumbing heating air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

Building Valuation may be determined by using the current *Building Valuation Data*, published by the International Conference of Building Officials, in Building Safety Journal and online at iccsafe.org/cs/techservices/. The regional modifier for the Town shall be 1.5. This valuation shall be the minimum valuation. Valuations may be higher based on reasonable contractor estimates.”

(4) Section 110.1, Use and occupancy, is amended as follows.

The last sentence is hereby eliminated and replaced with:

“Issuance of a certificate of occupancy in accordance with this code and with town administrative policy regarding issuance of certificates of occupancy shall not be construed as an approval of a violation of the provisions of this code, any development approval granted by the Town or of other ordinances of the Town. Certificates presuming to give authority to violate or cancel the provisions of this code, any development approval granted by the Town or other ordinances of the Town of Basalt shall not be valid.”

(5) The following is hereby added as Section 903.2.7.1:

[F] 903.2.7.1 R-1 and R-2 Occupancies. Every apartment house, townhouse, lodging house, dormitory, convent, monastery, rooming house, condominium or hotel two stories or more in height and containing four or more dwelling units shall have installed therein an approved automatic sprinkler system throughout the premises. Fire separations shall not constitute separate buildings for this purpose, including all R-3 occupancies.”

(6) Section 903.2.13.1 is added as follows:

[F] 903.2.13.1 Building area over 5,000 square feet. New buildings in excess of 5,000 square feet in area or in a location that is difficult to access, as determined by the fire code official, shall be equipped with an approved automatic sprinkler system including the installation of a fire department connection. A minimum of a three sprinkler head hydraulic calculation shall be submitted for approval by the fire code official, and the official may require a larger number of sprinkler heads, depending upon the structural design submitted. Fire separations shall not constitute separate buildings for this purpose, including all R-3 (townhome) occupancies.”

(7) Section 1301.1.1, Criteria, is amended to read as follows:

“1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the 2006 International Energy Conservation Code. The following exterior design conditions shall apply within the Town of Basalt:

Winter, Design Dry-bulb	3 degrees F
Summer, Design Dry-bulb	90 degrees F
Summer, Design wet-bulb	64 degrees F
Degree days heating	8,106
Degree days cooling	0
Climate zone	6
Degrees North Latitude	39 degrees”

(8) Add Section 1302 Snow Melt:

“SECTION 1302 SNOWMELT

1302 Snowmelt. Electric snowmelt is not permitted, except cables used to assist drainage of roofs. Under-the-slab insulation of at least R-10 is required. Exterior snowmelt systems in all buildings shall be automatically controlled by temperature and snow/ice detectors. These detectors shall sense freezing temperatures and falling snow or freezing rain. The detector shall prevent exterior systems from operating unless required. Idling of snowmelt systems is not permitted.

(9) Add Section 1303 Pools and Hot Tubs:

SECTION 1303 POOLS AND HOT TUBS

1303.1 Scope. This section includes public, semipublic and private swimming pools, hot tubs, whirlpools and saunas.

1303.2 Covers. In Group B, R-1 and R-2 Occupancies, swimming pools, hot tubs, whirlpools and spas (including therapeutic pools) shall be fully covered with a water-impermeable, insulated (minimum R-6) material during non-operation hours.

1303.3 Insulation. All heated water facilities shall have side walls and bottoms constructed with a minimum insulation factor of R-13 or as approved by the Building Official or SPA or PUD final submission."

1303.4 Additional requirements. Spas and pool are subject to the following additional requirements intended for energy conservation:

1. No electric resistance heating.
2. Spa Exception: UL-listed package spas up to a maximum of sixty-four (64) square feet are permitted to use electric heat without REMP fee. These spas must be fully insulated enclosures with tight-fitting covers insulated to at least R-12.
3. Spa area of sixty-four (64) square feet and summer use only pool area of two hundred (200) square feet is "free allowed."
4. A readily accessible on-off switch must be mounted on the outside of the heater, that allows shutting off the heater without adjusting the thermostat setting.
5. Pools shall have directional inlets that adequately mix the pool water.

6. At least thirty-six (36) inches of pipe between the filter and heater to allow for the future addition of solar heating equipment.
7. Summer-use-only pools shall have a maximum boiler capacity of four hundred five thousand (405,000) BTU per hour.”

(10) Section 1503.4, Roof drainage, is amended with the addition of new subsections as follows:

“1503.4.2 Over public property. Roof drainage from a building shall not be permitted to flow over public property. Snow shall not be permitted to shed from a building onto public property.

1503.4.3 Over occupied areas. All building exits and potentially occupied areas such as sidewalks, driveways, and decks, under downslope eaves, shall be protected from sliding snow and ice.

1503.4.4 Utility meters. Gas and electric utility meters under downslope eaves, shall be protected from roof drainage, sliding snow and ice. “

(11) Section 1608.2, Ground Snow Loads, is amended to read as follows:

“1608.2 Ground snow loads. The snow load for the Town of Basalt, Colorado shall be sixty (60) pounds per square foot.”

(12) Section 1805.2, Depth of footings, is amended to read as follows:

“1805.2 Depth of footings. The frost line in the Town of Basalt, Colorado, shall be thirty six (36) inches below finished grade. Where applicable, the depth of footings shall also conform to Sections 1805.2.2 through 1805.2.3.

EXCEPTION: A one-story detached garage may be constructed on a slab thickened at the edges to eighteen (18) inches below finished grade when approved by the Building Official.”

(13) Section 1806.1, (Retaining Walls) General, is amended to read as follows:

“1806.1 General. Retaining walls shall be designed by a design professional licensed by the State of Colorado to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.”

(14) Section 2101.3.1, Fireplace drawings, is amended to read as follows:

“2101.3.1 Fireplace drawings. The construction documents shall describe in sufficient detail the location, manufacturer, and model number of factory-built fireplaces.”

(15) Section 2111, Masonry Fireplaces, is deleted in its entirety and replaced with:

“Section 2111 – FIREPLACES AND WOOD-BURNING STOVES

2111.1 General. In areas where natural gas service is currently available or where natural gas lines are located within three hundred (300) feet of a building, no solid-fuel-burning fireplace, stove or furnace shall be installed unless it is an approved, listed non-polluting system meeting or exceeding Colorado Phase III or Phase II EPA emissions standards. Fireplaces must otherwise be a natural gas appliance. The installation of these devices shall be in accordance with the instructions provided by the manufacturer for installation.

Fireplaces must be a natural gas appliance in areas where natural gas service is currently available or where gas lines are located within three hundred (300) feet of a building. No solid-fuel-burning fireplace, stove or furnace shall be installed unless it is an approved, listed, non-polluting system meeting or exceeding Colorado Phase III or Phase II EPA emissions standards. Installation of these devices shall be in accordance with the instructions provided by the manufacturer for installation.

2111.2 Exterior air. Factory-built fireplaces covered in this section shall be equipped with an exterior air supply to ensure proper fuel combustion unless the room is mechanically ventilated and controlled so that the indoor pressure is neutral or positive.

2111.2.1 Factory-built fireplaces. Exterior combustion-air ducts for factory-built fireplaces shall be listed components of the fireplace, and installed according to the fireplace manufacturer's instructions.

2111.2.2 Exterior air intake. The exterior air intake shall be capable of providing all combustion air from the exterior of the building. The exterior air intake shall not be located within a garage, attic, basement or crawl space, nor shall the air intake be located at an elevation higher than the firebox. The air intake opening on the exterior of the building shall be covered with a corrosion-resistant screen of ¼-inch mesh.

2111.3 Firebox doors. Factory-built fireplaces without flue dampers shall have a sealed glass front or tight-fitting doors."

(16) Section 3403 of the International Building Code, Additions, Alterations or Repairs is amended by the addition of Section 3403.5, Utilities, to read as follows:

"3403.5 Utilities. For the purpose of this section any remodeling of an existing building or structure which requires the replacement of an existing utility or installation of a new utility system or part thereof shall be placed underground as is required for new buildings or structures."

5. Amendments to the International Residential Code

Section 18-17 Amendments to the International Residential Code.

Adoption of the International Residential Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:"

(1) Section R101.1, Title, is amended by the insertion of "Town of Basalt" as the name of jurisdiction.

(2) Delete the last two sentences of Section R105.3.1.1, Substantially improved or substantially damaged existing buildings in areas prone to flooding, and replace board of appeals with Planning and Zoning Commission as follows:

“If the building official finds that the value of the proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement has started, the finding shall be provided to the Planning and Zoning Commission for a determination of substantial improvement or substantial damage. Applications determined by the Planning and Zoning Commission to constitute substantial damage shall meet the requirements of Sec. Section R324.”

(3) Section R106.1, Submittal documents, is amended to read as follows:

“R106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. Foundation designs shall be prepared by a design professional licensed in the State of Colorado. Where special conditions exist, the building official is authorized to require construction documents to be prepared by a structural engineer licensed in the State of Colorado.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a licensed design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.”

(4) Section R106.2 is amended by the addition of the following sentence to end the paragraph:

“Retaining walls on the site greater than 4 feet in height shall be designed by a design professional licensed in the State of Colorado.”

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

“R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the current Town of Basalt Fee Schedule, as approved by Town Council.”

(6) Delete Section R112.2.1 and Section R112.2.2 pertaining, respectively, to determination of substantial improvement in areas prone to flooding, and criteria for issuance of a variance for areas prone to flooding through the board of appeals.

(7) Section R202 – D is amended by the addition of the following definition:

“DWELLING UNIT, INDEPENDENT is a dwelling unit with a separate kitchen as defined in Section R202 – K, as amended in the Basalt Municipal Code, and is physically separated from the other dwelling by any one of the following means: independent exterior entry; lockable space; floor levels; hallways and foyers; walls or other enclosures causing separation from any other dwelling units in the same structure, or is served by shared or separate gas and electric meters.”

(8) Section R202 –K is amended by the addition of the following definition:

“KITCHEN is an area for cooking associated with a dwelling unit and is further defined as having or including any two of the following:

1. Single, double or triple compartment sink, with or without a garbage disposal. This does not include a small bar sink or a lavatory.
2. Permanent provisions for cooking; or hook-ups for permanent cooking appliances.
3. A built-in dishwasher.
4. Counters and cabinets of a quantity and configuration that indicate the creation of a food preparation area.
5. Refrigerator or refrigerator/freezer in excess of five (5) cubic feet capacity.”

(9) Table R301.2(1) should be completed as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHICAL DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost Line Depth	Termite	Decay					
45 psf	90 mph; 75 mph fastest	B	severe	36"	none to slight	slight to moderate	3° F	yes	Ord. No. 25 - 2000	1437 ^o F days	44° F

(10) Section R303.3, Bathrooms is deleted in its entirety and replaced with:

“**R303.3 Bathrooms.** Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet, or artificial light. Bathrooms, water closet compartments and other similar rooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly outside.”

(11) Section R311.5.3.3, Profile, is amended by the addition of Exception 3, to read as follows:

“3. Open risers are permitted on exterior stairs.”

(12) Section R408.1, Ventilation, is amended to read as follows:

“R408.1 Ground Cover. Earth shall not be exposed under wood-framed buildings. Polyethylene sheet-plastic, not less than 6 mil. in thickness, or other approved vapor-retardant material shall cover the ground in under-floor spaces.”

(13) Section R408.2, Openings for under-floor ventilation, is amended to read as follows:

“ R408.2 Ventilation. The under-floor space between the floor joists and earth under residential buildings (except space occupied by a basement or cellar) shall be provided with ventilation openings through foundation walls or exterior walls. The minimum net total area of ventilation openings shall be not less than 1/1500 of the under-floor area. A minimum of two openings must be located to provide cross-ventilation of the space. Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed ¼ inch:

1. Perforated sheet-metal plates not less than 0.070 inch thick.
2. Expanded sheet-metal plates not less than 0.047 inch thick.
3. Cast-iron grill or grating.
4. Extruded load-bearing brick vents.
5. Hardware cloth of 0.035 inch wire or heavier.
6. Corrosion-resistant wire mesh, with the least dimension being 1/8 inch.

Exceptions:

1. Under-floor spaces used as supply plenums for distribution of heated and cooled air shall comply with the requirements of Section M1601.4.
2. Ventilation openings are not required where continuously operated, timed, or humidistat-controlled mechanical ventilation is provided at a rate of 1.0 cfm for each 50 squares feet of under-floor space floor area.
3. The under-floor space is supplied with conditioned air and the perimeter walls are insulated in accordance with N1102.1.7.”

(14) Section R1001, Masonry Fireplaces is deleted in its entirety and replaced with:

“Section R1001 – FIREPLACES AND WOOD-BURNING STOVES

R1001.1 General. In areas where natural gas service is currently available or where natural gas lines are located within three hundred (300) feet of a building, no solid-fuel-burning fireplace, stove or furnace shall be installed unless it is an approved, listed non-polluting system meeting or exceeding Colorado Phase III or Phase II EPA emissions standards. Fireplaces must otherwise be a natural gas appliance. The installation of these devices shall be in accordance with the instructions provided by the manufacturer for installation.”

(15) Section R1002, Masonry Heaters is deleted in its entirety.

(16) Section R1003, Masonry Chimneys is deleted in its entirety.

(17) Section R1004 is amended by the addition of Section R1004.5 Firebox doors:

“R1004.5 Firebox doors. Factory-built fireplaces without flue dampers shall have a sealed glass front or tight-fitting doors.”

(18) Section N1101.2 is amended by replacing the last sentence at the end of the paragraph with:

“The Town of Basalt is in (Dry/B) Climate Zone 6.”

(19) Section N1103.6, Equipment sizing, is amended by the addition of the following sentence at the end:

“Minimum efficiency for all boilers and furnaces is AFUE 85%.”

(20) Section N1103.7 is added to read as follows:

“N1103.7 Heated garages. “Free Allowed” for heating a garage is a unit heater which is gas-fired with fan, operated on a timer. This type of heater is permitted for heating a garage without a fee. Any boiler or furnace system used for heating a garage other than the type specified above must be controlled by a separate thermostat and zone. A REMP fee shall apply for these applications.

N1103.7.1 Insulation requirements. All heated garages must be insulated to exterior wall residential standards. Garage doors must be insulated with R-12 and weatherstripped.”

6. Section V: Amendments to the International Existing Buildings Code.

Section 18-18. Amendments to the 2006 International Existing Buildings Code.

(a) Adoption of the International Existing Buildings Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:

(1) Section 1002.3 is amended to read as follows:

“1002.3 Fire protection systems. Existing fire areas increased by addition shall comply with Chapter 9 of the International Building Code, as amended by the Town of Basalt. Additions to existing buildings which exceed 5,000 square feet, or additions to buildings which cause the total area to exceed 5,000 square feet, or which are in a location that is difficult to access, as determined by the fire code official, shall be equipped with an approved automatic sprinkler system including the installation of a fire-department connection. A minimum of a three sprinkler-head hydraulic calculation shall be submitted for approval by the fire code official, and the official may require a larger number of sprinkler heads, depending upon the structural design submitted. For purposes of this section, a fire wall of noncombustible material, not less than three-hour fire-resistive construction, and

complying with Section 705 of the International Building Code, shall separate existing buildings of more than 5,000 square feet from an addition; or an approved automatic sprinkler-system may be installed throughout the building.

Exception: An approved automatic sprinkler-system is installed throughout the building.”

7. Section VI: Amendments to the International Mechanical Code.

Section 18-19. Amendments to the International Mechanical Code.

(a) Adoption of the International Mechanical Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:

(1) Section 106.5.2 is amended to read as follows:

“106.5.2 Fee Schedule. The fees for mechanical work requiring a permit shall be paid as required, in accordance with the current Town of Basalt Fee Schedule, as approved by Town Council.”

(2) Sections 106.5.3 (2) and (3) are amended with the insertion of “80% (eighty percent)” where prompted.

8. Section VII: Amendments to the International Fuel Gas Code.

Section 18-20. Amendments to the 2006 International Fuel Gas Code.

(a) Adoption of the International Fuel Gas Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:

(1) Section 106.5.2 is amended to read as follows:

“106.5.2 Fee Schedule. The fees for fuel gas work requiring a permit shall be paid as required, in accordance with the current Town of Basalt Fee Schedule, as approved by Town Council.”

(2) Sections 106.5.3 (2) and (3) are amended with the insertion of “80% (eighty percent)” where prompted.

9. Section VIII: Amendments to the International Plumbing Code.

Section 18-21. Amendments to the 2006 International Plumbing Code.

(a) Adoption of the International Plumbing Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:

(1) Section 106.6.2 is amended to read as follows:

“106.6.2 Fee Schedule. The fees for plumbing work requiring a permit shall be paid as required, in accordance with the current Town of Basalt Fee Schedule, as approved by Town Council.”

(2) Sections 106.6.3 (2) and (3) are amended with the insertion of “80% (eighty percent)” where prompted.

(3) Section 305.6.1 with the insertion of “12 (twelve) inches” where prompted.

(4) Section 606.1 is amended by the addition of a new Subsection 606.1.1 to read as follows:

“606.1.1. Connections. Each service connection within the Town of Basalt, Colorado shall have the following: Stop; dual check backflow prevention device, or equivalent; pressure regulator; water meter; and stop. Allowance for expansion shall be necessary for hot water heating.

Exception: Those services at higher elevations having less than 80 psi will not be required to have pressure regulation.”

(5) **Section 701.2.1, Taps to System**, is added as follows:

“701.2.1. Taps to System. Where the installation of building sewers is under the jurisdiction of the Basalt Sanitation District or the Mid-Valley Metro Water District, no permit will be required by the Town of Basalt. Sewer tap fees shall be paid to the respective sanitation district prior to issuance of a building permit. It is intended that sewer inspections be by the designated representative of the Basalt Sanitation District or the Wastewater Treatment Operator.”

10. Section IX: Amendments to the National Electrical Code.

Section 18-22. Amendments to the 2006 National Electrical Code.

This section is reserved for any future amendments to the National Electrical Code.

11. Sections 18-23 – 18-40 reserved.

Article III Energy Code

Section 18-41. Adoption of IECC by Reference.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., The International Energy Conservation Code, 2006 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is hereby adopted, by reference thereto.

Sections 18-42 – 18-60 reserved.

Article IV Air Quality

Sec. 18-61. Air quality and declaration of policy.

(a) The Town Council hereby finds and declares air quality to be an important part of the health, safety and welfare of the community, and that the Town Council has a duty to protect the air quality in the Town.

(b) Emissions from wood stoves, fireplaces and coal burning have been determined by numerous studies and reports to be a major factor in air quality problems and may constitute a threat to the health of the citizens of the Town, a public nuisance and a threat to the economic well-being of the Town; therefore, it is the intent of the Town Council to enact a system to regulate the construction and installation of these devices.

Sec. 18-62. Definitions.

As used in this Article, the following terms shall have the following meanings:

Approved solid-fuel-burning device is one which has been approved and certified by the Air Quality Control Commission pursuant to its authority under Section 25-7-401, *et seq.*, C.R.S., or which complies with all of the following:

- a. An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by EPA method 28A as set forth in the Federal Regulations 40 CFR Part 60 Subpart AAA, Appendix A.
- b. A usable firebox volume of less than twenty (20) cubic feet.
- c. A minimum burn rate of less than five (5) kilograms per hour.
- d. A maximum weight of eight hundred (800) kilograms. (Prior code 51-2)

Dwelling units. For the purposes of this Article, the definitions of *dwelling unit*, *single-family dwelling unit*, *two-family dwelling unit* and *multiple-family dwelling unit* shall be interpreted in accordance with Section 16-4 of this Code.

Fireplace means a structure designed for the burning of wood which is an integral part of the construction of a building, which would commonly be considered a fireplace and which does not meet the definition of a wood stove.

Natural gas fireplace means a fireplace that operates on natural gas and is installed per Building Official approval, including a properly installed fire box, flues and gas log apparatus.

Solid fuel burning device means any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other nonliquid or nongaseous fuel.

Wood-burning stove means an appliance designed for or capable of burning wood, including a fireplace insert, capable of and intended for domestic space heating or domestic water heating. These stoves come with an airtight firebox and controlled air flow features for more precise burning.

Sec. 18-63. Regulation of wood stoves.

(a) No wood stove shall be installed within any dwelling unit or commercial building within the Town unless such device is an approved wood stove.

(b) The number of approved wood stoves installed in any new residential or commercial building, for which a building permit is issued after the effective date of the ordinance codified in this Article, shall not exceed the following:

(1) Single-family dwellings, and two-family dwellings with a minimum of one thousand (1,000) square feet per dwelling unit: one (1) approved wood stove per dwelling unit.

(2) Multi-family dwellings: one (1) approved wood stove per building to be located in a common area and not in an individual unit.

(3) Commercial building: one (1) approved wood stove per building or commercial enterprise, whichever is more restrictive. This category, for the purposes of this Article, shall include commercial hotels, motels and lodges.

(c) In dwelling units or commercial buildings in existence on the effective date of the ordinance codified in this Article, installation of additional wood stoves is prohibited if the resulting number of preexisting and new wood stoves exceeds the limitations on the number of woodstoves per dwelling unit contained in Subsection (b) above.

Sec. 18-64. Regulation of fireplaces.

In areas where natural gas service is currently available or where natural gas lines are located within three hundred (300) feet of a building, it shall be unlawful to install or construct a fireplace, unless it is a natural gas fireplace or an approved solid-fuel-burning device.

Sec. 18-65. Regulation of coal-fired devices.

No solid fuel burning device shall be allowed to burn coal except for those devices already being used to burn coal on the effective date of the ordinance codified in this Article. It shall be unlawful for any person to install or have installed, any solid fuel burning decorative appliance that does not comply with Section 25-7-407, C.R.S. Installation of appliances purchased out of state or purchased used shall be unlawful unless said appliance bears an emissions performance label showing compliance with Colorado Emissions Standards for the control of pollution caused by wood smoke.

Sec. 18-66. Nonconforming devices.

Any solid fuel burning device which has been installed prior to the effective date of the ordinance codified in this Article and is not in compliance with this Article shall be considered a legal nonconforming device and may continue in existence subject to the condition that it shall not be changed to or replaced by any device except an approved device or other lawful heating system in accordance with this Code.

Sec. 18-67. Enforcement.

(a) The provisions of this Article shall be enforced at the time of building permit application or when the Town has reasonable grounds based upon its investigation or written complaints which sufficiently demonstrate reasonable grounds that a person has violated the provisions of this Article.

(b) The Town shall enforce the provisions of this Article in accordance with Section 1-82 of this Code.

Sections 18-68 - 18-80 reserved.

Article V: Fire Prevention Code.

Section 18-81. Adoption of the International Fire Code by reference.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S.,-The International Fire Code, 2006 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, and Appendix Chapters B (Fire-Flow Requirements), C (Fire Hydrant Locations), and D (Fire Apparatus Access Roads). Appendix Chapters E, F, and G shall be utilized as guidelines to the extent such appendices are applicable.

(b) The International Fire Code, 2006 edition, hereinabove adopted by reference is to govern the maintenance of buildings and premises; to safeguard life, health, property and public welfare by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes and by regulating the maintenance of adequate egress facilities.

Section 18-82. Amendments to International Fire Code – 2006 Edition.

(a) Adoption of the International Fire Code, 2006 edition is subject to the following deletions, amendments, additions and modifications:

(1) Section 101.1 is hereby amended to provide that “Town of Basalt” shall be the name of the jurisdiction inserted.

(2) Sections 102.6 and 102.7 are hereby amended by the addition of the following language:

“The most current NFPA code cycle shall be utilized.

Exception: When the current cycle is less than a year from the previous cycle, the previous cycle may be used with the approval of the fire code official.”

(3) Section 103.2 is hereby amended to read as follows:

“The fire code official shall be appointed by the fire chief, and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. Unless the fire chief shall otherwise appoint an alternative fire code official, the District Fire Marshal shall be deemed the designated fire code official upon adoption of this Code.”

(4) The following sentence shall be added to the end of Section 104.6.3:

“Copies of all such records shall be forwarded to the fire code official.”

(5) Section 104.10 is hereby amended as follows:

The phrase “fire department” shall be replaced by the phrase “fire chief.”

(6) Section 108.1 is hereby amended to read:

“In order to hear and decide appeals of orders, decisions or determinations made by the Fire Chief and/or fire code official relative to the application and interpretation of this code, there shall be and hereby is created a board of appeals consisting of the existing Basalt and Rural Fire District Board of Directors. The Fire Chief shall be an *ex officio* member, but shall have no vote on any matter before the Board. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Chief and/or fire code official.”

(7) The following shall be added to the end of Section 109.2.2:

“Every notice of violation pursuant to this chapter shall set forth a time by which compliance with the notice violation is required. The time specified shall be reasonable according to the circumstances of the particular hazards or condition to which the notice and order pertains. Immediate compliance may be required in any case which represents extreme or imminent danger to persons or property. Except for cases where immediate compliance is required, violations pursuant to this chapter may be appealed as set forth in Section 108.1. In cases where immediate compliance is required, the notice of violation so stating shall be final and conclusive.”

(8) The definition of “guest” shall be added (alphabetically) to Section 202 as follows:

GUEST. Any person hiring or occupying a room or bed for living or sleeping purposes.

(9) The following shall be added to the end of Section 307.1.1:

“Open burning shall be prohibited from May 31 to October 1 of each calendar year.

Exception: Open burning may be permitted or prohibited at any time when, in the opinion of the fire code official, the atmospheric conditions are conducive for safe burning. Such modifications shall be made by the fire code official in writing and posted in the District fire stations.”

(10) Section 308.3.6 is hereby amended to read as follows:

“The use of outdoor pyrotechnic and open flame displays used in conjunction with theatrical performances are allowed to be used when adequate safety precautions have been taken in accordance with NFPA 160. The use of indoor pyrotechnic and open flame displays shall be prohibited.

Exception: Indoor pyrotechnics and open flame displays shall be permitted if all the following conditions are met:

1. A permit shall be issued for each display;
2. The building is fully equipped with an approved fire sprinkler system;
3. The building is fully equipped with an approved and monitored fire alarm system;

4. The display is handled and performed by a certified pyrotechnician and possessing a valid certificate issued by the State of Colorado;
5. There are at least two standby personnel equipped with the appropriate fire extinguishers and familiar in the use of that fire extinguisher;
6. A safety plan is filed and approved by the fire code official;
7. The display conforms with the provisions of NFPA 160 and NFPA 1126; and
8. A Certificate of Insurance is posted in an amount specified pursuant to the provisions of section 3301.2.4.”

(11) The following shall be added to the end of Section 308.3.7:

“The use of indoor pyrotechnic and open flame displays in a Group A occupancy shall be prohibited.

Exception: Indoor pyrotechnics and open flame displays in a Group A occupancy shall be permitted if all the following conditions are met:

1. A permit shall be issued for each display;
2. The building is fully equipped with an approved fire sprinkler system;
3. The building is fully equipped with an approved and monitored fire alarm system;
4. The display is handled and performed by a certified pyrotechnician and possessing a valid certificate issued by the State of Colorado;
5. There are at least two standby personnel equipped with the appropriate fire extinguisher and familiar in the use of that fire extinguisher;
6. A safety plan is filed and approved by the fire code official;
7. The display conforms with the provisions of NFPA 160 and NFPA 1126; and
8. A Certificate of Insurance is posted in an amount specified pursuant to the provisions of section 3301.2.4.”

(12) The following paragraph shall be added to the end of Section 503.1.1 Exception 1 and Exception 3:

“Any thoroughfare described in Section 502.1 that is designated Fire Apparatus Access Roads is subject to the specifications required in Section 503.2. The application of this exception requesting modification of the width as stipulated in Section 503.2.1 is subject to the approval of the Fire Code Official but shall not be less than 16 feet in width except private driveways less than 250 feet in length.”

(13) The following sentence shall be added to the end of Section 508.5.4:

“Snow removal operations shall not prevent a fire hydrant from being immediately discernible or hinder immediate access to any such hydrant.”

(14) The following is hereby added as Section 903.2.7.1:

“903.2.7.1 R-1 and R-2 Occupancies. Every apartment house, townhouse, lodging house, dormitory, convent, monastery, rooming house, condominium or hotel two stories or more in height and containing four or more dwelling units shall have installed therein an approved automatic sprinkler system throughout the premises. Fire separations shall not constitute separate buildings for this purpose, including all R-3 occupancies.”

(15) The following is hereby added as Section 903.2.13.1:

“903.2.13.1 Building area over 5,000 square feet. New buildings in excess of 5,000 square feet in area or in a location that is difficult to access, as determined by the fire code official, shall be equipped with an approved automatic sprinkler system including the installation of a fire department connection. A minimum of a three sprinkler head hydraulic calculation shall be submitted for approval by the fire code official, and the official may require a larger number of sprinkler heads, depending upon the structural design submitted. Fire separations shall not constitute separate buildings for this purpose, including all R-3 (townhome) occupancies.”

(16) Exception 1 of Section 903.4 is hereby deleted.

(17) The following paragraph shall be added to the end of Section 903.4.2:

“For R-3 occupancies, interior audible water flow signals capable of notifying all occupants simultaneously shall be provided. A visual and audible water flow alarm shall be installed on the exterior of the structure. The alarm shall be located so as to be visible from the nearest fire department access road. A second visual device may be required by the fire code official to delineate the fire department connection. In the event the R-3 occupancy is a duplex, triplex or larger, audible alarms shall notify all of the occupants simultaneously upon a water flow activation. Exterior visual and audible alarms shall activate on the unit of origin only.”

(18) The following is hereby added as Section 903.7:

“903.7 Unmonitored residential systems. Automatic sprinkler systems protecting one, two or multiple family dwellings that are not monitored shall operate in the following manner:

1. All water flow activations shall be capable of sounding an interior audible alarm notifying all occupants simultaneously;
2. All water flow activations shall be capable of activating an exterior audible/visual alarm. This alarm shall be located so as to be visible from the nearest fire department access road. A second visual device may be required by the fire code official to delineate the fire department connection.
3. The activation of any water control device shall be capable of activating the light portion only of the exterior audible/visual shall activate.”

(19) The following paragraph shall be added to the end of Section 905.2:

“Within NFPA 14 under the heading “Minimum Pressure for System Design and Sizing of Pipe or Minimum and Maximum Pressure Limits”: Stating “Hydraulically designed standpipe systems shall be designed to provide the water flow rate required ... at a minimum residual pressure of 100 psi at the outlet of the hydraulically most remote 2 1/2 inch hose connection ...”

Exception: Where the authority having jurisdiction permits pressures lower than 100 psi for 2 1/2 hose connections based on suppression tactics, the pressure shall be reduced but not less than 65 psi.”

(20) The following is hereby added as Section 907.1.1.1:

“907.1.1.1 Design. All plans for fire alarm systems submitted for approval shall have affixed the signature of a person possessing NICET Level 3 or higher level certification or engineer licensed by the State of Colorado having expertise in the discipline of fire alarm design. In the alternative, such signature may be provided by a fire alarm system designer possessing the equivalent of NICET Level 3 training, if all certificates and documentation of such training is presented and approved by the fire code official.”

(21) The following is hereby added as Section 907.1.1.2:

“907.1.1.2 Installation. All fire alarm system installations shall be supervised by a person possessing NICET Level 2 or higher level certification in fire alarm installation. In the alternative, such supervision may be completed by a person possessing the equivalent of NICET Level 2 training, if all certificates and documentation of such training is presented and approved by the fire code official.”

(22) Section 907.1.2 is hereby amended to read as follows:

“907.1.2 Equipment. All fire alarm systems required by this Code shall be addressable, analog systems.

Exception: With the approval of the fire code official, a conventional system may be used if the conventional system is used exclusively to monitor a fire sprinkler system with no more than one initiating or supervisory device per zone to a maximum of 8 zones.

Systems and their components shall be listed and approved for the purpose for which they are installed.”

(23) Section 907.2.1 is hereby amended to read as follows:

“907.2.1 Group A. A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in Group A occupancies having an occupant load of 100 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided as required for the Group E occupancy.”

(24) The following shall be added as Exception 2.7 to Section 907.2.3:

“2.7. Buildings are equipped throughout with approved automatic sprinkler systems and alarm notification devices that activate upon sprinkler water flow.”

(25) Section 907.2.8.1 Exceptions are hereby deleted.

(26) Exceptions 2 and 3 of Section 907.2.9 are hereby deleted.

(27) The following shall be added to the end of Section 907.10.1.1:

“Exterior visual signals shall meet all of the following requirements:

1. The light used shall be of the strobe type producing at least one million candle power, or of incandescent flashing type which can be plainly seen for at least 1,500 feet in all directions of approach.
2. For systems with fire department connections the light is to be located at least twelve (12) feet above and as directly vertical to the fire department connection as possible. For systems without fire department connections the light is to be located so as to be visible from the nearest street.
3. The light shall not replace the audible alarms but is to be used in conjunction therewith.
4. The visual and audio signal shall operate together on a circuit separate from all others except exit signs.”

(28) The following is hereby added as Section 907.10.3:

“907.10.3 Inside Audible Alarms. An inside audible alarm is to be installed whenever an alarm is required by Chapter 9 of the International Fire Code and Chapter 9 of the International Building Code. In the case of public assembly areas with an occupant load of one hundred (100) or more persons or where, in the opinion of the Building Official or the fire code official, the installation of an inside alarm may cause panic among the occupants, the alarm signal shall be installed in an attended area (e.g. projection booth, manager’s office) from where there can be effectuated an orderly evacuation of the assembly area pursuant to the system approved by the Building Official or fire code official.”

(29) Valve supervision method 3 identified in Section 913.4 is hereby deleted.

(30) Exception 3 of Section 1008.1.8.7 is hereby amended to read as follows:

“3. In stairways serving not more than two stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side.”

(31) The following shall be added to the end of Section 2204.3.1:

“A safety plan and safety equipment technical data shall be submitted for review prior to approval. Unsupervised private dispensing shall be by permit only.”

(32) The following exception shall be added to the end of Section 3301.1.3:

“5. The storage, sale, use and handling of toy caps, sparklers and smoke snakes shall be permitted.”

(33) Section 3304.1.1 is hereby added to read as follows:

“3304.1.1 Handling. The handling and firing of explosives shall only be performed by the person possessing a valid explosives certificate issued by the State of Colorado.”

(34) Section 3304.3.4 is hereby added to read as follows:

“3304.10.8 Storage – Large Quantities. Storage of explosives in quantities exceeding fifty (50) pounds shall be in a Type I magazine, except that a Type 3 magazine may be used for temporary storage of a larger quantity of explosives at the site of blasting operations where such amount constitutes not more than one day’s supply for use in current operations. At the end of the day’s operations, any remaining explosives shall be safely destroyed or returned to a Type 1 magazine.”

(35) Section 3304.3.5 is hereby added to read as follows:

“3304.10.9 Storage – Small Quantities. Storage of explosives in quantities of 50 or less shall be in Type I or Type II magazines, except that explosives in any quantity when stored in remote locations shall be in Type I, bullet resistant magazines.”

(36) Section 3308.2.3 is hereby added to read:

“3308.2.3 Indoor Displays. The use of indoor pyrotechnic displays shall be prohibited.

Exception: Indoor pyrotechnic displays shall be permitted if all of the following conditions are met:

1. A permit shall be issued for each display;
2. The building is fully equipped with an approved fire sprinkler system;
3. The building is fully equipped with an approved and monitored fire alarm system;
4. The display is handled and performed by a certified pyrotechnician and possessing a valid certificate issued by the State of Colorado;
5. There are at least two standby personnel equipped with the appropriate fire extinguishers and familiar in the use of that fire extinguisher;
6. A safety plan is filed and approved by the fire code official;
7. The display conforms with the provisions of NFPA 160 and NFPA 1126; and
8. A Certificate of Insurance is posted in an amount specified pursuant to the provisions of section 3301.2.4.”

(37) Section 3404.2.9.1 is hereby amended by the addition of the following paragraph:

“No tank for the storage of flammable fluid in excess of ten (10) gallons shall be erected, repaired, renewed or replaced either wholly or partially above ground; or where in the opinion of the fire code official an existing tank constitutes a fire hazard through neglect or disrepair, he shall order such tank removed; however, tanks or other facilities for the storage of Class 6 fuel oil may be installed above ground if approved by the fire code official and in accordance with existing codes and regulations pertaining to above ground storage.”

(38) Section 3406.2.4 is hereby amended to read as follows:

“The capacity of permanent above-ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4164 L). The capacity of temporary above-ground tanks containing Class I or II liquids shall not exceed 500 gallons (1892 L). Tanks shall be of the single-compartment design. A permit shall be obtained from the fire code official for the storage or keeping of Class I or II liquids in excess of five (5) gallons in any building and of ten (10) gallons on any premises. The fire code official is further authorized to issue temporary permits for the above-ground storage of such liquids in tanks which shall not exceed a five hundred (500) gallon capacity for the purpose of providing fuel for heavy equipment used in building construction, earth moving, earth grading or similar operations and such permits may be issued only for sites without proximate hazards. Such temporary permits shall be issued with the time limits set which shall conform to the reasonably necessary time for completion of the individual job for which the permit is issued.”

B. Repeal Redundant Sections. Sections 18-1 through 18-100, Basalt Municipal Code, are hereby repealed.

C. Severability. If any part, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed this Ordinance, and each part, section, subsection, sentence, clause, or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON JULY 10, 2007, by a vote of ___ to ___ on June 26, 2007.

READ ON SECOND READING AND ADOPTED, by a vote of ___ to ___ on July 10, 2007.

This ordinance will take effect 14 days after final publication.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

First Publication: _____

Final Publication: _____

Effective Date: _____