

TITLE 15

Buildings and Construction

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CHAPTER 15.04

Adoption of Technical Codes

15.04.010 International codes adopted by reference, as amended.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference the following uniform codes and standards, as amended, as the Town's codes and standards governing the construction, maintenance and safety of buildings and other structures. Unless otherwise specified, the codes incorporated into this Section by reference are published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, and shall have the same legal force and effect as if set forth herein in every particular. Amendments to the uniform codes adopted by the Town are set forth in specified chapters contained in this Title. The subject matter of the adopted codes includes standards regulating the erection, construction, demolition, occupancy, equipment, use, electrical wiring, fire safety, plumbing and maintenance of buildings and structures within the Town, and is designed and intended to protect and preserve the public health, safety and welfare.

(1) The International Building Code, 2003 Edition, specifically including Appendices C and I, the purpose of which is to safeguard the public health, safety and general welfare by establishing minimum requirements for structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to firefighters and emergency responders during emergency operations.

(2) The International Mechanical Code, 2003 Edition, the purpose of which is to provide minimum standards relating to the mechanical installations in or in connection with the construction, alteration and repair of new and existing structures, including design, construction, installation, quality of materials, locations, operation and maintenance or use of heating, ventilation, cooling refrigeration systems, incinerators and other miscellaneous heat-producing appliances..

(3) The International Plumbing Code, 2003 Edition, specifically including Appendices B, C, D, E, F and G, the purpose of which is to safeguard life or limb, health, property and public welfare by providing minimum standards for regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

(4) The National Electrical Code, 2002 Edition, published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or such other later edition or code utilized by the State Electrical Inspector pursuant to Section 12-23-104(2)(a), C.R.S.

(5) The International Fire Code, 2003 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or other code adopted by the Clear Creek Fire Authority and enforced in the Town pursuant to Section 15.20.020 of this Chapter, the purpose of which is to: (1) regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices; (2) provide greater safety and protection to the public from

conditions hazardous to life or property in the occupancy of buildings or premises; and (3) provide for the issuance of permits and collection of fees therefor.

(6) The International Energy Conservation Code, 2003 Edition, the purpose of which is to encourage energy conservation through efficiency in envelope design, mechanical systems, lighting systems and the use of new materials and techniques.

(7) In the International Residential Code, 2003 Edition, specifically including Appendix H, the purpose of which is to safeguard the public safety, health and general welfare by providing minimum requirements for affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

(8) The International Existing Buildings Code, 2003 Edition, specifically including Resource A, the purpose of which is to provide an alternate set of standards for construction in and within existing buildings.

(9) The International Fuel Gas Code, 2003 Edition, specifically including Appendices A, B and C, the purpose of which is to safeguard life or limb, health, property and public welfare by providing minimum standards for regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems. (Ord. 447 §2, 1992; Ord. 463 §2, 1994; Ord. 2 §1, 2003; Ord. 13 §1, 2008)

15.04.020 Penalties for violations of codes.

(a) It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Title and the Town's building codes or regulations. Violations of this Section and the uniform codes adopted in this Title shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed one (1) year, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation occurs or continues unabated. (b) The imposition of a penalty as provided in this Section shall not excuse a violation or permit it to continue, and all persons penalized may be required to correct or remedy the violation or defects within a reasonable time. (Ord. 447 §11, 1992; Ord. 2 §1, 2003)

15.04.030 Fees.

Every permit application submitted and/or permit issued under the codes adopted in this Chapter shall be subject to the full and timely payment of a fee. Unless set by ordinance or established within a uniform code adopted pursuant to this Chapter, the Town Administrator shall establish and update from time to time a permit fee schedule setting forth all applicable fees and taking into consideration the time and cost to the Town in reviewing a permit application and building plans, and for conducting inspections. All fees established by the Town Administrator must be approved by resolution of the Board of Selectmen. The Town Clerk shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall. In the event the Town is required to retain consultants or outside experts to review and/or approve any permit application, or to conduct any

inspection pursuant to a permit, the permit applicant or permit holder shall bear the cost for the same, which shall be made part of the application or permit fee. (Ord. 2 §1, 2003)

15.04.040 Copies of codes.

At least one (1) true and certified copy of each code adopted by the Town under this Chapter shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such codes shall also be made available for copying or purchase by the public at reasonable cost. (Ord. 2 §1, 2003)

15.04.050 Nonliability.

The adoption of the codes and standards in this Title shall not create any duty to any person, firm or corporation with regard to the enforcement or nonenforcement of said codes and standards. No person, firm or corporation shall have any civil liability remedy against the Town, its officers, employees or agents for any damages arising out of or in any way connected with the adoption, enforcement or nonenforcement of said codes or standards. Nothing in the codes and standards adopted herein shall be construed to create any liability or to waive any of the immunities, limitations on liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available. (Ord. 13 §2, 2008)

15.04.060 Application to historic buildings.

The Town shall administer the codes and standards adopted in this Title in a manner that protects the integrity and significant features of the Town's historic structures, including allowing derivations from the codes and standards in order to reduce impacts on the features and materials of historic structures. In this Section, the term *historic structure* shall mean a structure listed or eligible for listing in the National Register of Historic Places or designated as historic under an appropriate state or local law. (Ord. 13 §3, 2008)

CHAPTER 15.08

Building Code Amendments

15.08.010 Sections amended.

The following sections of the International Building Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

(1) The term "building official" shall be substituted for the term "code official" throughout the International Building Code.

(2) Section 101.1 (Title) is amended by the addition of the term "Town of Georgetown" where indicated.

(3) Sections 101.4 (Referenced codes), 101.4.1 (Electrical), 104.4.2 (Gas), 104.4.3 (Mechanical), 104.4.4 (Plumbing), 104.4.5 (Property maintenance), 104.4.6 (Fire prevention) and 104.4.7 (Energy) are amended by deleting the sections in their entirety.

(4) Section 102.4 (Referenced codes and standards) is amended by deleting the words "codes and" from the first sentence.

(5) Section 103 (Department of Building Safety) is amended by deleting the section in its entirety and replacing it with the following:

"Section 103. Design Review Commission

"103.1 Duties. The Design Review Commission of the Town shall determine the historical significance of a contested portion of a structure and shall perform all other duties pursuant to Title 17."

(6) Section 104.7 (Department records) is amended by deleting the section in its entirety and replacing the section with the following:

"The Town shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

The International Building Code is further amended by replacing all other references to "the building official keeping official records" to "the Town keeping official records."

(7) Section 105.1 is amended by inserting "and shall second, make application to the Design Review Commission for a Certificate of Appropriateness and obtain the required document" at the end of the final sentence in the section.

(8) Section 105.5 (Expiration) shall be amended by the addition of the following sentences:

"Every permit shall also become invalid two years after its issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Certificate of Appropriateness shall terminate or expire along with the applicable building permit."

(9) Section 105.6 (Suspension or revocation) shall be amended by the addition of the following sentence:

"The Certificate of Appropriateness shall be suspended or revoked along with the applicable building permit."

(10) Section 108.2 (Schedule of permit fees) is amended by deleting the section in its entirety and replacing the section with the following:

"Plan review fees, permit fees and all other fees and bonds shall be in the amounts established from time to time by resolution of the Board of Selectmen."

(11) Section 112.1 (General) is amended by deleting the last two (2) sentences and inserting the following:

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

(12) Section 112.3 (Qualifications) is amended by deleting the section in its entirety.

(13) Section 113.3 (Prosecution of violation) is amended to read as follows:

"Prosecution of violation. If notice of violation is not complied with within thirty (30) days, 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. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than thirty (30) days each. The extension shall be requested in writing and justifiable cause demonstrated."

(14) The International Building Code is amended by adding a new Section 116 (Completion of Work) as follows:

"Section 116. Completion of Work

"116.1 Bond. The Town may require a cleanup and completion bond to ensure completion of construction, landscaping, or other work for which a permit is required. The bond shall be a cash deposit or other security acceptable to the Town Administrator, which shall be paid at the time other building permit fees are paid. The bond shall be in accordance with a fee schedule established by the Town.

"116.2 Right of entry. The Town shall have the right to enter property upon which construction, landscaping, or work for which a permit is required is taking place and shall have the right to complete private improvements for which a permit is required. The Town shall have the right to reimbursement for any and all costs not covered by the bond required by Section 116.1."

(15) Section 502 (Definitions) is amended by deleting the definition of "Height, Building" and replacing the definition with the following:

"HEIGHT, BUILDING. The distance measured on a vertical plane from the average historic grade, or from the post-construction grade at the perimeter walls of a building or structure, whichever is lower, to: (1) the highest point of the coping of a flat roof, or (2) the highest point along the ridge or deck line of a mansard roof, or (3) to the mid-point of the highest gable of a pitched, shed or hipped roof measured from the highest associated eave. Chimneys, antennae, flag poles, bell towers, spires, steeples, vents or other roof or building appurtenances extending from the surface of a roof shall not be measured in calculating building height; however, such appurtenances shall not extend more than ten (10) feet above the building height absent a duly approved variance, except for mechanical equipment, which may not extend more than five (5) feet above the building height."

(16) Section 1603.1 (Construction Documents – General) is amended by inserting the following sentence: "A registered design professional shall design and affix their professional seal

to construction documents for buildings utilizing rafters or other non-engineered roof structures," and by filling in the following information:

- "1. Ground snow load, 75 lbs per square foot.
- "2. Frost depth, 42 inches below finished grade.
- "3. Wind load, 100 mph."

(Ord. 13 §4, 2008)

15.08.020 Conflicts.

Notwithstanding any provision contained in the International Building Code, the definition of *height* and the method for measuring building height shall be governed by the definition for *height* contained in Title 17 of this Code. Additionally, the Board of Selectmen shall serve as the Building Board of Appeals and hear all appeals from the orders, decisions or determinations made by the Building Official under the Code, and will have the authority to grant variances from the requirements of the Building Code upon written application and a showing of hardship, technical or design impracticality, or other good cause. (Ord. 2 §1, 2003)

CHAPTER 15.12

Mechanical Code Amendments

15.12.010 Sections amended.

The following sections of the International Mechanical Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

- (1) The term "building official" shall be substituted for the term "code official" throughout the International Mechanical Code.
- (2) Section 102.8 is amended by deleting the words "codes and" from the first sentence.
- (3) Section 106.5.2 is amended by deleting the section in its entirety and replacing the section with the following:

"Permit fees and all other fees shall be in the amounts established from time to time by resolution of the Board of Selectmen."
- (4) Section 109.1 is amended by deleting the number "20" and inserting the number "30."
- (5) Sections 109.2, 109.2.1, 109.2.2 are amended by deleting the sections in their entirety.
- (6) Section 306.3 is amended by inserting the words "or portion thereof" after "appliance" in the first sentence.

(7) Section 306.4 is amended by inserting the words "or portion thereof" after "appliance" in the first sentence.

(8) Section 309.1 is amended by inserting the words "and 2 feet from exterior walls in all habitable rooms" between "above floor" and "the design heating day" in the first sentence. (Ord. 13 §5, 2008)

CHAPTER 15.16

Plumbing Code Amendments

15.16.010 Sections amended.

The following sections of the International Plumbing Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

(1) The term "building official" shall be substituted for the term "code official" throughout the International Plumbing Code.

(2) Section 101.1 (Title) is amended by the addition of the term "Town of Georgetown" where indicated.

(3) Section 102.8 (Referenced codes and standards) is amended by deleting the words "codes and" from the first sentence.

(4) Section 106.6.2 (Fee schedule) is amended by deleting the section in its entirety and replacing the section with the following:

"Permit fees and all other fees shall be in the amounts established from time to time by resolution of the Board of Selectmen."

(5) Sections 106.6.3(2) and (3) (Fee refunds) are amended by adding the number "75" in front of the word "percent."

(6) Sections 109.2 (Membership of the Board), 109.2.1 (Qualifications) and 109.2.2 (Alternate Members) are amended by deleting the sections in their entirety. (Ord. 13 §6, 2008)

CHAPTER 15.20

Fire Code

15.20.010 Clear Creek Fire Authority.

In order to maximize public fire-fighting capabilities and the delivery of emergency services on a regional basis, the Town has entered into an intergovernmental agreement creating the Clear Creek Fire Authority. Pursuant to the Clear Creek Fire Authority Intergovernmental Agreement, or any such similar agreement that should replace said intergovernmental agreement, the Clear Creek Fire Authority shall have and exercise all those powers and functions as vested in a fire protection district

under Sections 32-1-1001 and 32-1-1002, C.R.S., and/or as limited by the intergovernmental agreement, and shall exercise such powers and functions within the Town. (Ord. 498 §1, 1999; Ord. 2 §1, 2003)

15.20.020 Delegation of authority to adopt and amend fire code.

(a) Notwithstanding any other provision in this Title, and consistent with the Clear Creek Fire Authority Intergovernmental Agreement as referenced in Section 15.20.010 above, the Clear Creek Fire Authority (the "Authority") is hereby delegated the authority and power to adopt and amend such fire codes and fire code regulations for application and enforcement within the Town as it may deem necessary to protect and preserve the public health, safety and welfare. The delegation of authority and power as provided for herein shall be vested in the Authority subject to the continued validity of the Clear Creek Fire Authority Intergovernmental Agreement and the Town's membership and participation therein.

(b) The International Fire Code as adopted pursuant to Chapter 15.04 of this Title shall continue to be enforced within the Town until such time as a new fire code and/or regulations have been approved and adopted by the Authority. (Ord. 13 §7, 2008)

15.20.030 Delegation of authority to enforce fire code and conduct fire code inspections; fees.

Consistent with and subject to the Clear Creek Fire Authority Intergovernmental Agreement as referenced in Section 15.20.010 above, the Clear Creek Fire Authority is hereby delegated the authority and power to enforce all fire codes and fire safety regulations within the Town, to undertake and conduct fire code and fire safety inspections, and to set, charge and collect reasonable fees with respect thereto. (Ord. 498 §1, 1999)

15.20.040 Copies of fire code.

No less than one (1) copy of the fire code and fire safety regulations adopted by the Clear Creek Fire Authority shall be made available at all times for public inspection and copying during regular business hours in the office of the Town Clerk. Copies of such codes and regulations shall also be made available for sale to the public upon request. Notwithstanding the foregoing, a failure to have a copy or copies of the fire codes or regulations available to the public at any given time shall not be a defense to any prosecution of a violation of the fire code or fire safety regulations. (Ord. 498 §1, 1999)

15.20.050 Penalties.

It shall be unlawful for any person to violate any provision of the fire code or fire safety regulations adopted by the Town and the Clear Creek Fire Authority, inclusive of the International Fire Code, as amended, and any person found to have violated such codes or regulations shall be subject to a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed one (1) year, or both such fine and imprisonment (Ord. 498 §1, 1999; Ord. 13 §8, 2008)

CHAPTER 15.24

Electrical Code Amendments

15.24.010 Code adopted without change.

Since the State of Colorado shall be the inspection and enforcement agency for the Electrical Code within the Town pursuant to Section 12-23-116(2), C.R.S., the Code adopted and/or amended by the State shall be the Code enforced in the Town. (Ord. 447 §7, 1992; Ord. 2 §1, 2003)

CHAPTER 15.32

Energy Code Amendments

15.32.010 Sections amended.

The following sections of the International Energy Conservation Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

(1) The term "building official" shall be substituted for the term "code official" throughout the International Energy Conservation Code.

(2) Section 101.1 is amended by the addition of the term "Town of Georgetown" where indicated. (Ord. 13 §10, 2008)

CHAPTER 15.44

Residential Code Amendments

15.44.010 Sections amended.

The following sections of the International Residential Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

(1) The term "building official" shall be substituted for the term "code official" throughout the International Residential Code.

(2) Section 101.1 is amended by the addition of the term "Town of Georgetown" where indicated.

(3) Section 102.4 is amended by deleting the words "codes and" from the first sentence.

(4) Section 103 (Department of Building Safety) is amended by deleting the section in its entirety and replacing it with the following:

"Section 103. Design Review Commission

"103.1 Duties. The Design Review Commission of the Town shall determine the historical significance of a contested portion of a structure and shall perform all other duties pursuant to Title 17."

(5) Section 104.7 (Department records) is amended by deleting the section in its entirety and replacing the section with the following:

"The Town shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

"The International Residential Code is further amended by replacing all other references to the 'building official keeping official records' to the "Town keeping official records."

(6) Section 105.1 is amended by inserting "and shall second, make application to the Design Review Commission for a Certificate of Appropriateness and obtain the required document" at the end of the final sentence in the section.

(7) Section 105.2 is amended by deleting the number "200" and inserting the number "120."

(8) Section 105.5 (Expiration) shall be amended by the addition of the following sentences:

"Every permit shall also become invalid two years after its issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Certificate of Appropriateness shall terminate or expire along with the applicable building permit."

(9) Section 105.6 (Suspension or revocation) shall be amended by the addition of the following sentence:

"The Certificate of Appropriateness shall be suspended or revoked along with the applicable building permit."

(10) Section 108.2 is amended by deleting the section in its entirety and replacing the section with the following:

"Permit fees and all other fees shall be in the amounts established from time to time by resolution of the Board of Selectmen."

(11) Section 111.1 is amended by deleting the number "20" and inserting the number "30."

(12) Sections 111.2, 111.2.1 and 111.2.2 are amended by deleting the sections in their entirety.

(13) Section 112.1 (General) is amended by deleting the last two sentences and inserting the following:

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

(14) Section 112.3 (Qualifications) is amended by deleting the section in its entirety.

(15) Section 113.3 (Prosecution of violation) is amended to read as follows:

"Prosecution of violation. If notice of violation is not complied with within thirty (30) days, 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. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than thirty (30) days each. The extension shall be requested in writing and justifiable cause demonstrated."

(16) The International Residential Code is amended by adding a new Section 115 (Completion of Work) as follows:

"Section 115. Completion of Work

"115.1 Bond. The Town may require a cleanup and completion bond to ensure completion of construction, landscaping, or other work for which a permit is required. The bond shall be a cash deposit or other security acceptable to the Town Administrator, which shall be paid at the time other building permit fees are paid. The bond shall be in accordance with a fee schedule established by the Town.

"115.2 Right of entry. The Town shall have the right to enter property upon which construction, landscaping, or work for which a permit is required is taking place and shall have the right to complete private improvements for which a permit is required. The Town shall have the right to reimbursement for any and all costs not covered by the bond required by Section 116.1."

(17) Table R302.1.2(1) is filled in to provide the following:

Table R301.2 (1)

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From			Decay	Winter Design Temp (Zone)	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite						
75 psf	100	B	Severe	42 in.	Slight to Moderate	None to Slight	13	YES	Per Town Flood Map	>0-1000	45°F

(18) Section 308.4, Item 5 is amended by adding "within 5 feet of the fixture" to the end of the second sentence.

(19) Section 502 (Definitions) is amended by deleting the definition of "Height, Building" and replacing the definition with the following:

"HEIGHT, BUILDING. The distance measured on a vertical plane from the average historic grade, or from the post-construction grade at the perimeter walls of a building or structure, whichever is lower, to: (1) the highest point of the coping of a flat roof, or (2) the highest point along the ridge or deck line of a mansard roof, or (3) to the mid-point of the highest gable of a pitched, shed or hipped roof measured from the highest associated eave. Chimneys, antennae, flag poles, bell towers, spires, steeples, vents or other roof or building appurtenances extending from the surface of a roof shall not be measured in calculating building height; however, such appurtenances shall not extend more than ten (10) feet above the building height absent a duly approved variance, except for mechanical equipment, which may not extend more than five (5) feet above the building height."

(Ord. 13 §12, 2008)

CHAPTER 15.48

Existing Buildings Code Amendments

15.48.010 Sections amended.

The following sections of the International Existing Buildings Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

(1) The term "building official" shall be substituted for the term "code official" throughout the International Existing Buildings Code.

(2) Section 101.1 is amended by the addition of the term "Town of Georgetown" where indicated.

(3) Section 102.4 is amended by deleting the words "codes and" from the first sentence.

(4) Section 103 (Department of Building Safety) is amended by deleting the section in its entirety and replacing it with the following:

"Section 103. Design Review Commission

"103.1 Duties. The Design Review Commission of the Town shall determine the historical significance of a contested portion of a structure and shall perform all other duties pursuant to Title 17."

(5) Section 104.7 (Department records) is amended by deleting the section in its entirety and replacing the section with the following:

"The Town shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

The International Existing Buildings Code is further amended by replacing all other references to the "building official keeping official records" to the "Town keeping official records."

(6) Section 105.1 is amended by inserting "and shall second, make application to the Design Review Commission for a Certificate of Appropriateness and obtain the required document" at the end of the final sentence in the section.

(7) Section 105.2 is amended by deleting the number "200" and inserting the number "120."

(8) Section 105.5 (Expiration) shall be amended by the addition of the following sentences:

"Every permit shall also become invalid two years after its issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Certificate of Appropriateness shall terminate or expire along with the applicable building permit."

(9) Section 105.6 (Suspension or revocation) shall be amended by the addition of the following sentence:

"The Certificate of Appropriateness shall be suspended or revoked along with the applicable building permit."

(10) Section 108.2 is amended by deleting the section in its entirety and replacing the section with the following:

"Permit fees and all other fees shall be in the amounts established from time to time by resolution of the Board of Selectmen."

(11) Section 112.1 (General) is amended by deleting the last two sentences and inserting the following:

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

(12) Section 112.3 (Qualifications) is amended by deleting the section in its entirety.

(13) Section 113.3 (Prosecution of violation) is amended to read as follows:

"Prosecution of violation. If notice of violation is not complied with within thirty (30) days, 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. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 30 days each. The extension shall be requested in writing and justifiable cause demonstrated."

(14) Section 1004.1 is amended by the addition of the words "interior and exterior stairways" after the word "entrance." (Ord. 13 §13, 2008)

CHAPTER 15.50

Fuel Gas Code Amendments

15.50.010 Sections amended.

The following sections of the International Fuel Gas Code adopted in Section 15.04.010 of this Title are amended as hereinafter provided:

(1) The term "building official" shall be substituted for the term "code official" throughout the International Fuel Gas Code.

(2) Section 102.8 is amended by deleting the words "codes and" from the first sentence.

(3) Section 106.5.2 is amended by deleting the section in its entirety and replacing the section with the following:

"Permit fees and all other fees shall be in the amounts established from time to time by resolution of the Board of Selectmen."

(4) Section 109.1 is amended by changing the number "20" to the number "30."

(5) Sections 109.2, 109.2.1 and 109.2.2 are amended by deleting the sections in their entirety. (Ord. 13 §14, 2008)

CHAPTER 15.52

Erosion and Runoff Regulations

15.52.010 Legislative intent.

This Chapter is intended to preserve the public health, welfare, safety and environment through the reduction or control of erosion, runoff, sediment loading and water pollution from earth-disturbing activities by regulating such activities and excavations and requiring measures to control erosion, runoff and water pollution both during and after the time such activities are undertaken. (Ord. 468 §1, 1995)

15.52.020 Definitions.

As used in this Chapter, the following terms have the following meanings:

Administrator means the Town Administrator, who shall be responsible for administration and enforcement of this Chapter.

Best management practices or *BMPs* means permanent measures and measures taken during construction described in or adapted from the manual to protect water quality and control runoff and erosion from earth-disturbing activities.

BMP plan means a detailed, site-specific description of the BMPs to be implemented both during the earth-disturbing activity and permanently.

Construction means construction or remodeling of any building or other structure above, below or above and below grade.

Earth-disturbing activity means any change to the natural vegetation, soil, rock, drainage or topography, and includes all grading, filling, excavating, clearing vegetation, snow plowing or removal, snow storage, construction of buildings or other improvements. Any activity that may result in or contribute to accelerated soil erosion or sediment transport is included.

Excavating means any act by which soil or rock is cut into, exposed, dug, quarried, removed or relocated.

Exempt activity means any earth-disturbing activity exempted by Section 15.52.040 of this Chapter from certain requirements.

Filling means any act by which soil, rock, gravel, concrete, asphalt or other construction materials are placed, stockpiled, dumped or relocated onto the land, whether the land is in its natural state or has been altered by grading, excavating or prior filling.

Grading means any alteration of the existing topography.

Large-scale activity means any earth-disturbing activity that disturbs more than one (1) acre or moves more than one thousand (1,000) cubic yards of material. Earth-disturbing activities at separate locations within one (1) site or project, such as different lots in a subdivision under common ownership or development, will be considered together.

Manual means the "Guide to Water Quality Protection and Erosion Control" adopted herewith, or as may be amended.

Permit means any Town grading or excavating permit, building permit, sanitation permit, road construction permit, special use permit, planned unit development approval, conditional use permit, final development plan or mining permit.

Sand storage means stockpiling salt, sand or other substances used for deicing or improving traction on roads or parking lots.

Snow storage means stockpiling snow removed from a street, road, highway, driveway or other site off the site from which it is removed. (Ord. 468 §2, 1995)

15.52.030 Best management practices required.

(a) No person shall engage in any earth-disturbing activity without a permit issued by the Building Inspector/Official under this Chapter and without utilizing best management practices to prevent erosion and sedimentation as described in the Guide to Water Quality Protection and Erosion Control adopted by the Town and incorporated into this Section by reference.

(b) Acceptable best management practices shall be those practices described in the manual. Since the circumstances of each earth-disturbing activity are different, different BMPs may be

required. The Building Inspector/Official shall approve the selection of applicable BMPs. The Building Inspector/Official may also approve other practices or variations from the standards of the manual where the BMP prescribed in the manual is not practical, or which will be at least as effective in meeting the goals of this Chapter.

(c) No person shall undertake any large-scale earth-disturbing activity except pursuant to an approved BMP plan. No permit shall be issued for any activity or project that includes any large-scale earth-disturbing activity without incorporating an approved BMP plan. The proposed BMP plan must be submitted by the owner of the land on which the activity is to occur.

(d) BMP plans for large-scale activities shall incorporate sufficient measures, identified in the manual or by qualified individuals, to minimize accelerated erosion, off-site sediment transport or adverse effects on water quality.

(e) Persons undertaking exempt activities shall use best management practices during the activity.

(f) The manual may be amended from time to time by resolution of the Board of Selectmen.

(g) Installation of all permanent improvements required pursuant to this Chapter is required prior to issuance of final project approval or a certificate of occupancy. Additionally, any permanent or temporary exterior improvement requires approval of the Design Review Commission prior to its installation.

(h) No graded, excavated or fill material or snow shall be deposited or stockpiled in a natural watercourse or where eroded material or melted snow will directly enter a natural watercourse. (Ord. 468 §3, 1995; Ord. 2 §1, 2003)

15.52.040 Exemptions from BMP plan requirement.

(a) Notwithstanding the provisions of Section 15.52.030, no BMP plan shall be required for the following exempt activities:

(1) Earth-disturbing activities that disturb less than one (1) acre.

(2) Earth-disturbing activities involving less than five hundred (500) cubic yards of material.

(3) Clearing of vegetation from less than one (1) acre.

(4) Routine maintenance, including grading of state highways, county roads or Town streets by the State, County or Town or their contractors.

(5) Digging and filling graves in a cemetery.

(6) Tillage of land for agricultural or silvicultural purposes, and harvesting agricultural crops.

(7) Earth-disturbing activity authorized by existing building permits.

(8) Snow plowing or removal where the snow is deposited on the shoulder or edge of the plowed road, driveway or site.

(b) Where exempt activity is part of a project requiring a permit, the applicant for such permit shall so state in the application.

(c) If the Building Inspector/Official determines that unreasonable erosion, off-site sediment transport or water pollution is threatened by or results from an exempt activity, the Building Official may order the activity to cease until a BMP plan is approved and implemented. (Ord. 468 §4, 1995; Ord. 2 §1, 2003)

15.52.050 Fees and performance guaranty.

(a) Fees. Fees for applications, review, inspection, enforcement and exemption shall be those used by the Town in the Uniform Building Code from time to time by resolution of the Board of Selectmen.

(b) Performance guaranty. A bond or other performance guaranty in a form acceptable to the Town Attorney must be furnished prior to issuance of a permit. The amount of the bond or other performance guaranty shall be determined by the Building Inspector/Official, and shall be adequate to reasonably assure the Town can permanently stabilize any unfinished earth-disturbing activity. The bond or other performance guaranty shall be released when the site is permanently stabilized. Revegetation will be considered permanently stabilized no sooner than six (6) months after initial planting. (Ord. 468 §5, 1995; Ord. 2 §1, 2003)

15.52.060 Administration.

(a) Review and approval of plans. The Building Inspector/Official shall review BMP plans promptly, but in no case longer than thirty (30) days, and may approve, disapprove or approve with conditions in writing.

(b) Inspection. The Building Inspector/ Official may enter on public or private property at any time to investigate compliance with this Chapter. The Building Inspector/Official may also inspect the work and may order the owner to take necessary measures to assure compliance, including hiring a registered professional engineer or other expert to confirm compliance.

(c) Enforcement. The Building Inspector/ Official may issue such written orders as are necessary to insure compliance with this Chapter, which may include an order to stop work, or to repair any damage. The owner and owner's agents or contractors shall thereupon take all actions specified in the written order no later than the date specified therein. Notwithstanding the availability or use of any other remedy, the Town Attorney may institute action in any court of competent jurisdiction to permit inspection or to enjoin, restrain or prevent violation of this Chapter or of a BMP plan.

(d) A copy of the BMP plan and approval shall be kept on the job site.

(e) Approval of a BMP plan is valid for two (2) years. A new application and approval is required if the project is not complete in two (2) years.

(f) Appeals. Any decision of the Building Inspector/Official may be appealed to the Board of adjustment by filing a notice of appeal within twenty (20) days after formal notification of the decision. (Ord. 468 §6, 1995; Ord. 2 §1, 2003)

15.52.070 Penalties.

Violations of this Chapter shall be deemed noncriminal in nature and may be punished by the imposition of a fine up to one thousand dollars (\$1,000.00). Each day a violation shall continue shall be deemed a separate offense and be subject to a separate fine. (Ord. 468 §7, 1995; Ord. 2 §1, 2003)