

CHAPTER 18

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ARTICLE 1

Administration and Enforcement

Sec. 18-1-10. Building Inspector.

There is established the position of Building Inspector. The Building Inspector shall be the chief enforcement officer for all building regulations contained in this Code, including codes adopted by reference in this Chapter. The Building Inspector shall be an independent contractor retained by the Board of Trustees pursuant to a written contract approved by the Board of Trustees, which shall set forth the general duties, responsibilities and requirements of the position. The Building Inspector shall not be an officer of the Town and shall not be considered an employee for purposes of the Lyons Personnel Policy. The Building Inspector may hold no other elected or appointed office or position within the Town. Notwithstanding anything contained in the contract retaining the services of the Building Inspector, the contract may be terminated by the Board of Trustees at any time without cause. (Prior code 8-1-1; Ord. 956 §1, 2014)

Sec. 18-1-20. Violation.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. (Prior code 8-1-2; Ord. 956 §1, 2014)

Sec. 18-1-30. Appeals.

(a) Any owner of property who is refused a permit by the Building Inspector or aggrieved by a final decision of the Building Inspector may file an appeal with the Board of Trustees alleging that the refusal or decision is not justified, the refusal or decision is based on an unreasonable provision of the

building regulations, or, in the person's particular case, strict compliance with the building regulations would cause undue and significant hardship different in kind than that experienced by other similarly situated land owners. Any person appealing a decision of the Building Inspector shall bear the burden of proof concerning the basis or grounds for the appeal.

(b) The members of the Board of Trustees shall comprise the Board of Appeals and shall hear and decide appeals of permit denials and final decisions made by the Building Inspector related to the application and interpretation of the international codes referenced in this Chapter. The Board of Trustees may, at its discretion, delegate its authority and duty to serve as the Board of Appeals to a hearing officer or to a reviewing body comprised of any number of persons. In addition to all other powers and authority the Board of Appeals possesses, the Board of Appeals shall have the authority to waive or vary the provisions of any of the building, construction and safety codes referenced in this Chapter if the Board of Appeals determines, based on the evidence presented to the Board of Appeals, that other comparable materials, installations, constructions or designs will be equivalent or superior to the applicable code requirements in protecting the health, safety and welfare of the public.

(c) Appeals shall be processed in accordance with quasi-judicial hearing procedures and any applicable provisions of Chapter 2 of this Code.18-5

(d) For purposes of this this Chapter, code, codes, building code, construction code or safety code" shall mean the codes adopted in this Chapter, unless another meaning is evidently intended by such reference. (Prior code 8-1-3; Ord. 956 §1, 2014)

Sec. 18-1-40. Penalty.

Any person (including any legal entity) convicted of a violation of any provision of this Chapter shall be subject to a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days for each offense, or by both fine and imprisonment. Where any violation is a continuing offense, a separate and distinct offense shall be deemed committed for each day that such violation continues. (Prior code 8-1-4; Ord. 956 §1, 2014)

ARTICLE 2

Building Code

Sec. 18-2-10. Adoption.

(a) 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 Lyons Building Code, as if fully set out in this Article with the additions, deletions, insertions and changes as provided in Section 18-2-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the adopted building code. (Prior code 8-2-1; Ord. 956 §1, 2014)

Sec. 18-2-20. Purpose.

The purpose of the International Building Code ("IBC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town, and certain equipment specifically regulated in this Code. (Prior code 8-2-2; Ord. 956 §1, 2014)

Sec. 18-2-30. Copy on file.

At least one (1) copy of the International Building Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014)

Sec. 18-2-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Building Code as adopted herein.18-6

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

(2) IBC Section 101.4.1, Electrical, is amended by replacing "ICC Electrical Code" with "National Electrical Code" as adopted by the State of Colorado.

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

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

(5) IBC Section 105.1, Required, is amended by replacing the words "building official" with "Town," to read as follows:

"105.1.1 Demolition permits. Proof of compliance with the Colorado Department of Public Health and Environment's asbestos program must be submitted to the Town prior to issuance of a demolition permit."

(6) IBC Section 108.4, Work commencing before permit issuance, is amended by replacing the words "building official" with "Town" and adding:

"The fee shall be equal 100% of the original building fee in addition to the required permit fees."

(7) 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."

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

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

(10) IBC Section 112.1, General, is amended by deleting the last two (2) sentences and inserting the following:18-7

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

(11) IBC Section 112.3, Qualifications, is amended by deleting the Section in its entirety.

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

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

(13) 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."

(14) IBC Section 1612.3, Establishment of flood hazard areas, is amended by the insertion of "Town of Lyons" where indicated in Boulder County, Colorado, and by insertion of "October 30, 2006," the date of the latest adopted flood insurance study for the Town, where indicated.

(15) 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 "National Electrical Code."

(16) IBC Section 3410.2, Applicability, is amended by the insertion of "07/07/2008," the effective date of building codes for the Town where indicated. (Prior code 8-2-3; Ord. 944 §1, 2013; Ord. 956 §1, 2014)

Sec. 18-2-50. Penalties for violation.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Building Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in addition to other sanctions set forth in the International Building Code. (Prior code 8-2-4; Ord. 956 §1, 2014) 18-8

ARTICLE 3

Residential Code

Sec. 18-3-10. Adoption.

(a) 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 and H, is hereby adopted by reference as the Town of Lyons

Residential Building Code, as if fully set out in this Article with the additions deletions, insertions and changes as provided in Section 18-3-40 below.

(b) No residential building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the adopted residential code. (Prior code 8-2A-1; Ord. 956 §1, 2014)

Sec. 18-3-20. Purpose.

The purpose of the International Residential Code ("IRC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all residential buildings and structures within the Town and certain equipment specifically regulated in this Code. (Prior code 8-2A-2; Ord. 956 §1, 2014)

Sec. 18-3-30. Copy on file.

At least one (1) copy of the International Residential Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014)

Sec. 18-3-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Residential Code as adopted herein.

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

(2) IRC Section R105.1, Required, is amended by replacing the words "building official" with "Town," to read as follows:

"R105.1.1 Demolition permits. Proof of compliance with the Colorado Department of Public Health and Environment's asbestos program must be submitted to the Town prior to

issuance of a demolition permit."

(3) IRC Section 108.4.1, Work commencing before permit issuance, is added:18-9

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Town. The fee shall be equal to 100% of the original building fee in addition to the required permit fees."

(4) IRC Section R108.5, Refunds, is amended by deleting the Section in its entirety and replacing it 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."

(5) IRC Section R109.1.5, Other inspections, is amended by the addition of two (2) new subsections as follows:

"R109.1.5.2 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.

"R109.1.5.3 Lath and gypsum inspection. Inspection of all interior or exterior lathing and gypsum board shall be made after installation but before any plaster is applied or before gypsum board joints and fasteners are taped and finished."

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

(7) 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. The Board of Trustees may, at its sole and absolute discretion, appoint and designate a hearing officer, or a board or commission of any number of persons, to serve and exercise the Board of Trustees' duties associated with any appeal."

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

" 'Sleeping Room' (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so 18-10 situated and designed so as to clearly indicate these intended uses shall not be interpreted as sleeping rooms."

(9) IRC Table R301.2(1) is filled in 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

Weathering Temp

Frost Line

Depth Termite

30 psf 120/3-sec

gust

B Severe 30 in Slight to

Moderate

1 NO See Town

Adopted Regs

& FIRM Map

1000 45°F

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

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

(11) IRC Section R312.1, Guardrails 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.

"Exceptions:

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

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

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

(12) 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 18-11 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."

(13) 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."

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

(15) 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."

(16) IRC Section G2415.9.1, Individual outside appliances, is deleted in its entirety.

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

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

(19) IRC Section P3103.1, Roof extension, is amended by filling in both areas where indicated to read "6 inches (152.4 mm)." (Prior code 8-2A-3; Ord. 944 §2, 2013; Ord. 956 §1, 2014)

Sec. 18-3-50. Penalties for violation.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Residential Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in addition to other sanctions set forth in the International Residential Code. (Prior code 8-2A-4; Ord. 956 §1, 2014)

ARTICLE 4

Mechanical Code

Sec. 18-4-10. Adoption.

(a) 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 and Appendix Chapters A and B, is hereby adopted by reference as the Town of Lyons 18-12 International Mechanical Code as if fully set out in this Article, with the additions, deletions, insertions and changes as provided in Section 18-4-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the adopted mechanical code. (Prior code 8-5-1; Ord. 956 §1, 2014)

Sec. 18-4-20. Purpose.

The purpose of the International Mechanical Code ("IMC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this Code. (Prior code 8-5-2; Ord. 956 §1, 2014)

Sec. 18-4-30. Copy on file.

At least one (1) copy of the International Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014)

Sec. 18-4-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Mechanical Code as adopted herein:

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

(2) IMC Section 109.2, Membership of Board, is deleted in its entirety and replaced by the following:

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

(3) IMC Section 109.2.2, Alternate Members, is deleted in its entirety.

(4) IMC Section 504.6.1, Maximum length, is amended by deleting the exception in its entirety. (Prior code 8-5-3; Ord. 956 §1, 2014)

Sec. 18-4-50. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Mechanical Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in 18-13

addition to other sanctions set forth in the International Mechanical Code. (Prior code 8-5-4; Ord. 956 §1, 2014)

ARTICLE 5

Plumbing Code

Sec. 18-5-10. Adoption.

(a) The International Plumbing Code, 2006 edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters I through 13 inclusive and Appendix Chapters A through G, is hereby adopted by reference as the Town of Lyons International Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as provided in Section 18-5-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship conform with the plumbing code (Prior code 8-4-1; Ord. 956 §1, 2014)

Sec. 18-5-20. Purpose.

The purpose of the International Plumbing Code ("IPC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this Code. (Prior code 8-4-2; Ord. 956 §1, 2014)

Sec. 18-5-30. Copy on file.

At least one (1) copy of the International Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014)

Sec. 18-5-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Plumbing Code as adopted herein:

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

(2) 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 109.2, Membership of Board, is deleted in its entirety and replaced by: 18-14
"The members of the Board of Appeals shall be comprised of the members of the Town Board of Trustees."

(4) IPC Section 109.2.2, Alternate Members, is deleted in its entirety.

(5) IPC Section 904.1, Roof extension, is amended by inserting the number "6" (152.4 mm)

where indicated in the second sentence. (Prior code 8-4-3; Ord. 956 §1, 2014)

Sec. 18-5-50. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Plumbing Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in addition to other sanctions set forth in the International Plumbing Code. (Prior code 8-4-4; Ord. 956 §1, 2014)

ARTICLE 6

Property Maintenance Code

Sec. 18-6-10. Adoption.

(a) 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 Lyons International Property Maintenance Code as if fully set out in this Article with the additions, deletions, insertions and changes as provided in Section 18-6-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship conform with the property maintenance code (Prior code 8-5A-1; Ord. 956 §1, 2014)

Sec. 18-6-20. Purpose.

The purpose of the International Property Maintenance Code ("IPMC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all

buildings and structures within the Town and certain equipment specifically regulated in this Code.

(Prior code 8-5A-2; Ord. 956 §1, 2014)

Sec. 18-6-30. Copy on file.

At least one (1) copy of the International Property Maintenance Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014) 18-15

Sec. 18-6-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Property Maintenance Code as adopted herein:

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

(2) IPMC Section 102.3, Application of other codes, is amended by the deletion of "ICC electrical code" and the last sentence and the insertion of "National Electrical Code," as adopted by the State of Colorado.

(3) IPMC Section 103.5, Fees, is deleted in its entirety.

(4) 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."

(5) IPMC Section 111.2.1, Alternate members, is deleted in its entirety.

(6) IPMC Section 111.2.2, Chairman, is deleted in its entirety.

(7) IPMC Section 111.2.3, Disqualification of member, is deleted in its entirety.

(8) IPMC Section 111.2.4, Secretary, is deleted in its entirety.

(9) IPMC Section 111.2.5, Compensation of members, is deleted in its entirety.

(10) IPMC Chapter 3, General Requirements, is deleted in its entirety.

(11) IPMC Chapter 4, Light, Ventilation and Occupancy Limitations, is deleted in its entirety.

(12) IPMC Chapter 5, Plumbing Facilities and Fixtures and Fixture Requirements, is deleted in its entirety.

(13) IPMC Chapter 6, Mechanical and Electrical Requirements, is deleted in its entirety.

(14) IPMC Chapter 7, Fire Safety Requirements, is deleted in its entirety. (Prior code 8-5A-3;

Ord. 956 §1, 2014)

Sec. 18-6-50. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Property Maintenance Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and 18-16 imprisonment, in addition to other sanctions set forth in the International Property Maintenance Code.

(Prior code 8-5A-4; Ord. 956 §1, 2014)

ARTICLE 7

Existing Building Code

Sec. 18-7-10. Adoption.

(a) 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 and Appendix Chapters A and B, is hereby adopted by reference as the Town of Lyons International Existing Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as provided in Section 18-7-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with

the existing building code. (Prior code 8-5C-1; Ord. 956 §1, 2014)

Sec. 18-7-20. Purpose.

The purpose of the International Existing Building Code ("IEBC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this Code.

(Prior code 8-5C-2; Ord. 956 §1, 2014)

Sec. 18-7-30. Copy on file.

At least one (1) copy of the International Existing Building Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014)

Sec. 18-7-40. Modifications.

The following deletions, additions, insertions, and changes are hereby made to the International Existing Building Code as adopted herein:

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

(2) The IEBC is amended by replacing all references to "ICC Electrical Code" with "National Electrical Code," as adopted by the State of Colorado.

(3) IEBC Section 101.1, Title, is amended by the addition of the term "Town of Lyons" where indicated. 18-17

(4) 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."

(Prior code 8-5C-3; Ord. 956 §1, 2014)

Sec. 18-7-50. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates International Existing Building Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in addition to other sanctions set forth in the International Existing Building Code.

(Prior code 8-5C-4; Ord. 956 §1, 2014)

ARTICLE 8

Energy Conservation Code

Sec. 18-8-10. Adoption.

(a) 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 6 inclusive, is hereby adopted by reference as the Town of Lyons International Energy Conservation Code as if fully set out in this Article with the additions, deletions, insertions and changes as provided in Section 18-8-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship conform with the adopted energy conservation code. (Prior code 8-12-1; Ord. 956 §1, 2014)

Sec. 18-8-20. Purpose.

The purpose of the International Energy Conservation Code ("IECC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this Code.

(Prior code 8-12-2; Ord. 956 §1, 2014)

Sec. 18-8-30. Copy on file.

At least one (1) copy of the International Energy Conservation Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014) 18-18

Sec. 18-8-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Energy Conservation Code as adopted herein:

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

(2) The IECC is amended by replacing all references to "ICC Electrical Code" with "National Electrical Code," as adopted by the State of Colorado.

(3) IECC Section 101.1, Title, is amended by the addition of the term "Town of Lyons" where indicated. (Prior code 8-12-3; Ord. 956 §1, 2014)

Sec. 18-8-50. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Energy Conservation Code may be fined not to exceed five hundred dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in addition to other sanctions set forth in the International Energy Conservation Code.

(Prior code 8-12-4; Ord. 956 §1, 2014)

ARTICLE 9

Reserved

ARTICLE 10

Fuel Gas Code

Sec. 18-10-10. Adoption.

(a) 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 and Appendix Chapters A through D, is hereby adopted by reference as the Town of Lyons International Fuel Gas Code as if fully set out in this Article, with the additions, deletions, insertions and changes as provided in Section 18-10-40 below.

(b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship conform with the adopted fuel gas code. (Prior code 8-9-1; Ord. 956 §1, 2014) 18-19

Sec. 18-10-20. Purpose.

The purpose of the International Fuel Gas Code ("IFGC") is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this Code. (Prior code 8-9-2; Ord. 956 §1, 2014)

Sec. 18-10-30. Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 956 §1, 2014)

Sec. 18-10-40. Modifications.

The following deletions, additions, insertions and changes are hereby made to the International Fuel Gas Code as adopted herein:

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

(2) IFGC Sections 109.2, Membership of Board, is deleted in its entirety and replaced by the following:

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

(3) IFGC Sections 109.2.2, Alternate members, is deleted in its entirety.

(4) 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."

(5) IFGC Section 404.9.1, Individual outside appliances, is deleted in its entirety.

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

(7) IFGC Section 614.6.1, Maximum length, is amended by deleting the exception in its entirety. (Prior code 8-9-3; Ord. 956 §1, 2014)

Sec. 18-10-50. Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article. A person or entity that violates the International Fuel Gas Code may be fined not to exceed five hundred dollars (\$500.00) or 18-20

imprisoned for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in addition to other sanctions set forth in the International Fuel Gas Code. (Prior code 8-9-4; Ord. 956 §1, 2014)

ARTICLE 11

Storage of Flammable Liquids

Sec. 18-11-10. Underground storage.

Except as provided in Section 18-11-20 below, it shall be unlawful for any person to have or keep more than five (5) gallons of gasoline, naphtha or other inflammable liquids on his or her premises at any one (1) time unless the same is contained in an approved underground storage tank constructed, installed and maintained in accordance with the following rules and requirements. All such tanks and pumps used in connection therewith shall be constructed under the supervision of the Underwriters' Laboratories or other authorized concern, and each tank and pump shall bear its label of approval showing that the device has been tested and approved. (Prior code 8-8-1; Ord. 956 §1, 2014)

Sec. 18-11-20. Aboveground storage.

Containers installed outside of buildings, whether of the portable type replaced on a cylinder exchange basis, or permanently installed and refilled at the installation, shall be located with respect to the nearest important building, group of buildings or line of adjoining property which may be built upon, in accordance with the following table:

Aboveground Storage Table

Water Capacity

Per Container

(gallons) Above Ground

Between

Aboveground

Containers

Less than 125 None None

125 to 250 10 feet None

251 to 500 10 feet 3 feet

501 to 2,000 25 feet 3 feet

2,001 to 30,000 50 feet 5 feet

30,001 to 70,000 75 feet (¼ of sum of

diameters of

adjacent

containers)

70,001 to 90,000 100 feet

(Prior code 8-8-2; Ord. 956 §1, 2014)

Sec. 18-11-30. Exceptions to provisions.

This Article shall not apply to inflammable liquids while contained in washers used in connection with dry-cleaning establishments in the Town, provided that the building used for dry-cleaning 18-21 purposes is constructed wholly of noncombustible materials, not used in conjunction with any other occupancy and located at least ten (10) feet from other buildings and/or a public thoroughfare. (Prior code 8-8-3; Ord. 956 §1, 2014)

Sec. 18-11-40. Storage tank specifications and requirements.

(a) Placement of Tanks: Tanks shall have tops at least three (3) feet below the surface of the ground and below the level of the lowest pipe in the building to be supplied. Tanks may be permitted underneath a building if buried at least three (3) feet below the lowest floor. Tanks shall be set on a firm foundation and surrounded with soft earth or sand, well-tamped into place or encased in concrete. Tanks may have a test well, provided that the test well extends to near the bottom of the tank, and the upper end shall be hermetically sealed and locked except when necessary to open. When the tank is located underneath a building, the test well shall extend at least twelve (12) feet above the source of supply. The maximum limit of storage permitted in one (1) tank shall be ten thousand five hundred (10,500) gallons, and shall depend upon the location of tanks with respect to the building to be supplied and adjacent buildings and property as follows:

(1) Ten thousand five hundred (10,500) gallons total capacity if over thirty (30) feet from any property line which may be built upon and if lower than any floor, basement, cellar or pit in any building within thirty (30) feet.

(2) Four thousand (4,000) gallons total capacity if over twenty (20) feet from any property line which may be built upon and if lower than any floor, basement, cellar or pit in any building within twenty (20) feet.

(3) One thousand one hundred (1,100) gallons total capacity if over ten (10) feet from any property line which may be built upon and if lower than any floor, basement, cellar or pit in any building within ten (10) feet.

(4) Five hundred sixty (560) gallons total capacity if within ten (10) feet of any property line which may be built upon and if not lower than every floor, basement, cellar or pit in any building within ten (10) feet, in which case it must be entirely encased in six (6) inches of concrete.

(b) Venting of Tanks: All underground storage systems which may contain inflammable gases shall have at least a one-inch vent pipe running from the top of the tank to a point outside of the building and acceptable to the Fire Chief, but which shall end at least twelve (12) feet above the level of the source of supply and in a location remote from fire escapes and not less than three (3) feet, measuring horizontally and vertically, from any window or other opening. The tank vent pipe shall terminate in a gooseneck protected at the outer end by a thirty-by-thirty mesh or equivalent brass wire screen. The vent pipes from two (2) or more tanks may be connected to one (1) upright vent pipe, provided that they are connected at a point at least one (1) foot above the level of the source of supply.

(c) Filling Pipes: Ends of filling pipes for all underground storage tanks shall be carried to an approved location outside of any building, but not within five (5) feet of any entrance door or cellar opening, and shall be set in an approved metal box with a cover which shall be kept locked except during filling operations; this filling pipe shall be closed by a screw cap. A thirty-by-thirty mesh or equivalent brass screen strainer shall be placed in the supply end of the filling pipe. The piping of 18-22 gasoline or other inflammable liquids in the streets or alleys of the Town for any distance exceeding fifty (50) feet shall not be permitted except in outlying districts where such piping can be buried

properly below the frost line, kept clear of other piping and sewers and where, in the judgment of the Fire Chief, such piping can be maintained properly and would in no way create a hazard to life and property. (Prior code 8-8-4; Ord. 956 §1, 2014)

Sec. 18-11-50. Smoking and matches prohibited.

It shall be unlawful to carry matches or smoke in any room or part of a building which contains flammable liquids in open containers, in which the vapors from flammable liquids are present or in which flammable liquids are used in any manufacturing process. Suitable signs lettered "Smoking Prohibited" shall be displayed. (Prior code 8-8-5; Ord. 956 §1, 2014)

Sec. 18-11-60. Handling and sale regulated.

It shall be unlawful for any person to open or fill any gasoline tank of an automobile or motorcycle while the engine is running. No flammable liquids shall be drawn, handled or stored in the presence of or within dangerous proximity to an open flame or fire. (Prior code 8-8-6; Ord. 956 §1, 2014)

ARTICLE 12

Explosives Permit

Sec. 18-12-10. Declaration of policy and purpose.

It is recognized that the use of explosives is necessary during excavation and construction activity in some circumstances due to the existing bedrock and geology of the Lyons area. It is hereby declared as a matter of public policy that the use of explosives not be undertaken unless and until a permit for such activity is first obtained from the Town. The purpose of the permit is to ensure that: (1) the Town is apprised of the use of explosives that may create special security and land use issues; and (2) notice is reasonably provided to persons most affected by the use of explosives. (Prior code 8-10-1; Ord. 956 §1, 2014)

Sec. 18-12-20. Definitions.

The following words and phrases, when used in this Article, shall have the following meanings:

Excavation means any form of earth disturbance.

Explosive means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating 18-23 explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. (Prior code 8-10-2; Ord. 956 §1, 2014)

Sec. 18-12-30. Permit required.

(a) It shall be unlawful for any person to use or cause to be used any explosive within the Town without first obtaining an explosives permit issued by the Town in accordance with this Article. The use of explosives in violation of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. The minimum fine for each violation of this Chapter shall be five hundred dollars (\$500.00).

(b) An explosives permit shall be issued by the Town Administrator upon written request by any person engaged in excavation within the Town. The Town Administrator shall issue an explosives permit upon a demonstration by the applicant of the following:

(1) The applicant is lawfully engaged in the development of property located within the Town, which development necessitates excavation.

(2) The use of explosives is necessary due to subsurface conditions that cannot economically or feasibly be remedied by use of conventional excavation and construction practices not involving the use of explosives.

(3) The applicant has paid to the Town a nonrefundable administrative permit fee of twentyfive

dollars (\$25.00).

(4) The applicant certifies in a writing acceptable to the Town Administrator that the applicant has caused written notice to be delivered and posted by the applicant in conformance with the requirements of Section 18-12-40 below. Such certification to the Town Administrator shall include a copy of the notice.

(c) It shall be unlawful for any person who has obtained an explosives permit in accordance with this Article to use or cause to be used any explosive within the Town between the hours of 3:00 p.m. and 10:00 a.m., except upon written administrative authorization by the Town Administrator issued in accordance with Subsection 18-12-40(c) below. (Prior code 8-10-3; Ord. 956 §1, 2014)

Sec. 18-12-40. Notice.

(a) Notice required.

(1) Personal notice. Prior to the issuance of an explosives permit, the applicant shall cause written notice to be delivered to each property located within five hundred (500) feet of the property upon which the explosives are proposed for use. Such notice shall be hand-delivered to each property by leaving a copy of the notice with an adult occupant of the property or by leaving the notice in a conspicuous place near the primary entry of the property. Notice shall be delivered not less than forty-eight (48) hours before the scheduled date and time of the proposed use of explosives. As an alternative to a hand-delivered notice, written notice conforming to this Article may be deposited in the U.S. mail, first-class postage prepaid, address to each required property 18-24 owner not less than seven (7) calendar days prior to the first proposed date of the use of explosives.

(2) Posted notice. Prior to the issuance of an explosives permit, the applicant shall cause notice to be posted at not less than two (2) locations within the general vicinity of the property upon which the explosives are proposed for use. Such locations shall be designated by the Town Administrator and selected to provide the greatest degree of visibility to members of the public. In

most instances, the posting shall be made along the primary traveled public right-of-way adjacent to the property upon which explosives are proposed for use. For posting, the notice shall be attached to yellow or red poster board, cardstock or cardboard measuring not less than twenty-four (24) inches by thirty-six (36) inches, which shall include the words "NOTICE OF EXPLOSIVES USE" in capital lettering not smaller than three (3) inches in height. Failure of the posted notice to remain in place and visible during the entire posting period shall not be deemed sufficient cause to require a postponement, re-posting or invalidation of the explosives permit.

(b) Form of notice. The notice required by this Article shall be made in writing, which shall substantially conform to the following format:

NOTICE OF PROPOSED

USE OF EXPLOSIVES

PLEASE TAKE NOTICE THAT, on the following dates: _____, explosives are proposed for use on property addressed as _____. The planned hours for the

use of explosives on these dates is between 10:00 a.m. and 3:00 p.m.; however, these times may be modified to be

earlier or later if the Town Administrator finds that unforeseen difficulties in construction prevented the discharge of

explosives between the hours of 10:00 a.m. and 3:00 p.m. The use of explosives may cause momentary increases in

noise levels, vibrations and other disruptions in existing conditions within your neighborhood. The use of explosives are

made necessary due to subsurface conditions that cannot be resolved by conventional excavation and construction

methods. This notice is provided to you in accordance with Chapter 18, Article 12 of the Lyons Municipal Code.

Contact the Lyons Town Hall at 303-823-6622 for more information.

(c) The Town Administrator is authorized to permit, upon request and on a case-by-case basis,

the use of explosives between the hours of 8:30 a.m. and 10:00 a.m. and/or between the hours of 3:00 p.m. and 5:30 p.m. where the Town Administrator finds all of the following circumstances to exist:

(1) The person requesting the use of explosives properly obtained an explosives permit in accordance with this Article.

(2) The person set or otherwise prepared explosives with the intent of discharging the explosives between the hours of 10:00 a.m. and 3:00 p.m.

(3) The person encountered unforeseen construction difficulties that directly prevented the discharge of explosives between the hours of 10:00 a.m. and 3:00 p.m.

(4) A denial of the request to use explosives will result in harm or a potential risk of harm to the safety of the public. (Prior code 8-10-4; Ord. 956 §1, 2014) 18-25

ARTICLE 13

Flood Damage Prevention

Division 1

General Provisions

Sec. 18-13-10. Statutory authorization.

The Legislature of the State of Colorado has, in Article 20 of Title 29, C.R.S., delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Therefore, the Board of Trustees does hereby adopt the floodplain management regulations contained in this Article. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-20. Findings of fact.

(a) The flood hazard areas of the Town are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which

cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-30. 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 floodprone areas in such a manner as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is located in a flood hazard area.

(Ord. 920 §1, 2012; Ord. 956 §1, 2014) 18-26

Sec. 18-13-40. Methods of reducing flood loss.

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 flood waters.

(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 flood waters or which may increase flood hazards to other lands. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-50. 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 one-hundred-year flood and one-percent-chance flood are synonymous with the term 100-year flood. The term does not imply that the flood will necessarily happen once every one hundred (100) years.

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

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

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

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

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main

stream. Alluvial fans contain active stream channels and boulder bars and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.18-27

Appeal means a request for review by the Board of Trustees when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Article. The process provided in this Article for appeals from decisions made by the Floodplain Administrator shall be used in lieu of the appeal process set forth in Article 1 of this Chapter for appeals from decisions made by the Building Inspector.

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

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

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

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

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

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

regulation.

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

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

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 18-13-380 of this Article, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

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. 18-28

DFIRM database means the 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 a 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: (1) 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 (2) 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 flood waters.

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

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

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

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

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

- a. The overflow of water from channels and reservoir spillways;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides or mudflows that occur from excess surface water which 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 18-29 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 FEMA. 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 Town 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 special flood hazard area (SFHA) within the Town, the Town shall require permits for all proposed construction or other development in the Town, 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 National Flood Insurance Program (NFIP) and this Article.

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

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

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

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be 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.18-30

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:

- a. 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;
- b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;
- c. 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
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of Interior, or
 2. Directly by the Secretary of 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. Letters of map revision (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 18-31

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); and any floor used for living purposes which includes working, storage, sleeping, cooking and eating, 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 or 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 the Town'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 National Flood Insurance Program NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the National Flood Insurance Program 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. 18-32

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 physical map revision (PMR) is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

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

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

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

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

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

of the market value of the structure just prior to when the damage occurred.18-33

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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

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

Variance means a grant of relief to a person from the requirement of this Article when the Board of Adjustments finds that 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 Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 920 §1, 2012; Ord. 943 §1, 2013; Ord. 956 §1, 2014)

Sec. 18-13-60. Lands to which regulations apply.

This Article shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the Town. The Town adopts by reference the "Design Report for Lyons Valley Park Bridge St. Vrain Creek Crossing" (the "Report"), dated revised March 19, 2001, prepared by Hurst & Associates, Inc., to identify the physical character of the St. Vrain Creek floodplain at the area of the Lyons Valley Park bridge crossing (McConnell Street at approximately U.S. Highway 36/66) and to govern the construction and design of improvements within the limited floodplain as described in such Report. (Ord. 920 §1, 2012; Ord. 956 §1, 2014) 18-34

Sec. 18-13-70. Basis for establishing special flood hazard areas.

The special flood hazard areas identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Lyons, Colorado," dated December 12, 2012, 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 flood insurance study (FIS) and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Board of Trustees. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), digital flood insurance rate maps (DFIRMs), flood insurance rate maps (FIRMs) and/or flood boundary and floodway maps (FBFMs) on file and available for public inspection. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-80. Establishment of floodplain development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this Article. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-90. Compliance.

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

(Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-100. Abrogation and greater restrictions.

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

920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-110. 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.

920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-120. 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 18-35

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. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-130. Severability.

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Article as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Division 2

Administration

Sec. 18-13-210. Designation of Floodplain Administrator.

The Town Administrator 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. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-220. Duties and responsibilities of Floodplain Administrator.

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

- (1) The Floodplain Administrator shall 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 18-13-230 below.
- (2) The Floodplain Administrator shall review, approve or deny all applications for floodplain development permits required by adoption of this Article.
- (3) The Floodplain Administrator shall 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) The Floodplain Administrator shall 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) The Floodplain Administrator shall 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.18-36

(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 18-13-70 of this Article, 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 Division 3 of this Article.

(8) For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the Town's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half ($\frac{1}{2}$) foot at any point within the community.

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Town may approve certain development in Zones A1-30, AE and AH on the Town's FIRM which increases the water surface elevation of the base flood by more than onehalf

(0.5) foot, provided that the Town first applies for a conditional FIRM revision through FEMA (conditional letter of map revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(10) The Floodplain Administrator shall notify, in riverine situations, adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(11) The Floodplain Administrator shall ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-230. 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 areas. 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. 18-37

(3) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 18-13-320(2) of this Article.

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

(5) Maintain a record of all such information in accordance with Section 18-3-220 above.

(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 flood waters 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. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-240. Variance procedures.

(a) The Board of Adjustments shall hear and render judgment on requests for variances from the requirements of this Article.

(b) The Board of Adjustments shall hear and render judgment on an appeal only when it is alleged that 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 Board of Adjustments may appeal such decision in the courts of competent jurisdiction.18-38
- (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 the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Section 18-13-240 above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this Article, the Board of Adjustments 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 18-13-30.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) 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.
- (j) 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.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
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(1) The criteria outlined in Subsections (a) through (i) above 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.

(l) Copies available, charges: At least three (3) certified copies of this Article are on file in the office of the Town Clerk and may be inspected during regular business hours. In addition, copies are available for distribution and sale to the public at a price not to exceed the cost to the Town.

(m) 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 a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined or imprisoned as provided in Section 1-4-20 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. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-250. Appeals.

(a) The Board of Trustees shall hear and render judgment on an appeal when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Article.

(b) The Board of Trustees may reverse the decision or determination of the Floodplain Administrator only upon a finding of good cause.

(c) When an appeal of a determination of substantial damage or nonsubstantial damage, and the appealing party is relying upon the written estimate of a licensed contractor that contradicts the finding of substantial or nonsubstantial damage, the Board of Trustees shall delegate the matter to the Town Administrator for further proceedings.

(d) Any person aggrieved by the decision of the Town Administrator pursuant to this Section may appeal such decision to the Board of Trustees. Any person aggrieved by the decision of the Board of Trustees may appeal such decision to the Boulder County District Court pursuant to Colorado Rules of Civil Procedure Rule 106(a)(4).

(e) The Floodplain Administrator shall maintain a record of all actions involving an appeal.

(f) The right of appeal provided herein shall be a separate remedy from the variance process described in Section 18-13-240 above. (Ord. 943 §2, 2013; Ord. 956 §1, 2014) 18-40

Division 3

Flood Hazard Reduction

Sec. 18-13-310. 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 flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-320. Specific standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in Section 18-13-70, Paragraph 18-13-220(7), or Section 18-13-370, 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.18-41

(2) Nonresidential construction.

a. With the exception of critical facilities, outlined in Section 18-13-380 of this Article, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) 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.

b. 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 Section. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 18-13-230 of this Article.

(3) Enclosures.

a. 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.

b. 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:

1. 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.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. 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.

a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the Town's FIRM on sites: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. 18-42

b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the Town's FIRM that are not subject to the provisions of the above Subparagraph shall be elevated so that either:

1. The lowest floor of the manufactured home is one (1) foot above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles.

a. All recreational vehicles placed on sites within Zones A1-30, AH and AE on the Town's FIRM either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the permit requirements of Section 18-13-230 of this Article and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above.

b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(6) Prior approved activities. Any activity for which a floodplain development permit was issued by the Town or a conditional letter of map revision (CLOMR) was issued by FEMA prior to December 18, 2012, may be completed according to the standards in place at the time of the permit or conditional letter of map revision (CLOMR) issuance and will not be considered in violation of this Article if it meets such standards. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)
Sec. 18-13-330. Standards for areas of shallow flooding (AO/AH Zones).

Located within the special flood hazard area established in Section 18-13-70 of this Article are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the Town's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado 18-43

professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) Nonresidential construction.

a. With the exception of critical facilities, outlined in Section 18-13-380 of this Article, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the Town's FIRM (at least three [3] feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 18-13-230 of this Article, are satisfied.

b. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-340. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 18-13-50 of this Article). Located within special flood hazard areas established in Section 18-13-70 of this Article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements

and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the Town during the occurrence of the base flood discharge.

(2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Division.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the Town first applies for a conditional letter of map revision (CLOMR) and floodway revision through FEMA. (Ord. 920 §1, 2012; Ord. 956 §1, 2014) 18-44

Sec. 18-13-350. Alteration of watercourse.

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

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado

professional engineer or certified professional hydrologist.

(5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.

(6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a conditional letter of map revision (CLOMR) and floodway revision in accordance with Section 18-13-340 above.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-360. Properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), with a lowest floor elevation placed below the base flood elevation with one (1) foot of freeboard that existed prior to the placement of fill. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-370. 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.18-45

(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 18-13-80; Section 18-13-230; and the provisions of this Division.

(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 18-13-70 or Section 18-13-220 of this Article.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage. (Ord. 920 §1, 2012; Ord. 956 §1, 2014)

Sec. 18-13-380. Critical facilities.

(a) Standards. 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 Town at any time before, during and after a flood.

(b) Classification. It is the responsibility of the Board of Trustees to identify and confirm that specific structures in the Town meet the criteria set forth in this Subsection. Critical facilities are classified under the following categories: (1) essential services; (2) hazardous materials; (3) at-risk populations; and (4) vital to restoring normal services.

(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). 18-46

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).

f. Air transportation lifelines (airports, municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power-generating plants and related appurtenances. 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 waterreactive materials.

c. Refineries.

d. Hazardous waste storage and disposal sites.

e. Aboveground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a material safety data sheet on file for any chemicals stored or used in the work place, AND the chemical is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as extremely hazardous substances; or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for material safety data sheets can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency 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 18-47

the promulgation this Article, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category 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.

(3) 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).

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

(4) 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. 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 18-48 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 or floodproofing of the structure to at least two (2) feet above the base flood elevation.

(d) Ingress and egress. 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. 920 §1, 2012; Ord. 956 §1, 2014)

ARTICLE 14

Park Fees

Sec. 18-14-10. Fee imposed.

(a) Any person applying for a building permit to construct a single-family residence, multifamily residence, apartment building or other residential building, however described, or to construct an addition to or enlarge an existing building, shall pay a park fee to the Town prior to the issuance of the building permit.

(b) On April 1 of each year, this fee shall be automatically adjusted in accordance with the Consumer Price Index (CPI) as established by the U.S. Bureau of Labor Statistics for the Denver/Boulder Metropolitan Area. The current park fee is available at the Town Clerk's office.

(Prior code 8-6-1; Ord. 956 §1, 2014)

Sec. 18-14-20. Floor area defined.

For the purposes of computing the park fee, floor area is defined as the area included within the surrounding exterior walls of a building or portion thereof, including the total livable floor space, finished or unfinished, but excluding attached or detached garage areas, as well as unenclosed porches or balconies of a building or portion thereof, measured from the outside of all exterior walls. Such floor area and total livable space shall be determined by the Building Inspector from the plans and specifications submitted as a part of the building permit application. (Prior code 8-6-2; Ord. 956 §1, 2014)

Sec. 18-14-30. Park Fund.

All park fees collected by the Town shall be placed in a separate fund to be known as the Park Fund, and shall be disbursed upon authorization of the Board of Trustees only for the purposes of providing parks, open space and recreational facilities, including the purchase of land, the acquisition or construction of new facilities and the improvement of existing facilities. Park fees collected after March 1, 2001, may also be disbursed for the purpose of operation and maintenance of existing parks and open space. (Prior code 8-6-3; Ord. 956 §1, 2014) 18-49