

CHAPTER 18 Building Regulations

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ARTICLE 1 Building Code

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Sec. 18-1-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the International Building Code, 2006 edition, as published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California, 90601, Chapters 1 through 35 inclusive, Appendix I and Appendix J, to have the same force and effect as if fully set forth herein, with the additions, deletions, insertions and changes as set forth in Section 18-1-30 below. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

(Ord. 1997-7 §1; Ord. 2011-2 §1; Ord. 2011-18 §1)

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

At least one (1) copy of the International Building Code adopted herein, certified to be a true copy, has been and is now on file in the office of the Town Clerk or Building Inspector and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 1997-7 §3; Ord. 2011-2 §2; Ord. 2011-18 §1)

Sec. 18-1-30. Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Deletion and substitution (Applicability), Section 102.6, Existing structures. Delete Section 102.6 in its entirety and substitute the following:

"The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change unless the use or the type of occupancy of the structure is changed. If the use or occupancy changes, the building will only be required to meet the minimum requirements of the new occupancy class."

- (2) Deletion (Department of Building Safety), Section 103.3, Deputies. Delete Section 103.3, the following:

"For the maintenance of existing properties, see the International Property Maintenance Code."

- (3) Deletion and substitution (Fees), Section 108.2, Schedule of permit fees. Delete Section 108.2 in its entirety and substitute the following:

"On buildings, structures, structural remodels, or alterations requiring a permit, a fee for each permit shall be paid as required and shall be based on the square footage construction cost table as illustrated in the Building Safety Journal, August 2005 edition (to be updated as necessary for market cost fluctuation), attached hereto and the 2006 International Residential Code Appendix L - Permit Fees, attached hereto. Annual permit fees are established by the building official."

- (4) Deletion and substitution (Fees), Section 108.3, Building permit valuations. Delete Section 108.3 in its entirety and substitute the following:

"The valuation for the permit is established in accordance with the Building Safety Journal, August 2005 edition - Square Foot Construction Costs Table (to be updated as necessary for market cost variation), attached hereto."

- (5) Deletion and substitution (Inspections), Section 109. Delete Section 109 in its entirety and substitute the following:

"109.1 General. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection.

"Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

"It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be

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liable for expense entailed in the removal or replacement of any material required to allow inspection.

"A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

"109.2 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

"109.3 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least two working days before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

"It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

"109.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

"There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

"109.5 Required Inspections.

"109.5.1 General. Reinforcing and steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

"Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

"The building official, upon notification, shall make the inspections set forth in the following sections.

"109.5.2 Footing/monolithic and structural pad inspection. To be made after excavations for footings and pads are complete and any required reinforcing steel is in place and before placement of concrete.

"109.5.3 Foundation wall inspection. For concrete foundations, any required forms and required reinforcing steel shall be in place prior to inspection. All materials for the foundation shall be on the job; except where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. Where the foundation wall is to be constructed of approved treated wood, additional inspections may be required by the building official.

"Concrete slab or under-floor inspection. To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

"109.5.5 Sheathing inspection. To be made after exterior walls and roof has been sheathed and before any covering is placed over the nail patterns.

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"109.5.6 Frame inspection. To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

"109.5.7 Lath or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

"109.5.8 Mid-roof inspection. To be made after ice and water shield, valley underlayment and flashing placement, but before any shingles or metal roof material installment.

"109.5.9 Fire rated drywall inspection. To be made after the 5/8" drywall for fire protection has been installed, but before any taping or plaster application.

"109.5.10 Final inspection. To be made after finish grading and the building is completed and ready for occupancy.

"109.6 Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency."

(6) Addition (Inspections), Section 109.7, Reinspections. Add Section 109.7, Reinspections:

"A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

"This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

"Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

"To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the fee established by the building official.

"In instances where reinspection fees have been assessed, no additional inspection of the work will be preformed until the required fees have been paid."

(7) Deletion and substitution (Board of Appeal), Section 112.1, General. Delete Section 112.1 the following:

"There shall be and is hereby created a board of appeals."

And substitute the following:

"There shall be a board of appeals created when necessary."

(8) Deletion and substitution (Definitions), Section 502.1, HEIGHT, BUILDING. Delete Section 502.1, HEIGHT BUILDING, in its entirety and substitute the following:

"The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- "a. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot (1524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet (3048 mm) above highest grade.

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"b. An elevation 10 feet (3048 mm) higher than the lowest grade when the sidewalk or ground surface described in Item 1 is more than 10 feet (3048 mm) above lowest grade.

"The height of a stepped or terraced building is the maximum height of any segment of the building."

(Ord. 2011-2 §3; Ord. 2011-18 §1)

Sec. 18-1-40. Violations; penalties.

It is unlawful for any person, including an owner, occupant or builder, 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 the same to be done, contrary to or in violation of any of the provision of the International Building Code. A violation of any of the provisions of the code shall constitute a misdemeanor offense punishable upon conviction by a fine not to exceed one thousand (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment, for each separate offense. A separate offense shall be deemed committed on each day, or portion thereof, that the violation of any of the provisions of the code occurs or continues unabated after the time limit set for abatement of the violation.

(Ord. 1997-7 §2; Ord. 2011-2 §4; Ord. 2011-18 §1)

ARTICLE 2 Residential Code

[Sec. 18-2-10. Adoption.](#)

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

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

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the International Residential Code, 2006 edition, together with all appendices and tables thereto, published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

(Ord. 2011-18 §1)

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

At least one (1) copy of the International Residential Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2011-18 §1)

Sec. 18-2-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 2011-18 §1)

ARTICLE 3 Electrical Code

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

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

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

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the National Electrical Code, 2008 edition, and all appendices, tables and examples thereto, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive rules and regulations governing materials, methods of installation, inspection and other matters pertaining to the practical safeguarding of persons and property from hazards arising from the use of electricity.

(Ord. 2011-18 §1)

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

At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2011-18 §1)

Sec. 18-3-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 2011-18 §1)

ARTICLE 4 Mechanical Code

[Sec. 18-4-10. Adoption.](#)

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

[Sec. 18-4-30. Amendments.](#)

Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code for the Town, by reference thereto, the International Mechanical Code, 2006 edition, together with all appendices and tables thereto, published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive provisions and standards relating to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling and refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the Town for the purpose of protecting the public health, safety and general welfare.

(Ord. 2011-18 §1)

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

At least one (1) copy of the International Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2011-18 §1)

Sec. 18-4-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 2011-18 §1)

ARTICLE 5 Plumbing Code

[Sec. 18-5-10. Adoption.](#)

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

[Sec. 18-5-30. Amendments.](#)

[Sec. 18-5-40. Town specifications.](#)

Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the Town, by reference thereto, the International Plumbing Code, 2006 edition, and all appendices and tables thereto, published by the International Association of Plumbing and Mechanical Officials, headquarters at 5032 Alhambra Avenue, Los Angeles, California. The subject matter of the adopted code includes comprehensive regulations governing materials, installation methods and other matters pertaining to plumbing for the purpose of protecting the public health, safety and general welfare.

(Ord. 2011-18 §1)

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

At least one (1) copy of the International Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2011-18 §1)

Sec. 18-5-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 2011-18 §1)

Sec. 18-5-40. Town specifications.

There is hereby adopted by reference thereto the Town's Water and Sanitary Sewer System Specifications, as amended. The subject matter of the Specifications includes regulations governing installation and maintenance pertaining to plumbing within the Town. A copy of the Water and Sanitary Sewer System Specifications is now on file in the Town Clerk's office.

(Ord. 2011-18 §1)

ARTICLE 6 Fire Code

[Sec. 18-6-10. Adoption.](#)

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

[Sec. 18-6-30. Amendments.](#)

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

Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fire code for the Town, by reference thereto, the International Fire Code, 2006 edition, and all appendices and tables thereto, published by the International Code Council, Inc., and the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California, 90601. The subject matter of the adopted code includes comprehensive provisions and standards designed to prevent fires. The purpose of the adopted code is to protect the health, safety and welfare of the residents of the Town.

(Ord. 2003-1 §1; Ord. 2011-18 §1)

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

At least one (1) copy of the International Fire Code adopted herein, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as

finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2003-1 §1; Ord. 2011-18 §1)

Sec. 18-6-30. Amendments.

The code adopted herein and its appendices are amended as follows: none.

(Ord. 2011-18 §1)

Sec. 18-6-40. Violations; penalties.

It is unlawful for any person, including an owner, occupant or builder, 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 the same to be done, contrary to or in violation of any of the provisions of the International Fire Code. A violation of any of the provisions of the code shall constitute a misdemeanor offense, punishable upon conviction in accordance with the provisions of Section 1-4-20 of this Code. A separate offense shall be deemed committed on each day, or portion thereof, that the violation of any of the provisions of the Code or this Article occurs or continues unabated after the time limit set for abatement of the violation.

(Ord. 2003-1 §2; Ord. 2011-18 §1)

ARTICLE 7 Fuel Gas Code

[Sec. 18-7-10. Adoption.](#)

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

[Sec. 18-7-30. Amendments.](#)

Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, C.R.S., there is hereby adopted the 2006 International Fuel Gas Code, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795. The purpose of the International Fuel Gas Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of fuel gas piping systems and fuel gas utilization equipment within the Town and related accessories specifically regulated in the International Fuel Gas Code.

(Ord. 2011-18 §1)

Sec. 18-7-20. Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the

hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2011-18 §1)

Sec. 18-7-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 2011-18 §1)

ARTICLE 8 Energy Conservation Code

[Sec. 18-8-10. Adoption.](#)

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

[Sec. 18-8-30. Amendments.](#)

[Sec. 18-8-40. Violation; penalty.](#)

Sec. 18-8-10. Adoption.

- (a) The International Energy Conservation Code, 2009 Edition, including the outline of contents, index and appendixes contained therein, published by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, is hereby adopted.
- (b) The provisions of the International Energy Conservation Code, 2009 Edition, shall apply to the construction of, and renovations or additions to, all commercial and residential buildings within the Town.

(Ord. 2008-5 §1; Ord. 2011-18 §1)

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

At least one (1) copy of the International Energy Conservation Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk or Building Inspector and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2008-5 §2; Ord. 2011-18 §1)

Sec. 18-8-30. Amendments.

The International Energy Conservation Code as adopted in this Article shall be amended as follows:

- (1) Deletions. The following sections, subsections and tables of the International Energy Conservation Code are hereby deleted: 101.4.4; 101.4.5; 101.5.2; 102.1.1; 102.1.2; 102.1.3; Table 102.1.3(1); Table 102.1.3(2); Table 102.1.3(3); 103.1.1; 104; 105; 107; 401.2; 401.3; 402.1; 402.1.1; 402.1.2; 402.1.3, together with exceptions 1, 2 and 3; 402.2.2.3, together with exceptions

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1, 2 and 3; 402.2.4; Table 402.2.4; 402.2.6; 402.2.7; 402.2.8; 402.2.9; 402.2.10; 402.3; 402.3.1; 402.3.2; 402.3.3; 402.3.4; 402.3.5; 402.3.6; 402.4; 402.1, including subparagraphs 1 through 10, inclusive; 402.4.2, including all exceptions; 402.4.3, including subparagraphs 1, 2 and 3; 402.5, including exceptions 1, 2 and 3; 402.6; 403; and 404.

(2) Additions.

- a. A new Section 303 is hereby added to read as follows:

"SECTION 303
PARK COUNTY CLIMATE ZONE

"303.1 Park County Climate Zone. In recognition of local weather conditions, and the provision of this Chapter notwithstanding, as to all residential construction, Park County shall be considered Climate Zone 5."

- b. Footnote f. is added to the entire "Ceiling R-Value" column contained in Table 402.1.1.

- c. A new footnote h. is added to the entire "Ceiling R-Value" Column contained in Table 402.1.1, to read as follows:

"Baffles shall be provided against the underside of roof sheathing to facilitate ventilation above exterior walls on trussed roofs and entire roofs when framing members supporting both the roof and ceilings are less than 14 inches deep. All such baffles shall be a minimum of 1 inch deep."

(Ord. 2008-5 §3; Ord. 2011-18 §1)

Sec. 18-8-40. Violation; penalty.

Violations of the International Energy Conservation Code adopted herein shall be punished by a fine not to exceed one thousand dollars (\$1,000.00).

(Ord. 2008-5 §1; Ord. 2011-18 §1)

ARTICLE 9 Property Maintenance Code

[Sec. 18-9-10. Adoption.](#)

[Sec. 18-9-20. Copy on file.](#)

[Sec. 18-9-30. Amendments.](#)

Sec. 18-9-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code for the Town, by reference thereto, the International Property Maintenance Code, 2006 edition, together with all appendices and tables thereto, published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; for the purpose of protecting the public health, safety and general welfare within the Town.

(Ord. 1989 §1; Ord. 2011-18 §1)

Sec. 18-9-20. Copy on file.

At least one (1) copy of the UCADB, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 2011-18 §1)

Sec. 18-9-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none.

(Ord. 2011-18 §1)

ARTICLE 10 Building Permits

[Sec. 18-10-10. Title and authority.](#)

[Sec. 18-10-20. Building permit required.](#)

[Sec. 18-10-30. Application; fees.](#)

[Sec. 18-10-40. Application of zoning map; interpretation.](#)

[Sec. 18-10-50. Review and decision procedure.](#)

[Sec. 18-10-60. Inspections.](#)

[Sec. 18-10-70. Cease and desist order; enforcement.](#)

[Sec. 18-10-80. Certificate of occupancy.](#)

[Sec. 18-10-90. Special use permit.](#)

[Sec. 18-10-100. Noncompliance.](#)

[Sec. 18-10-110. Expiration and renewal.](#)

Sec. 18-10-10. Title and authority.

- (a) There is hereby established the position of Building Inspector. It shall be the duty of the Building Inspector to enforce the provisions of this Article. In the absence of a Building Inspector, enforcement shall be the responsibility of either the Town Planner or the Mayor, at the direction of the Board of Trustees.
- (b) No oversight or dereliction on the part of the Building Inspector or on the part of any official or employee of the Town shall legalize, authorize or excuse the violation of any of the provisions of this Section.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-20. Building permit required.

- (a) A building permit shall be required for any new construction or change of the use on vacant land within the Town.
- (b) It shall be unlawful to erect, construct, reconstruct, structurally alter or change the use of any building or other structure without first obtaining an approved building permit from the Board of Trustees.
- (c) It shall be unlawful to change the use of any vacant land, except for agricultural purposes, without first obtaining a special use permit from the Board of Trustees (see Section 18-10-90 of this Article).

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-30. Application; fees.

- (a) Application for a building permit shall be made with the Town Planner. With the application, the applicant must supply a legal description for the property on which the structure is to be located, a detailed sketch showing the exact location of the proposed structure or improvement with respect to existing monumentation of the property boundaries, a plan and elevation views of the proposed structure or improvement detailing the type of construction (frame, masonry, modular, etc.), approximate square footage and the intended uses.
- (b) The fee for the building permit will be directly proportional to the useable square footage of the interior floor space, including closets, utility rooms, etc. The fee schedule will be determined by the Board of Trustees under a separate resolution such that it shall be relative to the costs incurred by the Town for application processing and subsequent inspections. The actual fee, per building permit, shall be calculated by the Town Planner in accordance with the schedule established by the Board of Trustees.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-40. Application of zoning map; interpretation.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (1) In subdivided areas, unless otherwise shown on the maps, the district boundaries are either streets or alleys of record, or lot lines.
- (2) In unsubdivided areas, the district boundaries, unless otherwise shown, are streets, highways or land survey lines of record.
- (3) In the event of controversy regarding the location of a district boundary line, the matter shall be referred to the Board of Adjustment.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-50. Review and decision procedure.

- (a) Approval for all building permits shall be made by the Building Inspector. Preconditions to approval are the following:
 - (1) Full payment of the building permit fee.
 - (2) Successful completion of the building permit application (see Section 18-10-30 above).

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- (3) A determination by the Building Inspector that sound design and construction methods shall be used, to include any subsequent requirements that the Building Inspector may consider necessary to ensure the health, safety and welfare of the general public.
 - (4) Proof of payment of sewer and water tap fees (unless exempt under relevant public utility regulations).
 - (5) Where a variance may be required to meet zoning regulations, written proof that such variance has been granted by the Board of Adjustment.
- (b) It shall be the duty of the Building Inspector and/or the Town Planner to review the building permit application.
- (c) The Building Inspector, upon reviewing the above criteria, may approve or deny the building permit application. Satisfaction of the application and of the other submission requirements by the applicant allows a decision by the Building Inspector, but it does not in any manner guarantee that the application will be approved.

(Ord. 1981-1 §1; Ord. 1996-2 §1; Ord. 2011-18 §1)

Sec. 18-10-60. Inspections.

- (a) Site inspection. Site inspections shall be performed by the Building Inspector or by the duly appointed official of the Town under Section 18-10-10 of this Article. Subject to the site inspection are the following:
- (1) Minimum setback requirements, as stipulated in the building permit application, shall be met and inspected at the time of completion of the building pad or foundation.
 - (2) Upon completion of the structure or improvement, the approved uses, square footage, exterior appearance and any other attendant requirements set forth within the approved building permit; i.e., landscaping, parking requirements, road grades, drainage and erosion control measures, shall be met and inspected prior to issuance of a certificate of occupancy.
- (b) Building inspection. Building inspections, including structural, electrical and plumbing, shall be conducted at the discretion of the Board of Trustees where special requirements have been set forth in the approved building permit, or where the health, safety and welfare of the general public appears to have been jeopardized by unsound building practice. Failure to comply with any subsequent requirements set forth by the Board of Trustees as a result of a building inspection shall be considered noncompliance under Section 18-10-100 below.
- (c) Utility inspections. As provided by separate ordinance, a permit is required for the excavation and installation of water and sewer service lines within the Town. Such installation must also be inspected by either the Water Superintendent or the Sewer Superintendent prior to issuance of a certificate of occupancy by the Building Inspector or other duly authorized official of the Town.
- (d) Building codes as guides. In connection with the inspections described at Subsections (a), (b) and (c) above, the Board of Trustees will use, as a guide, the versions of the following codes as adopted by the Town in this Chapter:
- (1) International Building Code;
 - (2) International Residential Code;
 - (3) National Electrical Code;
 - (4) International Mechanical Code;
 - (5) International Plumbing Code;
 - (6) International Fire Code;

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- (7) International Fuel Gas Code;
- (8) International Energy Conservation Code; and
- (9) International Property Maintenance Code.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-70. Cease and desist order; enforcement.

To authorize or undertake the construction of any structure or improvement within the Town without an approved building permit shall be considered noncompliance under Section 18-10-100 below. Whereby, upon notification from any official or employee of the Town that a violation of this Section exists, i.e., building without a permit, it shall be the responsibility of the owner of the subject property to cease and desist in all activities at the site of construction.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-80. Certificate of occupancy.

A certificate of occupancy shall be issued by the Building Inspector or by the duly appointed official of the Town under Section 18-10-10 of this Article, upon successful completion of the site and building and utility inspections, as applicable. Failure to obtain a certificate of occupancy is noncompliance under Section 18-10-100 below.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-90. Special use permit.

- (a) A special use permit shall be required for any change of use of vacant land other than for agricultural purposes. Activities such as mining, equipment or materials storage or any commercial activity shall require a special use permit.
- (b) Application for a special use permit shall be made with the Town Planner. With the application, the applicant must provide a legal description for the property on which the activity is to take place, a detailed plan or outline of the type of activity for which the application is being made and a statement addressing any adverse affects the proposed activity may have on the surrounding area.
- (c) Approval for all special use permits must be made by a majority vote of the Board of Trustees. Consideration for noise, pollution, compatibility with surrounding uses and the health, safety and welfare of the general public shall be given to the application.
- (d) Special use permits shall be issued on an annual basis only and must be renewed by a majority vote of the Board of Trustees.
- (e) Failure to comply with and the enforcement of this Section shall fall under the authority of Section 18-10-70 above.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-100. Noncompliance.

Any noncompliance with the regulations set forth under this Article shall be subject to a fine not greater than ten (10) times the amount of the building permit application fee, in addition to criminal prosecution. In

the event construction has occurred without an approved building permit, the Board of Trustees shall estimate the useable square footage of the structure or improvement and apply the same penalty as above. Such fines assigned under the authority of this Article shall be construed a special assessment and a lien against the subject property upon which the improvement has been made.

(Ord. 1981-1 §1; Ord. 2011-18 §1)

Sec. 18-10-110. Expiration and renewal.

Each building permit issued shall automatically expire one (1) year after its date of issue. If no substantial action has been undertaken pursuant to the expired building permit, the permittee must apply for a new building permit in all respects as if the expired building permit had never been issued. If substantial steps have been undertaken pursuant to the expired building permit, the renewal of the building permit may then be issued for a reasonable length of time to permit completion of construction. Upon failure of the permittee to complete construction within the renewal period, the permittee may apply for a second renewal. Upon failure of the permittee to complete construction and obtain a certificate of occupancy within the second renewal period, the permittee may, at the option of the Board of Trustees, either be granted further renewals or be required to restore the property to its original condition prior to issuance of the original building permit.

(Ord. 1982-6 §1; Ord. 2011-18 §1)

ARTICLE 11 Growing of Medical Marijuana in Residential Structures

[Sec. 18-11-10. Purpose.](#)

[Sec. 18-11-20. Growing of medical marijuana in residential structures.](#)

[Sec. 18-11-30. Registration of primary caregivers.](#)

[Sec. 18-11-40. Penalties.](#)

Sec. 18-11-10. Purpose.

This Article is intended to apply to the growing of medical marijuana in residential structures whether such growing is done by patients for their own use, or by primary caregivers.

(Ord. 2012-03 §1)

Sec. 18-11-20. Growing of medical marijuana in residential structures.

A primary caregiver for purposes of this Article and consistent with Article XVIII, Section 14(1)(f) of the Colorado Constitution is defined as a natural person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. In addition to other activities conducted on behalf of the patient, a primary caregiver, a patient or a group of patients cultivating marijuana plants for their own use may cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana for medicinal purposes, subject to the following:

- (1) Such cultivation, production, or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, section 14 of the Colorado Constitution, the Colorado

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Medical Marijuana Code, C.R.S. §§12-43.3-101 et seq., and the Medical Marijuana Program, C.R.S. §25-1.5-106.

- (2) Such marijuana plants are cultivated, produced, or possessed within a licensed patient's or registered caregiver's primary residence, as defined by subsection (8) below, or in an accessory structure to such primary residence.
- (3) The cultivation, production, or possession of such marijuana plants must not be perceptible from the exterior of the primary residence or accessory structure, including but not limited to:
 - (a) common visual observation, including any form of signage;
 - (b) unusual odors, smells, fragrances, or other olfactory stimulus;
 - (c) light pollution, glare, or brightness that disturbs the repose of another; and
 - (d) undue vehicular or foot traffic, including excess parking within the residential zone.
- (4) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
- (5) Such cultivation, production, or possession of marijuana plants shall be limited to the following space limitations within a primary residence or accessory structure:
 - (a) Within a single-family dwelling unit (Group R-1 as defined by the International Residential Code): A secure, defined, contiguous 150 square foot area within the primary residence of the licensed patient or registered caregiver.
 - (b) Within a multi-family dwelling unit (Group R-2 and R-3 as defined by the International Residential Code): A secure, defined, contiguous 100 square foot area within the primary residence of the patient or registered caregiver.
- (6) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted Town of Alma building and life/safety codes.
- (7) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider within the Town.
- (8) For purposes of this ordinance, "primary residence" means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall include accessory buildings.
- (9) For purposes of this ordinance, "a secure" area means an area within the primary residence or accessory structure accessible only to the patient or primary caregiver. Any accessory structure used for the cultivation of marijuana shall be locked or partitioned off to prevent access by persons not licensed and authorized to possess medical marijuana.
- (10) The cultivation, production, or possession of marijuana plants in a residential structure pursuant to this Article is and shall be deemed consent by the primary caregiver or patient(s) upon reasonable notice for the Town to inspect the premises to assure compliance with the provisions of this Article.
- (11) The cultivation, production, or possession of marijuana plants in a residential structure by anyone other than the owner or owners of such structure shall require the prior written approval and consent of the owner or owners, which written approval and consent shall be produced upon request by the Town .

(Ord. 2012-03 §1)

Sec. 18-11-30. Registration of primary caregivers.

- (1) Any primary caregiver cultivating marijuana in a residential structure shall provide to the Town Administrator or his/her designee a copy of such primary caregiver's registration with the state medical marijuana licensing authority required by C.R.S. § 25-1.5-106, together with the written approval and consent required by Section 1-11-20(11) where appropriate.
- (2) Upon receipt of such state registration, the Town Administrator shall issue a Town of Alma Primary Caregiver Permit to such primary caregiver. Primary Caregiver Permits shall be for a term of one calendar year, shall be renewable upon compliance with all the provisions of this Article and shall require an annual permitting fee of twenty-five dollars (\$25.00).
- (3) Consistent with C.R.S. § 25-1.5-106(7)(b), two or more primary caregivers shall not join together for the purpose of cultivating medical marijuana.

(Ord. 2012-03 §1)

Sec. 18-11-40. Penalties.

Any person who violates any of the provisions of this Article, upon conviction thereof, in accordance with Section 1-4-20 of the Alma Municipal Code. Each day such violation continues shall be deemed a separate offense.

(Ord. 2012-03 §1)