

Title 13

BUILDINGS AND CONSTRUCTION

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Chapter 13.01

GENERAL PROVISIONS

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13.01.010 Short Title. This Title may be cited for all purposes as the “Town of Eagle Building and Construction Code.” (Ord. 37-2005 §1 (part), 2005).

13.01.020 Applicability of Codes. The building codes adopted by reference in this Title shall be applicable within the Town of Eagle, where:

A. A building or structure is built, this Title applies to the design and construction of said building or structure including plumbing, heating and electrical installation of the building or structure;

B. The whole or part of a building, structure, factory-built unit, manufactured home, or mobile home is moved, either into or from the Town of Eagle or from one property to another within the Town of Eagle, this Title applies to the building, structure, factory-built unit, manufactured home, or mobile home or part thereof moved and to any remaining part affected by the change, unless otherwise provided by law;

C. The whole or part of a building, structure, factory-built unit, manufactured home, or mobile home is demolished, this Title applies to the demolition and to any remaining part affected by the change;

D. A building, structure, factory-built unit, manufactured home, or mobile home is altered, this Title applies to the alteration and all parts of the building, structure, factory-built unit, manufactured home, or mobile home affected by the change;

E. Repairs are made to a building, structure, factory-built unit, manufactured home, or mobile home, this Title applies to any such repair; and

F. The class of occupancy of the building or structure or part thereof is changed, this Title applies to all parts of the building or structure affected by the change. (Ord. 37-2005 §1 (part), 2005).

13.01.030 Exceptions.

A. This Title does not apply to any mobile home, manufactured home, or factory-built unit which conforms to the health and safety requirements of the Colorado State Board of Health, the Colorado Division of Housing, or the National Manufactured Housing Construction and Safety Standards Act of 1974. (Ord. 2-2009 §1, 2009; Amended Ord 23-2013 §1, 2013).

B. Provided, however, any factory-built unit, manufactured home, or mobile home referred to in subsection (A) of this Section shall comply with the provisions of Chapter 13.12. Additions to any mobile home, manufactured home, or factory-built unit shall comply with all provisions of this Title. (Ord. 37-2005 §1 (part), 2005).

13.01.040 Severability of Code Provisions. If any Section, Sections, or subsection or provision of this Title or any Code adopted by reference in this Title, as adopted, or the application thereof to any person or circumstance is declared unconstitutional or otherwise invalid by any competent court, such validity shall not effect the other Sections, subsections, provisions or applications of this Title or said Code adopted by reference if they can be given effect without the invalid Section, Sections, subsection, provision or application. (Ord. 37-2005 §1 (part), 2005).

13.01.050 Prevailing Provisions. Where the requirements or conditions imposed by any provision of a Code adopted by reference in this Title, or its appendices, differ from the requirements or conditions imposed by a provision of another law, ordinance, resolution or order having application in the Town of Eagle, the provision which is more restrictive shall govern. (Ord. 37-2005 §1 (part), 2005).

13.01.060 Violations - Penalty. Except as may otherwise be provided in this Title, any person, firm, or corporation violating any of the provisions of this Title shall be deemed guilty of a Class A municipal offense and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Title is committed, continued or permitted. Said offense shall be deemed to be one of “strict liability”. (Ord. 37-2005 §1 (part), 2005).

Chapter 13.02

DEFINITIONS

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13.02.010 Generally. For the purpose of this Title all words, terms and expressions contained herein shall be interpreted in accordance with the definitions set out in the codes adopted by reference in this Title, except as otherwise set forth in this Chapter. (Ord. 37-2005 §2 (part), 2005).

13.02.020 Administrative Authority. “Administrative Authority” shall mean the Eagle Building Department. (Ord. 37-2005 §2 (part), 2005).

13.02.030 Building Contractor.

A. Definition. “Building Contractor” means a person, firm, co-partnership, corporation, association or other organization, or any combination thereof:

1. Who undertakes with or for another, within the Town, to build, construct, alter, repair, add to or demolish any building or structure or any portion thereof, for which a permit is required and for a fixed sum, price, fee, percentage or other compensation or any combination thereof; or

2. Who builds, constructs, alters, adds to, moves or demolishes any building or structure either on his own or other property, for purpose of resale or rental, except a residence intended for his own personal use and occupancy. A person constructing his own home without the aid of a licensed contractor may secure a permit on only one residence in any three (3) year period and the construction of more than one (1) residence by said person in any three (3) years shall be presumed to have been for resale or rental, and said person shall be considered a building contractor for the purposes of this Title.

B. Exceptions. The following shall not be deemed to be contractors as the term is used herein:

1. Plumbers, electricians, or other specialized trades for which special licenses are required.

2. Owners making ordinary repairs to any building, which repairs do not involve the structure of the building and on which a contractor is not employed. (Ord. 37-2005 §2 (part), 2005).

13.02.040 Building Official or Inspector. “Building Official or Inspector” shall mean the Town of Eagle Chief Building Official and the Building Official’s duly authorized deputies, inspectors, staff and others reasonably involved in code administration and enforcement. (Ord. 37-2005 §2 (part), 2005).

13.02.045 Certificate of Occupancy. “Certificate of Occupancy” shall mean no building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Title or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this Title or other ordinances of the jurisdiction shall not be valid. (Ord. 37-2005 §2 (part), 2005).

13.02.050 Chief of the Fire Department. “Chief of the Fire Department” means the head of the fire protection district having jurisdiction, or his regularly authorized deputy, or the Eagle Building Official. (Ord. 37-2005 §2 (part), 2005).

13.02.055 Code. "Code" shall mean the International Building Code, 2012 Edition, with appendices thereto; the International Residential Code, 2012 Edition, with appendices thereto; the International Plumbing Code, 2012 Edition, with appendices thereto; the International Mechanical Code, 2012 Edition, with appendices thereto; the International Fuel Gas Code, 2012 Edition, with appendices thereto; the International Energy Conservation Code, 2012 Edition; National Electric Code, 2011 Edition; the ANSI/ASME Safety Code for Elevators and Escalators, A17.1 2007 Edition, the American Society of Mechanical Engineers; ANSI/ASME Guide for Inspection of Elevators, Escalators and Moving Walks A17.2 2007 Edition, ANSI/ASME Safety Code for Existing Elevators and Escalators A17.3 2005 Edition, ANSI/ASME Guide for Emergency Personnel A17.4 1999 Edition, ANSI/ASME Elevator and Escalator Electrical Equipment A17.5 2007 Edition, ANSI/ASME Safety Standard for Platform Lifts and Stairway Chairs A18.1 2005 Edition, and ICC/ANSI Accessible and Usable Building and Facilities A117.1 2009 Edition; the International Fire Code, 2012 Edition, with appendices thereto; and all amendments to said Codes and/or Standards as of the date of this Title. (Ord. 37-2005 §2 (part), 2005; Amended Ord. 2-2009 §2, 2009; Amended Ord 23-2013 §1, 2013; Amended Ord 23-2014 §1, 2014).

13.02.060 Permitted Construction Hours and Activities.

A. Construction and related construction support activities shall be limited to the construction hours and activities described in this Section. For the purpose of this Section, the term "construction and related construction support activity" include the operation of any construction device or power equipment which is attended by loud or unusual noise as determined by the Town's Building Official as well as noise attributed to workers arriving on a job site such as loud talking, laughing or singing; vehicular noise, the playing of radios or other music; assembling, moving or stacking of construction materials; deliveries; and the running of motors, engines or generators.

Construction hours and related construction activities shall be limited to the following:

Day	Hours
Monday through Friday	7:00 a.m. to 7:00 p.m.
Saturday	9:00 a.m. to 6:00 p.m.
Sunday	No outside construction or related construction support activities shall be permitted at any time on Sundays. Finish work and related support activities that occur within a fully constructed structure is permitted between the hours of 9:00 a.m. and 6:00 p.m. on Sundays.
Holidays January 1, Memorial Day, July 4, Labor Day, Thanksgiving Day, and Christmas Day	All construction and construction support related activities are prohibited.

B. Exceptions.

1. When an emergency condition exists, necessary construction and related activities shall be permitted at any hour or day of the week. Such emergency work shall be completed as rapidly as possible in order to prevent any disruption or disturbance to occupants of adjacent properties.
2. The Building Official and/or Town Engineer may grant a waiver to the limitations on construction and related construction activities on a case by case basis.

(Ord. 37-2005 §2 (part), 2005; Ord. 15-2007 §1, 2007; Ord. 2-2009 §3, 2009, Ord. 23-2013 §3, 2013).

13.02.065 Electrical Contractor. “Electrical Contractor” means any person, firm or corporation engaged in the business of installing electrical wires, fixtures, signs, appliances or apparatus using electrical energy within the corporate limits of the Town. Nothing contained in this Section shall apply to the installation of their own apparatus by a telecommunications, cable television, or power company operating under a franchise granted by the Town. (Ord. 37-2005 §2 (part), 2005).

13.02.070 Factory-Built Unit. “Factory-Built Unit” means any structure or component thereof, designed primarily for residential or commercial occupancy, either permanent or temporary, which is wholly or in substantial part made, fabricated, formed or assembled in a manufacturing facility for installation or assembly and installation, on a permanent foundation at a building site and which carries a Colorado Division of Housing “Factory-Built Unit Certification.” (Ord. 37-2005 §2 (part), 2005).

13.02.075 Final Inspection. “Final Inspection” shall mean a final inspection and final approval of all buildings and structures when deemed complete and ready for occupancy and use. A final inspection approval for one-and two-family dwelling units may be granted only if, but not limited to, the following components of a project are complete, in compliance with the Codes, and approved by the Building Official:

1. Kitchen complete and operative;
2. All bathrooms complete and operative as per the approved plans;
3. All smoke detectors installed per IBC 907 and IRC 3.13;
4. The following life safety items are fully installed:
 - a. Address numbers
 - b. Handrails

- c. Guardrails
 - d. Decks
 - e. Stairs
 - f. Separation between the garage and house complete, with a self-closing, tight-fitting, twenty (20) minute fire protection rated door (must latch.)
 - g. Floor covering;
5. Furnace/boiler operable;
 6. Final electrical approval;
 7. Final mechanical and plumbing approval;
 8. Fire Department review and approval of commercial or multi-family residential projects where required,
 9. All required permits are issued;
 10. Culvert under the driveway installed per specifications (located on the approved drawing), and the on-site drainage improvements are cleaned to allow water to flow freely;
 11. Positive drainage away from the structure at all locations directed to a drainage easement or street and not impairing adjacent properties;
 12. The exterior of the building shall be completed, including roof assembly and parking areas, as per approved plans;
 13. Sufficient roadway access for emergency vehicles;
 14. Landscape and revegetation completed. Revegetation of minimum of sod, hydroseed or seed and mulch; and
 15. Final site inspection from the Town of Eagle Public Works Department is completed. (Ord. 37-2005 §2 (part), 2005).

13.02.080 Health Officer. “Health Officer” means the Town of Eagle Health Officer, or the Eagle County Health Officer, or a regularly authorized designee. (Ord. 37-2005 §2 (part), 2005).

13.02.090 Jurisdiction. “Jurisdiction” means the corporate limits of the Town of Eagle, Colorado. (Ord. 37-2005 §2 (part), 2005).

13.02.095 **Loft.** "Loft" shall mean any story or floor area in a building which is open to the floor directly below, but which does not qualify as a mezzanine due to its failure to comply with one or more of the items specified for mezzanine floors in IBC 505. At least one side of the loft shall be at least fifty percent (50%) open to the room below. Lofts may be habitable space or non-habitable space. (Habitable lofts in residential occupancies shall be considered as sleeping rooms or bedrooms.) (Ord. 37-2005 §2 (part), 2005; Ord. 2-2009 §4, 2009).

13.02.100 **Lot.** "Lot" shall mean any legal parcel of land approved by the Board of Trustees and created in accordance with the Town of Eagle Land Use Ordinance and a plat showing such lot is recorded in the office of the Eagle County Clerk and Recorder. (Ord. 37-2005 §2 (part), 2005).

13.02.110 **Manufactured Home.** "Manufactured Home" means a single-family dwelling which is partially or entirely manufactured in a factory and designed for long-term residential or non-residential use and transported to its occupancy site; and is not less than twenty-four feet (24') in width and thirty-six feet (36') in length; and is installed on an engineered permanent foundation; and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 *et seq.*, as amended, and bears such certification label. (Ord. 37-2005 §2 (part), 2005).

13.02.120 **Mobile Home.** "Mobile Home" shall mean a structure defined in Section 4.03.040 of the Eagle Municipal Code, or a factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without permanent foundation.

A. The Phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. (American National Standards Institute [ANSI] Article A119.1: Standard for Manufactured Homes, Installation, Sites and Communities, National Fire Protection Association [NFPA] Edition No. 501A, 2009 Section 1.2)]. (Ord. 37-2005 §2 (part), 2005; Ord. 2-2009 §5, 2009, Ord. 23-2013 §5, 2013).

13.02.130 **Plumbing Contractor.** "Plumbing Contractor" means any person, firm or corporation registered with the State of Colorado who is engaged in the business, or desiring to engage in the business of, installing plumbing fixtures, fixture traps, soil, waste, and vent pipes with their devices, appurtenances and connections, within or adjacent to buildings or structures, public or private, in the Town. (Ord. 37-2005 §2 (part), 2005; Ord. 2-2009 §6, 2009).

13.02.140 **Road or Street.** "Road or Street" shall mean a way or right-of-way reserved for public or private use (other than an alley) which also provides primary vehicular and pedestrian access to adjacent properties; it may also be used for drainage or utility access to adjacent properties, and may include the terms: avenue, drive, highway, lane, place, road, street or other similar designation. (Ord. 37-2005 §2 (part), 2005).

13.02.150 Sign. The term “sign” shall include any writing, letter, word, numeral, pictorial representation, pictorial abstraction, graphic or pictorial form, emblem, symbol, trademark, object or design which conveys a recognizable meaning or identity or distinction, or any of the above which forms a structure or part of a structure or which is affixed in any fashion to any structure and which by reason of the form or color or wording or stereotyped design or other feature attracts or is designed to attract attention to the subject matter or is used as a means of identification or advertisement or announcement. (Ord. 37-2005 §2 (part), 2005).

13.02.160 Site. “Site” means any parcel or area of land having an area sufficient to satisfy the applicable provisions of Title 4, Land Use and Development, of the Eagle Municipal Code. (Ord. 37-2005 §2 (part), 2005).

13.02.170 Special Contractor. “Special Contractor” means a contractor for all other trades not specifically classified elsewhere in this Title, such as, but not limited to, masonry, plastering, elevator installation, glaziers, drywall, painters, carpet layers, tilers, landscapers, steel fabrication and erection, house moving, demolition, asphalt paving, concrete form and finish, excavating and heavy equipment or any other particular trade or work connected with the building industry. (Ord. 37-2005 §2 (part), 2005).

13.02.175 Temporary Certificate of Occupancy for One and Two-Family Units. “Temporary Certificate of Occupancy for one and two-family units (R-3 occupancies)” shall mean a Temporary Certificate of Occupancy that may be issued when, but not limited to, the following components of a project are complete and approved by the Building Official:

1. Kitchen operative;
2. One bathroom operative as per the approved plans;
3. All smoke detectors installed per IRC 313 and IBC 907.2.10;
4. The following life safety items are fully installed:
 - a. Address numbers
 - b. Handrails
 - c. Guardrails
 - d. Decks
 - e. Stairs
 - f. Separation between the garage and house complete, with a self-closing, tight fitting, twenty (20) minute fire protection rated door (must latch)

- g. Floor covering complete
- h. Outside of building complete;
- 5. Furnace/Boiler is operable;
- 6. Final electrical approval;
- 7. Final mechanical and plumbing approval;
- 8. Culvert under the driveway installed per specifications (located on the approved drawing) and the on-site drainage improvements are cleaned to allow water to flow freely;
- 9. Positive drainage away from the structure at all locations directed to a drainage easement or to the street and not impairing adjacent property;
- 10. The permit holder and owner/buyer/occupant shall agree that all required corrections as stated by the Building Official are completed within a ninety (90) day time period;
- 11. Sufficient roadway access for emergency vehicles; and
- 12. Temporary Certificate of Occupancy inspection from the Town of Eagle Public Works Department and approved.

The contractor and/or owner (if owner build) shall sign a Temporary Certificate of Occupancy. The Temporary Certificate of Occupancy for one and two-family dwellings shall be valid for a period of up to, but not more than, ninety (90) days from date of issuance and shall be posted in a conspicuous place on the premises until final approval for occupancy is complete. The Building Official may grant an extension on a case by case basis. (Ord. 37-2005 §2 (part), 2005; Ord. 2-2009 §7, 2009).

13.02.176 Temporary Certificate of Occupancy for Commercial or Multi-Family, Three or More Units "Temporary Certificate of Occupancy for Commercial or Multi-Family, three (3) or More Units (A, B, E, H, I, M, R-1, R-2, R-4, S & U occupancies)" shall mean a Temporary Certificate of Occupancy that may be issued when, but not limited to, the following components of a project are complete and approved by the Eagle Building Official:
(Ord. 2-2009 §8, 2009)

- 1. Kitchen operable;
- 2. One bathroom operative per unit in multi-family and required restrooms in commercial occupancy;

3. All smoke detectors installed per IBC 907.2.10;
4. The following life safety items are fully installed:
 - a. Address numbers
 - b. Handrails
 - c. Guardrails
 - d. Decks
 - e. Stairs
 - f. Separation between the garage and house complete or commercial occupancy, with a self-closing, tight-fitting, fire protection rated door (must latch)
 - g. Floor covering complete
 - h. Outside of building complete;
5. Furnace/Boiler is operable;
6. Final electrical approval;
7. Final mechanical and plumbing approval;
8. Fire Department review and approval of commercial and multi-family projects where required;
9. If a culvert under the driveway is required, it is to be installed per specifications (located on the approved drawing) and on-site drainage improvements are cleaned to allow water to flow freely; (Ord. 2-2009 §9, 2009).
10. Positive drainage away from the structure at all locations directed to a dedicated drainage easement or to the street and not impairing adjacent properties;
11. Commercial or Multi-Family Residential (3 or more dwelling units) projects shall be required to have a completed core and shell inspection. The exterior of said buildings shall be required to be completed, including roof assembly. The interior of said buildings shall have all exit corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exit passageways, courts, yard and entryways completed in all occupied areas. (Separate adequate parking shall be required for the public of said buildings.); and

12. Where landscaping, revegetation, drainage or culvert installation is required under the Town's Land Use Code for the purposes of preventing land erosion, improper drainage, damage to properties and unsightliness in residential zones containing multi-family dwellings and in all portions of Lots in Commercial Limited (CL), Commercial General (CG), Industrial (I) and Planned Unit Development (PUD) Zone Districts is not complete, or where public improvements are required under the Town's Land Use Code, a Temporary Certificate of Occupancy may be awarded upon submittal and approval of a properly executed construction improvement agreement. If the improvements required for issuance of a final Certificate of Occupancy have not been completed within one (1) year of the date of issuance of the Temporary Certificate of Occupancy, the Town may arrange such completion using the collateral provided. Should compliance be attained any time prior to the expiration of one (1) year, the collateral will be returned to the permittee upon issuance of the final Certificate of Occupancy; and

13. Temporary Certificate of Occupancy inspection completed by the Town of Eagle Public Works Department and approved.

The Temporary Certificate of Occupancy for commercial or multi-family dwellings shall be valid for a period of up to, but not more than, one (1) year from date of issuance, where a project does not have a construction improvement agreement. The Temporary Certificate of Occupancy shall be posted in a conspicuous place on the premises until final approval of occupancy is complete. (Ord. 37-2005 §2 (part), 2005).

13.02.180 Town. "Town" means the incorporated area of the Town of Eagle which may be referred to in this Title as the regulated area. (Ord. 37-2005 §2 (part), 2005).

13.02.190 Work. "Work" means the construction, demolition, alteration, repair, moving or change in the class of occupancy of any building, equipment or structure, and shall include the installation, construction, alteration or repair of any private or sub-surface sewage disposal system, and the placement and use of a mobile home, manufactured home, and factory-built unit anywhere within the Town of Eagle. (Ord. 37-2005 §2 (part), 2005).

Chapter 13.03

INTERNATIONAL BUILDING CODE

Sections:

- 13.03.010 Adopted by Reference.
- 13.03.020 Amendments.
- 13.03.030 Copies on File and Available for Sale.
- 13.03.040 Penalties.

13.03.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is adopted by reference thereto, the International Building Code, 2012 Edition, with Appendices C, E, G, I, and J thereto, promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purposes of the Code are to protect the safety of residents of the Town by prescribing minimum standards for buildings and other structures. The subject matter of this Code includes regulations concerning the erection, enlargement, construction, alteration, repair, moving, removal, conversion, demolition, occupancy, use, height, area, maintenance and other matters relating to buildings and structures with the Town. (Ord. 23-2013 §10, 2013)

13.03.020 Amendments. The International Building Code, 2012 Edition ("IBC 2012 Code") is hereby amended as follows:

A. Where the requirements or conditions imposed by a provision of this Title differ from the requirements or conditions imposed by the IBC 2012 Code, the most restrictive shall govern.

B. *Section 104.1:* The first sentence of the first paragraph of Section 104.1 is amended to read as follows:

The Building Official is hereby authorized and directed to enforce all of the provisions of this Code; however, a guarantee that all buildings and structures have been constructed in accordance with all provisions of this Code is neither intended nor implied.

C. *Section 105.1.1:* Section 105.1.1 is hereby deleted.

D. *Section 105.1.2:* Section 105.1.2 is hereby deleted.

E. *Section 105.2:* Section 105.2, entitled Work Exempt from Permits, under Building, is amended by revising paragraphs (1), (2) and to include an additional paragraph (14) which shall read as follows:

1. One story detached buildings used as tool and storage sheds, a playhouse and similar uses, provided the floor area does not exceed one hundred twenty square feet (120 sq.

ft.) and the height of said buildings does not exceed ten feet (10') at peak of roof. The buildings must specifically not be intended or used for human habitation.

2. Fences not over six feet (6') high and located in side or rear yard areas. (Ord. 23-2013 §10, 2013)

14. Decks not more than thirty inches (30") above grade and not more than twenty square feet (20 sq. ft.), will not require a building permit.

F. *Section 105.3.1: Section 105.3.1*, entitled Action on Application, is amended to include the following additional paragraph:

A building permit will not be issued in the Town of Eagle jurisdiction until all construction drawings and applications are submitted and approved and payment of permit fees, use tax, street improvement fees, fire protection impact fees, emergency services impact fees (if applicable) and water and wastewater plant investment (tap) fees are made and all other fees are paid.

G. *Section 105.7: Section 105.7*, entitled Placement of Permit, is amended to include the following additional sentences:

Inspection record cards shall be posted as described in subsection 13.13.050(C). It shall be the responsibility of the permittee to display the building permit card on the job site throughout the construction process for inspector's signatures.

For Temporary Certificate of Occupancy approval to occur, this card must be fully signed and returned to the Town of Eagle Building Department at time of final inspection.

If this card becomes lost or unreadable there will be a twenty-five dollar (\$25.00) fee to update or replace the card.

H. *Section 107.1: Section 107.1* second sentence (remove the words "statutes of the"). (Ord. 23-2013 §10, 2013)

I. *Section 109.4: Section 109.4*, entitled Work Commencing Before Permit Issued, is amended to include the following additional subsection:

109.4.1 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code or from any penalty prescribed by law. (Ord. 23-2013 §10, 2013)

J. *Section 109.6: Section 109.6*, entitled Refunds, is amended to include the following

additional paragraph:

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than eighty 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 canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment. (Ord. 23-2013 §10, 2013)

K. *Section 109.2:* Section 109.2 entitled Schedule Permit Fees, is hereby amended to include the schedule of permit fees tables contained in Section 13.13.080 of the Eagle Municipal Code. The fees for each permit shall be as per the tables. (Ord. 23-2013 §10, 2013)

L. *Section 109.3:* Section 109.3, entitled Valuation, is hereby amended to include the following additional sentence:

The minimum valuation for building permits in the Town of Eagle shall be not less than the average cost figures per square foot shown in the most current Building Valuation Data Chart published biannually in the Building Safety Journal of the International Code Council. (Ord. 23-2013 §10, 2013)

M. *Section 406.3.4:* The first and second sentences of Section 406.3.4, entitled Separation, is amended to read as follows:

5/8" in thickness type X Gypsum Board applied to the garage side, in the first sentence. 5/8" in thickness type X Gypsum Board applied to structures supporting the separation from habitable rooms above the garage, in the second sentence. (Ord. 23-2013 §10, 2013)

N. *Section 708.1:* Section 708.1, entitled Fire Partitions, is amended to include the following additional sentences:

6. Insulation placed in occupancy separations shall not contain combustible materials.

7. No less than a one-hour fire resistive assembly shall be required for separation between individual tenants of Group A, B, F & M, occupancies located under a common roof assembly. (Ord. 23-2013 §10, 2013)

O. *Section 711.1:* Section 711.1, entitled General, is amended to include the following sentence: No less than a one hour fire resistive horizontal assembly shall be required for separation between individual tenants of Group A, B, F & M occupants located under a common roof assembly.

P. *Section 1204.1:* Section 1204.1, entitled Temperature Control, is amended to include the following additional sentence:

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

Q. *Section 1608.1:* Section 1608.1, entitled Snow Loads, is amended to include the following additional sentence:

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

R. *Section 1704.1:* Section 1704.1, entitled Special Inspection, is amended to include the following additional paragraph:

LOG HOMES: A third party inspection by a certified log inspection agency shall be required of all structural log type buildings. A letter of certification from said agency shall be required at the time of framing inspection.

S. *Section 1804.3:* Section 1804.3, entitled Site Grading, is amended to include the following additional paragraph:

Positive drainage away from the exterior of all foundation walls must be maintained. In those locations where the foundation is subjected to a high water table, or where surface or ground water drainage will present a problem, additional precautions may be required. Drainage improvements shall be completed per approved plans and be ready for inspection at the time of the Temporary Certificate of Occupancy inspection. It will be the general contractor's responsibility to maintain positive drainage on the site during all phases of construction, including protection of any drainage along the public roadway. (Ord. 23-2013 §10, 2013)

T. *Appendices C, E, G, H, I, J and K:* International Building Code, 2012 Edition, Appendices C, E, G, H, I, J and K are hereby adopted. (Ord. 23-2013 §10, 2013)

U. *Appendix J:* Appendix J, entitled Grading, is amended by adding the following Section J104.5:

Section J104.5: Section J104.5, entitled Permit Fee schedule as per Table 1 contained in Section 13.13.080 of the Eagle Municipal Code. (Ord. 23-2013 §10, 2013)

V. *Section 1809.5:* Section 1809.5, entitled Frost Protection, is amended to include the following additional paragraph:

All heated spaces within a building or attached thereto shall have foundation frost walls having a depth of at least forty-eight inches (48") measured from the bottom of the footing to the backfill grade lines, unless otherwise designed by a structural engineer for a specific location. (Ord. 23-2013 §10, 2013)

W. *Section 2113.9:* Section 2113.9, entitled Height and Termination, is amended to include the following additional sentences:

Solid fuel chimney caps shall not be constructed in a way that prevents accessibility for cleaning.

Where solid fuel and gas burning appliance flue vents are terminated within twenty-four inches (24") horizontally of each other, said flue vents are to be offset ten inches (10") vertically.

X. *Section 3001.5:* A new Section 3001.5, entitled Elevators and Conveying Systems, is added and shall read as follows:

1. ASME A17.1. 2013 Safety Code for Elevators and Escalators, includes Requirements for Moving Walks, Material Lifts and Dumbwaiters with Automatic Transfer Devices.
2. ASME A17.2. 2007 Guide for Inspection of Elevators, Escalators, Moving Walks.
3. ASME A17.3. 2005 Safety Code for Existing Elevators and Escalators.
4. ASME A17.4. 1999 Guide for Emergency Personnel.
5. ASME A17.5. 2004 Elevator and Escalator Electrical Equipment.
6. ASME A18.1. 2011 Safety Standard for Platform Lifts and Stairway Chairs.
7. ICC/ANSI A117.1 2009 Accessible and Usable Buildings and Facilities.

(Ord. 23-2013 §10, 2013, Amended by Ord. 03, Series 2015 § 1 and Ord. 19, Series 2015 § 1)

Y. *Section 3001.6:* A new Section 3001.6, entitled Elevators and Conveying Systems Permit Fees, is added and shall be as per Table 5 contained in Section 13.13.080 of the Eagle Municipal Code.

13.03.030 Copies on File and Available for Sale. At least one copy of the International Building Code, 2012 Edition, and the appendices thereto, together with one copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or Building Official.

Copies of said Code and appendices shall be available for sale to the public at a moderate price. (Ord. 23-2013 §10, 2013)

13.03.040 Penalties. The section of the International Building Code, 2012 Edition, entitled Violations, which contains a penalty clause is herewith amended and adopted as follows:

Section 114.1: Section 114.1, entitled Unlawful Acts: 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 Code.

Section 114.2: Section 114.2, entitled Notice of Violation: The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the International Building Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 114.3: Section 114.3, entitled Prosecution of Violation: If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

Section 114.4: Section 114.4, entitled Violation Penalties: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a Class A municipal offense and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted. Any municipal offense under this Section shall be deemed one of "strict liability."

(Ord. 37-2005 §3 (part), 2005; Ord. 2-2009 §10, 2009, Ord. 23-2013 §10, 2013).

Chapter 13.04

INTERNATIONAL RESIDENTIAL CODE

Sections:

- 13.04.010 Adopted by Reference.
- 13.04.020 Amendments.
- 13.04.030 Copies on File and Available for Sale.
- 13.04.040 Penalties.

13.04.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is adopted by reference thereto, the International Residential Code, 2012 Edition, with appendices A,B,C,D,E,F,G,H,J,K,M and O thereto, promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purposes of the Code are to protect the safety of residents of the Town by prescribing minimum standards for buildings and other structures. The subject matter of this Code includes regulations concerning the erection, enlargement, construction, alteration, repair, moving, removal, conversion, demolition, occupancy, use, height, area, maintenance and other matters relating to buildings and structures within the Town. (Ord. 23-2013 §11, 2013)

13.04.020 Amendments. International Residential Code, 2012 Edition, ("IRC Code") is hereby amended as follows:

A. Where the requirements or conditions imposed by a provision of this Title differ from the requirements or conditions imposed by the IRC 2006 Code, the most restrictive shall govern.

B. *Section R104.1:* The first sentence of the paragraph of Section R104.1 is amended to read as follows:

The Building Official is hereby authorized and directed to enforce all of the provisions of this Code; however, a guarantee that all buildings and structures have been constructed in accordance with all provisions of this Code is neither intended nor implied.

C. *Section R105.2:* Section R105.2 entitled Work Exempt from Permit under Building, Paragraph Nos. 1, 2 and 10 of Section R105.2 is hereby amended to read as follows:

1. One story detached buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty square feet (120 sq. ft.) and the height of said buildings does not exceed ten feet (10') at the peak of the roof. These buildings must specifically not be intended or used for human habitation.

2. Fences not over 6 feet (6') high and located in side or rear yard areas.

10. Decks not more than thirty inches (30") above grade, and not more than twenty square feet (20 sq. ft.) will not require a permit. (Ord. 23-2013 §11, 2013)

D. *Section R105.3.1:* Section R105.3.1, entitled Action on Application, is amended to include the following additional paragraph:

A building permit will not be issued in the Town of Eagle jurisdiction until all construction drawings and applications are submitted and approved and payment of permit fees, use tax, street improvement fees, fire protection impact fees, emergency services impact fees (if applicable) and water and wastewater plant investment (tap) fees are made and all other fees are paid.

E. *Section R105.7:* Section R105.7, entitled Placement of Permit, is amended to include the additional following sentences:

Inspection record cards shall be posted as described in subsection 13.13.050(c).

It shall be the responsibility of the permittee to display the building permit card on the job site throughout the construction process for inspectors' signatures.

For Temporary Certificate of Occupancy or Certificate of Occupancy approval to occur, this card must be fully signed and returned to the Town of Eagle Building Department at the time of final inspection.

If this card becomes lost or unreadable, there will be a twenty-five dollar (\$25.00) fee to update or replace the card.

F. *Section R108.2:* Section R108.2, entitled Schedule of Permit Fees, is hereby amended pursuant to Table 1 contained in Section 13.13.080 of the Eagle Municipal Code.

G. *Section R108.3:* Section R108.3, entitled Building Permit Valuation, is amended to include the additional following sentence:

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

H. *Section R108.5:* Section R108.5, entitled Fee Refunds, is amended to read as follows:

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

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

The Building Official may authorize refunding of not more than eighty 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 canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

I. *Section R108.6:* A new Section R108.6, entitled Work Commencing Before Permit Issuance, is amended to include the following additional subsections R108.6.1, entitled Investigation, and R108.6.2, entitled Fee, shall be added to Section R108 and shall read as follows:

R108.6 Work Commencing Before Permit.

R108.6.1: Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

R108.6.2: Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1 of Section 13.13.080 of the Eagle Municipal Code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code or from any penalty prescribed by law. (Ord. 23-2013 §11, 2013)

J. *Section R301.6:* Section R301.6, entitled Roof Load, is amended to include the additional following sentence:

Minimum snow load requirements shall be determined by using the most current edition of the Snow Load Design Data Guideline for Colorado, prepared by the Structural Engineers Association of Colorado. (Ord. 23-2013 §11, 2013)

K. *Section R303.9:* Section R303.9, entitled Required Heating, is amended to include the following additional sentence:

Heat loss calculations shall be required for all dwelling units, the minimum design criteria shall be a sixty-eight degree (68°) temperature inside and a minus twenty degree (-20°) temperature outside. (Ord. 23-2013 §11, 2013)

L. *Table R302.6:* Table R302.6 Dwelling/Garage separation amend as follows: under material change 1/2" to 5/8" in each area. (Ord. 23-2013 §11, 2013)

M. *Section R302.7:* Section R302.7, entitled Under Stair Protection, is amended to read

as follows:

Enclosed accessible and useable space under stairs shall have walls, under stair surface and any soffits enclosed or useable space sided with five-eighths inch (5/8") Type X Gypsum Board. (Ord. 23-2013 §11, 2013)

N. *Section R303.9:* Section R303.9, entitled Required Heating, is amended to include the following additional sentence:

Heat loss calculations shall be required for all dwelling units, the minimum design criteria shall be a sixty-eight degree (68°) temperature inside and a minus twenty degree (-20°) temperature outside. (Ord. 23-2013 §11, 2013)

O. *Section 309.5:* Delete Section 309.5, Fire Sprinklers. (Ord. 23-2013 §11, 2013)

P. *Subsection R309.6:* A new Subsection R309.6, entitled Mechanical and Hot Water Equipment in Garage, shall be added to Section R309 and shall read as follows:

Mechanical and hot water equipment located in a garage shall be located in a separate room or alcove with a minimum of eighteen inches (18") off of the garage floor or six feet (6') above garage floor if in the open area of the garage. (Ord. 23-2013 §11, 2013)

Q. *Section 313.1:* Section 313.1, entitled Townhome Automatic Fire Sprinkler System change "shall" to "may". (Ord. 23-2013 §11, 2013)

R. *Section 313.2:* Section 313.2, entitled One and Two-Family Dwellings, Automatic Fire System change "shall" to "may". (Ord. 23-2013 §11, 2013)

S. *Section R302.3:* Section R302.3, entitled Two-Family Dwelling, is amended to include the following additional sentence:

Single family residences having primary and secondary units within, require one (1) hour fire resistive separation assembly between them. (Ord. 23-2013 §11, 2013)

T. *Section R401.3:* *Section R401.3, entitled Drainage, is amended to include the following additional sentence:*

Positive drainage away from the exterior of all foundation walls must be maintained. In those locations where the foundation is subjected to a high water table, or where surface or ground water drainage will present a problem, additional precautions may be required. (Ord. 23-2013 §11, 2013)

U. *Section R403.1.4.1:* Section R403.1.4.1, entitled Frost Protection, is amended to include the following additional sentence:

All heated spaces within a building or attached thereto shall have foundation frost walls having a depth of at least forty-eight inches (48") measured from the bottom of the footing to the backfill grade lines, unless otherwise designed by a structural engineer for a specific location. (Ord. 23-2013 §11, 2013)

V. *Section R405*: Section R405, entitled Foundation Drains, is amended to include the following additional paragraph:

Foundation Drains. Where foundation or footing drains are required or provided voluntarily, they shall be connected to a positive outfall, sump pump or approved drywell. Perforated tile shall be installed below the area to be protected. Tile shall be made of approved materials and shall be installed having a minimum slope to outfall of one-half percent (1/2%) approximately one inch (1") in twenty feet (20'). Tops of joints in drain tile shall be covered with six to eight inches (6" - 8") of course gravel or crushed rock. Foundation drains may be omitted at the discretion of the soils engineer where well-drained soil exists or where ground or surface water will not present a problem. (Ord. 23-2013 §11, 2013)

W. *Section R1003.9*: Section R1003.9, entitled Termination, is amended to include the following additional sentence:

Solid fuel chimney caps cannot be constructed in a way that prevents accessibility for cleaning. (Ord. 23-2013 §11, 2013)

X. *Section R1005.8*: A new subsection R1005.8, entitled Shaft Enclosure, is added to Section R1005, entitled Factor Built Chimneys, and shall read as follows:

R1005.7: Shaft Enclosure. Factory built chimneys shall be enclosed with materials suitable for construction of a one (1) hour fire resistive wall. Fire stops can be omitted in cases which are protected on all sides. Cap enclosures shall be constructed of non-combustible material. (Ord. 23-2013 §11, 2013)

Y. *Section R1006.1*: Subsection R1006.1, entitled Exterior Air, is amended and shall read as follows:

R1006.1: Exterior Air. Factory built or masonry fireplaces covered in this Chapter shall be equipped with exterior air supply from the exterior of the building to assure proper fuel combustion and terminate inside the fire box. (Ord. 23-2013 §11, 2013)

Z. *Section N1101.11.1*: A new subsection N1101.11.1 entitled Exterior Design Conditions is added and shall read as follows:

Winter, Design Dry-Bulb	-22°F
Summer, Design Dry-Bulb	87°F
Summer, Design Wet-Bulb	62°F

Degree—Days Heating 8426
Degrees North Latitude 39°39”
Climate Zone 6
(Ord. 23-2013 §11, 2013)

AA. *Table N1102.1.1*: Table N1102.1.1, entitled Insulation and Fenestration Requirements By Component, the Climate Zone 6 Column the entry entitled Wood Frame Wall “R-Value” shall be amended to read “R-21”. (Ord. 23-2013 §11, 2013)

AB. *Section N1103.6*: Section N1103.6 entitled Equipment Sizing (Mandatory) is amended to include the following additional subsection N1103.6.1 entitled Heating Equipment Efficiency and shall read as follows:

Section N1103.6.1: Section N1103.6.1, Heating Equipment Efficiency. All Gas fired boilers and furnaces shall have a minimum efficiency of ninety-two percent (92%) AFUE. A condensate riser with trap attached to the drain system shall be installed close to Heating Equipment so condensation water doesn’t run on floor. (Ord. 23-2013 §11, 2013)

AC. *Section M1503*: Section M1503, entitled Range Hoods, and Subsection M1503.1, entitled General, is amended to delete the exceptions. (Ord. 23-2013 §11, 2013)

AD. *Section G2445*: Section G2445, entitled Unvented Room Heaters is hereby deleted. (Ord. 23-2013 §11, 2013)

AE. *Subsection P2904.1*: Subsection P2904.1, entitled General, add “If installed” at the beginning of the first sentence. (Ord. 23-2013 §11, 2013)

AF. *Subsection P2904.1.1*: Subsection P2904.1.1, entitled Required Sprinkler Location, add “If installed” at the beginning of the first sentence. (Ord. 23-2013 §11, 2013)

AG. *Appendices A,B,C,D,E,F,G,H,J,K,M and O*: International Residential Code 2012 Edition, Appendices A,B,C,D,E,F,G,H,J,K,M and O are hereby adopted.

13.04.030 Copies on File and Available for Sale. At least one copy of the International Residential Code, 2012 Edition, and the appendices thereto, together with one copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or Building Official. Copies of said Code and appendices shall be available for sale to the public at a moderate price.

13.04.040 Penalties. Section 113 of the International Residential Code, 2012 Edition, entitled Violations, which contains a penalty clause, is herewith amended and adopted as follows:

Section R113.1: Section R113.1, entitled Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, extend, alter, repair, move, improve, remove, convert, demolish, occupy any building, structure or use any equipment regulated by this Code 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 Code.

Section R113.2: Section R113.2, entitled Notice of Violation: The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section R113.3: Section R113.3, entitled Prosecution of Violation: If the notice of violation is not complied within the time prescribed by such notice, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

Section R113.4: Section R113.4, entitled Violation Penalties: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a Class A municipal offense and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted. Any municipal offense under this Section shall be deemed one of "strict liability."

(Ord. 37-2005 §4 (part), 2005; Ord. 2-2009 §11, 2009, Ord. 23-2013 §11, 2013).

Chapter 13.05

INTERNATIONAL MECHANICAL CODE

Sections:

- 13.05.010 Adopted by Reference.
- 13.05.020 Amendments.
- 13.05.030 Copies on File and Available for Sale.
- 13.05.040 Penalties.

13.05.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is adopted by reference thereto, the International Mechanical Code, 2012 Edition, with appendix A thereto, promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purpose of this Code is to protect the safety of residents of this Town by prescribing minimum standards for the installation, design, construction, quality of materials, location, operation and maintenance of heating, ventilating, cooling and refrigeration systems, incinerators, and other miscellaneous heat producing appliances.

13.05.020 Amendments. The International Mechanical Code, 2012 Edition, is hereby amended as follows:

A. *Section 106.5.2:* Section 106.5.2, entitled Fee Schedule, is hereby deleted and replaced with Table 2 contained in Section 13.13.080 of the Eagle Municipal Code.

B. *Section 106.5.3:* Section 106.5.3, entitled Fee Refunds, is amended to add “80%” to the first sentence in items 2 and 3.

C. *Subsection (B)309.1:* Subsection (B)309.1, entitled Space Heating System, is amended to delete the exception and add the following:

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

D. *Section 505:* Section 505 shall be amended by deleting the exceptions and adding the following additional sentences:

Domestic kitchen range exhaust ducts which discharge from the floor, shall be made of at least 26-gauge metal and shall have smooth surfaces. This requirement shall include those listed ranges, which permit the use of flexible metal exhaust ducts. All other domestic kitchen ranges located within dwelling units shall have range hoods over them and discharge to the outside through sheet metal ducts.

E. *Appendix A:* International Mechanical Code 2012 Edition, Appendix A is hereby adopted. (Ord. 23-2013 §12, 2013)

13.05.030 Copies on File and Available for Sale. At least one (1) copy of the International Mechanical Code, 2012 Edition, and the appendices thereto, together with one copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or Building Official. Copies of said Code and appendices shall be available for sale to the public at a moderate price. (Ord. 23-2013 §12, 2013)

13.05.040 Penalties. The section of the International Mechanical Code, 2012 Edition, Section 108, entitled Violations, which contains a penalty clause is herewith amended and adopted as follows:

Section 108.1: Section 108.1, entitled Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, demolish, or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

Section 108.2: Section 108.2, entitled Notice of Violation: The Building Official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 108.3: Section 108.3, entitled Prosecution of Violation: If the notice of violation is not complied with promptly, the Building Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

Section 108.4: Section 108.4, entitled Violation Penalties: Any person, firm or corporation violating any of the provisions of the International Mechanical Code, 2012 Edition, or who fails to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be deemed guilty of a Class A municipal offense and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted. Any such offense shall be deemed one of "strict liability."

(Ord. 37-2005 §5 (part), 2005; Ord. 2-2009 §12, 2009, Ord. 23-2013 §12, 2013).

Chapter 13.06

INTERNATIONAL PLUMBING CODE

Sections:

- 13.06.010 Adopted by Reference.
- 13.06.020 Amendments.
- 13.06.030 Copies on File and Available for Sale.
- 13.06.040 Penalties.

13.06.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is adopted by reference thereto, the International Plumbing Code, 2012 Edition, and with appendices B, C, E, F, and G thereto, promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purpose of this Code is to protect the safety of residents of this Town by prescribing minimum standards for plumbing installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing systems. The plumbing standards of this Code include standards relating to materials, joints, traps, drains, fixtures, supplies, and vents.

13.06.020 Amendments. The International Plumbing Code, 2012 Edition, is hereby amended as follows:

A. *Section 106.6.2:* Section 106.6.2, entitled Fee Schedule, is hereby deleted and replaced with Table 3 contained in Section 13.13.080 of the Eagle Municipal Code.

B. *Section 106.6.3:* Section 106.6.3, entitled Fee Refunds, is amended to add “80%” to the first sentence in items 2 and 3.

C. *Section 202:* Section 202 is hereby amended to include the following additional sentence:

Pursuant to Section 12-58-115, C.R.S., only qualified licensed plumbers may install "Plumbing Systems" as defined in Section 202 of the International Plumbing Code.

D. *Section 312.3:* Section 312.3 entitled Drainage and Vent Air Test, delete first sentence.

E. *Section 802.1.6:* Section 802.1.6, entitled Domestic Dishwashing Machines, the last sentence is amended to read after the word “connect” as follows:

To a listed deck mounted air gap installed with the flood level (FL) marking at or above the flood level of the sink or drain board, whichever is higher, or separately trapped with the air break located on

the stand pipe with a wye branch fitting as high as possible under the sink rim or counter.

F. Section 903.1: Section 903.1, entitled Roof Extension, is amended to add “6 inches above the roof” in the first sentence.

G. *Section 904.3*: Section 904.3, entitled Vent Termination, is amended to include the additional following sentence:

Vent terminations on metal roofs shall be within three feet (3') of the ridge or be provided with an alternate means of protection.

H. *Section 912.1.2*: A new subsection 912.1.2, entitled Horizontal Wet Venting, is added to Section 909, entitled Wet Venting, and shall read as follows:

Single bathroom groups - a single bathroom group of fixtures may be installed with the drain from an individually vented lavatory or lavatories serving as a wet vent for a bathtub, shower compartment, or floor drain and for a water closet provided the requirements listed below are met: (1) Not more than four (4) fixture units drain into a minimum two inch (2") diameter wet vent. Kitchen sinks, dishwashers, or automatic clothes washer connections are not permitted. (2) The horizontal branch drain connects to the stack at the same level as the water closet drain; or it may connect to the upper half of the horizontal portion of the water closet bend at an angle not greater than forty-five degrees (45°) from the direction of flow.

I. *Section 1003.4.2.1*. Section 1003.4.2.1, entitled General Design Requirements, is amended to include the following additional sentences:

For concrete or hard surface, extend top ring and install iron ring and cover.

Location depends on fire regulations and other considerations. If gas tight cover is provided, trap may be installed inside.

J. *Section 1003.4.2.2*: Section 1003.4.2.2, entitled Garage and Service Stations, is amended by deleting the last two sentences of said Section.

K. *Appendices B, C, E, and F*: International Plumbing Code 2012 Edition. Appendices B, C, E, and F are hereby adopted.

(Ord. 23-2013 §13, 2013)

13.06.030 Copies on File and Available for Sale. At least one (1) copy of the International Plumbing Code, 2012 Edition, and all appendices thereto, together with one copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or Building Official. Copies of said Code and appendices shall be available for sale to the public at a moderate price.

13.06.040 Penalties. The following section of the International Plumbing Code, 2012 Edition, Section 108, entitled Violations, which contains a penalty clause is herewith amended and adopted as follows:

Section 108.1: Section 108.1, entitled Unlawful Acts, states: It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

Section 108.2: Section 108.2, entitled Notice of Violation, states: The Building Official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 108.3: Section 108.3, entitled Prosecution of Violation, states: If the notice of violation is not complied with promptly, the Building Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

Section 108.4: Section 108.4, entitled Violation Penalties, states: Any person, firm or corporation violating any provisions of this Code, or who fails to comply with any of the requirements thereof or who shall erect, install, alter, or repair plumbing work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be deemed guilty of a Class A municipal offense. Each separate day or portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, and approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use, which is authorized is lawful.

(Ord. 37-2005 §6 (part), 2005; Ord. 2-2009 §13, 2009, Ord. 23-2013 §13, 2013).

Chapter 13.07

INTERNATIONAL FUEL GAS CODE

Sections:

- 13.07.010 Adopted by Reference.
- 13.07.020 Amendments.
- 13.07.030 Copies on File and Available for Sale.
- 13.07.040 Penalties.

13.07.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is adopted by reference thereto, the International Fuel Gas Code, 2012 Edition, and all appendices thereto, promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purpose of this Code is to protect the safety of residents of this Town by prescribing minimum standards for the installation standards of a fuel gas pipe system, fuel gas utilization equipment and related accessories. The fuel gas standards of this Code include standards relating to materials, installation and protection of equipment.

13.07.020 Amendments. The International Fuel Gas Code, 2012 Edition, is hereby amended as follows:

A. *Section 401.11:* A new Section 401.11, entitled Gas Meter Location, is added to Section 401, entitled General, and shall read as follows:

When the gas meters are located in an area subject to vehicle traffic, proper protection shall be provided around the gas meters to protect from damage.

B. *Section 621:* Section 621, entitled Unvented Room Heaters is hereby deleted.

13.07.030 Copies on File and Available for Sale. At least one (1) copy of the International Fuel Gas Code, 2012 Edition, and all appendices thereto, together with one copy of the Ordinance codified in this Chapter shall be kept on file in the office of the Town Clerk or Building Official. Copies of said Code and appendices shall be available for sale to the public at a moderate price.

13.07.040 Penalties. The following section of the International Fuel Gas Code, 2006 Edition, Section 108, entitled Violations, which contains a penalty clause is herewith amended and adopted as follows:

Section 108.1: Section 108.1, entitled Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, demolish, or utilize an installation, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

Section 108.2: Section 108.2, entitled Notice of Violation: The Building Official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of work in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 108.3: Section 108.3, entitled Prosecution of Violation: If the notice of violation is not complied with promptly, the Building Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

Section 108.4: Section 108.4, entitled Violation Penalties: Any person, firm or corporation violating any provisions of this Code, or who fails to comply with any of the requirements thereof, or who erects, installs, alters or repairs work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be deemed guilty of a Class A municipal offense. Each separate day or portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit presuming to give authority to violate or cancel the provisions of this Code shall not be valid, except insofar as the work or use, which is authorized, is lawful.

(Ord. 37-2005 §7 (part), 2005; Ord. 2-2009 §14, 2009, Ord. 23-2013 §14, 2013).

Chapter 13.08

NATIONAL ELECTRICAL CODE

Sections:

- 13.08.010 Adopted by Reference.
- 13.08.020 Amendments.
- 13.08.030 Copies on File and Available for Sale.
- 13.08.040 Penalties.

13.08.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is hereby adopted by reference thereto, the National Electrical Code, 2014 Edition, promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MS 02169. The purpose of this Code is the practical safeguarding of persons and property from hazards arising from the use of electricity. The subject matter of this Code includes regulations relating to the installation of electrical conductors and equipment within or on public and private buildings or other structures, including mobile homes, recreational vehicles, floating dwelling units; and other premises such as yards, carnivals, parking and other lots, and industrial substations, installations of conductors that connect to the supply of electricity and installations of other outside conductors on the premises.

13.08.020 Amendments. The National Electrical Code, 2014 Edition, is amended as follows:

A. *Article 210.8:* Article 210.8 is amended to include the additional following sentence:

All G.F.C.I. protection shall be resettable in rooms where protection is required including outside receptacles.

B. *Article 590.3:* Article 590.3 is amended to include a new subsection (e) and shall read as follows:

(e) Permanent services on buildings which are energized for construction work will be considered as temporary service equipment until such time as the final inspection is complete.

C. *Article 680.71:* Article 680.71 is amended to include the following additional paragraph:

All G.F.C.I. protection shall be located within the same room. It is to be installed five feet (5') off of finished floor and five feet (5') from hydro massage bathtub. The cord is not to exceed three feet (3') from motor to receptacle installed near the access door protected by the resettable G.F.C.I. mounted on wall. (The resettable G.F.C.I. is not to be installed under the tub.)

13.08.030 Copies on File and Available for Sale. At least one (1) copy of the National Electrical Code, 2014 Edition, together with one copy of the Ordinance codified in this Chapter shall be kept on file in the office of the Town Clerk or the Building Official. Copies of said Code shall be available for sale to the public at a moderate price.

13.08.040 Penalties. The following article of the National Electrical Code, 2014 Edition, Article 90.4 entitled Enforcement, is hereby amended to include the following new Section 90.4.1, Violations and Penalties, which contains the violation and penalty clause, is herewith set forth in full and hereby adopted as:

Article 90.4.1: Article 90.4.1, entitled Violation and Penalties, states: Whenever the authority having jurisdiction determines that there are violations of this Code, a written notice shall be issued to confirm such findings.

Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

Any person, firm or corporation who shall willfully violate any of the applicable provisions of this Article shall be deemed guilty of a Class A municipal offense. Each separate day, or portion thereof, during which any violation of said Code occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, and approval of, any violation of any of the provisions of the National Electrical Code. No permit presuming to give authority to violate or cancel the provisions of said Code shall be valid, except insofar as the work or use, which is authorized, is lawful. Any municipal offense under the National Electric Code, 2014 Edition, shall be deemed one of "strict liability."

Section 2. That Table 4 under Section 13.13.080 of the Eagle Municipal Code, concerning electrical permit fees, is hereby amended to read as follows:

**TABLE 4
ELECTRICAL PERMIT FEES**

A. Residential - Single Ownership Residence.	
Under 1,000 square feet:	\$57.50
1,001 sq. ft. to 1,500 sq. ft.	\$86.25
1,501 sq. ft. to 2,000 sq. ft.	\$115.00
More than 2,000 sq. ft. - per 100 sq. ft.	\$115.00 plus \$5.75 per 100 sq. ft. or fraction thereof over 2,000 sq. ft.
Notes: This fee is based on the enclosed living area only and includes construction, remodeling or additions to a single-family home, duplex, condominium or townhouse.	
Electrical Permit Fees may be adjusted annually and become effective on July 1 of each year.	
B. If a service, excluding any actual wiring, is being provided or changed, or for commercial, industrial or multi-family fees, the applicant shall pay permit fees as shown in this subsection (B).	
Total Valuation	Fee
\$1.00 to \$2,000.00	\$57.50
\$2,001.00 and above	\$57.50 plus \$5.75 per \$1,000.00 or fraction thereof
Other Electrical Permit and Inspection Fees	
1. Mobile home and travel trailer parks:	\$57.50 per space
2. Temporary power permits:	\$57.50
3. Issuance of each transfer permit:	\$25.00
4. Inspections outside of normal business hours (minimum charge - 2 hours):	\$70.50/hour
5. Re-inspection Fees:	
1 st Re-inspection	\$65.00/hour
2 nd or Subsequent Re-inspection	\$110.00/hour
6. Inspections for which no fee is specifically indicated:	\$65.00/hour - One hour minimum
7. Additional plan review required by changes, additions or revisions to plans:	\$65.00/hour - One hour minimum

(Ord. 37-2005 §8 (part), 2005; Ord. 2-2009 §15, 2009, Ord. 23-2013 §15, 2013); Ord. 16-2015 §1).

Chapter 13.10

ANSI/ASME SAFETY CODE FOR ELEVATORS AND ESCALATORS

Sections:

13.10.010 Adopted by Reference.

13.10.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is hereby adopted by reference thereto, the American National Standard Institute ANSI/ASME Safety Code for Elevators and Escalators ASME A17.1-2013, including Requirements for Moving Walks, Material Lifts and Dumbwaiters With Automatic Transfer Devices, Guide for Inspection of Elevators, Escalators, Moving Walks, ASME A17.3-2005 Safety Code for Existing Elevators and Escalators, ASME A17.4-1999 Guide for Emergency Personnel, ASME A17.5-2004 Elevator and Escalator Electrical Equipment, ASME A18.1 -2011 Safety Standard for Platform Lifts and Stairway Chair Lifts, and ICC/ANSI A117.1-2009 Accessible and Usable Buildings and Facilities, promulgated by the American Society of Mechanical Engineers, 5032 Alhambra Avenue, Los Angeles, CA 90032, and the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purpose of these Codes is to provide for the safety of life and limb, and promote the public welfare by regulating the installation, alteration, addition, repair, relocation, and use of elevators and escalators. The provisions of the Code are not intended to prevent the use of systems, methods, or devices of equivalent or superior of quality, strength, fire resistance, effectiveness, durability and safety to those prescribed by the Code, providing that there is technical documentation to demonstrate the equivalency of the system, method, or device.

13.10.020 Copies on File and Available for Sale. At least one (1) copy of the American National Standard Institute ANSI/ASME Safety Code for Elevators and Escalators ASME A17.1-2013 ASME, Guide for Inspection of Elevators, Escalators, Moving Walks, A17.3-2005 ASME Safety Code for Existing Elevators and Escalators A17.2 2007, ASME Guide for Emergency Personnel A17.4-1999, ASME Elevator and Escalator Electrical Equipment A17.5-2004, ASME Safety Standard for Platform Lifts and Stairway Chair Lifts A18.1-2011, and ICC/ANSI Accessible and Usable Buildings and Facilities A117.1-2009, together with one (1) copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or the Building Official. Copies of said Code shall be available for sale to the public at a moderate price.

13.10.030 Penalties. Any person, firm or corporation violating any of the provisions of the American National Standard Institute ANSI/ASME Safety Code for Elevators and Escalators ASME A17.1-2013, ASME Guide for inspection of Elevators, Escalators, Moving Walks A17.2-2007, ASME Safety Code for Existing Elevators and Escalators A17.3-2005, ASME Guide for Emergency Personnel A17.4-1999, ASME Elevator and Escalator Electrical Equipment A17.5-2004, ASME Safety Standard for Platform Lifts and Stairway Chair Lifts A18.1-2011, and ICC/ANSI Accessible and Usable Buildings and Facilities A117.1-2009, or any person, firm or corporation who fails to comply with the provisions of this Code or fails to carry out an order made pursuant to this Code or who violates any condition attached to a permit, approval or certificate shall be deemed guilty of a Class A municipal offense. Each separate

day, or portion thereof; during which any violation of said Code occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, and approval of, any violation of any of the provisions of the above referenced Codes. No permit presuming to give authority to violate or cancel the provisions of said Codes shall be valid, except insofar as the work or use, which is authorized, is lawful. Any municipal offense under the said Codes shall be deemed one of "strict liability."

The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting the appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(Ord. 37-2005 §10 (part), 2005; Ord. 2-2009 §17, 2009, Ord. 23-2013 §17, 2013, Amended Ord. 03-2015 § 2, 2015).

Chapter 13.11

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

- 13.11.010 Adopted by Reference.
- 13.11.020 Amendments.
- 13.11.030 Copies on File and Available for Sale.
- 13.11.040 Penalties.

13.11.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is hereby adopted by reference thereto, the International Energy Conservation Code, 2012 Edition, and the appendices thereto, promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purpose of this Code is to protect the safety of residents of this Town by prescribing standards regulating the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical service, water heating and illumination systems and equipment which will enable the effective and efficient use of energy in new building construction.

13.11.020 Amendments. The International Energy Conservation Code, 2006 Edition, is hereby amended as follows:

A. *Section 302:* Section 302, entitled Design Conditions, is hereby amended by the adding of the following Section 302.2, entitled Exterior Design Conditions:

Winter, Design Dry-Bulb	-22°F
Summer, Design Dry-Bulb	87°F
Summer, Design Wet-Bulb	62°F
Degree – Days Heating	8426
Degrees North Latitude	39°39”
Climate Zone	6

B. Table 502.2(1), entitled Opaque Thermal Envelope Requirements, the Climate Zone 6 column amended. The entry entitled Walls, Above Grade, the entry entitled Wood Framed and other, shall be amended to read R-21.

13.11.030 Copies on File and Available for Sale. At least one (1) copy of the International Energy Conservation Code, 2012 Edition, and the appendices thereto, together with one (1) copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or the Building Official. Copies of said Code shall be available for sale to the public at a moderate price.

13.11.040 Penalties. It shall be a Class A municipal offense for any person, firm or corporation to erect, construct, renovate, enlarge, alter, repair, move, improve, convert, 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 Code. Each person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted. Any municipal offense under this Section shall be deemed on of "strict liability."

(Ord. 37-2005 §11 (part), 2005; Ord. 2-2009 §18, 2009, Ord. 23-2013 §18, 2013).

Chapter 13.12

ADMINISTRATION AND ENFORCEMENT

Sections:

- 13.12.010 Building Official - Designated.
- 13.12.020 Interpretation.
- 13.12.030 Promulgation of Regulations.
- 13.12.040 Building Official - Powers and Duties.
- 13.12.050 Responsibility of Owner.
- 13.12.060 Prohibitions.

13.12.010 Building Official - Designated. The Town Manager shall designate a person to serve as the Town of Eagle Building Official. The Board of Trustees may authorize the Town Manager to serve in the capacity of Building Official. The Building Official is authorized and directed to enforce all provisions of this Title and the Codes adopted by reference thereunder. The Town may contract with other persons or other governmental entities to perform inspections and other duties of the Building Official provided for in this Title and the Codes adopted by reference thereunder. (Ord. 37-2005 §12 (part), 2005).

13.12.020 Interpretation. The Town Building Official shall be deemed the judge as to the proper interpretation of the rules and requirements of this Title and the Codes adopted by reference thereunder pertaining to the construction, alteration, enlargement or improvement of buildings and structures regulated by this Title or the Codes adopted by reference thereunder. Provided, however, the Building Official shall not be permitted to modify any substantive rules and regulations contained in this Title and the Codes adopted by reference thereunder. (Ord. 37-2005 §12 (part), 2005).

13.12.030 Promulgation of Regulations. The Town Building Official shall be authorized to promulgate from time to time additional regulations, design standards, tables, drawings, and guidelines not in conflict with the provisions of this Title and the Codes adopted by reference thereunder. (Ord. 37-2005 §12 (part), 2005).

13.12.040 Building Official - Powers and Duties.

A. The Building Official is charged with the administration and enforcement of this Title and all Codes adopted by reference thereunder by the Board of Trustees.

B. The Building Official shall have the power to:

1. Enter any premises at any reasonable time for the purpose of administering this Title.
2. Direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the

expense of the owner where such evidence or proof is necessary to determine whether the material, devices, construction or foundation meets the requirements of this Title. The records of such test shall be kept available for inspection during the construction of the building or structure and for such a period thereafter as required by the Building Official.

3. Direct by written notice, or by attaching a placard to the premises, the correction of any condition where, in the opinion of the Building Official, such a condition violates the provisions of this Title.

4. Revoke a permit where there is a violation of the provisions of Section 13.13.060 of the Eagle Municipal Code. (Ord. 37-2005 §12 (part), 2005).

13.12.050 Responsibility of Owner. Neither the granting of a permit, nor the approval of the drawings and specifications, nor inspections made by the Building Official shall in any way relieve the owner of such building or structure from full responsibility for carrying out all work in accordance with the requirements of this Title and the Codes adopted by reference thereunder. (Ord. 37-2005 §12 (part), 2005).

13.12.060 Prohibitions.

A. No person shall commence or continue any work in respect to any building, structure, factory-built housing unit, manufactured home, mobile home or equipment without first obtaining required permits from the Town of Eagle Building Department.

B. No person shall construct or commence any work in respect to any private or subsurface wastewater disposal facilities without first obtaining a permit from the Town of Eagle Building Department and, if required, a permit from the Eagle County Environmental Health Department.

C. The written approval of the Building Official and, if required, the Eagle County Environmental Health Department shall be obtained before the backfilling on any subsurface wastewater disposal facilities.

D. The written approval of the Building Official shall be obtained before:

1. The placing or pouring of any concrete;
2. A foundation below the land surface is backfilled or covered;
3. The structural framework of a building or structure is covered or concealed.

E. In respect to any work undertaken in violation of the provisions of the preceding subsections (C) and (D) that have been installed and have not been improved, the Building Official or the Town of Eagle Public Works Department have been installed and have been approved, as the case may be, may at any time require that such work, in whole or in part, be exposed for inspection.

F. No person shall occupy any building, factory built housing unit, manufactured home, or mobile homes until wastewater disposal facilities, meeting the minimum standards of the Colorado Department of Health and the Town of Eagle Public Works Department have been installed and have been approved. No person shall occupy any building, factory built housing unit, manufactured home, or mobile home unless domestic water facilities have been installed and have been approved, in writing, by the Town of Eagle Public Works Department. (Ord. 37-2005 §12 (part), 2005).

Chapter 13.13

PERMITS AND FEES

Sections:

- 13.13.010 Permits Required.
- 13.13.020 Waiver of Permit Requirements.
- 13.13.030 Issuance of Permits.
- 13.13.040 Application - Contents.
- 13.13.050 Permits/Sign Board on Site.
- 13.13.060 Permits - General Conditions.
- 13.13.070 Permits - General.
- 13.13.080 Permit Fees.

13.13.010 Permits Required. The Building Official shall promulgate a table that sets forth the projects which require permit(s), if any, and specifies the specific type of permit(s) required and the site inclusion requirements. It shall be the duty of the applicant for a proposed project which is not specifically set forth in said table to contact the Building Official for a determination of the type of permit(s) required, if any, and the site inclusion requirements. (Ord. 37-2005 §13 (part), 2005).

13.13.020 Waiver of Permit Requirements. The Building Official may waive any permit requirements contained within this Title or the Codes adopted by reference thereunder only after a determination is made that the effect of such a waiver is minor and will not affect the health, safety and welfare of the citizens of the Town of Eagle. (Ord. 37-2005 §13 (part), 2005).

13.13.030 Issuance of Permits.

A. The Building Official shall issue a permit where:

1. Application for a permit has been made in accordance with the provisions of this Section.

2. The proposed work set out in the application conforms to this Title, the Town of Eagle Land Use and Development Code, Title 4 of the Eagle Municipal Code, and all other laws, regulations, resolutions or orders applicable within the Town of Eagle, including the necessity of a development permit if required pursuant to Chapter 4.15 of the Eagle Municipal Code.

3. All construction drawings, applications, and permit fees have been submitted and approved, including those for plumbing, electrical, and mechanical portions of the project. A footing and foundation permit may be awarded prior to the reception of other permit information if adequate structural and site plan information has been provided.

B. The Building Official shall NOT issue a permit where:

1. The proposed work, as set forth in the application, or the proposed use of the building or structure when completed, does not comply with the provisions of the Town of Eagle Land Use and Development Code, Title 4 of the Eagle Municipal Code.

2. The following subdivision improvements, in the subdivision where the proposed building or structure is located, as required in subsection 4.13.190(G) of the Eagle Municipal Code, have not been installed or have not been approved by the Town Engineer:

- a. Survey monuments
- b. Wastewater lines and laterals to each lot
- c. Water mains and laterals to each lot
- d. Fire hydrants
- e. Storm drainage structures
- f. Grading, base construction and paving of streets and alleys
- g. Soil stabilizing structures
- h. Utilities, including telephone, cable television, electrical service, and gas lines, or as required by the applicable subdivision improvements agreement or development permit.

3. The proposed site is located in a development requiring a development permit pursuant to Chapter 4.06 of the Eagle Municipal Code and said development permit has not been issued.

4. The proposed site is located, all or in part, within any area determined by the Building Official to necessitate special building requirements as a result of potential avalanche, earth movement, floods, surface water, or other potentially hazardous conditions, or is located within an area of special flood hazard as designated pursuant to Chapter 4.15 of the Eagle Municipal Code, and any special permits required by said Chapter have not been obtained by the applicant. All special building requirements included in any special permit shall be incorporated into the permit issued to the applicant under this Title.

5. In the opinion of the Building Official, the results of the tests referred to in subsection 13.12.040(B)(2) of this Title are not satisfactory. (Ord. 37-2005 §13 (part), 2005).

13.13.040 Application - Contents. An application for a permit issued under this Title shall:

- A. Be made on the form prescribed by the Building Official.
- B. Be signed by the applicant.
- C. Be accompanied by the fee prescribed for the work to be undertaken.
- D. State the intended use of the building or structure.

E. Include copies in duplicate for single-family structure and in triplicate for multi-family or commercial structure of a plot plan, architectural, structural, foundation plans, drawings drawn to architectural or engineer scale and specifications of the work to be carried out as required by Section 106 of the International Building Code, 2012 Edition, and the International Residential Code, 2012 Edition. Notwithstanding the provisions of Section 106 of the International Building Code, 2012 Edition, and International Residential Code, 2012 Edition, the plot plan shall show and include: (Ord. 2-2009 §19, 2009, Ord. 23-2013 §19, 2013).

- 1. Property lines;
- 2. Outline of proposed and existing building with setbacks from property lines indicated on all sides;
- 3. All easements, utility, water and wastewater lines;
- 4. Driveway and driveway intersection with public roads, including grades, width, and necessary culverts and ditches;
- 5. Parking places dimensioned and numbered, with snow removal area(s) indicated;
- 6. Proposed method of drainage of water away from foundation and into drainage way;
- 7. Proposed revegetation or landscape plan with erosion and sediment control;
- 8. Location of live streams, ponds or lades, all other dry washes; and
- 9. Contain any other information required by this Title, any applicable Code adopted by reference under this Title, or the Building Official. (Ord. 37-2005 §13 (part), 2005).

13.13.050 Permits/Sign Board on Site.

A. An address sign board, which does not require a sign permit, must be posted at all building sites for construction permitted through the Town of Eagle Building Official. The sign board shall provide a place to mount the permit card where it can be signed during various inspections. The Building Official may promulgate recommended dimensions for said board as a guideline only.

B. The sign board must be legible and visible from the road that serves the driveway or access and must provide a weatherproof cover for the building permit card. The sign board must contain the following information:

1. Building permit number;
2. Owner's name;
3. Property address;
4. Lot, block and filing numbers; and
5. Contractor's name

C. The person to whom the permit is issued shall, during construction, post in a conspicuous place on the property in respect of which the permit was issued a copy of the building permit or a poster or placard approved by the Building Official in lieu thereof.

D. The person to whom the building permit is issued shall, during construction, keep a copy of the approved drawings and specifications referred to in subsection 13.13.040(E) on the property in respect of which the permit was issued. (Ord. 37-2005 §13 (part), 2005).

13.13.060 Permits - General Conditions. Every permit is issued upon the condition that:

A. Construction is to be started within six (6) months from the date of the issuance of that permit;

B. Construction is not to be discontinued or suspended for a period of more than one (1) year;

C. If construction has been discontinued or suspended for a period of over one (1) year, one half of the building fee may be paid to reinstate the permit if work is to continue and be finished.

D. The exterior of any building shall be finished in durable, weather resistant materials prior to the employment of the particular use for which the building is intended.
(Ord. 23-2013 §19, 2013)

13.13.070 Permit Fees - General.

A. The estimated value of the work shall be reviewed by the Building Official and shall be based on the declared cost of materials and labor for each permit for each building or structure. The Building Official shall account for all fees paid under this Title for any building, mobile home placement, manufactured home placement, or factory built unit placement. All fees collected shall be deposited in the Town's general fund, unless otherwise specified herein.

B. If the Building Official discovers any person undertaking work in violation of this Title, he shall notify the violator to cease such act or acts, and such violator shall pay for such applicable permit(s) twice the amount of the fee otherwise levied. (Ord. 37-2005 §13 (part), 2005).

13.13.080 Building Permit Fees. A. The schedule of fees to be charged for the issuance of permits under this Title are as follows:

SCHEDULE OF PERMIT FEES

**TABLE 1
BUILDING PERMIT FEES**

Total Valuation	Fee
\$1.00 to \$500.00	\$27.50
\$501.00 to \$2,000.00	\$27.50 for the first \$500.00 plus \$3.60 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$81.50 for the first \$2,000.00 plus \$16.30 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$456.40 for the first \$25,000.00 plus \$11.75 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$750.15 for the first \$50,000.00 plus \$8.15 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,157.65 for the first \$100,000.00 plus \$6.55 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,777.65 for the first \$500,000.00 plus \$5.55 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$6,552.65 for the first \$1,000,000.00 plus \$4.30 for each additional \$1,000.00, or fraction thereof.

Other Building Inspection Fees

1. Plan Check Fees – Residential and Commercial are 65% of the amount of the Building Permit Fee.
2. Repetitive Plan Check Fees – More than one (1) building to be considered from a set of plans previously approved by the Town of Eagle, minimum of 3 hour Plan Review at \$65.00 per hour, \$195.00 minimum.
3. Inspections outside of normal business hours (minimum charge–two hours): \$70.50/per hour (See *1)
4. Re-Inspection Fees:

1st Re-inspection	\$65.00
2nd or Subsequent Re-inspection	\$110.00
5. Inspections for which no fee is specifically indicated \$65.00
6. For issuing a permit or for a permit transfer \$25.00
7. Additional plan review required by changes, additions or revisions of plans: \$65.00/hour (Minimum of one hour)
8. For use of an outside consultant for plan checking and inspection, or both: Actual Cost (See *2)
9. For Factory Built, Manufactured Housing/Mobile Homes Base Fee Cost:

Single Wide Unit in Mobile Home Park on Pads: 2 Field inspections and 1 hour plan check/office time	\$200.00
Double Wide Unit in Mobile Home Park on Pads: 3 Field inspections and 2 hour plan check/office time	\$300.00
State required certification tag:	\$45.00

Note: The above includes Plumbing and Mechanical inspections without separate permitting.

Note: All additional inspections will be \$65.00 each.

Examples: Footing, Foundation (other than block/pads), re-inspection and any and all inspections performed on a basement.

- | | |
|--|----------|
| Factory Built IRC and Manufactured IRC on foundation
Per double unit:
3 Field inspections and 3 hour plan review fee (basement/garage extra) | \$500.00 |
| Per triple unit:
5 Field inspections and 3 hour plan review fee (basement/garage extra) | \$800.00 |
| State required certification tag: | \$45.00 |
10. Requests for specialized reports will be charged \$65.00/hour with a ½ hour minimum.
 11. Pursuant to Eagle Municipal Code Section 13.03.020(G) if the building card becomes lost or unreadable,

there will be a \$25.00 fee to update or replace the card.

12. Fire Sprinkler Systems and Fire Alarm System: Permit fees shall be based on the valuation of the system's equipment and installation, plus an additional 65% fee will be assessed for plan review.
13. Replacement of roof for single-family structure only: \$65.00
14. Grading permit fees and plan review fees:
- | | |
|--|--------------|
| Plan Review (2 hour minimum) | \$55.00/hour |
| • 50 cubic yards or less | \$50.00 |
| • 51 to 100 cubic yards | \$55.00 |
| • 101 to 1,000 cubic yards: \$55.00 for the 1st 1,000 cubic yards
\$10.50 for each additional 100 cubic yards or fraction thereof | |
| • 1,001 to 10,000 cubic yards: \$149.50 for the 1 st 1,000 cubic yards
\$9.00 for each additional 1,000 cubic yards or fraction thereof | |
| • 10,001 to 100,000 cubic yards: \$231.50 for the 1 st 10,000 cubic yards
\$40.50 for each additional 10,000 cubic yards or fraction thereof | |
| • 100,001 cubic yards or more: \$596.00 for the 1 st 100,000 cubic yards
\$22.50 for each additional 10,000 cubic yards or fraction thereof | |
15. For moving or demolishing any building or structure: \$65.00/per inspection

***1 or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.**

***2 actual costs include administrative and overhead costs.**

**TABLE 2
MECHANICAL PERMIT FEES**

Total Valuation	Fee
\$1.00 to \$2,000.00	\$40.00
\$2,001 to \$25,000.00	\$40.00 for the first \$2,000.00 plus \$20.00 for each additional \$1,000.00 or fraction thereof up to \$25,000.00.
\$25,001 or more	\$500.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof.
For issuance of each permit or a permit transfer:	\$25.00
Notes: Total Valuation shall be actual value of mechanical work.	
Fireplaces shall require a separate permit based on the valuation of the fireplaces.	
The minimum mechanical permit fee for voluntarily replacing an existing wood burner with a new technology device or a device which permanently utilizes natural gas, propane or similar clean burning fuel shall be waived.	

Other Mechanical Inspection Fees

- | | |
|---|--------------|
| 1. Inspections outside of normal business hours (minimum charge – 2 hours): | \$70.50/hour |
| 2. Re-inspection Fees: | |
| 1st Re-inspection: | \$65.00 |
| 2 nd Re-inspection: | \$110.00 |
| 3. Inspections for which no fee is specifically indicated, per hour: | \$65.00 |
| 4. Additional plan review required by changes, additions or revisions to plans:
(Minimum charge of one hour) | \$110.00 |
| 5. Replacement of existing boiler or furnace | \$65.00 |

***Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.**

**TABLE 3
PLUMBING PERMIT FEES**

Total Valuation	Fee
\$1.00 to \$2,000.00	\$40.00
\$2,001 to \$25,000.00	\$40.00 for the first \$2,000.00 plus \$20.00 for each additional \$1,000.00 or fraction thereof up to \$25,000.00.
\$25,001 or more	\$500.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof.
For issuance of each permit or a permit transfer:	\$25.00
Notes: Total Valuation shall be actual value of mechanical work.	

Other Plumbing Inspection Fees

- | | | |
|----|--|--------------|
| 1. | Inspections outside of normal business hours (minimum charge – 2 hours): | \$70.50/hour |
| 2. | Re-inspection Fees: | |
| | 1st Re-inspection: | \$65.00 |
| | 2 nd Re-inspection: | \$110.00 |
| 3. | Inspections for which no fee is specifically indicated, per hour: | \$65.00 |
| 4. | Additional plan review required by changes, additions or revisions to plans:
(Minimum charge of one hour) | \$65.00 |
| 5. | Replacement of existing hot water heater: | \$65.00 |

***Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.**

**TABLE 4
ELECTRICAL PERMIT FEES**

A. Residential - Single Ownership Residence.	
Under 1,000 square feet:	\$57.50
1,001 sq. ft. to 1,500 sq. ft.	\$86.25
1,501 sq. ft. to 2,000 sq. ft.	\$115.00
More than 2,000 sq. ft. - per 100 sq. ft.	\$115.00 plus \$5.75 per 100 sq. ft. or fraction thereof over 2,000 sq. ft.
Notes: This fee is based on the enclosed living area only and includes construction, remodeling or additions to a single-family home, duplex, condominium or townhouse.	
Electrical Permit Fees may be adjusted annually and become effective on July 1 of each year.	
B. If a service, excluding any actual wiring, is being provided or changed, or for commercial, industrial or multi-family fees, the applicant shall pay permit fees as shown in this subsection (B).	
Total Valuation	Fee
\$1.00 to \$2,000.00	\$57.50
\$2,001.00 and above	\$57.50 plus \$5.75 per \$1,000.00 or fraction thereof
Other Electrical Permit and Inspection Fees	
1. Mobile home and travel trailer parks:	\$57.50 per space
2. Temporary power permits:	\$57.50
3. Issuance of each transfer permit:	\$25.00
4. Inspections outside of normal business hours (minimum charge - 2 hours):	\$70.50/hour
5. Re-inspection Fees:	
1 st Re-inspection	\$65.00/hour
2 nd or Subsequent Re-inspection	\$110.00/hour
6. Inspections for which no fee is specifically indicated:	\$65.00/hour - One hour minimum
7. Additional plan review required by changes, additions or revisions to plans:	\$65.00/hour - One hour minimum

**TABLE 5
ELEVATOR AND ESCALATOR PERMIT FEES**

Note: Elevator permits are obtained, permit fees paid, and inspections conducted through the Northwest Colorado Council of Governments (NWCOG).

New Installations	
Passenger or freight elevator, escalator, moving walk:	
Up to and including \$50,000.00 of valuation	\$375.00
Over \$50,000.00 of valuation	\$375.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof over \$50,000.00
Dumbwaiter or private residence elevator:	
Up to and including \$20,000.00 of valuation	\$250.00
Over \$20,000.00 of valuation	\$250.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof over \$20,000.00
Major Alterations:	
Fees for major alterations shall be assessed as set forth above.	
Elevator Annual Certificates of Inspection Fees:	
For each elevator:	\$225.00
For each escalator or moving walk:	\$225.00
For each commercial dumbwaiter:	\$225.00
For each platform lift:	\$225.00
Notes: Each escalator or moving walk unit powered by one motor shall be considered as separate escalator or moving walk. Residential elevators do not require certificates of inspection.	

Other Elevator and Escalator Inspection and Permit Fees

1. Inspections outside normal business hours: (minimum 2 hours)	\$65.00/hour
2. Re-inspection Fees: Commercial	\$450.00
Residential	\$350.00
3. Inspection for which no fee is specifically indicated: (minimum ½ hour)	\$65.00
4. Additional plan review required by changes, additions or revisions to plans for which an initial review has been completed. (minimum ½ hour)	\$65.00

(Ord. 37-2005 §14 (part), 2005; Ord. 2-2009 §23, 2009, Ord. 23-2013 §20-24, 2013).

Chapter 13.14

MISCELLANEOUS PROVISIONS

Sections:

- 13.14.010 Permit Requirements Guideline.
- 13.14.020 Carbon Monoxide Detectors.

13.14.010 Permit Requirements Guideline.

Specific Projects	No Permit Required	Permit(s) Required	Review Required	Site Plan Required
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New Structures, Factory Built Structures, and Manufactured Housing on Private Land

Building of New Residential Structures such as dwellings, sheds over 120 square feet, garages, additions, patio enclosures, and carports.		1, 2, 3, 4, 5, 9, 10, 11	BD, PD, EG	X
Building of New Non-Residential Commercial Structure		1, 2, 3, 4, 5, 9, 10, 11	BD, EH, PD, EG	X
Moving of Existing Structure to New Location		1, 6	BD, PD, EG	X
Moving of Manufactured Housing Into a Mobile Home Park		1, 3, 8	BD, PD	X
Moving and Setting of Factory Built Structure on Building Site		1, 2, 3, 4, 5	BD, PD, EG	X
Changing the use of a structure (ex. Changing a single family residence into a restaurant or shop, to convert a garage into an apartment, or to convert attic space into usable living space).		1, 2, 3, 4, 7, 9, 10, 12	BD, PD, EG	X

Grading With No Other Construction

All Grading		5	EG	X
Non-Structural Sidewalks/Slabs	X			
Sidewalks and driveways more than 30 inches above grade, over any basement or story below, or which are part of an accessible route within property lines		1, 5	BD, PD	X
All non-structural landscaping	X			
Site work, landscaping, or excavation of fill creating a permanent change in property elevation more than 6 inches.		1, 5	BD, PD	X

Retaining walls which are over 4 feet tall in height measured from the bottom of the footing to the top of the wall.		1	BD, EG	X
Specific Projects	No Permit Required	Permit(s) Required	Review Required	Site Plan Required

Condemned Buildings

Demolition of whole or part of building, factory built structures, or manufactured housing.		1	BD, PD	
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Additions, Alterations to Exterior Construction and On-Site Accessory Construction

One story detached building used as tool and storage sheds, playhouses, and similar uses provided the projected roof area exceeds 120 square feet, larger than 8 feet by 10 feet, and/or the height of said building exceeds 10 feet at peak of roof.		1	BD, PD	X
Any work which involves the installation, removal, or cutting of any structural beams, joist replacement, or bearing support.		1	BD, PD	
Additions and major alterations involving bedroom, bathroom, kitchen, living room, or other accessory rooms.		1, 2, 3, 4, 9, 10	BD, PD	X
Additions and major alterations involving an attached or detached garage or shop.		1, 2, 3, 4, 5	BD, PD	X
Decks and patios not over 20 square feet and/or 30 inches above grade with no permanent construction above the floor line.	X			
Decks, entry porches, patios, etc. over 20 square feet and/or 30 inches above grade.		1, 3	BD, PD	X
Fences over 6 feet in height on side or back yard or over 3 feet in the front yard.		1	BD, PD, EG	X
Fences used for agricultural purposes only or those fences under 6 feet in height on side and back yard.	X			
Replacement of existing fencing, same height, material, and location in the back or side yards.	X			
Fences under 3 feet in front yard with approved materials (picket, wrought iron, etc).	X			
Installation of handicap accessible ramp.		1	BD, PD	X
Erection of exterior signs (except as exempt in zoning resolutions, i.e. garage sale signs, temporary advertising, etc.).		7	BD, PD, EG	
Shade cloth structures constructed for nursery or agricultural purposes, provided the floor area does not exceed 120 square feet and/or said structure is not over 10 feet in height.	X			
Swings and other playground equipment accessory to detached one- and two-family dwellings.	X			
Prefabricated swimming pools less than 24 inches water depth with a surface area of less than 250 square feet and are installed above ground.	X			

Fixed or retractable awnings supported by an exterior wall that do not project over property lines, do not project more than 54 inches from the exterior wall, not more than 40 square feet in projected area, and/or do not require additional support.	X			
Specific Projects	No Permit Required	Permit(s) Required	Review Required	Site Plan Required

Exterior Repair and Replacement and/or Addition

Replacement of roof when done with new material or replacement of 25% or more of the roof sheathing.		1	BD	
Repair or replacement of exterior siding.		1	BD	
Replacement, addition, or repair of existing windows and frames when modification is made to the opening.		1	BD	
Replacement, addition, or repair of exterior doors and fire-rated interior doors when modification is made to the opening.		1	BD, PD	
Installation of storm windows and doors, glazing, and glass replacement.	X			
Repair or replacement of gutters and downspouts.	X			
New aluminum, steel, or vinyl on soffets, fascia boards, rake boards, and overhangs with no change to existing openings.	X			

Interior Repair and Replacement and/or Addition

Foundation repair when value of job exceeds \$3,000.00 and/or must be engineered.		1	BD, EG	
Ordinary repairs to residential buildings and structures up to 4 units.	X			
Tuck pointing, plaster patching, exterior and interior painting, floor sanding and refinishing, tiling, carpeting, replacement of flooring with like materials, wall paper, cabinet installation, counter tops, and similar finish work - interior or exterior.	X			
Wall paneling applied directly to wall surfaces.	X			
Acoustical ceiling tile applied directly to ceiling surfaces.	X			
Installation of battery-operated smoke detectors.	X			
Installation of hard-wired smoke detectors.		9	BD	
Installation of fire sprinklers or alarm system.		10	BD	
Replacement of any minor electrical, mechanical, or plumbing part that does not alter approval of equipment or make such equipment unsafe.	X			
The stopping of leaks in drains, water, soil, waste, or vent pipe provided, however, that if any concealed tap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made.	X			

The clearing of stoppages of the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.	X			
Portable heating appliance, ventilation equipment, or cooling unit.	X			

Emergency Repairs: Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

(This table is a permit requirement guideline only, and does not take precedence over the International Codes as adopted by the Town of Eagle.)

Key:

- 1 - Building
- 2 - Plumbing
- 3 - Electrical
- 4 - Mechanical
- 5 - Grading
- 6 - Individual Wastewater Disposal
- 7 - Sign
- 8 - Manufactured Housing Hookup
- 9 - Fire Alarm System
- 10 - Fire Sprinkler System
- 11 - Right-of-Way Construction Permit
- 12 - Special Use Permit

Routing Abbreviations:

- BD - Building Department
- EH - Environmental Health
- PD - Planning Department
- EG - Engineering

(Ord. 37-2005 §14 (part), 2005; Ord. 2-2009 §23, 2009, Ord. 23-2013 §25, 2013).

13.14.020 Carbon Monoxide Detectors. All dwelling units as defined in the International Building Code and the International Residential Code that are hereafter built, remodeled, added onto or that have unfinished areas finished, shall have carbon monoxide detectors installed in them under the following conditions: A carbon monoxide detector shall be installed centrally located outside each separate sleeping area in the immediate vicinity of the bedrooms; a carbon monoxide detector shall be installed on each level of a multi-level dwelling unit; a carbon monoxide detector shall be installed in any bedroom located over a garage. National Fire Protection Association NFPA 520 Standard for installation of carbon monoxide (CO) warning equipment in dwelling units shall be used as a guide for installing carbon monoxide detectors. (Ord. 2-2009 §24, 2009).

Chapter 13.15

APPEALS

Sections:

- 13.15.010 Application for Appeal.
- 13.15.020 Time for Appeal.
- 13.15.030 Commission Action on Appeal.
- 13.15.040 Hearings.
- 13.15.050 Decision.
- 13.15.060 Appeals from the Commission.

13.15.010 Application for Appeal. Any person aggrieved by a decision of the Building Official denying, issuing, or revoking a permit or in applying the provisions of this Title or any Code adopted by reference thereunder to the construction, alteration, or repair of a structure, as herein defined, may appeal such decision to the Planning and Zoning Commission. (Amended Ord 37-2005 §16 (part), 2005).

13.15.020 Time for Appeal. An appeal shall be commenced within fifteen (15) days from the date of the decision appealed from by filing a written notice of appeal with the Town Administrator setting forth the decision appealed from and the grounds for said appeal. (Amended Ord 37-2005 §16 (part), 2005).

13.15.030 Commission Action on Appeal. Upon receipt of a notice of appeal, the Town Administrator shall schedule said appeal for hearing within thirty (30) days. The Town Administrator shall thereupon mail written notice of the date, time, and place of the hearing to the Building Official and to the appellant. (Amended Ord 37-2005 §16 (part), 2005).

13.15.040 Hearings. Hearings shall be public and shall be conducted as nearly as possible in conformity with Chapter 2.20 of the Eagle Municipal Code. The Planning and Zoning Commission may adopt reasonable rules and regulations for the conduct of hearings and thereafter such rules and regulations shall govern the conduct of such hearings. (Amended Ord 37-2005 §16 (part), 2005).

13.15.050 Decision. The Commission shall issue its findings and decision thereon in writing no later than thirty (30) days after the conclusion of the hearing. The Town Administrator shall mail copies of the findings and decision to the Building Official and the appellant. (Amended Ord 37-2005 §16 (part), 2005).

13.15.060 Appeals from the Commission. Any decision issued by the Planning and Zoning Commission on an appeal filed under this Chapter shall be final. Any further appeal from the decision of the Commission shall be made to the District Court, as provided by law. (Amended Ord 37-2005 §16 (part), 2005).

Chapter 13.16

SOLID FUEL BURNING DEVICES

Sections:

- 13.16.010 Purpose and Applicability.
- 13.16.020 Definitions.
- 13.16.030 Wood burning Fireplaces/Solid Fuel Burning Devices Prohibited.
- 13.16.040 Permitted Devices.
- 13.16.050 Nonconforming Devices, Fireplaces and Appliances.
- 13.16.060 Refuse Burning Prohibited.
- 13.16.070 Building Permits.
- 13.16.080 Penalties.

13.16.010 Purpose and Applicability. These regulations are enacted for the purpose of promoting the health, safety and general welfare of the residents and visitors in the Town of Eagle. These regulations are intended to achieve the following more specific purposes:

- A. To protect and improve the air quality in the Town of Eagle;
- B. To provide heat sources that are efficient and have a reduced polluting effect; and
- C. To generally protect the air for the purpose of the public's overall health, safety and welfare.

The provisions of this Chapter shall apply to all areas within the Town of Eagle. (Amended Ord 37-2005 §16 (part), 2005).

13.16.020 Definitions.

- A. "Solid Fuel Burning Device" means any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, pulp, paper, coal or other non-gaseous fuel. This definition does not include barbeque devices.
- B. "Wood Burning Fireplace" means any solid fuel burning device which has an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney.
- C. "Gas Appliance" means a fully self-contained, Underwriter's Laboratories (U.L.) listed and American Gas Association (A.G.A.) listed fireplace unit which does not require venting through a chimney and which does not permit the use of solid fuel.
- D. "Gas Log Fireplace" means a gas appliance as previously defined equipped with an

A.G.A. listed and U.L. listed artificial log unit, which is approved for the burning of natural gas. (Amended Ord 37-2005 §16 (part), 2005).

E. “Pellet Stove Device” means an appliance that burns compressed wood or biomass pellets to create a source of radiant heat and includes an automated fuel feeding system. The only approved pellet stove devices allowed in the Town of Eagle must be included on the State of Colorado Department of Public Health and Environment’s list of Certified Residential Burning Devices.

F. “Pellet Boiler System” means a closed heating appliance that burns compressed wood or biomass pellets intended to supply hot water or steam for space heating. (Ord. 29-2007 §1, 2007)

13.16.030 Wood burning Fireplaces/Solid Fuel Burning Devices Prohibited. No wood burning fireplace shall be constructed or installed in any building or structure within the Town limits for any use in any zone district on or after the effective date of this Chapter. (Amended Ord 37-2005 §16 (part), 2005; Amended Ord. 29-2007 §2, 2007).

13.16.040 Permitted Devices. Only gas appliances, gas log fireplaces, pellet stoves and pellet boiler systems shall be permitted to be installed or constructed within the Town limits for any use in any zone district. (Amended Ord 37-2005 §16 (part), 2005; Amended Ord. 29-2007 §3, 2007).

13.16.050 Non-Conforming Devices, Fireplaces and Appliances.

A. Non-conforming solid fuel burning devices, certified solid fuel burning devices, wood burning fireplaces, gas appliances and gas log fireplaces, lawfully constructed or installed prior to the effective date of this Chapter, may continue to be used, subject to any limitations or restrictions contained in this Section.

B. No existing solid fuel burning devices shall be structurally altered, unless it is modified in such a manner that it complies with all the provisions of this Chapter.

C. Whenever any structure is substantially demolished or destroyed, whether by the intent of its owner or lessee, or by natural disaster, any restoration or reconstruction shall meet all the provisions of this Chapter. (Amended Ord 37-2005 §16 (part), 2005).

13.16.060 Refuse Burning Prohibited. The burning of refuse in any solid fuel device is prohibited within the Town of Eagle. (Amended Ord 37-2005 §16 (part), 2005).

13.16.070 Building Permits. A building permit shall be required for the installation of any gas appliance, gas log fireplace, pellet stove, or pellet boiler system. However, to encourage the conversion of solid fuel burning fireplaces and devices to gas log fireplaces and gas appliances, pellet stoves, and pellet boiler systems, all applicable building permit fees for such conversions shall be waived by the Town of Eagle. (Amended Ord 37-2005 §16 (part), 2005; Amended Ord. 29-2007 §4, 2007).

13.16.080 Penalties. It is unlawful for any person to violate any provision of this Chapter or to fail to comply with any of the requirements of this Chapter. Any person performing any act prohibited or declared to be unlawful by this Chapter or failing to perform an act required by or otherwise made mandatory by this Chapter commits a Class A municipal offense. Any such person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this Chapter is committed, continued, or permitted by such person and shall be punished accordingly. In addition to penalties provided in this Section, any conditions caused or permitted to exist in violation of any provision of this Chapter shall be deemed a public nuisance, and may be abated by the Town as such, and each day that such condition continues shall be regarded as a new and separate offense. (Amended Ord. 10-2001 §155, 2001; Amended Ord 37-2005 §16 (part), 2005).

Chapter 13.17

CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY

Sections:

- 13.17.010 Purpose.
- 13.17.020 Title.
- 13.17.030 Definitions.
- 13.17.040 Permit Required.
- 13.17.050 Qualifications of Applicant.
- 13.17.060 Application for Permit.
- 13.17.070 Permit Fees.
- 13.17.080 Deposit or Security Bond Required.
- 13.17.090 Annual Permit.
- 13.17.100 Certificate of Insurance.
- 13.17.110 Permit Issuance.
- 13.17.120 Permit - Nontransferable.
- 13.17.130 Permit - Town Non-Liability.
- 13.17.140 Permit Expiration - Extension.
- 13.17.150 Permit Revocation - Suspension.
- 13.17.160 Additional Regulations - Public Works Director.
- 13.17.170 Limitations on Cutting Asphalt.
- 13.17.180 Jacking and/or Boring.
- 13.17.190 Size Restriction.
- 13.17.200 Location of Utilities.
- 13.17.210 Pipe Drain and Culvert Protection.
- 13.17.220 Street Drainage.
- 13.17.230 Protective Measures and Routing of Traffic.
- 13.17.240 Protection of Adjacent Property.
- 13.17.250 Access to Fire Hydrants and Driveways.
- 13.17.260 Care of Excavated Materials.
- 13.17.270 Time of Day Work May Be Performed.
- 13.17.280 Seasonal Restrictions on Work.
- 13.17.290 Emergency Work.
- 13.17.300 Backfilling and Restoration - Specifications Designated.
- 13.17.310 Backfilling - Paved Streets.
- 13.17.320 Backfilling - Unpaved Streets.
- 13.17.330 Backfilling - Unpaved Non-vehicular Places.
- 13.17.340 Backfilling - Quality Control.
- 13.17.350 Restoration - Asphalt Surfaces.
- 13.17.360 Restoration - Adjacent Surfaces - Costs.
- 13.17.370 Corrective Measures.
- 13.17.380 Notice of Improvements.

- 13.17.390 Restrictions Upon Opening New Street Surfaces.
- 13.17.400 Map of Underground Facilities Required.
- 13.17.410 Map - Corrected Annually.
- 13.17.420 Sidewalk Construction and Repair.
- 13.17.430 Violations - Penalty.

13.17.010 Purpose. The purpose of this Chapter is to safeguard life, limb, property and the public welfare by regulating the opening, excavating and restoration of the public right-of-way or of public places and the property thereto and providing for the use and maintenance of the same. (Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.020 Title. This Chapter shall be known as the “Construction Within the Public Right-of-way Ordinance of the Town of Eagle.” (Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.030 Definitions. Unless the context requires otherwise, the following terms shall have the meanings given them as follows:

- A. “Applicant” means any person who makes application for a permit.
- B. “Adjacent Property” means the property abutting the public right-of-way or public place.
- C. “Emergency” means any unforeseen circumstances or occurrence which constitutes a clear and immediate danger to persons or property.
- D. “Excavation” means any opening in the surface of the public right-of-way or a public place.
- E. “Permit” means permit for the use of or construction within the public right-of-way required by this Chapter.
- F. “Person” means any person, firm, partnership, association, company, organization, public or private utility, governmental body or quasi-governmental body including improvement, water or sanitation districts and shall include its agents, employees, and contractors. Unless the context otherwise requires, person does not include the Town of Eagle, its agents or employees.
- G. “Private Utility or Public Utility” means any person subject to the jurisdiction of the Public Utilities Commission, or any person providing gas, electricity, water, telephone, cable television, or other utility product or services.
- H. “Public Street” means the entire space between the right-of-way boundary lines.
- I. “Public Works Director” means the Public Works Director of Eagle, his designated

representative, or any duly authorized agent or representative acting on his behalf.

J. “Town” means the Town of Eagle, Colorado.

K. “Town Administrator” means the Town Administrator of Eagle, his designated representative, or any duly authorized agent or representative acting on his behalf. (Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.040 Permit Required.

A. No person shall use any right-of-way or public land for private purpose, or to perform any excavation, perform any construction, or fill any excavation in any public street, right-of-way or other public place in the Town without first obtaining a permit to do so from the Town.

B. No person shall construct or install any street, street improvements, curb, gutter, or sidewalk in or upon any public street, right-of-way or other public place in the Town except as provided by ordinance and in compliance with the standards and specifications.

C. A separate permit shall be required for each location at which work is performed including work performed by persons that have been issued annual permits.

D. The permit shall be kept on the site of the work being performed and shall be presented upon request to any authorized representative of the Town.

E. Any person using or excavating in a public right-of-way or place without having first obtained a permit shall have all operations suspended and shall obtain a permit applicable to that use or excavation and shall pay twice the usual fee.

F. Any person who performs excavation in the public right-of-way or in a public place relating to an emergency without first obtaining a permit must notify the public works director and obtain a permit on the first working day thereafter. Should such person fail to make this notification and obtain the required permit, the matter shall be dealt with as provided in subsection (E) of this Section.

G. Any person using an annual permit as described in Section 13.17.090 shall make application for all work performed as required in Section 13.17.060. (Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.050 Qualifications of Applicant.

A. Applicants must furnish proof to the satisfaction of the Town, evidencing qualifications and experience necessary to accomplish the work for which the permit is sought. The Town for good and sufficient reason may refuse to allow the applicant a construction within the public right-of-way permit, part or parts of the work for which the permit is sought.

B. This requirement does not apply to public utilities, private utilities, or the Town. (Ord. 2-

1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.060 Application for Permit.

A. Application for a permit shall be made to the Town on forms provided by the Town. The application shall state the name and address of the principal place of business of the applicant and such further information as may be required for the administration and enforcement of this Chapter:

1. The location, description and dimensions of the excavation work to be performed;

2. The approximate time which will be required to complete all work, including backfilling of any excavation and removal of all materials, equipment and debris from the site, removal of all obstructions, and restoration of the surface as required by this Chapter;

3. The approximate size of any excavation to be made and the purpose of such excavation.

B. The Town may require that the application be accompanied by such plans as deemed necessary to permit the public works director to determine the relationship of the job to existing or proposed facilities within the public right-of-way.

C. The Town may require that the permittee comply with such special conditions regulating the performance of the work as may be deemed necessary to protect public health and safety or to assure compliance with the regulations and ordinances of the Town.

D. The Town shall approve or disapprove an application within a reasonable time. Plans should be submitted to the Town at least ten (10) days prior to the need for a permit.

E. The Town may refuse to grant a permit if:

1. The application is incomplete and the deficiencies therein have not been remedied after reasonable notice to the applicant.

2. The work for which the application for the permit is made is unnecessary, improper or in violation of the applicable ordinances, rules, or regulations; or

3. The applicant is in default of the provisions or conditions of any other outstanding permit without good cause.

4. Permit fees pursuant to Section 13.17.070 have not been paid.

5. The requirements for deposit or security bond pursuant to Section 13.17.080 have not been satisfied.

G. At the discretion of the public works director, a permit may be issued for more than one excavation or category of work, provided that:

1. All of the work will be performed by one (1) person;
2. All of the work will be performed at one (1) location or near vicinity;
3. All of the work will be performed in one (1) continuous operation without interruption or delay;
4. All work is similar to each location or all categories of work are integral to the final product. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.070 Permit Fees.

A. Applicants shall pay the required fee to the Town before the issuance of any permit under the provisions of this Chapter for administrative, inspection and replacement costs incurred by the Town for excavation or other work.

B. The fee for each permit issued shall be fifty dollars (\$50).

C. The fee for each annual permit issued shall be one hundred fifty dollars (\$150) per year.

D. Whenever any person or company anticipates more than five (5) street openings or excavations per year, that person or company may pay a single fee of one hundred fifty dollars (\$150). (Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.080 Deposit or Security Bond Required. A. Every applicant, before being issued a permit under this Chapter, shall furnish the Town a cash deposit or other form of cash security in an amount which shall be determined by the public works director, but shall not exceed five hundred dollars (\$500), conditioned upon the permittee's faithful performance of all the rules, regulations, conditions and requirements of this Chapter and any additional requirements of the public works director, unless the applicant has in effect the security bond provided in Section 13.17.080(B), or is otherwise exempt.

B. In lieu of the cash deposit required by Section 13.17.080(A), the applicant may furnish the Town with a security bond in a form acceptable to the Town Manager in an amount to be determined by the public works director, but not less than one thousand dollars (\$1,000), issued by a surety company licensed to do business in the State for a period of one (1) year. Said surety bond may be maintained with the Town on a continuing basis, if it is renewed annually, and a separate deposit for each permit shall not be required.

C. The holder of an annual permit shall be exempt from the requirements of subsections (A) or (B) of this Section unless default has occurred in performance of the indemnification agreement required by Section 13.17.090(A) for issuance of the annual permit.

D. Upon notice to the applicant, for reasonable cause, the Town may at any time increase or reduce the amount of the required security or waive the same as conditions warrant.

E. The Town shall refund the cash deposit or release the security bond one (1) year after the work, as described in the permit, has been completed. The amount of refund shall be the full amount of the original deposit except that the deposit shall be reduced by costs of restoration or corrective measures performed by the Town or those hired by the Town, pursuant to Section 13.17.340 and Section 13.17.370. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.090 Annual Permit. An annual permit may be issued by the Town to:

A. Any utility company providing, electric, telephone, natural gas, water, sewer or cable television service on a regular basis to the residents of the Town. Annual permittees are exempted from posting a deposit or surety bond for street construction work, provided the utility company files a letter with the public works director, signed by the appropriate officers of the company, agreeing to reimburse the Town for all costs incurred in repairing street openings made by the utilities, agreeing to indemnify the Town pursuant to Section 13.17.130, and agreeing to abide by all the terms of this Chapter. Each utility company shall submit a list of persons authorized to sign permit applications and keep that list current.

B. Except as specifically provided in this Chapter, the annual permit provided for in this Chapter shall not exempt or relieve the permittee, or the agents or employees of the permittee, from any of the requirements or provisions of this Chapter. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.100 Certificate of Insurance.

A. Every applicant, before being granted a permit under the provisions of this Chapter, shall furnish the Town with proof of insurance to cover liability for injuries, death or property damage occurring as a result of the work at the site for which the permit is issued.

B. The proof of insurance that the applicant furnishes must be in such form as is approved by the Town with an insurance company licensed to do business in the State.

C. Such proof of insurance shall be specified for all operations of the permittee and for all his vehicles to be used in the course of his operations in the Town.

D. The limits of insurance coverage shall be four hundred thousand dollars (\$400,000.00) per single occurrence and one hundred fifty thousand dollars (\$150,000.00) per person per single occurrence.

E. Annual permittees are exempted from the requirements of this Section.

F. Subcontractors performing work for permittees or annual permittees shall be required to

furnish proof of insurance pursuant to this Section. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.110 Permit Issuance. The application, together with such other papers or plans as may be attached thereto together with any additional regulations as stipulated by the public works director, pursuant to Section 13.17.160, when approved and signed by the public works director, shall constitute the permit. (Amended Ord. 2-1987 1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.120 Permit - Nontransferable.

A. Permits under this Chapter are not transferable, and the work shall not be made in any place other than the location specifically designated in the permit, or by any person, agent or independent contractor other than the permittee unless specifically provided in the permit.

B. Nothing contained in this Chapter shall prevent a permittee or annual permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this Chapter. All subcontractors shall conform to the insurance requirements of Section 13.17.100 (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.130 Permit - Town Non-Liability. Prior to the issuance of any permit under this Chapter, every applicant shall agree to hold the Town, its officers employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to have accrued by reason of any work performed under a permit issued under this Chapter and in addition shall agree to indemnify the Town therefore. The acceptance of a permit shall constitute such an agreement by the applicant. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.140 Permit Expiration - Extension. Every permit shall expire at the end of the period of time set out in the permit. If the permittee is unable to commence or to complete the work within the specified time, he shall, prior to the expiration date, present in writing to the public works director a request for an extension of time, setting forth the reasons for the requested extension. If, in the opinion of the public works director, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work being done. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.150 Permit Revocation - Suspension.

A. Any permit may be revoked by the public works director, after notice to the permittee, on the following grounds:

1. Violation of any condition of the permit or of any provision of this Chapter;
2. Violation of any provision of any other applicable ordinance or law relating to the work;

3. Existence of any condition or the performance of any act constituting a nuisance or endangering lives or properties of others. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.160 Additional Regulations - Public Works Director. In granting any permit, the public works director may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to the following:

- A. Restrictions as to the size and type of equipment.
- B. Designation of routes upon which equipment and materials may travel or be transported.
- C. The place and manner of disposal of excavated materials;
- D. Requirements as to the cleaning of streets, the prevention or reduction of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
- E. Regulations as to the use of streets in the course of the work;
- F. Minimum depth of any utility or service line shall be eighteen inches (18") below finish grade or when under asphalt twenty-four inches (24") below finish grade;
- G. Temporary patches or other measures that may be necessary to protect the public and the public way;
- H. Additional deposits or securities above the requirements of Section 13.17.080 that may be necessary to insure that the cost of repair or maintenance is paid by the permittee.
- I. The notification of some or all residents near the site of the work and/or public or private utilities regarding the specific work to be performed. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.170 Limitations on Cutting Asphalt. Permits to construct within the public right-of-way which would involve excavation within any paved street shall be issued with the provision that said excavation shall only be authorized when the following conditions have been met:

A. Alternate routes for the utility or proposed installation which would minimize or negate the necessity to excavate within the affected paved street are not feasible. Said alternate routes may include, but not be limited to, a shift in horizontal alignment of the proposed installation, “double frontage” of the utility main in the case of service connections, making use of nearby easements which would allow an alternate route, or any other method approved by the public works director.

B. There are no useable conduits in place crossing under the affected paved streets in an accessible location to the proposed work site.

C. In the case of transverse installations, under the full street width jacking and/or boring, are not feasible. Jacking and/or boring shall generally be considered feasible except as herein provided, unless and until it has been demonstrated by the applicant that subsurface conditions prevent the possibility of jacking and/or boring. This demonstration shall include, but not be limited to, no fewer than three (3) attempts at jacking and/or boring, at least one (1) of which has been witnessed by the public works director, that result in failure in each instance. Instances in which jacking and/or boring shall be considered infeasible at the time of application shall include, but not be limited to:

1. Repair of a utility main which lies directly under the pavement,
2. Service connections to the utility main which lies directly under the pavement that cannot make use of an access hole and jacking and/or boring,
3. Installations where line and grade is absolutely essential to the function of the proposed facility,
4. Or installations in areas of known geologic difficulty, i.e., rocks and boulders,
5. Where jacking and/or boring might damage existing utilities.

Situations not mentioned above shall be considered on a case by case basis, and decided by the public works director. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.180 Jacking and/or Boring. Jacking and/or boring shall be performed subject to the following conditions:

A. Transverse installations within the right-of-way shall be jacked and/or bored without disturbing the surface or any structure above.

B. Vertical excavations for the purpose of jacking and/or boring shall not be closer horizontally than the depth of the excavation to the paved surface, or outside the road prism, whichever is a greater distance from the paved surface.

C. Transverse installations by jacking and/or boring shall be for the purpose of installing a permanent casing pipe, through which utilities shall be installed, unless the carrier pipe itself is jacked

and/or bored, or the jacked pipe is used to retrieve a carrier pipe of the same size.

D. Bores shall not be larger than lines or encasements.

E. Water assisted boring will be permitted, as determined by the public works director. Water jetting will not be permitted. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.190 Size Restriction. The opening which may be made in the street at any one time shall be no greater than will permit the reasonable use of the street by the public and will not cause substantial hazards in the use of the street by the public. Reasonable and adequate provisions shall be made for use of the street by the public, and the use of the street by the public may not be blocked entirely unless prior approval has been granted by the public works director, the Police Department and the Fire Department. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.200 Location of Utilities. The location of all utility facilities shall be located and clearly marked sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary. The permittee shall be solely responsible for obtaining and maintaining the utility marking throughout construction. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.210 Pipe Drain and Culvert Protection. Pipe drains, pipe culverts, or other facilities encountered shall be protected from damage by the permittee and kept clean from construction debris. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.220 Street Drainage. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper alternate drainage to the satisfaction of the public works director. (Amended Ord. 2-1987 §22, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.230 Protective Measures and Routing of Traffic.

A. It shall be the duty of every person excavating or engaging in any other construction on any right-of-way to place and maintain barricades and warning devices to warn the general public of such construction or excavation.

B. Such barriers, warning signs, and lights shall conform to the Town specifications. Warning lights shall be electrical markers or flashers. The public works director, upon discovery of any default on the permittee's part to maintain warning lights and barricades at the scene of the work, shall have the authority to suspend the work until the deficiencies are remedied, obtain the necessary lights and barricades and charge the permittee as provided in Section 13.17.370(B).

C. The permittee shall take appropriate measures to assure that, during the performance of the construction work, normal traffic conditions shall be maintained at all times as nearly as possible. If the work to be performed will disrupt the normal flow of traffic, the public works director may require

barricades, detours and traffic control plans from the permittee prior to the performances of the work. Crossings at intersections shall be kept open to traffic unless prior written approval is given.

D. When traffic conditions permit, the Town Administrator may, in writing, permit the closing of streets and alleys to all traffic for a period of time to be prescribed by said public works director. The public works director may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

E. Warning signs shall be placed far enough in advance of a construction operation to alert traffic of such construction in a timely manner, and cones or other approved devices shall be placed to channel traffic, in accordance with the instruction of the public works director and Police Chief.

F. Upon request by individual property owners for the use of Town owned barricades and protective measures, the public works director may authorize the use of such Town owned equipment subject to availability. The public works director may require an additional cash deposit or security for the use of the Town owned property. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.240 Protection of Adjacent Property.

A. The permittee shall at all times at his own expense preserve and protect from injury any adjacent property or structure by providing proper foundations and by taking other measures suitable for the purpose of preventing damage to any adjacent property.

B. When for the protection of property it is necessary to enter upon such property for the purpose of taking appropriate protective measures, the permittee shall obtain written permission from the owner of such property to enter thereupon, and the Town Administrator shall take whatever action he deems necessary.

C. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of his excavation work and the permittee shall be responsible for all damage to public or private property or highways resulting from his failure to properly protect or carry out said work.

D. Whenever it may be necessary for the permittee to trench through any lawn area, such area shall be restored to a condition equal to or better than existed prior to construction. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.250 Access to Fire Hydrants and Driveways. Access to private driveways shall be provided, except during working hours when construction operations prohibit provision of such access; provided, however, that access to private driveways shall be restored promptly, and the blocking of private driveways shall be only for such a period of time as is necessary to complete the work immediately in front of the private driveway. Free access must be provided at all times to fire hydrants. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.260 Care of Excavated Materials.

A. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner so as not to endanger those working in the trench, so as not to endanger pedestrians or other traffic and so as to assure that minimal inconvenience is created to those using streets and adjoining property.

B. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the excavation, the permittee may be required to haul the excavated material away from the site.

C. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for disposing of all excavated materials.

D. All trench and tunnel excavations and construction shall conform to the safety requirements for placing of shoring, bracing, and ladders in excavations in effect at the time of the work being performed.

E. Whenever necessary, tow boards or bins may be required to prevent the spreading of dirt and other excavated materials into traffic lanes.

F. Excavated materials shall not be used as a barricade.

G. Materials being used in the work or equipment being used for the work shall not be used as barricades, unless suitably marked. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.270 Time of Day Work May Be Performed. Work authorized by a permit shall be performed between the hours of seven a.m. (7:00 a.m.) and seven p.m. (7:00 p.m.), Monday through Friday, unless the permittee obtains written consent from the public works director to do the work earlier or later than the stated hours or on a weekend. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.280 Seasonal Restrictions on Work. No street-cut permit authorized under this Chapter shall be issued so as to allow a street opening or pavement cut between November Fifteenth (15th) and April Fifteenth (15th), except in accordance with the following:

A. Public works may issue a permit for a street opening or pavement cut between November

Fifteenth (15th) and December First (1st) if it is determined that special or unforeseen circumstances require the issuance of the permit or if the applicant for the permit is a public utility.

If the public works director determines that an extension should be allowed, the applicant may be required to comply with any of the following additional items:

1. Post an additional sum to pay the costs of cold-patching the cut, maintenance of the cut, or possible damage to the public way that may occur over the winter; or
2. To temporarily cold-patch the excavation; or
3. To do any other reasonable thing that the public works director determines is necessary to protect the public way until the excavation is permanently closed. In addition, any applicant requesting an extension shall agree to provide a permanent patch or repair for the street cut the following summer when the ground and weather permit the same.

B. In no event shall a permit be issued after December First (1st) except in the case of an emergency or upon specific approval by a resolution of the Town Board. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.290 Emergency Work.

A. Any person maintaining pipes, lines or facilities in the public way may proceed with work upon existing facilities without a permit when emergency conditions demand the work to be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand.

B. Any person commencing emergency work in the public way without a permit shall immediately thereafter apply for a permit or give notice on the first (1st) regular business day on which Town offices are open for business after such work is commenced, and a permit may be issued which shall be retroactive to the date when the work has begun, in the discretion of the public works director.

C. In the event that emergency work is commenced within any public way of the Town, the police department shall be notified within one-half (½) hour from the time work is commenced. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the direction and control of traffic. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.300 Backfilling and Restoration - Specifications Designated. All pavement cuts, openings, and excavations shall be backfilled, surfaced, and restored, as set forth in Sections 13.17.310 through 13.17.360. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.310 Backfilling - Paved Streets. Backfilling under paved streets shall be made in accordance with the following specifications:

- A. Materials. Materials shall be granular, consisting essentially of sand, gravel, rock, slag,

disintegrated granite, or a combination of such materials. It shall be a well-graded mixture containing sufficient soil mortar, crusher dust or other binding material which, when placed and compacted, will result in a firm, stable foundation. Material composed of uniformly sized particles or which contains pockets of excessively fine or excessively coarse material will not be acceptable. The material shall meet the following gradation:

<u>Sieve Designation</u>	<u>Percent by Weight Passing</u>
2 - ½ inch	100
2 - inch	95 - 100
No. 4	0 - 60
No. 200	5 - 15

All material passing the No. 40 sieve shall have a liquid limit of not over thirty-five (35) and a plasticity index of not over six (6). Test for liquid limit and plasticity index shall be in accordance with A.A.S.H.O. designations T-89 and T-91, respectively.

B. Base Course. The top six inches (6") under asphalt shall be backfilled with Class 6 ¾" roadbase and compacted in accordance with 13.17.310(C).

C. Construction Methods. The material shall be deposited in layers not to exceed eight inches (8") in thickness prior to compacting; provided, the bottom layer shall not exceed fifteen inches (15") in thickness. The material shall be compacted using moisture-density control. Compaction shall be obtained by means of suitable mechanical equipment. No puddling or jetting will be allowed. Backfill shall be compacted to not less than ninety-five percent (95%) of the theoretical laboratory density as determined by A.A.S.H.T.O. Method T-99. Field densities shall be determined by approved methods. The amount of water used in compacting the specified backfill shall be that necessary to achieve the required minimum density. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.320 Backfilling - Unpaved Streets. Backfilling of unpaved streets shall be made in accordance with the following specifications:

A. Materials. The bottom six inches (6") and the top twelve inches (12") of backfill shall be the same type of material specified in Section 13.17.310(A). The excavation material may be used for the remainder of the backfill; provided, that no materials greater than six inches (6") in diameter shall be used for backfill.

B. Construction Methods. The material shall be deposited in layers not to exceed eight inches (8") in thickness prior to compacting; provided, the bottom layer shall not exceed fifteen inches (15") in thickness. The material shall be compacted using moisture-density control. Compaction shall be obtained by means of suitable mechanical equipment. No puddling or jetting will be allowed.

Backfill for the portion of the trench to be completed using materials specified in Section 13.17.310(A) shall be compacted in accordance with the requirements of Section 13.17.310(C). Backfill for the remainder of the trench shall be compacted to not less than ninety-five percent (95%) of the theoretical laboratory density as determined by A.A.S.H.T.O. Method T-99. The amount of water used for compacting the remaining trench soils shall be not less than two percent (2%) dry of optimum nor more than optimum moisture. Field densities shall be determined by approved methods. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.330 Backfilling - Unpaved Non-vehicular Places. Excavations in unpaved places not used as vehicular ways shall be backfilled in accordance with the following specifications:

A. Materials. The bottom six inches (6") shall be the same type material specified in Section 13.17.310(A). Suitable excavated material may be used for the remainder of the backfill, provided that no materials greater than six inches (6") in any dimension shall be used for backfill.

B. Construction Methods. The material shall be deposited in layers not to exceed twelve inches (12") in thickness prior to compacting; provided, the bottom layer shall not exceed fifteen inches (15") in thickness. The material shall be compacted using moisture-density control. Compaction shall be obtained by means of suitable mechanical equipment. No puddling or jetting will be allowed. Backfill for the portion of the trench to be compacted using materials specified in Section 13.17.310(A) shall be compacted in accordance with the requirements of Section 13.17.310(C). Backfill for the remainder of the trench shall be compacted to not less than ninety-five percent (95%) of the theoretical laboratory density as determined by A.A.S.H.T.O. Method T-99. The amount of water used for compacting the remaining trench soils shall be not less than two percent (2%) dry of optimum for more than optimum moisture. Field densities shall be determined by approved methods. All sodded, landscaped or grassed areas shall be restored to the original condition. Before sod replacement is accomplished, the trench shall be crowned sufficiently to allow for natural subsidence.

C. Where "narrow trenches" [less than six inches (6") in top width] are excavated to shallow depths [less than forty-eight inches (48")] by means of conventional ditching machines in areas outside the road prism and/or paved areas for purpose of installing direct burial cables or conduit such as telemetry lines, television cables, telephone lines, electrical lighting circuits, or natural gas lines, backfilling requirements as called for above may be waived in lieu of the following:

"Narrow trenches" shall be uniformly backfilled with suitable excavated material or other approved materials. Specialized compaction requirements will not be applied provided that the width of the trenches does not exceed six inches (6"). The backfilled narrow trenches shall be satisfactorily crowned to allow for natural subsidence. The over-filled trench shall be so completed that surface water runoff is neither interrupted nor ponded and drainage routes remain unaffected. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.340 Backfilling - Quality Control. Quality control of backfill compaction may be monitored by the public works director or Town Engineer by utilizing standard compaction testing methods.

A. The public works director or Town Engineer shall have the authority to require the permittee to obtain standard compaction tests during the backfilling process. The soils engineer or testing laboratory shall be approved by the public works director or Town Engineer.

B. When compaction tests are required by the public works director or Town Engineer at least one (1) compaction test shall be taken on each compacted level of backfill per one hundred feet (100') or in locations designated by the public works director or Town Engineer if the project is of a smaller scope than one hundred feet (100').

C. In the event that compaction tests do not meet the backfill standards required by Section 13.17.330, the areas not meeting the minimum density requirements shall be recompacted and retested until density requirements are met.

D. If the permittee fails to perform required compaction tests, the public works director or Town Engineer shall have the authority to order the permittee to cease backfill operations until such time as the compaction tests are performed.

E. If compaction testing is required, no paving or repaving operations shall occur until the compaction tests have been approved by the public works director or Town Engineer. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.350 Restoration - Asphalt Surfaces. The cut and restoration of asphalt surfaces shall be made in the following manner:

A. The initial pavement cut shall be made a minimum of one foot (1') wider than the trench on all sides of the trench, a minimum of three feet (3') wide, and the cut in the paving shall be made with a power circular saw or cutter, shall be in straight lines and with a minimum of angles.

B. Resurfacing shall be performed by a person or firm experienced in resurfacing work. The public works director or Town Engineer may demand proof of experience and qualifications of the person or firm before allowing permanent restoration.

C. Between November Fifteenth (15th) and April Fifteenth (15th) or when hot bituminous asphalt is not readily available, the permittee shall temporarily cover the top surface of the backfill with a minimum of two inches (2") of cold mix.

1. All temporary surfacing material shall conform as closely as possible to the level of the adjoining paved surface and shall be compacted to be a safe surface for pedestrian and vehicular traffic.

2. The permittee shall maintain the temporary paving in safe condition for pedestrian and vehicular traffic until hot bituminous asphalt is available, at which time the permanent resurfacing shall be completed by the permittee.

D. Between April Fifteenth (15th) and November Fifteenth (15th) permanent resurfacing shall be completed with hot bituminous asphalt of a mix design acceptable to the public works director or Town Engineer. The work shall be performed in a manner that will permanently restore the asphalt surface to the level of the adjoining paved surfaces, with suitable compaction. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.360 Restoration - Adjacent Surfaces - Costs. If the public works director finds that paved surfaces adjacent to the construction may have been damaged during the progress of the work, the permittee shall be required to perform or pay the cost of resurfacing. The cost of resurfacing shall be the sole responsibility of the permittee. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.370 Corrective Measures.

A. For a period of one (1) year following the completion of work, the public works director upon discovery of any defect in materials or workmanship for which a construction in the public right-of-way permit is issued shall:

1. In the event of any emergency, order Town personnel or a private contractor to do such work as may be necessary to complete such work to acceptable standards, particularly where hazards exist due to the failure of the permittee to restore or maintain the public street, highway, or right-of-way pursuant to the provisions and conditions of his permit;

2. In other cases, give notice to the permittee and his sureties in writing of the nature and location of such defects including notice of a reasonable time, not less than fourteen (14) calendar days, within which such defects are to be repaired;

a. Such period of time may be extended by the public works director upon application, for reasonable cause shown,

b. In the event of failure of the permittee to perform the required repairs within the period provided by such notice, the Town personnel or a private contractor on order of the Town shall make such repairs as may be necessary.

B. The Town shall recover any and all costs of work performed by the Town personnel or any private contractor hired by the Town, including the cost of labor, equipment, materials, attorney's fees, court costs, and administrative costs at the expense of the permittee by applying any deposit, bond or other security in its possession to payment thereof, and shall recover any remaining unpaid balance of such costs from the permittee by legal action or otherwise.

C. The public works director, upon discovery of any defect or defects in the work for which a right-of-way use and excavation permit was issued and which is not corrected to the satisfaction of the public works director by the permittee, shall disqualify said permittee from performing either parts of or all work for which the permit was originally issued and may refuse to issue future permits to said permittee for a period of one (1) year. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.380 Notice of Improvements. When the Town schedules a major improvement in any public way, the public works director shall notify all affected private and public utilities of the nature, scope and timing of said improvements. When final plans are approved, the Town Clerk shall give notice to all persons owning property abutting the public way about to be improved, and to all private and public utilities owning or operating substructures in said way, and all such persons, public utilities, and private utilities shall, within six (6) months from the giving of such notice, make all connections as well as any repairs thereto which would necessitate excavation of the public ways. The time may be extended if permission is requested in writing and approved by the public works director. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.390 Restrictions Upon Opening New Street Surfaces. No permit shall be issued by the public works director which would allow an excavation or opening in a newly paved, or rebuilt street surface less than one (1) year old, unless the applicant can clearly demonstrate that public health, safety, or interest require that the proposed work be permitted, or unless an emergency condition exists. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.400 Map of Underground Facilities Required. Every public utility, private utility or person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, telephone, cable television, water or sewer to or from the Town, or to or from its inhabitants, or for any other purpose, shall file with the public works director, within one hundred twenty (120) days after the adoption of the Ordinance codified in this Chapter, a map or set of maps, each drawn to a scale of not less than one inch (1") to four hundred feet (400'), showing the location, size and description of all such installations. The owner agrees upon reasonable notice from the Town or any permittee to accurately locate his installations upon the ground as shown on the maps. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.410 Map - Corrected Annually. By March First (1st) of each year, such person shall file with the public works director a corrected map or set of maps, drawn to the scale designated in Section 13.17.400 showing installations and abandonments during the previous year; provided, however, if no further installations have been made during the previous year, there may be filed with the public works director a written statement to that effect. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.420 Sidewalk Construction and Repair. Property owners desiring to restore or construct sidewalks in the public right-of-way and adjacent to their property may perform that work subject to the following conditions:

A. Said property owner shall be exempt from the provisions of Section 13.17.070 Permit Fees; Section 13.17.080 Deposit or Security Bond Required; and Section 13.17.100 Certificate of Insurance.

B. The property owner shall submit plans with the permit application that demonstrates:

1. The location, dimensions and elevation of the sidewalk improvements, and

2. Plans for providing protective measures to ensure the safety of pedestrian traffic. (Amended Ord. 2-1987 §1, 1987; Amended Ord 37-2005 §16 (part), 2005).

13.17.430 Violations - Penalty. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class A municipal offense and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Chapter is committed, continued, or permitted. Said offense shall be deemed to be one of “strict liability.” (Amended Ord. 10-2001 §156, 2001; Amended Ord 37-2005 §16 (part), 2005).

Chapter 13.24

CONTRACTORS' LICENSES

Sections:

- 13.24.010 Licenses Required - Fees.
- 13.24.015 Registration Required - Fees.
- 13.24.020 Building Contractor Qualifications.
- 13.24.030 Electrical Contractor Qualifications.
- 13.24.040 Plumbing Contractor Qualifications.
- 13.24.050 Insurance Required.
- 13.24.060 License and Registration - Expiration.
- 13.24.070 Revocation of License.
- 13.24.080 Exceptions.

13.24.010 Licenses Required - Fees. A. It is unlawful for any building, plumbing or special contractor, as defined in this Code, to engage in any work or in the business, trade or calling of such building, plumbing or special contractor in the Town, without first securing a license from the Town and paying the annual license fee.

B. The license fees are as follows:

Building Contractor's License	\$50.00
Plumbing Contractor's License	\$50.00
Special Contractor's License	\$50.00
General Contractor's License (Includes building, plumbing, and special license and electrical registration)	\$100.00

(Ord. 4-1976 §1, 1976; Amended Ord. 43 §1, 2005).

13.24.015 Registration Required - Fees.

A. It is unlawful for any electrical contractor, as defined in this Code, to engage in any work or in the business, trade or calling of an electrical contractor, in the Town, without first registering with the Town and paying the annual registration fee.

B. The annual registration fee for an electrical contractor is twenty-five dollars (\$25.00).
(Ord. 4-1976 §2, 1976; Amended Ord. 43 §1, 2005).

13.24.020 Building Contractor Qualifications. Before a license shall be issued, the applicant for a license shall pay the license fee and satisfy the Town Inspector as to his integrity and financial responsibility. The Inspector shall make his report and recommendations, in writing, to the Town. (Ord. 168 §VIII (part), 1973; Amended Ord. 43 §1, 2005).

13.24.030 Electrical Contractor Qualifications.

A. Before an electrical contractor's registration shall be issued, the applicant for registration shall satisfy the Town Inspector as to his integrity and financial responsibility. As a further condition of registration, the applicant shall satisfy the Inspector that either the owner of the firm, co-partnership, corporation or association, or combination thereof, is the holder of a valid master electrician's license from the State Electrical Board and that the license is in full force and effect, and all work to be performed by the contractor will be in charge of and under the supervision of the master electrician. The Inspector shall make such investigation as necessary and thereafter make his report and recommendations, in writing, to the Town.

B. All labor performed under the provisions of this Code must be performed either by a properly licensed master electrician, or by any duly qualified journeyman electrician, either or both of whom have previously satisfied the Town Inspector as to their qualifications and hold a license to that effect. Nothing contained herein shall be construed to prohibit the use of helpers on the job, provided such helpers are in subordinate positions at all times and never in responsible charge of any job or work, and under the supervision of master electricians.

C. Any master or journeyman electrician desiring to work in the Town must be the holder of a master electrician's license or a journeyman electrician's license, issued by the State Electrical Board, and the license shall be kept in full force and effect. The revocation or cancellation of a license by the State Electrical Board shall be a cancellation and a revocation of the privilege to work in the Town as a master or journeyman electrician. (Ord. 4-1976 §3, 1976; Amended Ord. 43 §1, 2005).

13.24.040 Plumbing Contractor Qualifications.

A. Before a contractor's license is granted, the applicant for the license shall satisfy the Town Inspector as to his integrity and financial responsibility. The Inspector shall make such investigation as necessary and thereafter make his report and recommendation, in writing, to the Town.

B. All labor performed under the provisions of this Code must be performed either by a properly licensed master plumber or by a duly licensed and qualified journeyman plumber, either or both of whom have previously satisfied the Town Inspector as to their qualifications and hold a license to that effect. In addition, the people mentioned shall hold either master plumber's or journeyman plumber's licenses from the State of Colorado.

C. Any master or journeyman plumber desiring to work in the Town must first satisfy the Town Inspector of his qualifications. A valid, existing license issued by the State of Colorado to the applicant shall be prima facie evidence of his qualifications. (Ord. 168 §VIII (part), 1973; Amended Ord. 43 §1, 2005).

13.24.050 Insurance Required. Before a license or registration is issued, the applicant shall file a liability insurance policy with the Town or, in lieu of the policy, a certificate that such policy issued by some insurance carrier authorized to do business in the State of Colorado is in full force. The policy shall provide for property damage liability in the sum of twenty-five thousand dollars (\$25,000.00) for each accident and bodily injury liability of one hundred thousand dollars (\$100,000.00) for each person, with a total of three hundred thousand dollars (\$300,000.00) for each accident to insure against all accidents, damages and loss which may be sustained by the Town or any person therein by reason of the contractor's carelessness or negligence in connection with such work. (Ord. 4-1976 §4, 1976; Amended Ord. 43 §1, 2005).

13.24.060 License and Registration - Expiration. All licenses and registrations issued under this Code shall expire on the thirty-first (31st) day of December of each year. The licensee or registrant shall pay in full the annual fee on licenses and registrations issued prior to October 1st and one-half (½) of the annual fee on licenses and registrations issued after October 1st. (Ord. 4-1976 §5, 1976; Amended Ord. 43 §1, 2005).

13.24.070 Revocation of License. Any license granted under this Code may be revoked by the Board of Trustees if the licensee violates any ordinance or law relating to building trades and/or the Town of Eagle Building Code, or who fails to promptly correct any defect or defects in his work after having been duly notified by the Town Inspector, or is guilty of work which is a hazard to life and property; provided, however, no license shall be revoked without a hearing being granted to the person holding the license. Such hearing shall be before the Board of Trustees and the licensee given notice thereof and an opportunity to be heard. When a license is revoked, a new license shall not be granted again to the same licensee for a period of thirty (30) days, or until the licensee shall have corrected fully the faulty work in accordance with the provisions of this Code and shall have made application and paid the fee for the original license. (Ord. 168 §XI, 1973; Amended Ord. 43 §1, 2005).

13.24.080 Exceptions. This Chapter shall not apply to any person constructing his own home without the aid of a contractor provided said person only constructs one residence within any three (3) year period. Such person shall not be deemed a building contractor for the purposes of this Chapter, shall not be required to pay the license fees set out in Section 13.24.010, and shall not be required to maintain the insurance set forth in Section 13.24.050 of this Chapter. (Ord. 43 §1, 2005; Amended Ord. 43 §1, 2005).

Chapter 13.25

International Fire Code

Sections:

- 13.25.010 Adopted by Reference
- 13.25.020 Amendments
- 13.25.030 Copies on File and Available for Sale
- 13.25.040 Penalties

Section 13.25.010 Adopted by Reference. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is adopted by reference thereto the International Fire Code, 2012 Edition, with Appendices B, C, D, E, F, G, H and I thereto promulgated by the International Code Council, 500 New Jersey Avenue NW 6th Floor, Washington, DC 20001. The purposes of the Code are to protect the safety of the residents of the Town by prescribing minimum standards for buildings and other structures. The subject matter of this Code is the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety to fire fighters and emergency responders during emergency operations within the Town.

Section 13.25.020 Amendments. The International Fire Code, (“IFC 2012 Code”) is hereby amended to read as follows:

A. *Section 101.1.* Section 101.1, entitled Title, is amended to read as follows: This regulation shall be known as The Fire Code of the Town of Eagle and the Greater Eagle Fire Protection District (Fire District), hereinafter referred to as this code.

B. *Section 104.1.* Section 104.1 entitled General, is amended to include the following sentence:

The Town of Eagle Building Official shall have the same authority as the Fire Code Official to enforce and render interpretation of this code. In the case of dispute with regard to new construction or remodel, the Building Official’s interpretation shall be final. With regard to maintenance, the Fire Code Official’s interpretation shall be final.

C. In cases of more than a 10 working day turnaround on Plan Review by the Fire District or when there is an anticipated more than 10 working day turn around, the Town may direct a qualified third party review of plans. Similarly, in cases where there is more than a 5 working day delay in construction inspection, the Town may direct a qualified third party inspection.

D. *Section 105.1.1.* Section 105.1.1, entitled Permits Required, is amended to

include the following: The fee for each permit shall be as set forth in Table #1 contained in Section 13.13.080 of The Eagle Municipal Code.

E. *Section 105.3.9.* Section 105.3.9, a new section entitled Refund, is added and shall read as follows:

The Fire Code Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Fire Code Official may authorize refunding of not more than eighty 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 canceled before any plan reviewing is done. The Fire Code Official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

F. *Section 108.1.* Section 108.1, entitled Board of Appeals Established, is amended to read as follows:

Any person aggrieved by orders, decisions or determination made by The Fire Code Official in applying the provisions of this Code adopted by reference thereunder, as herein defined, may appeal such decision to the Planning and Zoning Commission of the Town of Eagle as set forth in Chapter 13.15 of the Eagle Municipal Code.

G. *Section 108.3.* Section 108.3, entitled Qualification, is hereby deleted.

H. *Section 308.1.4.* Section 308.1.4, entitled Open-Flame Cooking Devices, exception #3 is amended to read as follows:

3. LP gas cooking devices having LP gas container with a liquid propane capacity no greater than 4.7 gallons.

I. *Section 503.1.2.* Section 503.1.2 entitled Additional Access, is amended to read as follows:

The Fire Code Official shall make recommendations to the Town in regard to vehicular access to a site. The Town Engineer is the responsible party at the Town to determine vehicular access and shall respond to the Fire Code Official during the Plan Review Process. The determination of the Town Engineer shall be incorporated into the Permit.

J. *Section 603.4.* Section 603.4, entitled Portable Unvented Heater, is hereby amended to read as follows:

Portable unvented fuel-fired heating equipment shall be prohibited inside any occupancy

within the Town of Eagle.

K. *Section 603.4.1.* Section 603.4.1 is hereby deleted.

L. *Section 603.6.* Section 603.6, entitled Chimneys and Appliances, is amended to include the following additional sentence:

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

M. *Section 901.6.2.* Section 901.6.2, entitled Records Information, the last sentence is amended to read as follows:

Records of all systems inspection, test and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three (3) years and shall be copied to The Fire Code Official within thirty (30) days of the inspection.

N. *Section 901.11.* A new subsection 901.11 entitled Responding to Nuisance Alarms, is added to Section 901, entitled General, and shall read as follows:

Section 901.11 Responding to Nuisance Alarms. If the Fire District responds to more than three (3) nuisance alarms within a thirty (30) day period, the property owner may be fined by the Fire District for each offense. For three (3) to four (4) nuisance alarms within thirty (30) days a fine may be \$200. For five (5) nuisance alarms within thirty (30) days, a fine may be \$400. For the sixth (6+) and more nuisance alarms within thirty (30) days, a fine may be the current full cost of personnel and equipment for a one hour time period.

O. *Section 903.1.2.* A new subsection 902.1.2, entitled Personnel Qualification, is added to Section 903 entitled Automatic Sprinkler Systems, and shall read as follows:

Section 903.1.2 Personnel Qualifications. Fire Suppression System personnel shall be registered with the Colorado Division of Fire Safety as a Fire Suppression System contractor and be qualified and experienced in the installation, inspection, testing and maintenance of fire sprinkler systems. Qualified personnel shall meet #1 and also one (1) of the following #2-7 requirements:

1. *National Institute for Certification in Engineering Technologies (NICET). Level II minimum is required for field supervisors and Level III minimum certification for plan submittals.
2. Factory trained or certified.
3. Journeyman certification program through an organized labor union.
4. Certified by examination by a state or local authority.
5. A minimum of 8 hours of continuing education annually.

6. Trained and qualified personnel employed by an organization listed by a national testing laboratory for the servicing of fire sprinkler systems.
7. Completion of apprentice program through an accredited educational program.

P. *Section 907.* Section 907, entitled Fire Alarm and Detection Systems, shall be amended as follows:

- Section 907.2.1 Group A: Delete the Exceptions
- Section 907.2.2 Group B: Delete the Exceptions
- Section 907.2.3 Group E: Delete Exception #3
- Section 907.2.4 Group F: Delete the Exceptions
- Section 907.2.7 Group M: Delete Exception #2
- Section 907.2.8.1 Group R-1: Delete Exception #2
- Section 907.2.9.1 Group R-2: Delete Exceptions #2 and 3
- Section 907.2.10 Group R-4: Delete Exceptions #2 and 3

Q. *Section 907.1 General.* Section 907.1, entitled General, is amended to include the following additional subsection:

Section 907.1.1.1 Personnel Qualifications. Fire Alarm System personnel shall be qualified and experienced in the installation, inspection, testing and maintenance for fire alarm systems. Personnel shall be certified through the National Institute for Certification in Engineering Technologies (NICET) at a minimum of Level II for field supervisors and a minimum of Level III for plan submittals. Personnel shall also meet one of the following requirements #1-6:

1. Factory trained or certified.
2. Journeyman certification program through an organized labor union.
3. Certified by examination by a state or local authority.
4. A minimum of 8 hours of continuing education annually.
5. Trained and qualified personnel employed by an organization listed by a national testing laboratory for the servicing of fire alarm systems.
6. Completion of apprentice program through an accredited educational program.

R. *Section 904.1.1.* Section 904.1.1, entitled Certification of Service Personnel, for fire-extinguishing equipment, is amended to include the following sentences:

Service Personnel shall be registered with the Colorado Division of Fire Safety as a Fire Suppression contractor and be qualified and experienced in the installation, inspection, testing and maintaining fire-extinguishing systems. Qualified personnel shall meet #1 and also one of the following #2-7 requirements:

1. *National Institute for Certification in Engineering Technologies (NICET). Level

II minimum is required for field supervisors and Level III minimum certification for plan submittals.

2. Factory trained or certified.
3. Journeyman certification program through an organized labor union.
4. Certified by examination by a state or local authority.
5. A minimum of 8 hours of continuing education annually.
6. Trained and qualified personnel employed by an organization listed by a national testing laboratory for the servicing of fire-extinguishing systems.
7. Completion of apprentice program through an accredited educational program.

S. *Section 907.5.3.* A new Section 907.5.3, entitled Fire Alarm Notification Upon Silencing, shall be added to section 907.5 and shall read as follows:

Section 907.5.3 Fire Alarm Notification Upon Silencing. When a general alarm is silenced (by the Fire Department) the fire alarm system shall be capable of silencing the audible alarms while still providing visual notification to occupants.

T. *Section 903.3.1.3.* Section 903.3.1.3, entitled NFPA13D Sprinkler Systems, is amended to read as follows:

If an owner elects but is not required by the Town Municipal Code to install automatic sprinkler systems in one or two family dwellings or in townhouses, they are permitted to be installed in accordance with the NFPA13D or in accordance with the International Residential Code Section 2904.

Automatic sprinkler systems required in Group R-3 and R04 congregate living facilities shall be permitted to be installed throughout in accordance with NFPA13D.

Section 13.25.030 Copies on file and available for Sale. At least one copy of the International Fire Code, 2012 Edition, and the adopted appendices thereto, together with one copy of the Ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or Building Official and The Fire Code Official. Copies of said Code and appendices shall be available for sale to the public at a moderate price.

Section 13.25.040 Penalties. The section of the International Fire code, 2012 Edition, Section 109 entitled Violations, which contains a penalty clause is herewith amended and adopted as follows:

A. *Section 109.1.* Section 109.1, entitled Unlawful Acts: 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 Code.

B. *Section 109.3.* Section 109.3, entitled Notice of Violation: The Building Official or Fire Code Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the International Fire Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

C. *Section 109.3.3.* Section 109.3.3, entitled Prosecution of Violation: If the notice of violation is not complied with promptly, the Building Official or Fire Code Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order to direction made pursuant thereto.

D. *Section 109.4.* Section 109.4, entitled Violation Penalties: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or Fire Code Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

Any person, firm or corporation violating any of the provision of this Code shall be deemed guilty of a Class A municipal offense and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Code is committed, continued or permitted. Any municipal offense under this Section shall be deemed on of “strict liability.”

(Ord 23-2014 §2, 2014)