

## **CHAPTER 18 Building Regulations**

ARTICLE 1 - Building Code

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ARTICLE 3 - National Electrical Code

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### **ARTICLE 1 Building Code** [\[1\]](#)

[Sec. 18-1-10. International Building Code adopted.](#)

[Sec. 18-1-20. Copy on file.](#)

[Sec. 18-1-30. Amendments.](#)

[Sec. 18-1-40. Violation and penalties.](#)

#### **Sec. 18-1-10. International Building Code adopted.**

The International Building Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 35 inclusive, are hereby adopted by reference thereto and incorporated into and made part of the Foxfield Municipal Code. The purpose and subject matter of the International Building Code include comprehensive provisions regulating construction aspects of building and providing uniform building standards for the purpose of protecting the public health, safety and general welfare. In all sections of this code where a reference is made to the International Building Code, said reference shall be to the 2015 Edition of said Code.

(Ord. 07 §1, 2016)

**Sec. 18-1-20. Copy on file.**

At least one (1) copy of the International Building Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §1, 2016)

**Sec. 18-1-30. Amendments.**

The International Building Code as adopted by the Town is hereby amended as follows:

- (1) **Section 101.1 (Title)** is amended by the addition of the term "Town of Foxfield" where indicated.
- (2) **Section 101.4.3 (Plumbing)** is amended by deletion of the last sentence.
- (3) **Section 105.1 (Required)** is amended by replacing the words "building official" with "Town".
- (4) **Section 105.2(2)** is hereby deleted in its entirety.
- (5) **Section 109.2 (Schedule of permit fees)** is amended by deleting the section in its entirety and replacing the section with the following:

"On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be set by the Board of Trustees in a Fee Schedule adopted by resolution, which may be amended periodically as needed."
- (6) **Section 109.4 (Work commencing before permit issuance)** is amended by replacing the words "building official" with "Town" and adding the words "the fee shall be equal to 100% of the original building fee in addition to the required permit fees."
- (7) **Section 109.6 (Refunds)** is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."
- (8) **Section 111.3 (Temporary occupancy)** is amended by deleting the words "building official" in the first and second sentence and replacing it with "Town".
- (9) **Section 113.1 (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 Trustees."
- (10) **Section 113.3 (Qualifications)** is amended by deleting the section in its entirety.
- (11) **Section 202 (Definitions)** is amended by addition of the following:

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

- (12) **Section 1612.3 (Establishment of flood hazard areas)** is amended by the insertion of "Town of Foxfield" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the town, where indicated in [Date of Issuance].
- (13) **Section 3401.3 (Compliance with other codes)** is amended by deleting International Private Sewage Disposal Code, and deleting ICC Electrical Code and inserting in its place "National Electrical Code as adopted by the State of Colorado".

(Ord. 07 §1, 2016)

**Sec. 18-1-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §1, 2016)

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FOOTNOTE(S):

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--- (1) ---

**Editor's note**— Ord. No. 07, § 1, 2016, adopted Nov. 17, 2016, repealed the former Art. 1, §§ 18-1-10—18-1-40, and enacted a new article as set out herein. The former Art. 1 pertained to similar subject matter and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 12, adopted in 2014. ([Back](#))

**ARTICLE 2 Residential Code** <sup>[2]</sup>

[Sec. 18-2-10. International Residential Code adopted.](#)

[Sec. 18-2-20. Copy on file.](#)

[Sec. 18-2-30. Amendments.](#)

[Sec. 18-2-40. Violation and penalties.](#)

**Sec. 18-2-10. International Residential Code adopted.**

The International Residential Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 43 inclusive and Appendix Chapters G and H, are hereby adopted by reference thereto and incorporated into and made a part of the Foxfield Municipal Code. The purpose and subject matter of the International Residential Code include comprehensive provisions regulating construction of residential areas and providing uniform standards for

the purpose of protecting the public health, safety and general welfare. In all sections of this code where a reference is made to the International Residential Code, said reference shall be to the 2015 Edition of said Code.

(Ord. 07 §2, 2016)

**Sec. 18-2-20. Copy on file.**

At least one (1) copy of the International Residential Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §2, 2016)

**Sec. 18-2-30. Amendments.**

The International Residential Code as adopted by the Town is hereby amended to read as follows:

- (1) **Section R101.1 (Title)** is amended by the addition of the term "Town of Foxfield" where indicated.
- (2) **Section R105.1 (Required)** is amended by replacing the words "building official" with "Town".
- (3) **Section R105.2(2)** is hereby deleted in its entirety.
- (4) **Section R108.5 (Refunds)** is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

- (5) **Section 108.6 (Work commencing before permit issuance.)** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Town. The fee shall be equal to 100% of the original building fee in addition to the required permit fees.
- (6) **Section R110.4 (Temporary occupancy)** is amended by deleting the words "building official" in the first and second sentence and replacing it with "Town".
- (7) **Section R112.1 (General)** is amended by deleting the last three sentences and inserting the following:

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

- (8) **IRC Section R112.3 IRC Section R112.3 (Qualifications)** is amended by deleting this section in its entirety.
- (9) **Section R202 (Definitions)** is amended by addition of the following:

"Sleeping Room" (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and

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designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

- (10) **IRC Table R301.2 (1)** is filled in to provide the following:

Table R301.2(1)  
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite					
30 psf	115 X "C"	B	Severe	30 in.	Slight to Moderate	1	NO	Per Town Ordinance	1000	45°F

- (11) **Section R310.1 (Emergency Escape and Rescue Openings)** is amended by the deletion of the first paragraph and replacing it with the following: "All windows located in basements, habitable attics and sleeping rooms shall meet all the requirements of section R310.1 through R310.2.2."
- (12) **Section R313 (Automatic Fire Sprinkler Systems)** is deleted in its entirety and amended to read as follows:

*R313.1 Townhouse automatic fire sprinkler systems.*

A builder of a townhouse shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a townhouse shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

*R313.1.1 Design and installation.*

If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler system for townhouses shall be designed and installed in accordance with IRC Section P2904 or NFPA 13D.

*R313.2 One- and two-family dwellings automatic fire systems.*

A builder of one- or two-family dwellings shall offer to any purchaser on or before the time of entering into the purchase contract with the purchaser, the option, at the purchaser's cost, to install an automatic residential fire sprinkler system in such dwelling. No purchaser of such a one- or two-family dwelling shall be denied the right to choose or decline to install an automatic residential fire sprinkler system in such dwelling being purchased.

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Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

*R313.2.1 Design and installation.*

If the installation of an automatic residential fire sprinkler system is selected as an option by the initial purchaser of a dwelling, the automatic residential fire sprinkler system shall be designed and installed in accordance with IRC Section P2904 or NFPA 13D.

- (13) **Section R401.2 (Requirements)** is amended by the addition of the following:

"Foundations shall be designed and the construction drawings stamped by a Colorado registered Engineer. The foundation design must be based on an engineer's soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies."

- (14) **Section G2415.12 (Minimum burial depth)** is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."  
(15) **Section G2417.4.1 (Test pressure)** is amended by changing "3 psig" to "10 psig."  
(16) **Section P2503.5.1 (Rough plumbing)** is amended by deleting the first paragraph and replacing with "DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage."  
(17) **Section P2603.5.1 (Sewer depth)** is amended by filling in both areas where indicated to read "12 inches (305 mm)".  
(18) **Section P3103.1 (Roof extension)** is amended by filling in both areas where indicated to read "6 inches (152.4 mm)".

(Ord. 07 §2, 2016)

**Sec. 18-2-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.  
(b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §2, 2016)

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FOOTNOTE(S):

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--- (2) ---

**Editor's note**— Ord. No. 07, § 2, 2016, adopted Nov. 17, 2016, repealed the former Art. 2, §§ 18-2-10—18-2-40, and enacted a new article as set out herein. The former Art. 2 pertained to similar subject matter

and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 13, adopted in 2014. ([Back](#))

### **ARTICLE 3 National Electrical Code** <sup>[3]</sup>

[Sec. 18-3-10. Adoption.](#)

[Sec. 18-3-20. Copy on file.](#)

[Sec. 18-3-30. Amendments.](#)

[Sec. 18-3-40. Violation, penalty.](#)

#### **Sec. 18-3-10. Adoption.**

The National Fire Protection Association standard number 70, hereafter known as the National Electrical Code, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, is hereby adopted by reference as the Town of Foxfield Electrical Code as if fully set out in the ordinance codified herein with the additions, deletions, insertions and changes as follows, and such adoption is to have the same force and effect as if set forth herein in every particular. The effective edition of such National Electrical Code shall be the 2014 Edition or the succeeding edition currently adopted by the State Electrical Board, Division of Professions and Occupations, Department of Regulatory Agencies as updated from time to time. The National Electrical Code provides for the issuance of permits, inspections and the collection of fees therefor. Except as otherwise provided herein, the National Electrical Code is adopted in full, including the outline of contents, index and all appendices thereto.

(Ord. [02](#) § 1, 2016)

#### **Sec. 18-3-20. Copy on file.**

A copy of the provisions of the National Electrical Code, currently adopted by the State Electrical Board, is available for public inspection during regular business hours at the State Electrical Board office at the Division of Professions and Occupations, Department of Regulatory Agencies, 1560 Broadway, Suite 1350, Denver, Colorado, 80202. In addition, at least one (1) copy of the edition of the National Electrical Code, currently adopted by the State Electrical Board, has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. [02](#) § 1, 2016)

#### **Sec. 18-3-30. Amendments.**

The National Electrical Code as adopted by the Town is hereby amended as follows: The electrical permit fees shall be as set forth by the State of Colorado Electrical Board as the same may be amended from time to time.

(Ord. [02](#) § 1, 2016)

#### **Sec. 18-3-40. Violation, penalty.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this article.

- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in section 1-4-20 of this Code.

(Ord. [02](#) § 1, 2016)

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FOOTNOTE(S):

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--- (3) ---

**Editor's note**— Ord. [02](#), § 1, adopted July 7, 2016, repealed the former Art. 3, §§ 18-3-10—18-3-40, and enacted a new article as set out herein. The former Art. 3 pertained to Electrical Code and derived from Ord. 4 § 3, adopted in 2008; Ord. 1 § 1, adopted in 2012; and Ord. 01 § 14, adopted in 2014. ([Back](#))

## **ARTICLE 4 Mechanical Code** <sup>141</sup>

[Sec. 18-4-10. International mechanical code adopted.](#)

[Sec. 18-4-20. Copy on file.](#)

[Sec. 18-4-30. International Mechanical Code—Amendments.](#)

[Sec. 18-4-40. Violation and penalties.](#)

### **Sec. 18-4-10. International mechanical code adopted.**

The International Mechanical Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive, is hereby adopted by reference thereto and incorporated into and made a part of the Foxfield Municipal Code. The purpose and subject matter of the International Mechanical Code include 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 heatproducing appliances. In all sections of this code where a reference is made to the International Mechanical Code, said reference shall be to the 2015 Edition of said Code.

(Ord. 07 §3, 2016)

### **Sec. 18-4-20. Copy on file.**

At least one (1) copy of the International Mechanical Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §3, 2016)



**Sec. 18-4-30. International Mechanical Code—Amendments.**

The International Mechanical Code as adopted by the Town is hereby amended as follows:

- (1) **Section 101.1 (Title)** is amended by the addition of the term "Town of Foxfield" where indicated.
- (2) **Section [A] 106.5.2 IMC Section [A] 106.5.2 (Fee Schedule)** is amended to read "The fees for work shall be as indicated on the Town Fee Schedule adopted by the Board of Trustees."
- (3) **Section [A] 106.5.3 IMC Section [A] 106.5.3 (Fee Refunds)** is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunding of any fee paid hereunder that was erroneously paid or collected. The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Town shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment."

(Ord. 07 §3, 2016)

**Sec. 18-4-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §3, 2016)

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FOOTNOTE(S):

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--- (4) ---

**Editor's note**— Ord. No. 07, § 3, 2016, adopted Nov. 17, 2016, repealed the former Art. 4, §§ 18-4-10—18-4-40, and enacted a new article as set out herein. The former Art. 4 pertained to similar subject matter and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 15, adopted in 2014. ([Back](#))

**ARTICLE 5 Plumbing Code** [§](#)

[Sec. 18-5-10. International Plumbing Code adopted.](#)

[Sec. 18-5-20. Copy on file.](#)

[Sec. 18-5-30. International Plumbing Code—Amendments.](#)

[Sec. 18-5-40. Violation and penalties.](#)

**Sec. 18-5-10. International Plumbing Code adopted.**

The International Plumbing Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 13 inclusive, is hereby adopted by reference thereto and incorporated into and made part of the Foxfield Municipal Code. The purpose and subject matter of the International Plumbing Code include comprehensive provisions regulating plumbing installations in or in connection with new and existing structures and providing uniform plumbing standards for the purpose of protecting the public health, safety and general welfare. In all sections of this code where a reference is made to the International Plumbing Code, said reference shall be to the 2015 Edition of said Code.

(Ord. 07 §4, 2016)

**Sec. 18-5-20. Copy on file.**

At least one (1) copy of the International Plumbing Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §4, 2016)

**Sec. 18-5-30. International Plumbing Code—Amendments.**

The International Plumbing Code as adopted by the Town is hereby amended as follows:

- (1) **Section 101.1 (Title)** is amended by the addition of the term "Town of Foxfield" where indicated.
- (2) **Section [A] 106.6.2 IPC Section [A] 106.6.2 (Fee Schedule)** is amended to read "The fees for work shall be as indicated on the Town Fee Schedule adopted by the Board of Trustees."
- (3) **Section [A] 106.6.3 IPC Section [A] 106.6.3 (Fee Refunds)** is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunding of any fee paid hereunder that was erroneously paid or collected. The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Town shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment."
- (4) **Section 305.4.1 (Sewer depth)** is amended by filling in both areas where indicated to read "12 inches (305 mm)".
- (5) **Section 312.3 (Drainage and vent air test)** is amended by deleting the first sentence.
- (6) **Section 903.1 (Roof extension)** is amended by inserting the number "6" (152.4 mm) where indicated in the second sentence.

(Ord. 07 §4, 2016)

**Sec. 18-5-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §4, 2016)

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FOOTNOTE(S):

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--- (5) ---

**Editor's note**— Ord. No. 07, § 4, 2016, adopted Nov. 17, 2016, repealed the former Art. 5, §§ 18-5-10—18-5-40, and enacted a new article as set out herein. The former Art. 5 pertained to similar subject matter and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 16, adopted in 2014. ([Back](#))

**ARTICLE 6 Fire Code** <sup>[6]</sup>

[Sec. 18-6-10. International Fire Code adopted.](#)

[Sec. 18-6-20. Copy on file.](#)

[Sec. 18-6-30. International Fire Code—Amendments.](#)

[Sec. 18-6-40. Violations and penalties.](#)

**Sec. 18-6-10. International Fire Code adopted.**

The *International Fire Code*, 2015 Edition, 1st printing, as published by the International Code Council, 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20001, Chapters 1 through 80 inclusive and Appendices B, C and D only ("IFC"), is hereby adopted by reference thereto and incorporated into and made part of the Foxfield Municipal Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article. No building shall be hereafter constructed, erected, enlarged, altered, or moved into the City unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFC, as adopted and as amended. The purpose of the IFC is to provide minimum standards to safeguard life or limb, health, property and public welfare from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

(Ord. 07 §5, 2016)

**Sec. 18-6-20. Copy on file.**

At least one (1) copy of the International Fire Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §5, 2016)

**Sec. 18-6-30. International Fire Code—Amendments.**

The following deletions, additions, insertions, and changes are hereby made to the IFC as adopted by reference by Section 18-6-10:

- (1) **Section 101.1** shall read as follows:

"IFC Section 101.1. Title These regulations shall be known as the Fire Code of the Town of Foxfield, hereinafter referred to as 'this code.'"

- (2) **Section 108.1** shall read as follows:

"108.1 Regional Fire Code Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). Said Regional Fire Code Board of Appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said Board but shall have no vote on any matter before the Board. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official."

- (3) **Section 109.4** shall read as follows:

"109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be in violation of state statutes and this code, and shall be subject to penalties as prescribed by law."

- (4) **Section 111.4** shall read as follows:

"111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in Section 1-4-20 of this Code."

- (5) **Section 503.2** shall read as follows:

"503.2 Specifications. Fire apparatus access road shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8, Appendix D, and the Town of Foxfield Roadway Design Standards."

- (6) **Section 503.4.1** shall read as follows:

"503.4.1 Traffic calming devices. Fire code official approval is required before a traffic-calming device can be constructed."

- (7) **Section 507.3** shall read as follows:

"507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or an approved method."

- (8) **Section 507.5** shall read as follows:

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"507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C."

(9) **Section 903.2.9** shall read as follows:

"903.2.9. Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. [no change]
2. [no change]
3. [no change]
4. [no change]
5. A Group S-1 fire area used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>)"

(10) **Section 1103.7.6** shall read as follows:

"1103.7.6 Group R-2. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-2 occupancies more than three stories in height or with more than 16 dwelling or sleeping units.

Exceptions:

1. [no change]
2. [no change]
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3, items 3.2 to 3.5.
4. [no change]"

(11) **Section 5601.1.3** shall read as follows:

"5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. [no change]
2. Delete in its entirety
3. [no change]
4. The possession, storage, sale, handling, and use of permissible fireworks as defined by Section 12-28-101, C.R.S."

(12) **Section 5704.2.9.6.1** shall read as follows:

"5704.2.9.6.1 Locations of above-ground tanks. Above-ground tanks shall be located in accordance with this section."

(13) **Section 5706.2.4.4 Locations where above-ground tanks are prohibited.** Deleted in its entirety.

(14) **Section 5806.2 Limitations.** Deleted in its entirety.

(15) **Section 6104.2 Maximum capacity within established limits.** Deleted in its entirety.

(16) Only those appendix chapters of the International Fire Code listed herein are adopted as follows:

**APPENDIX B, Fire-Flow Requirements for Buildings.**

**APPENDIX C, Fire Hydrant Locations and Distribution.**

**APPENDIX D, Fire Apparatus Access Roads,** with the following amendments:

(1) **IFC Section D103.1. IFC Section D103.1 (Access road width with a hydrant)** is deleted in its entirety.

(2) **IFC Section D103.4.** IFC Section D103.4 (Dead ends) is amended to read as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 and the Town of Foxfield Roadway Design Manual.

(3) **IFC Section D105.3.** IFC Section D105.3 (Proximity to building) is amended to read as follows:

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Exception: The proximity of an aerial fire apparatus access road may be altered by the fire code official based on the specifications and capabilities of the fire protection district's apparatus.

(Ord. 07 §5, 2016)

**Sec. 18-6-40. Violations and penalties.**

(a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.

(b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §5, 2016)

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FOOTNOTE(S):

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--- (6) ---

**Editor's note**— Ord. No. 07, § 5, 2016, adopted Nov. 17, 2016, repealed the former Art. 6, §§ 18-6-10—18-6-40, and enacted a new article as set out herein. The former Art. 6 pertained to similar subject matter and derived from Ord. 2, §§ 1, 2, adopted in 2007; Ord. 1, § 1, adopted in 2012; and Ord. 01, §§ 17, 18, adopted in 2014. ([Back](#))

**ARTICLE 7 Fuel Gas Code** [\[v\]](#)

[Sec. 18-7-10. International Fuel Gas Code adopted.](#)

[Sec. 18-7-20. Copy of file.](#)

[Sec. 18-7-30. International Fuel Gas Code—Amendments.](#)

[Sec. 18-7-40. Violation and penalties.](#)

**Sec. 18-7-10. International Fuel Gas Code adopted.**

The International Fuel Gas Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive is hereby adopted by reference thereto and incorporated into and made a part of the Foxfield Municipal Code. The purpose and subject matter of the International Fuel Gas Code include the provision of standards for the design and installation of fuel gas systems and gas fired appliances. Any reference to the International Fuel Gas Code within this title shall be to the 2015 Edition of said code.

(Ord. 07 §6, 2016)

**Sec. 18-7-20. Copy of file.**

At least one (1) copy of the International Fuel Gas Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §6, 2016)

**Sec. 18-7-30. International Fuel Gas Code—Amendments.**

The International Fuel Gas Code as adopted by the Town is hereby amended as follows:

- (1) **Section 101.1 (Title)** is amended by the addition of the term "Town of Foxfield" where indicated.
- (2) **Sections 103** (Department of Inspection), **104** (Duties and powers of the code official), **105** (Approval), **106** (Permits), **108** (Violations), and **109** (Means of appeals) are deleted and replaced with the corresponding and applicable provisions contained within Chapter 1 (Administration) of the International Building Code, as adopted and amended by the Town of Foxfield in this Title.
- (3) **IFGC Section [A] 106.6.2 (Fee Schedule)** is amended to read "The fees for work shall be as indicated on the Town Fee Schedule adopted by the Board of Trustees."
- (4) **Section [A] 106.6.3 (Fee Refunds)** is amended by deleting the section in its entirety and replacing the section with the following:

"The Town may authorize refunding of any fee paid hereunder that was erroneously paid or collected. The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The Town shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment."

- (5) **Section 404.12 (Minimum burial depth)** is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."
- (6) **Section 406.4.1 (Test pressure)** is amended by changing "3 psig" to "10 psig."

(Ord. 07 §6, 2016)

**Sec. 18-7-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §6, 2016)

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FOOTNOTE(S):

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--- (7) ---

**Editor's note**— Ord. No. 07, § 6, 2016, adopted Nov. 17, 2016, repealed the former Art. 7, §§ 18-7-10—18-7-40, and enacted a new article as set out herein. The former Art. 7 pertained to similar subject matter and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 19, adopted in 2014. ([Back](#))

**ARTICLE 8 Energy Conservation Code** <sup>[8]</sup>

[Sec. 18-8-10. International Energy Conservation Code adopted.](#)

[Sec. 18-8-20. Copy on file.](#)

[Sec. 18-8-30. International Energy Conservation Code—Amendments.](#)

[Sec. 18-8-40. Violation and penalties.](#)

**Sec. 18-8-10. International Energy Conservation Code adopted.**

The International Energy Conservation Code, 2105 Edition as published by the International Code Council, West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 6 inclusive is hereby adopted by reference thereto and incorporated into and made a part of the Foxfield Municipal Code. The purpose and subject matter of the International Energy Conservation Code include provisions that encourage energy conservation through efficiency in envelope design, mechanical systems, lighting systems and the use of new materials and techniques. Any reference to the International Energy Conservation Code within this title shall be to the 2015 Edition of said code.

(Ord. 07 §7, 2016)



**Sec. 18-8-20. Copy on file.**

At least one (1) copy of the International Energy Conservation Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §7, 2016)

**Sec. 18-8-30. International Energy Conservation Code—Amendments.**

The International Energy Conservation Code as adopted by the Town is hereby amended as follows:

- (1) The International Energy Conservation Code is amended by replacing all references to "ICC Electrical Code" with "National Electric Code as adopted by the State of Colorado".
- (2) Section 101.1 (Title) is amended by the addition of the term "Town of Foxfield" where indicated.

(Ord. 07 §7, 2016)

**Sec. 18-8-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §7, 2016)

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FOOTNOTE(S):

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--- (8) ---

**Editor's note**— Ord. No. 07, § 7, 2016, adopted Nov. 17, 2016, repealed the former Art. 8, §§ 18-8-10—18-8-40, and enacted a new article as set out herein. The former Art. 8 pertained to similar subject matter and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 20, adopted in 2014. ([Back](#))

**ARTICLE 9 Reserved** <sup>[9]</sup>

[Secs. 18-9-10—18-9-40. Reserved.](#)

**Secs. 18-9-10—18-9-40. Reserved.**

FOOTNOTE(S):

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--- (9) ---

**Editor's note**— Ord. No. 07, § 8, 2016, adopted Nov. 17, 2016, repealed the former Art. 9, §§ 18-9-10—18-9-40, which pertained to ANSI Manual and derived from Ord. 4, §§ 1, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 21, adopted in 2014. ([Back](#))

**ARTICLE 10 Reserved** <sup>[10]</sup>

[Secs. 18-10-10—18-10-40. Reserved.](#)

**Secs. 18-10-10—18-10-40. Reserved.**

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FOOTNOTE(S):

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--- (10) ---

**Editor's note**— Ord. No. 07, § 9, 2016, adopted Nov. 17, 2016, repealed the former Art. 10, §§ 18-10-10—18-10-40, which pertained to elevator and escalator code and derived from Ord. 4, §§ 2, 5, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 22, adopted in 2014. ([Back](#))

**ARTICLE 11 Dangerous Buildings Code** <sup>[11]</sup>

[Sec. 18-11-10. International Property Maintenance Code adopted.](#)

[Sec. 18-11-20. Copy on file.](#)

[Sec. 18-11-30. International Property Maintenance Code—Amendments.](#)

[Sec. 18-11-40. Violation and penalties.](#)

**Sec. 18-11-10. International Property Maintenance Code adopted.**

The International Property Maintenance Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 2 inclusive, is hereby adopted by reference thereto and incorporated into and made a part of the Foxfield Municipal Code. The purpose and subject matter of the International Property Maintenance Code include the provision of

just, equitable and practical procedures for the continued maintenance of property. In all sections of this code where a reference is made to the International Property Maintenance Code, said reference shall be to the 2015 Edition of said Code.

(Ord. 07 §10, 2016)

**Sec. 18-11-20. Copy on file.**

At least one (1) copy of the International Property Maintenance Code has been and is now on file in the office of the Town Clerk and may be inspected by appointment with the Town Clerk.

(Ord. 07 §10, 2016)

**Sec. 18-11-30. International Property Maintenance Code—Amendments.**

The International Property Maintenance Code as adopted by the Town is hereby amended as follows:

- (1) **Section 101.1 (Title)** is amended by the addition of the term "Town of Foxfield" where indicated.
- (2) **Section 103.5 (Fees)** is amended by deleting the section in its entirety.
- (3) **Section 111.2 (Membership of board)** is amended by deleting the section in its entirety and inserting the following:

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

- (4) **Section 111.2.1 (Alternate members)** is amended by deleting the section in its entirety.
- (5) **Section 111.2.2 (Chairman)** is amended by deleting the section in its entirety.
- (6) **Section 111.2.3 (Disqualification of member)** is amended by deleting the section in its entirety.
- (7) **Section 111.2.4 (Secretary)** is amended by deleting the section in its entirety.
- (8) **Section 111.2.5 (Compensation of members)** is amended by deleting the section in its entirety.

(Ord. 07 §10, 2016)

**Sec. 18-11-40. Violation and penalties.**

- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
- (b) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 07 §10, 2016)

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FOOTNOTE(S):

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--- (11) ---

**Editor's note**— Ord. No. 07, § 10, 2016, adopted Nov. 17, 2016, repealed the former Art. 11, §§ 18-11-10—18-11-40, and enacted a new article as set out herein. The former Art. 11 pertained to similar subject matter and derived from Ord. 4, §§ 4, 6, adopted in 2008; Ord. 1, § 1, adopted in 2012; and Ord. 01, § 23, adopted in 2014. ([Back](#))

## **ARTICLE 12 Construction Practices**

[Sec. 18-12-10. Applicability and intent.](#)

[Sec. 18-12-20. Definitions.](#)

[Sec. 18-12-30. Administration.](#)

[Sec. 18-12-40. Construction staging plan.](#)

[Sec. 18-12-50. Construction site maintenance and operation and duty to repair public rights-of-way.](#)

[Sec. 18-12-60. Construction times.](#)

[Sec. 18-12-70. Enforcement.](#)

[Sec. 18-12-80. Penalties.](#)

### **Sec. 18-12-10. Applicability and intent.**

- (a) **Applicability.** This Article shall apply to all construction activity within the Town.
- (b) **Intent.** It is the Town's intent by the adoption of this Article to reasonably minimize the detrimental health, safety and general welfare impacts of construction activities on the residents of the community and to ensure that each construction activity is conducted in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and the occupants of neighboring property.

(Ord. 06 §1, 2014)

### **Sec. 18-12-20. Definitions.**

For purposes of this Article and unless the context clearly indicates otherwise, certain terms and words used herein shall be interpreted as follows:

*Construction activity* means any site preparation, landscaping, building construction, sign erection, paving, fencing, planting or other improvement or modification of any real property or existing improvement thereon.

*Construction site* means all of a real property, as defined by its boundary lines, over any part of which there is a construction activity, along with the public or private right-of-way adjacent to such property.

*Construction site facilities* means a portable toilet, a trash receptacle or Dumpster and any other structure or facility erected or installed as a job office, material storage facility or other facility or installation on or within a construction site that is used for or in connection with a construction activity or that is required to be depicted on a construction staging plan pursuant to this Article.

*Construction staging plan* means a site plan of a construction site that shows the location for all construction site facilities and all other items that are required to be shown on such plan pursuant to the requirements of this Article.

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*Construction vehicle* means any car, truck, tractor, trailer or other vehicle or equipment of any type that is used to perform any part of a construction activity or to transport equipment, supplies or workers to a construction site.

*Right-of-way* means any street, way, place, alley, easement, median, parkway or boulevard, whether public or private, the principal purpose of which is the provision of vehicular access to real property.

*Town Administrator* means the duly appointed Town Administrator of the Town, or the Town Administrator's designee.

*Vehicle tracking control* means an effective method or methods of preventing vehicles from tracking soil, mud or gravel from a construction site to a right-of-way, which method or methods may include, but not be limited to, the use of temporary paving or a washing or mud-clearing station.

(Ord. 06 §1, 2014)

### **Sec. 18-12-30. Administration.**

- (a) A construction staging plan shall be submitted along with the application for a permit for any construction activities. In instances when a building permit or other permit from the Town is not required for a construction activity, or for any work being conducted pursuant to a permit issued for a project consisting solely of electrical work, plumbing work or mechanical work, such construction activity shall still be subject to the minimum requirements outlined in Subparagraphs 18-12-40(2)a. through i. of this Article even though a construction staging plan may not be required. The Town Administrator may require that a construction staging plan be submitted for review and approval for proposed or current construction activities, if the Town Administrator determines that a construction staging plan is necessary to ensure that construction is conducted in such a manner so as to minimize the impacts resulting from the construction activity on the general public and the occupants of neighboring property. It shall be unlawful to perform, or for the owner of any construction site to allow to be performed, any construction activity prior to the Town's full approval of the construction staging plan when such construction staging plan is required by this Article.
- (b) The construction staging plan shall be subject to the review and approval of the Town Administrator. Such review shall be conducted to ensure that the construction activities will be conducted in compliance with the requirements of this Article; provided, however, that, if the Town Administrator determines that a deviation of a construction staging plan from the requirements of this Article will result in no greater adverse impacts on adjacent properties than would occur if the plan were to fully comply with the provisions of this Article, then the Town Administrator may approve the plan in his reasonable discretion.
- (c) The Town Administrator may impose reasonable conditions upon any approval of a construction staging plan to ensure that the construction activities will be conducted in compliance with the requirements of this Article.
- (d) A construction staging plan may be modified or amended upon the written approval of the Town Administrator. Any modification to or amendment of a construction staging plan shall be reviewed and approved under the same standards, and shall be subject to the same conditions, as are set forth in this Section for the review, approval and conditioning of the initial construction staging plan.
- (e) Any construction activity performed by a property owner or occupant of property without the assistance of a contractor, or any landscaping, planting or grading work that disturbs less than five hundred (500) square feet of property area and less than ten (10) cubic yards of soil, shall not be subject to the requirements of this Article.

(Ord. 06 §1, 2014)

**Sec. 18-12-40. Construction staging plan.**

The construction staging plan shall include all of the following information:

- (1) A to-scale, accurate depiction of all existing and proposed improvements.
- (2) A to-scale, accurate depiction of the location of all construction site facilities and, when applicable, a description of construction site facilities, including but not limited to the following:
  - a. Portable toilets.
    1. Except for construction sites that contain an operable, permanent toilet that is made available for the use of every construction worker, at least one (1) portable toilet shall be provided on each construction site and the location of such portable toilet shall be shown on the construction staging plan.
    2. A portable toilet shall not be located within any right-of-way.
    3. Portable toilets shall not be located within any right-of-way, and in no event shall a portable toilet be located within ten (10) feet of any public right-of-way or within twenty-five (25) feet of any other property line.
    4. Every portable toilet shall at all times be maintained in a sanitary and odor-free condition.
  - b. Trash receptacles and Dumpsters.
    1. A trash receptacle and/or Dumpster of a size adequate to contain the construction waste materials anticipated in connection with a construction activity shall be provided on each construction site to contain solid waste materials, and the location of such trash receptacle and/or Dumpster shall be shown on the construction staging plan. Liquid and hazardous waste materials shall be disposed of at a proper waste depository.
    2. Trash receptacles or Dumpsters shall not be located within any right-of-way, and in no event shall a trash receptacle or Dumpster be located within ten (10) feet of any public right-of-way or within twenty-five (25) feet of any other property line.
    3. Trash receptacles and Dumpsters shall at all times be maintained in an odor-free condition and in such a manner as to prevent waste materials from being blown out of them. Trash receptacles and Dumpsters shall be emptied on a regular basis so as to comply with the requirements of this Section.
  - c. Construction trailers. Temporary construction trailers shall be permitted, operated and maintained in accordance with the provisions of Section 16-3-120 of this Code. If a temporary construction trailer is to be used on a construction site, its location shall be depicted on the construction staging plan.
  - d. Vehicle tracking control.
    1. No construction vehicle shall track soil, mud or gravel off of a construction site and onto a right-of-way. Vehicle tracking control shall be used at ingress and egress points on all construction sites that have the potential for construction vehicles to track soil, mud or gravel off of a construction site and onto a right-of-way.
    2. The construction staging plan shall depict the location for, and describe the type of, vehicle tracking control that will be utilized for the construction site.
  - e. Silt fencing.
    1. Silt fencing shall be placed downgrade of all areas of a construction site that are to be disturbed and that have the potential for sediment to be transported off of a construction site by runoff, and the location and type of such silt fencing shall be shown on the construction staging plan.

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2. A minimum of nine (9) inches of the bottom of the silt fence shall be anchored using gravel or dirt.
- f. Parking.
1. The locations of all parking and loading/unloading areas for construction vehicles associated with a construction site shall be shown on the required construction staging plan.
  2. For any lot, parcel or other real property that contains one (1) or more acres, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property. It shall be unlawful for any construction vehicle associated with any lot, parcel or other real property that contains one (1) or more acres of gross lot area to be parked within a right-of-way.
  3. For any lot, parcel or other real property that contains less than one (1) acre of gross lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property if reasonably feasible.
  4. In the event that the parking of construction vehicles within the boundaries of a lot, parcel or other real property containing less than one (1) acre of gross lot area is not reasonably feasible, the construction staging plan may provide:
    - a) That the parking area shall be located within the right-of-way area that is immediately adjacent to the subject property and not adjacent to any other property; and
    - b) That vehicular access on the right-of-way shall be maintained at a minimum width of twenty (20) feet (for emergency response purposes), assuming the contemporaneous use of the right-of-way for the parking of vehicles immediately across the right-of-way from the area in which the construction vehicles are to be parked. In the event that such minimum width cannot be maintained, the parking of construction vehicles shall not occur within the right-of-way.
- It shall be unlawful for any construction vehicle associated with such lot, parcel or other real property to be parked within a right-of-way except to the extent that the parking within a right-of-way is in conformance with the approved construction staging plan.
5. The construction staging plan shall make provision for parking at remote locations that are not within a right-of-way within the City in the event that the number of anticipated construction vehicles exceeds the parking capacity of the site.
- g. Temporary construction fencing.
1. Any temporary construction fencing shall be shown on the required construction staging plan.
  2. Temporary construction fencing shall be provided for any below-grade construction in excess of thirty (30) inches that is unattended or open overnight.
  3. Temporary construction fencing shall not exceed six (6) feet in height and may be opaque so as to provide additional screening of the construction site.
  4. Temporary construction fencing may not be located in a right-of-way.
- h. Construction material storage.
1. Construction material storage areas shall be designated on the required construction staging plan.
  2. Construction materials shall not be stored in any right-of-way.
  3. In no event shall construction materials be stored within five (5) feet from any property line.

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- i. Storage of fill or excavated dirt.
  1. The location of storage sites for any fill or excavated dirt shall be indicated on the construction staging plan.
  2. Any fill or excavated dirt shall be maintained in a manner so as to prevent dust from blowing on adjacent properties, which manner may include, but need not be limited to, the periodic watering of the piles.
  3. Silt fencing around piles of fill or excavated dirt may be required under the provisions of Subparagraph e. above.
  4. All excess fill or excavated dirt shall be removed promptly upon completion of the project.
- (3) Photographs of all improved portions of any public right-of-way that are within five hundred (500) feet of any point of vehicular access to a construction site.

(Ord. 06 §1, 2014)

### **Sec. 18-12-50. Construction site maintenance and operation and duty to repair public rights-of-way.**

- (a) Contractors, subcontractors and persons holding permits to perform construction activities, and the owners of construction sites, shall cause the construction site to be maintained in a neat and orderly condition that is free from any debris, garbage, junk, used or discarded construction materials, trash or any other foreign substance produced as a result of the construction project other than debris, garbage, junk, trash or other foreign substance deposited into and contained within a trash receptacle or Dumpster.
- (b) Notwithstanding any provision of this Article, all construction activities and construction sites shall be subject to the provisions of Chapter 7 of this Code, including but not limited to those provisions concerning noise.
- (c) Contractors, subcontractors, persons holding permits to perform construction activities and the owners of construction sites shall, at the direction of the Town Administrator, either repair or reimburse the Town for its costs incurred to repair any damage to any public right-of-way that is caused by a construction vehicle.

(Ord. 06 §1, 2014)

### **Sec. 18-12-60. Construction times.**

The hours of construction are limited to the following operating hours. Operating or permitting the operation of any tools or equipment in connection with construction between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays, between the hours of 7:00 p.m. and 8:00 a.m. on Saturdays and between the hours of 7:00 p.m. and 10:00 a.m. on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential property boundary, is prohibited, except for emergency work on public utilities, emergency work by Town personnel or work in compliance with a variance or permit issued by the Town.

(Ord. 06 §1, 2014)



**Sec. 18-12-70. Enforcement.**

- (a) Upon a complaint or observation by the Town of a violation of this Article, or upon a determination by the Town that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, the Town shall provide written notice to the contractor or person performing the work on the construction site, as well as mailed notice to the owner of record of the construction site, specifying the specific conditions that are deemed in violation of this Article or the approved construction staging plan and demanding that the construction site be brought into compliance with this Article or such plan within twenty-four (24) hours; provided, however, that no such notice is required if the Town Administrator determines that the immediate cessation of the violation or failure to comply with an approved construction staging plan is necessary to preserve health or safety, or when there is a violation of the regulations concerning construction times as stated in Section 18-12-60 of this Article.
- (b) In the event of a violation of any provision of this Article, or in the event that the Town determines that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, or in the event that reasonable steps have not been undertaken within the twenty-four-hour period referenced in Subsection (a) above to bring a site into compliance with any provision of this Article or such plan after notice as provided in Subsection (a) above, or without prior notice in the event of a second violation of the same provision of this Article or a second failure to operate in strict conformance with the same provision of an approved construction staging plan, the Town may, at its discretion:
  - (1) Issue a stop work order;
  - (2) Withhold any certificate of occupancy for any improvement on the construction site;
  - (3) Withhold any required construction or building inspection approvals;
  - (4) Reject any necessary acceptance by the Town of construction or improvements;
  - (5) Prosecute the violation in accordance with the Town's laws governing nuisances or as a violation of this Article that is subject to the penalties set forth in Section 18-12-80 below; and/or
  - (6) Remedy the conditions that are deemed in violation of this Article or the approved construction staging plan and assess the costs incurred by the Town to bring the construction site into compliance with this Article as a lien against the subject property, subject to collection in the same manner as unpaid property taxes.
- (c) In the event that the Town issues a stop work order pursuant to this Section, it shall be unlawful for any person to engage in any construction activity on the subject construction site until a written plan is submitted to and approved by the Town Administrator. Such plan shall provide a detailed statement setting forth the means and methods by which the existing violation has been or will be remedied and by which the same violation will be avoided in the future. The statement shall provide such additional or clarifying information as may be reasonably requested by the Town Administrator. Upon its approval by the Town Administrator, the written plan shall be a part of the construction staging plan required by this Article and shall be enforceable under this Article as if it had been set forth as part of the original, approved construction staging plan.
- (d) In the event that the Town remedies the conditions deemed in violation of this Article or the approved construction staging plan, the cost for the Town to perform such work shall be five hundred dollars (\$500.00), exclusive of any costs attributable to vehicle or equipment time, or the actual cost of remediation of the violation, whichever is greater. The failure to pay an assessment imposed by the Town for Town costs incurred to bring the construction site into conformance with this Article or such plan within seven (7) days shall cause all building permits for the construction site to expire. Provided that full payment of such assessment is made and all other applicable requirements for the issuance of a building permit are satisfied, a new permit may be obtained upon application and payment of the building permit fee calculated on the valuation of the remaining work.

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- (e) Any and all construction site facilities shall have been removed from the construction site at such time as the subject improvement is issued a certificate of occupancy or completion, or within ten (10) days after the construction activity has ceased, whichever first occurs.

(Ord. 06 §1, 2014)

**Sec. 18-12-80. Penalties.**

Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

(Ord. 06 §1, 2014)