

Title 12

BUILDINGS AND CONSTRUCTION

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Chapter 12.04

GENERAL PROVISIONS

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- 12.04.010 Short Title.
- 12.04.020 Applicability.
- 12.04.030 Exceptions.
- 12.04.050 Prevailing Provisions.
- 12.04.060 Violation--Penalty.

12.04.010 Short Title. This Title may be cited for all purposes as the “Town of De Beque Building and Construction Code.” (Ord. 183 §1(part), 1991; Ord. 226 (part), 1995).

12.04.020 Applicability. Within the Town 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 or from one property to another within the Town, 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;

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. 183 §(part), 1991; Ord. 226 (part), 1995; Ord. 243 §3, 1996).

12.04.030 Exceptions. A. Otherwise applicable provisions of this Title shall 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 State Fire Marshal, the Colorado Division of Housing, and/or the National Manufactured Housing Construction and Safety Standards Act of 1974;

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 Chapters 12.32 and 12.36. Additions, alterations or repairs to any mobile home, manufactured home or factory-built unit shall comply with all provisions of this Title.

(Ord. 183 §1(part), 1991; Ord. 226 (part), 1995).

12.04.050 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, the provision which is more restrictive shall govern. (Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.04.060 Violation--Penalty. A. Except as may otherwise be provided in this Title, any person, firm or corporation violating any provisions of this Title 12 shall be deemed guilty of a Class B municipal offense. Each separate day or any portion thereof, during which any violation of this Title continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any municipal offense under this Title shall be deemed one of “strict liability.” Provided, however, only the Town, by and through the Administrative Authority shall be permitted to file a complaint in the De Beque Municipal Court for violation of any of the provisions of this Title and the primary codes adopted by reference herein.

B. In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used or maintained in violation of this Title or any primary code adopted by reference herein, the Town Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use, in any court of competent jurisdiction.

(Ord. 183 §1(part), 1991); (Ord. 226 (part), 1995); (Amended Ord. 271 §3 (part), 2002); (Ord. 473 §2, 2016)

Chapter 12.08

DEFINITIONS

Sections:

12.08.010 Definitions. 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 uniform codes adopted by reference in this Title.

“Administrative authority” means the De Beque Building Official, Town Administrator, or the designee of either, including a De Beque Marshal or Deputy Marshal.

“Building Inspector or Official” means the De Beque Building Official or his regularly authorized deputy.

“Chief of the Fire Department” means the head of the De Beque Fire Protection District, or his regularly authorized deputy, or the De Beque Building Official.

“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.”

“Health officer” means the Town health officer, or the Mesa County health officer, or a regularly authorized designee.

“Jurisdiction” means the corporate limits of the Town of De Beque, Colorado.

“Lot” means any parcel of land or portion thereof on record in the office of the Mesa County Assessor.

“Manufactured home” means a single-family dwelling which is partially or entirely manufactured in a factory and designed for long-term residential or nonresidential 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 chromatically 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.

“Mobile home” means a structure designed to be transported after fabrication and exceeding

either eight feet (8') in a body width or thirty-two feet (32') in body length, excluding towing gear and bumper. If such a structure is built on a chassis and designed to retain the chassis on which it was built, whether or not such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with plumbing, heating and electrical facilities, and is so designed to prevent occupancy for driving or sleeping purposes, and is fitted with the necessary appurtenances for permanent connection to a municipal water and sewage system.

“Road” means any public or private access road, street, highway, easement or way platted and recorded or shown on any official map, whether or not such road is actually constructed.

“Site” means any parcel or area of land having an area sufficient to satisfy the applicable provisions of the De Beque Municipal Code.

“Town” means the incorporated area of the Town of De Beque which may be referred to in this Title as the regulated area.

“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.

(Ord. 183 §1 (part), 1991; Amended Ord. 226 (part), 1995) (Ord. 473 §2, 2016)

Chapter 12.12

INTERNATIONAL BUILDING CODE

Sections:

- 12.12.010 Adopted by Reference.
- 12.12.020 Amendments.
- 12.12.030 Copies on File and Available for Sale.
- 12.12.040 Penalties.

12.12.010 Adopted by Reference. (A) 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, together with the Chapters of the Appendix as set forth below, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401 (hereinafter “IBC” or “International Building Code”). The purpose of the IBC is to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to, the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town.

B. The following Chapters of the Appendix of the International Building Code, 2012 Edition, are adopted:

- Chapter C, Group U-Agricultural Buildings
- Chapter I, Patio Covers
- No other Chapters of the Appendix are adopted.

(Ord. 256 §1 (part), 2001)

12.12.020 Amendments. The International Building Code, 2012 Edition, is hereby amended as follows:

A. *Section 105.2:* Section 105.2 is amended by the addition of the word Platforms to Section 105.2, Item 6.

B. *Section 109:* Section 109 is amended by the addition of Subsection 109.7. No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

C. *Section 109.2:* Section 109.2 is amended to read as follows: The Fee Schedule, for building permits and/or combinations of building, mechanical, plumbing, electrical, fuel gas piping and pool, hot tub and spa permits, as approved by the Board of Trustees, is on file in the Town Clerk's office.

D. *Section 109.6:* Section 109.6 is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

E. *Section 110:* Section 110 is amended by addition of Subsection 110.7 to read as follows: No inspections shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception of the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

F. *Section 113:* Section 113 is amended by deletion thereof. The Board of Trustees shall serve as the Board of Appeals as set forth in Chapter 12.40 of the De Beque Municipal Code.

G. *Section 114.4. Violation Penalties.* Section 114.4 is amended by deletion of the Section.

H. *Section 310:* Section 310.5.1 amended by deleting "provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code"

I. *Section 310:* Section 310.6 amended by adding at last paragraph "or shall comply with the International Residential Code."_

J. *Table 602:* Table 602 is amended by the addition of footnote i. to E occupancies. "Footnote i. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for IRC occupancies."

K. *Section 1004:* Section 1004, Table 1004.1.2 is amended to change the maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

L. *Section 3001.1* is amended to read as follows:

3001.1 Scope. This chapter governs the design, construction, installations, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefore and providing procedures for the inspection and maintenance of such conveyances.

M. *Chapter 30:* Chapter 30 concerning elevators, moving walks, escalators or dumbwaiters, is amended by adding four (4) new sections and subsections to read as follows:

SECTION 3009
PERMITS & CERTIFICATES OF INSPECTION

3009.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

3009.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3012.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

3009.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the Building Official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this Section.

3009.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3009.5 Fees. A fee for each permit shall be paid to the Building Official as prescribed in the Town's Permit Fee Schedule.

SECTION 3010
DESIGN

3010.1 Detailed requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

SECTION 3011
REQUIREMENTS FOR OPERATION AND MAINTENANCE

3011.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

3011.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ASME A17.1.

3011.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

3011.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

SECTION 3012 UNSAFE CONDITIONS

3012.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the Building Official a full and true report of inspection and unsafe condition. If the Building Official finds that the unsafe condition endangers human life, the Building Official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the Building Official. The Building Official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the Building Official when satisfied that the unsafe conditions have been corrected.

N. *Section 3109.4*: Section is amended by deletion thereof.

(Ord. 256 §1 (part), 2001)

12.12.030 Copies on File and Available for Sale. At least one (1) copy of the International Building Code, 2012 Edition, and the adopted Chapters of the Appendix 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 Building Official. Copies of said IBC and adopted Appendix shall be available for sale to the public at a moderate price. (Ord. 256 §1 (part), 2001).

12.12.040 Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the Town or cause or permit the same to be done, contrary to or

in violation of any of the provisions of the IBC.

Any person, firm or corporation violating any of the provisions of the IBC 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 IBC is committed, continued or permitted. Any offense under this Section shall be deemed one of “strict liability.” Violation of the IBC shall be a Class A municipal offense.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or any approval of, any violation of the provisions of the IBC. No permit presuming to give authority to violate or cancel the provisions of the IBC shall be valid, except insofar as the work or use, which it authorized, is lawful.

The issuance or granting of a permit or approval of a plan shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations from being carried on thereunder when in violation of the IBC or any other ordinance or from revoking any certificates of approval when issued in error.

(Ord. 256 §1(part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 4, 2012).

Chapter 12.14

INTERNATIONAL PLUMBING CODE

Sections:

- 12.14.010 Adopted by Reference.
- 12.14.020 Amendments.
- 12.14.030 Copies on File and Available for Sale.
- 12.14.040 Penalties.

12.14.010 Adopted by Reference. A. 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, with the Appendices described below, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, (hereinafter “IPC” or “International Plumbing Code”). The purpose of the IPC is to protect the safety of residents of the Town by prescribing minimum standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, additions to, use and maintenance of plumbing systems within the Town.

B. The following chapters of the Appendix of the International Plumbing Code, 2012 Edition, are adopted.

Appendix B- Rates of Rain Fall for Various Cities
Appendix E- Sizing of Water Piping Systems
No other Appendices are adopted.

(Ord. 256 §2 (part), 2001).

12.14.020 Amendments. The International Plumbing Code, 2012 Edition, is hereby amended to read as follows:

- A. *Section 106.6.* Section 106.6 is amended by deletion of the Section and replaced with the following. Section 106.6 Permit Fees. A fee for each permit shall be as set forth in the Fee Schedule, as approved by the Board of Trustees, on file in the Town Clerk’s office.
- B. *Section 106:* Section 106.5.6 is amended by deletion of the first paragraph.
- C. *Section 108.4:* Section 108.4 is amended by deletion of the Section.

- D. *Section 109*: Section 109 is amended by deletion and replaced with the following: Section 109, Subsection 109.1. The Colorado State Plumbing Board serves as the Board of Appeals for the International Plumbing Code.

(Ord. 256 §2 (part), 2001).

12.14.030 Copies on File and Available for Sale. At least one (1) copy of the International Plumbing Code, 2012 Edition, and the Appendices adopted 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 Building Official. Copies of said IPC and such Appendices shall be available for sale to the public at a moderate price. (Ord. 256 §2 (part), 2001).

12.14.040 Penalties. Any person, firm, or corporation violating any provisions of the IPC commits a Class A municipal offense. Each separate day or any portion thereof, during which any violation of the IPC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any municipal offense under the IPC shall be deemed one of “strict liability.”

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or any approval of, any violation of the provisions of the IPC. No permit presuming to give authority to violate or cancel the provisions of the IPC shall be valid, except insofar as the work or use, which it authorized, is lawful.

The issuance or granting of a permit or approval of a plan shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations from being carried on thereunder when in violation of the IPC or any other ordinance, or from revoking any certificate of approval when issued in error.

(Ord. 256 §2 (part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 5, 2012).

Chapter 12.16

INTERNATIONAL MECHANICAL CODE

Sections:

- 12.16.010 Adopted by Reference.
- 12.16.020 Amendments.
- 12.16.030 Copies on File and Available for Sale.
- 12.16.040 Penalties.

12.16.010 Adopted by Reference. A. 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, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, (hereinafter “IMC” or “International Mechanical Code”). The purpose of this Code is to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, additions to, use and maintenance of mechanical systems within the Town of De Beque.

(Ord. 256 §3 (part), 2001).

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

- A. *Section 106.5.2.* Fee Schedule. The Fee Schedule, as approved by the Board of Trustees, is on file in the Town Clerk’s office.
- B. *Section 108.4.* Violation Penalties. Section 108.4 is amended by deletion of the Section.
- C. *Section 109.* Means of Appeal. Section 109 is amended by deletion thereof. The Board of Trustees shall serve as the Board of Appeals as set forth in Chapter 12.40 of the De Beque Municipal Code.

12.16.030 Copies on File and Available for Sale. At least one (1) copy of the IMC, 2012 Edition, 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 Building Official. Copies of the IMC shall be available for sale to the public at a moderate price. (Ord. 256 §3 (part), 2001).

12.16.040 Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, use or maintain any

mechanical system or equipment or cause to or permit the same to be done in violation of the IMC, as adopted.

Any person, firm or corporation violating any of the provisions of the IMC, as adopted, commits a Class A municipal offense, and 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 IMC is committed, continued or permitted. Said offense shall be deemed one of “strict liability.”

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or any approval of any violation of the provisions of the IMC. No permit presuming to give authority to violate or cancel the provisions of the IMC shall be valid, except insofar as the work or use, which it authorized, is lawful.

The issuance or granting of a permit or approval of a plan shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations from being carried on thereunder when in violation of the IMC or any other ordinance or from revoking any certificates of approval when issued in error.

(Ord. 256 §3 (part), 2001) (Amended Ord. 258 §111(part), 2001) (Entire Chapter repealed and reenacted Ord. 423 § 6, 2012).

Chapter 12.18

INTERNATIONAL FUEL GAS CODE

Sections:

- 12.18.010 Adopted by Reference.
- 12.18.020 Amendments.
- 12.18.030 Copies on File and Available for Sale.
- 12.18.040 Penalties.

12.18.010 Adopted by Reference. A. 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, together with the Chapters of the Appendix set forth below, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401 (hereinafter “IFGC” or “International Fuel Gas Code”). The purpose of the IFGC is to protect the safety of residents of the Town by prescribing minimum standards for the installation and maintenance of gas and fuel burning appliances and related piping within the Town of De Beque.

B. The following Chapters of the Appendix of the International Fuel Gas Code, 2012 Edition, are adopted.

- Chapter A, Sizing and Capacities of Gas Piping
- Chapter B, Sizing of Vent Systems
- Chapter C, Exit Terminals of Mechanical Draft and Direct-Venting Systems
- No other Chapters of the Appendix are adopted.

(Ord. 256 §4 (part), 2001).

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

- A. *Section 106.6.2. Fee Schedule.* Section 106.6.2 is amended to read as follows: The Fee Schedule, as approved by the Board of Trustees, is on file in the Town Clerk’s office.
- B. *Section 108.4. Violation Penalties.* Section 108.4 is amended by deletion of the Section.
- C. *Section 109. Means of Appeal.* Section 109 is amended by deletion thereof. The Board of Trustees shall serve as the Board of Appeals as set forth in Chapter 12.40 of the De Beque Municipal Code.

(Ord. 256 §4 (part), 2001).

12.18.030 Copies on File and Available for Sale. . At least one (1) copy of the International Fuel Gas Code, 2012 Edition, and the Chapters of the Appendix herein adopted, 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 Building Official. Copies of the IFGC and said Chapters of the Appendix shall be available for sale to the public at a moderate price. (Ord. 256 §4 (part), 2001).

12.18.040 Penalties. Any person, firm or corporation violating any provisions of the IFGC commits a Class A municipal offense. Each separate day or any portion thereof, during which any violation of the IFGC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any municipal offense under the IFGC shall be deemed one of “strict liability.”

The issuing of or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of the provisions of the IFGC. No permit presuming to give authority to violate or cancel the provisions of the IFGC shall be valid, except in so far as the work or use, which it authorized, is lawful.

The issuance of or granting of a permit or approval of plan shall not prevent the administrative authority from thereafter requiring the corrections of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the IFGC, or any other ordinance or from revoking any certificate of approval when issued in error.

(Ord. 256 §4(part), 2001) (Amended Ord. 258 §112(part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 7, 2012).

Chapter 12.20

INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

- 12.20.010 Adopted by Reference.
- 12.20.020 Amendments.
- 12.20.030 Copies on File and Available for Sale.
- 12.20.040 Penalties.

12.20.010 Adopted by Reference. A. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is hereby adopted by reference thereto, the International Property Maintenance Code, 2012 Edition, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, (hereinafter “IPMC” or “International Property Maintenance Code”). The purpose of the IPMC is the practical safeguarding of persons and property in regard to buildings and structures within the Town of De Beque.

12.20.020 Amendments. The International Property Maintenance Code, 2012 Edition, is hereby amended as follows:

- A. *Section 111.* Means of Appeal. Section 111 is amended by deletion thereof. The Board of Trustees shall serve as the Board of Appeals as set forth in Chapter 12.40 of the De Beque Municipal Code.
- B. *Section 108.1.3.* Section 108.1.3 is amended by the deletion of the words “vermin or rat infested”.
- C. *Section 302.* Section 302 is amended by deletion thereof.
- D. *Section 303.* Section 303 is amended by deletion thereof.
- E. *Section 308.* Section 308 is amended by deletion thereof.
- F. *Section 309:* Section 309 is amended by deletion thereof.

(Ord. 256 §5 (part), 2001).

12.20.030 Copies on File and Available for Sale. At least one (1) copy of the International Property Maintenance Code, 2012 Edition, 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 Building Official.

Copies of the IPMC shall be available for sale to the public at a moderate price.

(Ord. 256 §5 (part), 2001).

12.20.040 Penalties. Any person, firm or corporation violating of any provisions of the IPMC commits a Class A municipal offense. Each separate day or any portion thereof, during which any violation of the IPMC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any municipal offense under the IPMC shall be deemed one of “strict liability.”

The issuance of or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval, of any violation of the provisions of the IPMC. No permit presuming to give authority to violate or cancel the provisions of the IPMC shall be valid, except insofar as the work or use, which it authorized is lawful.

The issuance of or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the IPMC or any other ordinance, or from revoking any certificate of approval when issued in error.

(Ord. 256 §5(part), 2001) (Amended Ord. 258 §113(part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 8, 2012).

Chapter 12.22

INTERNATIONAL RESIDENTIAL CODE

Sections:

- 12.22.010 Adopted by Reference.
- 12.22.020 Amendments.
- 12.22.030 Copies on File and Available for Sale.
- 12.22.040 Penalties.

12.22.010 Adopted by Reference. A. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is hereby adopted by referenced thereto, the International Residential Code, 2012 Edition, together with the Chapters of the Appendix as set forth below, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, (hereinafter “IRC” or “International Residential Code”). The purpose of the IRC is to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, additions to, use or maintenance of one and two-family dwellings and townhouses not more than three (3) stories in height within the Town of De Beque.

B. The following Chapters of the Appendix of the International Residential Code, 2012 Edition, are adopted.

- Appendix A, Sizing and Capacities of Gas Piping
 - Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use with Type B Vents
 - Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
 - Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations
 - Appendix H, Patio Covers
 - Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference
- No other Chapters of the Appendix are adopted.

(Ord. 256 §6 (part), 2001).

12.22.020 Amendments. The International Residential Code, 2012 Edition, is hereby amended as follows:

A. *Section R105.2:* Section R105.2, Item 5, is amended to read: Sidewalks, Driveways and Platforms not more than 30 inches above adjacent grade and not over any basement or story

below.

B. *Section R105.2:* Section R105.2 is amended by the addition of the following new sub-sections:

Building Item 11. Re-siding of buildings regulated by this Code.

Building Item 12. Re-roofing of buildings regulated by this Code that do not exceed Limits of Section R907.3.

C. *Section R105.3.1.1:* Section R105.3.1.1 is amended by deletion thereof.

D. *Section R106.3.1:* Section R106.3.1 is amended by deletion of the first sentence of the first paragraph. One set of construction documents so reviewed shall be retained by the Building Official.

E. *Section R106.5:* Section R106.5 is amended by deletion thereof.

F. *Section R108.2:* Section R108.2 is amended to read as follows: A copy of the Fee Schedule, as adopted by the Board of Trustees, is on file in the Town Clerk's office.

G. *Section R112:* Section R 112 is amended by deletion thereof. The Board of Trustees shall serve as the Board of Appeals as set forth in Chapter 12.40 of the De Beque Municipal Code.

H. *Section R113.4. Violation Penalties.* Section R113.4 is amended by deletion of the Section.

I. *Table R302.1, Exterior Walls:* Table R302.1(1) is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (fire resistance rated) Minimum Fire Separation Distance = 2 feet

Projections (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Openings (unlimited) Minimum Fire Separation Distance = 3 feet

Openings, deleted 25% Maximum of Wall Area/0 Hours/3 feet

Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R302.4 and at 3 feet or greater, no requirements.

J. *Section R303.1:* Section R303.1, Exception 3 is amended by deletion and replacing it with the following: Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.

K. *Section R309.1:* Section R309.1 is amended by the deletion of the second paragraph.

L. *Section R309.5*: Section R309.5 is amended by deletion thereof.

M. *Section R302.2*: For the purpose of this Section, townhouse shall include two (2) or more attached units as defined in Section R202.

R302.2 exception replace 1-hour with 2-hour

N. *Section R313*: Section R313 is amended by the deletion thereof.

O. *Section R908*: The IRC is amended to add Section R908. Roof Covering Requirements in Wildfire Hazard Areas.

1. Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

2. Section R908.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPAC1.

3. Section R908.3 Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Area.

P. *Part IV-Energy Conservation, Chapter 11*: Chapter 11 is amended by the deletion thereof in its entirety, and adding “See 2009 International Energy Conservation Code as adopted for energy code requirements.”

(Ord. 256 §6 (part), 2001).

12.22.030 Copies on File and Available for Sale. At least one (1) copy of the International Residential Code, 2012 Edition, and the Chapters of the Appendix adopted herein, 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 Building Official. Copies of the IRC shall be available for sale to the public at a moderate price. (Ord. 256 §6 (part), 2001).

12.22.040 Penalties. Any person, firm or corporation violating any of the provisions of the IRC commits a Class A municipal offense. Each separate day or any portion thereof, during which any violation of the IRC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any municipal offense under the IRC shall be deemed one of “strict liability.”

The issuance or granting of a permit or approval of plans and specifications shall not be

deemed or construed to be a permit for, or an approval of, any violation of the provisions of the IRC. No permit presuming to give authority to violate or cancel the provisions of the IRC shall be valid, except insofar as the work or use, which it authorized, is lawful.

The issuance of or granting of a permit or approval of a plan shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the IRC or any other ordinance, or from revoking any certificate of approval when issued in error.

(Ord. 256 §6(part), 2001) (Amended Ord. 258 §114(part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 9, 2012).

Chapter 12.24

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

- 12.24.010 Adopted by Reference.
- 12.24.020 Amendments
- 12.24.030 Copies on File and Available for Sale.
- 12.24.040 Penalties.

12.24.010 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, 2009 Edition, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, (hereinafter “IECC” or “International Energy Conservation Code”). The purpose of the IECC is to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, additions to, use and maintenance of the building envelope, mechanical, lifting and power systems in a manner to conserve energy in the Town of De Beque. (Ord. 256 §7 (part), 2001).

12.24.020 Amendments. The International Energy Conservation Code, 2009 Edition, is hereby amended to read as follows:

- A. *Section 107:* Section 107 is amended by deletion thereof
- B. *Section 108:* Section 108 is amended by deletion thereof.
- C. *Section 109:* Section 109 is amended by deletion thereof
- D. *Section 402.5:* Section 402.5 is amended by the deletion thereof.
- E. *Section 403.2.2:* Section 403.2.2 is amended by deletion thereof.
- F. *Section 404:* Section 404 is amended by deletion thereof in its entirety.

12.24.030 Copies on File and Available for Sale. At least one (1) copy of the International Energy Conservation Code, 2009 Edition, 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 Building Official. Copies of said IECC shall be available for sale to the public at a moderate price.

12.24.040 Penalties. Any person, firm or corporation violating any provisions of the IECC commits a Class A municipal offense. Each separate day or any portion thereof, during which any violation of the IECC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any criminal offense under the IECC shall be deemed one of “strict liability.”

The issuance of or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or any approval of, any violation of the provisions of the IECC. No permit presuming to give authority to violate or cancel the provisions of the IECC shall be valid, except insofar as the work or use, which it authorized, is lawful.

The issuance of or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the IECC, or any other ordinance or from revoking any certificate of approval when issued in error.

(Ord. 256 §7 (part), 2001) (Amended Ord. 258 §115(part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 10, 2012).

Chapter 12.28

NATIONAL ELECTRIC CODE

Sections:

- 12.28.010 Adopted by Reference.
- 12.28.020 Copies on File and Available for Sale.
- 12.28.030 Penalties.

12.28.010 Adopted by Reference. A. 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, promulgated by the National Fire Protection Association, Batterymarch Park, Quincy, MS 02169, as adopted by the State of Colorado pursuant to Article 23 of Title 12, C.R.S., (hereinafter “NEC” or “National Electric Code”). The purpose of the NEC is the practical safeguarding of persons and property from hazards arising from the use of electricity. The subject matter of the NEC 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 dwellings units; and other premises such as yards, carnivals, parking and other lots, and industrial substations, installation of connectors that connect to the supply of electricity and installations of other outside conductors on the premises.

B. Applicants shall pay for each electrical permit at the time of issuance a fee for electrical permits and inspections as set forth by resolution of the De Beque Board of Trustees. A copy of such fee schedule is on file at the Town Clerk’s office. (Ord. 256 §8 (part), 2001).

12.28.020 Copies on File and Available for Sale. At least one (1) copy of the National Electric Code, 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 Building Official. Copies of said NEC shall be available for sale to the public at a moderate price. (Ord. 256 §8 (part), 2001).

12.28.030 Penalties. Any person, firm or corporation violating any provisions of the NEC commits a Class A municipal offense. Each separate day or any portion thereof, during which any violation of the NEC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any criminal offense under the NEC shall be deemed one of “strict liability.”

The issuance of or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or any approval of, any violation of the provisions of the NEC. No permit presuming to give authority to violate or cancel the provisions of the NEC shall be valid, except insofar as the work or use, which it authorized, is lawful.

The issuance of or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the NEC or any other ordinance or from revoking any certificate of approval when issued in error.

(Ord. 256 §8 (part), 2001) (Amended Ord. 258 §116(part), 2001) (Entire Chapter repealed & reenacted Ord. 423 § 11, 2012).

Chapter 12.32

ADMINISTRATION AND ENFORCEMENT

Sections:

- 12.32.010 Building Official--Designated.
- 12.32.020 Interpretation of Title.
- 12.32.030 Promulgation Authority.
- 12.32.040 Building Official--Powers and Duties.
- 12.32.050 Responsibility of Owner.
- 12.32.060 Prohibitions.
- 12.32.070 Nonassumption, Nonwaiver.
- 12.32.080 Conflicts and Permits Previously Issued.

12.32.010 Building Official--Designated. The Mesa County Chief Building Official or his designee is authorized to act as the Town Building Official by the Board of Trustees for the administration and enforcement of the codes adopted in this Title pursuant to this Chapter. 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. 183 §1(part), 1991; Amended Ord. 226 (part), 1995; Amended Ord. 243 §4, 1996).

12.32.020 Interpretation of Title. 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. 183 §1 (part), 1991; Amended Ord. 226 (part), 1995).

12.32.030 Promulgation Authority. 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. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.32.040 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 under the authority of 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 tests 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 12.36.060;
 5. Authorize the filing of a criminal complaint in the De Beque Municipal Court if he has probable cause to believe a violation of this Title or any code adopted by reference thereunder has been committed.

(Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.32.050 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. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.32.060 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.

B. No person shall occupy any new or existing building, factory-built housing unit, manufactured home, or mobile home unless and until (a) sewage disposal and domestic water facilities, meeting the minimum standards of the Colorado Department of Health and the Town, have been installed and approved, in writing, by the Town, (b) said facilities have been connected to the municipal utility system pursuant to Title 8 of this Code except as otherwise approved by the Town, and (c) utility service is actively supplied to the building, factory-built housing unit, manufactured home, or mobile home unit.

(Ord. 183 §1(part), 1991); (Amended Ord. 226 (part), 1995); (Ord. 473 §3, 2016)

12.32.070 Nonassumption, Nonwaiver. The Town, its official, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under this Title. The adoption of the codes shall not give rise to a duty of care. The enforcement or failure to enforce this Title or the mere fact that an inspection was conducted in the course of enforcing this Title shall not give rise to a duty of care where none otherwise existed. Enactment of the Ordinance codified in this Section shall not constitute a waiver of sovereign immunity by the Town, its officials, employees and agents. (Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995; Amended Ord. 243 §6(4), 1996).

12.32.080 Conflicts and Permits Previously Issued. Any and all ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are amended; provided, however, this Title shall not affect the construction of buildings for which permits were issued prior to the effective date of the Ordinance codified in this Section and all buildings now under construction pursuant to which permits were issued prior to the effective date of said Ordinance and all buildings not under construction pursuant to existing permits shall be constructed in conformance with the building code applicable at the time of issuance of the permit; provided further, however, that no construction authorized by an existing permit shall be altered without complying with the newly adopted building codes. Nor shall the adoption of said Ordinance prevent the prosecution of violations of any prior ordinance adopting prior building codes which occurred prior to the effective date of the Ordinance codified in this Section. Where this Title and the codes adopted herein by reference are in conflict with other ordinances of the Town, the more restrictive provision shall apply. (Ord. 243 §6(2), 1996).

Chapter 12.36

PERMITS AND FEES

Sections:

- 12.36.010 Permits Required.
- 12.36.020 Waiver of Permit Requirements.
- 12.36.030 Permit Issuance.
- 12.36.040 Permit Application--Contents.
- 12.36.050 Posting of Permits--Sign Board on Site.
- 12.36.060 Permits--Issuance Conditions.
- 12.36.070 Permit Fees.
- 12.36.080 Certificate of Occupancy.

12.36.010 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. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.36.020 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. (Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.36.030 Permit Issuance. 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 and all other laws, regulations, resolutions or orders applicable within the Town;
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 subdivision, zoning or land use provisions of the De Beque Municipal Code, or other applicable ordinances;

2. 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 14.20, and any special permits required by said Chapter have not been obtained by the applicant. All special building requirements included in any such special permit shall be incorporated into the permit issued to the applicant under this Title:

3. In the opinion of the Building Official, the results of the tests referred to in Section 12.32.040(B)(2) of this Title are not satisfactory.

(Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995).

12.36.040 Permit 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 of a plot plan and scale drawings and specifications of the work to be carried out as required by the building codes adopted under this Title, and any other applicable regulations. (Amended Ord. 271 §4 (part), 2002).

(Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.36.050 Posting of Permits--Sign Board on Site. A. An address sign board shall be required at all building sites for construction permitted through the Town 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 sign board as a guideline only.

B. 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.

C. The person to whom the building permit is issued shall, during construction, keep a copy of the approved drawings and specifications referred to in Section 12.36.040(E) on the property in respect of which the permit was issued.

(Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.36.060 Permits--Issuance Conditions. Unless otherwise provided in the primary codes adopted by reference, every permit is issued upon the condition that:

A. Construction shall be started within one hundred eighty (180) days from the date of the issuance of the permit;

B. Construction shall not be discontinued or suspended for a period of more than one hundred eighty (180) days; and

C. The exterior of any building shall be finished in durable, weather resistant materials prior to employment of particular use for which the building is intended.

(Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.36.070 Permit Fees. 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 by the Board of Trustees.

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. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

12.36.080 Certificate of Occupancy. In addition to the requirements for the issuance of a certificate of occupancy contained in the codes adopted by reference in this Title, no certificate of occupancy shall be issued until the following improvements, if required, have been installed in the development where the building or structure is to be located and have been approved by the Town Building Official:

A. Sidewalks and bikeways;

- B. Signs;
- C. Street paving with curb and gutter as required;
- D. Street lighting;
- E. Soil stabilization and revegetation measures;
- F. All other public improvements required by a development permit or subdivision improvements agreement;
- G. Land dedication, if required;
- H. Landscaping, if required.

(Ord. 183 §1(part), 1991; Amended Ord. 226 (part), 1995).

Chapter 12.40

APPEALS

Sections:

- 12.40.010 Application for Appeal.
- 12.40.020 Time for Appeal.
- 12.40.030 Hearing--Written Notice Required.
- 12.40.040 Hearing--Regulations.
- 12.40.050 Decision.
- 12.40.060 Appeals From the Board.

12.40.010 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 Town Board of Trustees. (Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995).

12.40.020 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 Mayor setting forth the decision appealed from the grounds for said appeal. (Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995).

12.40.030 Hearing--Written Notice Required. Upon receipt of notice of appeal, the Mayor shall schedule said appeal for hearing within thirty (30) days. The Town Clerk shall thereupon mail written notice of the date, time, and place of the hearing to the Building Official and to the appellant. (Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995).

12.40.040 Hearing--Regulations. Hearings shall be public and shall permit the appellant to call witnesses, introduce evidence, examine and cross-examine witnesses, and otherwise provide the appellant with due process of law. The Board of Trustees may adopt reasonable rules and regulations for the conduct of hearings and thereafter such rules and regulations shall govern the conduct of such hearings. (Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995).

12.40.050 Decision. The Board shall issue its findings and decision thereon in writing no later than thirty (30) days after the conclusion of the hearing. The Town Clerk shall mail copies of the findings and decision to the Building Official and the appellant. (Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995).

12.40.060 Appeals From the Board. A decision of the Town Building Official may be appealed to the Board of Appeals established pursuant to Mesa County Resolution No. MCM 94-2112, II.A, B. C. D. and E., as recorded in Book 2122, Pages 488 and 489 of the Mesa County Clerk and Recorder's office.(Ord. 183 §(part), 1991; Amended Ord. 226 (part), 1995; Amended Ord. 243 §2, 1996).

Chapter 12.44

MOBILE HOMES

Sections:

ARTICLE I. PLACEMENT, SET UP AND INSPECTION

- 12.44.010 Definitions.
- 12.44.020 Mobile Homes Permitted.
- 12.44.030 Installation Permit.
- 12.44.040 Permit Fee--Inspections.
- 12.44.050 Placements and Requirements.
- 12.44.060 Conflicting Provisions.
- 12.44.070 Applicability.
- 12.44.080 Violation--Penalty.

ARTICLE II. USE AND PARKING

- 12.44.090 Definitions.
- 12.44.100 Parking of Mobile Homes, Dependent Mobile Homes, or Travel Trailers.
- 12.44.110 Storage.
- 12.44.120 Temporary Offices.
- 12.44.130 Unlawful Parking.
- 12.44.140 Violation--Penalty.

ARTICLE I. PLACEMENT, SET UP AND INSPECTION

12.44.010 Definitions. The Federal Manufactured Home Construction and Safety Standards Act (FMHCSSA) or the “Act,” 42 U.S.C.S. 5401, *et seq.*, defines a “manufactured home” as:

A structure transportable in one (1) or more sections which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all of the requirements and with respect to which the manufacturer files a certification required by the Secretary of Housing and Urban Development and complies with the standards

established under this Title.

Section 14.03.180 of the Town's Land Use Regulations provides that mobile homes are only permitted as a Special Review use in the Medium Density Residential (MDR) Zone District. For purposes of this Code, a "mobile home" is defined to mean and shall include any manufactured structure which does not meet the definition of "manufactured home" and bear a federal certification as established and provided for by FMHCSSA.

"Manufactured housing" means a manufactured structure designed for residential occupancy that conforms to all applicable federal construction and safety standards certifications (42 U.S.C.S. 5401 *et seq.*). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed. All manufactured homes will be HUD approved and are to have been manufactured from 1977 or later and be single-family dwellings. (Ord. 209 (part), 1994; Amended Ord. 271 §5 (part), 2002).

12.44.020 Mobile Homes Permitted. Mobile homes meeting the requirements of the U.S. Department of Housing and Urban Development (HUD) and certified for placement in the State of Colorado by Production Inspection Primary Inspection Agency (IPIA), and installed in compliance with Town regulations for set-up and utility connections, shall be permitted to be placed on parcels of land not less than six thousand two hundred fifty (6,250) square feet within the Town.

Any additions or other structures on the site shall be constructed in accordance with the procedures and standards for construction adopted by the Town. (Ord. 209 (part), 1994).

12.44.030 Installation Permit. Prior to the installation and placement of any mobile home within the Town, the person desiring to place said mobile home shall obtain a mobile home installation permit upon receipt of a completed application and the required fee. (Ord. 209 (part), 1994).

12.44.040 Permit Fee--Inspections. A. A fee of fifty dollars (\$50.00) shall be charged for any manufactured home installation permit. Said fee shall cover the inspection of the set-up for the mobile home, fuel supply installation water connection and sewer connection. Said fee shall not cover any required electrical inspection or the inspection of any specially engineered foundation or similar improvement which may be required.

B. A mobile home shall not be occupied for dwelling purposes unless a mobile home installation permit has been issued and the mobile home is certified by an inspector to be properly placed on the site and connected to all utilities in the proper manner, including water, sewage, electrical and fuel services.

(Ord. 209 (part), 1994).

12.44.050 Placements and Requirements. A. Manufactured single-family home meeting

Manufactured Home Construction and Safety Standard Certifications (42 U.S.C.S. 5401 *et seq.*) is allowed wherever single-family residential units are allowed by this Code. The owner/developer shall provide proof of certification to the community development prior to placement of any manufactured home on any lot or parcel of land. Applicable building and zoning codes or regulations shall be met.

B. Principal structures shall be erected on permanent foundation. Every manufactured or mobile home, with the exception of mobile or manufactured homes placed in mobile homes parks, shall be placed or erected on a foundation which shall comply with the minimum specifications and requirements as set forth in the building codes adopted under this Title. Mobile or manufactured homes placed in mobile home parks shall comply with the requirements set out in Chapter 14.09 of the De Beque Municipal Code. (Amended Ord. 271 §6 (part), 2002).

C. All manufactured or mobile homes will have full skirting within forty-five (45) days of installation and shall be securely anchored as specified by ordinance.

D. In addition, the installation and placement of a mobile home in the Town shall meet the requirements for set-up and utility connections contained in regulations promulgated by Building Inspector, Chapter 14.09 of the De Beque Municipal Code, or as set forth in the building codes adopted under this Title. (Amended Ord. 271 §7 (part), 2002).

E. Hitches shall be removed. Hitches which cannot be detached shall be screened with landscaping. All manufactured home sites shall be maintained in a clean, orderly and sanitary condition at all times.

(Ord. 209 (part), 1994).

12.44.060 Conflicting Provisions. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Town, the provision which, in the judgment of the Building Official, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code of the Town, existing on the effective date of this Chapter, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Chapter shall be deemed to prevail. (Ord. 209 (part), 1994).

12.44.070 Applicability. The provisions of this Chapter shall apply to any mobile home installed or placed upon any parcel of property except in designated trailer parks within the Town after the effective date of this Chapter. In addition, those provisions of this Chapter which do not require structural alteration of or significant capital investment shall be deemed to apply to any mobile home located within the Town. (Ord. 209 (part), 1994).

12.44.080 Violation--Penalty. Any person who knowingly violates any provisions of this

Article I of Chapter 12.44, or who knowingly fails to comply with any of the mandatory requirements of this Chapter, or the regulations promulgated hereunder, shall be deemed guilty of a Class B municipal offense. Each day during which a violation continues shall be deemed a separate offense. (Ord. 209 (part), 1994; Amended Ord. 258 §117(part), 2001).

ARTICLE II. USE AND PARKING

12.44.090 Definitions. “Administrator,” as used in this Article means the Town Administrator, Mayor, Public Works Director, Town Marshal or such other person as the Board of Trustees shall appoint.

“Dependent mobile home” means a mobile home which does not have a flush toilet and a bath or shower, and is dependent upon a service building for toilet, lavatory and bathing facilities.

“Mobile home” means any vehicle or similar portable structure designed for use as a conveyance upon highways, having no foundation other than wheels or removable jacks and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

“Travel trailer” means a vehicular portable structure built on a chassis and designed for use as a temporary dwelling for travel, recreational and vacation uses and has no toilet, lavatory or bathing facilities, or if equipped with said sanitary facilities, has only a water storage tank and sewage holding tank, but no pipes, fittings and other appurtenances necessary for permanent connection to a municipal water and sewage system. (Ord. 120 §1, 1981).

12.44.100 Parking of Mobile Homes, Dependent Mobile Homes, or Travel Trailers. It is unlawful within the Town for any person to park any mobile home or any dependent mobile home or any travel trailer on any street, alley, highway or other public place or on any tract of land owned by another person, firm or corporation occupied or unoccupied within the Town except as provided in this Section.

A. **Emergency Parking.** Emergency parking or temporary stopping or parking of mobile homes, dependent mobile homes and travel trailers is permitted on any street, alley or highway for not longer than forty-eight (48) hours subject to any other and further prohibitions, regulations and limitations imposed by traffic and parking ordinances.

B. **Other Parking.** Dependent mobile homes shall not be allowed in mobile home parks within the Town. Parking of mobile homes is permitted in approved mobile home parks or where permitted by law if the mobile home is parked in compliance with law. Parking, occupancy and use of travel trailers is permitted for a period not to exceed thirty (30) days in any approved mobile home park if the travel trailer is parked in compliance with law. The parking, occupancy and use of travel trailers in a rear or side yard is permitted for a period not in excess of fourteen (14) consecutive days. Upon application to the Administrator, the Administrator may give written permission for an extension of said fourteen (14) day period to a maximum of twenty-one (21) days.

(Ord. 120 §2, 1981).

12.44.110 Storage. Parking or storage of only one (1) unoccupied dependent mobile home or travel trailer in an accessory private garage, building or any rear or side yard is permitted if it is not used for living quarters and if no business is practiced therein while it is so parked or stored. (Ord. 120 §3, 1981).

12.44.120 Temporary Offices. A. A mobile home, dependent mobile home or travel trailer may be used as a temporary construction office on the site and during construction if approved by the Building Official or Board of Trustees and under such conditions as may be specified by the Building Official or Board of Trustees, which conditions shall not allow the use of the mobile home, dependent mobile home or travel trailer for sleeping or cooking.

B. A mobile home, dependent mobile home or travel trailer may be used as a temporary office, unrelated to construction, upon receipt of a permit issued by the Administrator and under such conditions as may be specified by the Administrator, which conditions shall not allow the use of the mobile home, dependent mobile home or travel trailer for sleeping or cooking. Said permit shall be valid for a period of one (1) year and may be renewed upon approval by the Administrator. The Administrator may issue regulations containing requirements for the issuance of said permits, including the payment of a permit fee.

(Ord. 120 §4, 1981).

12.44.130 Unlawful Parking. Other Requirements. Except for the provisions of Section 12.44.100(A) providing for emergency parking, no part of this Article shall be construed to permit the parking of a mobile home, dependent mobile home or travel trailer in violation of the front yard setback requirements established by the zoning ordinances of the Town or the parking of any mobile home, dependent mobile home or travel trailer so that it creates a danger to the health and safety of the citizens of the Town (Ord. 120 §5, 1981).

12.44.140 Violation--Penalty. Any person, firm, or corporation violating any of the provisions of this Article II of Chapter 12.44 shall be deemed guilty of a Class B municipal offense. Each and every day during which any violation of any of the provisions of this Article is committed, continued or permitted, shall constitute a separate offense. (Ord. 120 §6, 1981; Amended Ord. 258 §118(part), 2001).