

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 823

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO, ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2018 EDITION, THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION, THE NATIONAL ELECTRICAL CODE, 2020 EDITION, THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, THE ICC/ANSI 117.1, 2009 EDITION, THE INTERNATIONAL FIRE CODE, 2018 EDITION, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION; REPEALING AND REPLACING ARTICLE I OF CHAPTER 18; AND ADOPTING A PENALTY PROVISION IN SECTION 18-3

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the Town of Nederland ("Town"), the Board of Trustees desires to update its ordinances to include the 2018 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Plumbing Code, the International Energy Conservation Code, the International Existing Building Code, the International Fire Code, and the International Swimming Pool and Spa Code, and the 2009 edition of the ICC/ANSI 117.1, and the 2020 edition of the National Electrical Code (collectively the "International and Related Codes"); and

WHEREAS, Section 31-16-202, C.R.S., as amended, permit the contemplated adoption by reference of such codes upon notice and hearing as provided in Section 31-16-203. C.R.S.; and

WHEREAS, the City Council held a public hearing, with proper notice provided, to consider adoption of such International and Related Codes as required by law; and

WHEREAS, copies of said International and Related Codes are available at Town Hall, for review and inspection by the public; and

WHEREAS, a public hearing was conducted on the date, time and place noticed; and

WHEREAS, the Board of Trustees has determined, based on the evidence and testimony presented at the public hearing, that the International and Related Codes, as amended will further the health, Safety, and welfare of the inhabitants of the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. Repeal of Article 1 of Chapter 18 of the Nederland Municipal Code. The Town of Nederland hereby repeals Article 1 of Chapter 18 of the Nederland Municipal Code.

Section 2. Amendments to Chapter 18 of the Nederland Municipal Code. Chapter 18 of the Nederland Municipal Code is hereby amended by the addition of new Article 1 to read in full as follows:

ARTICLE I
Primary Codes

Section 18-1. Adoption of primary codes.

- (a) The following codes (hereinafter the "primary codes") are adopted by reference, except as the same are specifically amended, and all shall have the same force and effect as if set forth herein in every particular. All secondary publications referenced in the primary codes or this Article, and which are on file in the office of the Town Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this Article:
- (1) The International Building Code, 2018 edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (2) The International Residential Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (3) The International Mechanical Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (4) The International Plumbing Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (5) The International Fuel Gas Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (6) The National Electrical Code 2020 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169 ("NEC"), is hereby adopted by reference as if set forth herein. The subject matter of the adopted code includes provisions and standards considered necessary for safe electrical design, installation, and inspection to protect consumers and property from electrical hazards;
 - (7) The International Energy Conservation Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (8) The International Property Maintenance Code 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;

- (9) The International Existing Building Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (10) ICC/ANSI 117.1 (2009), as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (11) The International Fire Code, 2018 edition as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001;
 - (12) The International Swimming Pool and Spa Code, 2018 edition, as published by the International Code Board of Trustees, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- (b) The primary codes, as amended and adopted by the Town, shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, maintenance, design and quality of material of buildings and structures; and the installation, location, relocation, ventilating and cooling of refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the Town.

Section 18-2. Amendments to primary codes.

- (a) Any provision of the primary codes adopted by Section 18-1 of this Code to the contrary notwithstanding, wood-burning fireplaces, stoves and other similar devices shall be permitted within the Town.

(b) The International Building Code is modified by the following amendments:

- (1) Section 101.1 is hereby amended to read as follows:

IBC SECTION 101.1. (TITLE) is amended by the addition of the term "Town of Nederland" where indicated.

- (2) Section 101.4.3 is amended to read as follows:

IBC SECTION 101.4.3 (PLUMBING) is amended by deletion of the last sentence.

- (4) Section 103 is amended to read in its entirety as follows:

**SECTION 103
BUILDING OFFICIAL**

103.1 Appointment. The Town Board of Trustees shall appoint the building official.

103.2 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the International Property Maintenance Code.

- (5) Section 105.1 is amended to read as follows:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure,

or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Town and obtain the required permit.

- (6) Section 107.2.6 is amended by adding a new subsection 107.2.6.2, which shall read as follows:

107.2.6.2 Site plans in hillside areas. When a building site is located in a hillside area and, in the opinion of the building official, is located in an area subject to geologic hazards, the building official may require that a detailed site plan be submitted as a prerequisite to the issuance of a building permit. Such site plans, when required, shall be prepared by an architect or a civil engineer, and shall be based on an accurate topographic map prepared by a land surveyor. The site plans shall bear the seal and signature of the responsible architect or civil engineer, and the land surveyor. The topographic map shall encompass the building site and shall be drafted at a scale no smaller than 1 inch equal to 20 feet (1:240) and at a contour interval less than or equal to two (2) feet. Such site plans, at a minimum, shall show:

1. A grading plan showing existing and proposed contour lines reflecting the proposed grading as well as the locations and pertinent elevations of finished floors of all structures, basements, driveways, level areas, septic disposal fields and retaining walls.
2. The locations of all water wells (whether on site or off) within 250 feet of any septic disposal field.
3. All property lines within 100 feet of the building site.
4. Setbacks of cut slopes, fill slopes, retaining walls and structures from property lines.
5. At least one critical cross section oriented through the structural site and drafted at equal horizontal and vertical levels.

- (7) Section 108.3 is amended to read as follows:

IBC SECTION 108.3. TEMPORARY POWER; IS HEREBY AMENDED TO READ AS FOLLOWS;

The building official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate of completion shall comply with the requirements specified for temporary lighting, heat and power in the 2011 NEC.

- (8) Section 109.2 is amended to read as follows:

109.2. Fee schedule. The fees shall be as indicated in Section 4-171 of the Nederland Municipal Code.

- (9) **SECTION 109.4 (work commencing before permit issuance)** is hereby amended to read as follows:

Section 109.4 double fee. Where a licensed contractor or an individual who starts or proceeds with work for which a permit is required by this code prior to obtaining said permit, the fees specified in section 109.2. "Schedule of permit fees" of the town of Nederland zoning ordinance shall be doubled. Such fee shall be paid whether or not such permit is obtained, but the payment of such fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.

- (10) Section 109.6 is amended to read as follows:

109.6 Refunds. 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 canceled 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 one hundred eighty (180) days after the date of fee payment.

- (11) Chapter 1, Administration, is amended by the addition of a new section 110.7, which shall read as follows:

110.7 Inspections in hillside or geologic hazard areas. At the completion of rough grading and/or foundation excavation, and prior to the construction of retaining walls, footings, or bearing caissons, a soil engineer and/or an engineering geologist, within their respective fields of competency, shall inspect the site at the applicant's expense and render opinions, in writing, to the building official concerning the soil and geologic conditions actually encountered and that all known geologic hazards or constraints have been taken into account in the design of the facility.

- (12) Section 111.3 is amended to read as follows:

111.3 Temporary Occupancy. The Town may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions can be occupied safely. The Town shall set a time period during which the temporary certificate of occupancy is valid.

- (13) Section 113.1 is amended to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals shall be comprised of the members of the Town Board of Trustees.

- (14) In Chapter 1, Administration, Section 113, Board of Appeals, Section 113.3, Qualifications, is deleted.

- (15) Section 114.4 is hereby amended to read in its entirety as follows:
114.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.
- (16) Section 115.3 is amended to read as follows:
115.3 Unlawful continuance. Any person, who shall continue any work in or about the structure 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 deemed to be in violation of this code.
- (18) Section 307.1.1 is amended to read as follows:
Section 307.1.1 Uses other than Group H
Add items:
 - 18. Distilling or brewing of beverages conforming to the requirements of the International Fire Code.
 - 19. The storage of beer, distilled spirits and wines in barrels and casks conforming to the requirements of the International Fire Code.
- (19) Section 311.2 is amended to read as follows:
Section 311.2 Moderate-hazard storage, Group S-1
Add to list: Beverages over 16-percent alcohol content
- (20) SECTION 3401.3 (compliance with other codes) is amended by deleting international private sewage disposal code.

(c) The International Residential Code for One- and Two-family Dwellings is modified by the following amendments:

- (1) Section R101.1 is amended to read as follows:
R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Town of Nederland, and shall be cited as such and will be referred to herein as "this code." The following appendices are also adopted: Appendix F, Radon Control Methods; Appendix H, Patio Covers; Appendix O, Automatic Vehicular Gates; Appendix Q, Tiny Houses; Appendix R, Light Straw-Clay Construction; Appendix S, Strawbale Construction; and Appendix T, Solar-Ready Provisions, detached 1 and 2 family dwellings and townhouses.
- (2) SECTION R202. (DEFINITIONS) is amended by addition of the following:
SLEEPING ROOM (bedroom) 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 designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

- (3) Section R103 is amended to read in its entirety as follows:

**SECTION R103
BUILDING OFFICIAL**

R103.2 Appointment. The Town Board of Trustees shall appoint the building official.

R103.3 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

R103.4 Modifications. The building official may make modifications to the requirements of this Chapter if it is determined that strict application of the energy amendments to Chapter 11 of this Code:

1. Creates practical difficulties or excessive expense in the upgrade of an existing residential structure.
2. Requires alteration to either a structure greater than 50 years in age or any structure in a historic district or site which would materially alter the historic integrity of that structure or adversely affect the historic integrity of the district or site.
3. Creates practical difficulties in meeting on-site renewable energy requirements due to topographic constraints associated with the lot or location of the structure.

- (4) Section R105.1 is amended to read as follows:

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Town and obtain the required permit.

- (5) Section R108.5 is amended to read as follows:

R108.5 Refunds. 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 canceled 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 one hundred eighty (180) days after the date of fee payment.

- (6) Section R109.1.5 Other inspections is amended by the addition of one new subsection R109.1.5.2, which shall read as follows:

R109.1.5.2 Insulation inspection. Inspection of the structure shall be made following installation of the wall, ceiling, and floor insulation and exterior windows and before wall coverings are installed.

- (7) Section R110.4 is amended to read as follows:

R110.4 Temporary Occupancy. The Town may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions can be occupied safely. The Town shall set a time period during which the temporary certificate of occupancy is valid.

- (8) Section R112.1 is amended to read as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals shall be comprised of the members of the Town Board of Trustees.

- (9) In Chapter 1, Administration, Section 112, Board of Appeals, subsection R112.3, Qualifications, is deleted.

- (10) Section R113.4 is hereby amended to read as follows:

R113.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.

- (11) Section R114.2 is amended to read as follows:

R114.2 Unlawful continuance. Any person, who shall continue any work in or about the structure 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 deemed to be in violation of this code.

- (12) Table R301.2 (1) is amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD (psf)	WIND SPEED ^d (mph)	SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	IAR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
			Weathering ^a	Frost line depth ^b	Termite ^c					
55	130	B	Severe	48 ^{**}	Slight to Moderate	1	Yes	Per Town ordinances	1000	45

- (13) Section R313.1 is amended to read as follows:

R313.1 Townhouse Automatic Fire Sprinkler Systems. An automatic residential fire sprinkler system shall be installed in townhouses.

R313.1.1 Additions to existing townhouses. An automatic residential fire sprinkler system shall be installed throughout existing townhouses with additions when the sum of the total floor area of the addition plus the existing townhouse is increased to 4,800 sq. ft. or greater.

Exceptions:

1. One-time additions not exceeding 200 square feet in floor area, and
2. Carport additions which are exempt from the definition of “Residential Floor Area” in Section 18-189D of the Boulder County Land Use Code.

R313.1.2 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D. NFPD 13 D systems shall be installed with a fire department connection (FDC) and adequate interior notification of the occupants provided to alert them that the sprinkler system is activated, in accordance with NFPA 72. Additionally, a horn and strobe device shall be installed on the exterior of the building visible from the street side of the building, or above the Fire Department Connection. Residences with attached garages, where the garage may serve as an egress path shall have the garage sprinkled, as determined by the Fire Code Official.

(14) Section R313.2 is amended to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for federally-certified manufactured dwellings or Colorado Department of Local Affairs, Division of Housing, state-certified factory-built dwellings that are certified to editions of the IRC prior to the 2012 edition. An automatic residential fire sprinkler system shall not be required for one- and two-family dwellings with 400 sq ft. or less.

R313.2.1 Additions to existing one- and two-family dwellings. An automatic residential fire sprinkler system shall be installed throughout existing one- and two-family dwellings with additions when the sum of the total floor area of the addition plus the existing one- and two-family dwelling is increased to 4,800 sq. ft. or greater. The floor area of detached structures having floor areas of 120 square feet or greater that are located less than 50 feet from the dwelling shall be included in the floor area calculated for the dwelling.

Exceptions:

1. One-time additions not exceeding 200 square feet in floor area, and
2. Carport additions which are exempt from the definition of “Residential Floor Area” in Section 18-189D of the Boulder County Land Use Code.

R313.2.2 Remodels/renovations to existing one- and two-family dwellings.

An automatic residential fire sprinkler system shall be installed throughout existing one- and two-family dwellings with a floor area of 4,800 sq. ft. or greater where renovations or remodeling work for which a building permit is required takes place in more than 50% of the area within the structure.

R313.2.3 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D. NFPA 13D Systems shall be installed with a fire department connection (FDC) and adequate interior notification of the occupants provided to alert them that the sprinkler system is activated, in accordance with NFPA 72. Additionally, a horn and strobe device shall be installed on the exterior of the building visible from the street side of the building, or above the Fire Department Connection. Residences with attached garages, where the garage may serve as an egress path shall have the garage sprinkled, as determined by the Fire Code Official. Fire Department Connections are not required on residences that are less than 2,000 Sq ft in size.

- (15) A new section R328 is added for Requirements based on locations in wildfire zones.

SECTION 328

REQUIREMENTS BASED ON LOCATIONS IN WILDFIRE ZONES

R328.1 Requirements based on locations in wildfire zones.

R328.1.1 General. Unless other more restrictive requirements, such as those requiring an approved wildfire mitigation plan imposed through Site Plan Review or other review processes required by the Town of Nederland, apply, this section shall be applicable to all new buildings, additions and repairs, including buildings designed and constructed in accordance with the International Building Code.

Exceptions:

1. One-time additions not exceeding 200 square feet in floor area.
2. Construction involving only new decks or additions or repairs to existing decks need not comply with all of the defensible space requirements of Section R328.4.13, provided that defensible space is provided around the deck in accordance with the defensible space standard and a weed barrier and gravel is provided on all sides of the deck in accordance with Section R328.4.13.1.

R328.2 Moved Buildings. Any building or structure moved within or into any wildfire zone shall be made to comply with all the requirements for new buildings in that wildfire zone.

R328.3 Definitions. The following words and terms shall, for the purpose of this Section, have the meanings shown herein.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DEFENSIBLE SPACE STANDARD. The Colorado State Forest Service publication, “Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones, 2012 Quick Guide” is an approved standard for meeting the defensible space requirements of Section R327.4.13 or for the creation of a wildfire mitigation plan, and can be found online at: <http://csfs.colostate.edu/csfspublications/> under Wildfire Mitigation & Education, Resources for Homeowners & Landowners.

FIRE-RETARDANT-TREATED WOOD. Wood meeting the requirements of Section R802.1.5 of the IRC or Section 2303.2 of the IBC.

HEAVY TIMBER CONSTRUCTION (Type IV, HT). Construction with wood framing members, columns, flooring and roof decks sized in accordance with IBC Section 602.4.

IGNITION-RESISTANT BUILDING MATERIAL. Ignition-resistant building materials shall comply with any one of the following:

1. Extended ASTM E 84 testing. Material shall be tested on all sides with the extended ASTM E 84 (UL 723) test or ASTM E 2768, except panel products shall be permitted to test only the front and back faces. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch (3.2 mm). Materials that, when tested in accordance with the test procedures set forth in ASTM E 84 or UL 723 for a test period of 30 minutes, or with ASTM E 2768, comply with the following:
 - 1.1 Flame spread. Material shall exhibit a flame spread index not exceeding 25 and shall not show evidence of progressive combustion following the extended 30-minute test.
 - 1.2 Flame front. Material shall exhibit a flame front that does not progress more than 10½ feet (3200 mm) beyond the centerline of the burner at any time during the extended 30-minute test.
 - 1.3 Weathering. Ignition-resistant building materials shall maintain their performance in accordance with this Section under conditions

of use. Materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in the following standards, as applicable to the materials and the conditions of use:

1.3.1 Method A “Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing” in ASTM D 2898, for fire-retardant-treated wood, wood-plastic composite and plastic lumber materials.

1.3.2 ASTM D 7032 for wood-plastic composite materials.

1.3.3 ASTM D 6662 for plastic lumber materials.

1.4 Identification. All materials shall bear identification showing the fire test results.

Exception: Materials comprised of a combustible core and a noncombustible exterior covering, comprised of either aluminum at a minimum 0.019-inch (0.48 mm) thickness or corrosion-resistant steel at a minimum .0149 inch (0.38 mm) thickness shall not be required to be tested with a ripped or cut longitudinal gap.

2. Noncombustible material. Material that complies with the requirements for noncombustible materials in this section.
3. Fire-retardant-treated wood. Fire-retardant-treated wood labeled for exterior use.
4. Fire-retardant-treated wood roof coverings. Roof assemblies containing fire-retardant-treated wood shingles and shakes which comply with the requirements of Section R902 of this code and classified as Class A roof assemblies as required in Section R902 of this code.
5. Materials currently approved by the California Department of Forestry and Fire Protection, Office of the State Fire Marshal.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E 136 shall be considered noncombustible within the meaning of this Section.

2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over 1/8 inch (3.2 mm) thick, which has a flame spread index of 50 or less. Flame spread index as used herein refers to a flame spread index obtained according to tests conducted as specified in ASTM E 84 or UL723.

“Noncombustible” does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Item 1. No material shall be classified as noncombustible that is subject to increase in combustibility or flame spread index, beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

WILDFIRE MITIGATION PLAN. A wildfire mitigation plan addresses the appropriate site location for structures, construction design and the use of ignition-resistant building material, defensible space and fuel reduction around structures, driveway access for emergency vehicles and an emergency water supply for firefighting in accordance with Article 4-804(C.) (12.) of the Boulder County Land Use Code.

WILDFIRE PARTNERS. Wildfire Partners is a collaborative Boulder County wildfire hazard mitigation program for homeowners that helps to reduce the risk of damage to homes from wildland fire. In Wildfire Partners, homeowners take personal responsibility for preparing their home and property for wildland fire and actively participate in an on-site assessment with a wildfire mitigation specialist. When participants complete their customized wildfire mitigation plan and pass their follow up inspection, they receive a Wildfire Partners Certificate and may be eligible for financial assistance (www.wildfirepartners.org).

R328.4 Restrictions in Wildfire Zone

R328.4.1 Roof covering. Roof covering materials shall be listed Class A roof covering materials or be constructed as a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the combustible decking.

R327.4.1.1 Roof valleys. When provided, valley flashings shall be not less than 0.019-inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of 72-pound mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 running the full length of the valley.

R328.4.2 Gutters and downspouts. Gutters, and downspouts and gutter covering devices shall be constructed of noncombustible material. Gutters shall be provided

with an approved means to prevent the accumulation of leaves, pine needles and debris in the gutter.

Exception: Buildings meeting one of the exceptions to Section R401.3 of this code may be constructed without gutters and downspouts.

R328.4.3 Spark arrestors. Chimneys serving fire-places, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used shall be protected with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gauge wire (0.1046 inch) (2.66 mm) having openings not exceeding ½ inch (12.7 mm). The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

R328.4.4 Fences, retaining walls and similar appurtenances. Fences, retaining walls or other appurtenances that connect to buildings must be constructed of noncombustible materials or ignition-resistant materials for a distance of 3 feet beyond the exterior walls.

R328.4.5 Protection of eaves. The leading edge of the roof at the fascia must be finished with a metal drip edge so that no wood sheathing is exposed. Eaves, facias, and soffits, covered decks or covered porch ceilings shall be protected on the enclosed underside by one of the following materials or methods:

1. Noncombustible materials.
2. Ignition-resistant materials.
3. Materials approved for a minimum of 1-hour fire-resistance-rated construction.
4. 2-inch-thick nominal dimension lumber.
5. 1-inch-thick nominal fire-retardant-treated wood.
6. ¾-inch-thick nominal fire retardant-treated plywood labeled for exterior use.
7. Any materials permitted by this code.

Exceptions:

1. Vinyl or plastic soffits, fascia or trim are not permitted.
2. Rafter tails or roof beam ends may be exposed if they are heavy timber having minimum dimensions not less than 6-inch nominal in width and not less than 8 inches nominal in depth.

R328.4.6 Exterior walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Noncombustible materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side.
2. Approved noncombustible materials.
3. Heavy timber or log wall construction.
4. Fire-retardant-treated wood labeled for exterior use on the exterior side.
5. Ignition-resistant materials on the exterior side.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

Exception: Trim is not required to meet the materials requirements for exterior walls.

R328.4.7 Unenclosed under floor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section R328.4.6. For decks, see Section R328.4.8.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams, and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction or fire-retardant-treated wood labeled for exterior use.

R328.4.8 Decks, appendages, and projections. Decks and other unenclosed accessory structures attached to buildings shall be constructed of the following materials:

R328.4.8.1 Deck surface: Non-combustible material, approved wood thermoplastic composite lumber with an ASTM E84 flame- spread index no greater than 200, ignition- resistant building materials or any approved Class A roof assembly.

R328.4.8.2 Deck framing: Deck framing shall be constructed of one of the following:

1. 1-hour fire resistance-rated construction
2. Heavy timber construction.
3. Approved noncombustible materials.
4. Fire-retardant-treated wood labeled for exterior use.
5. Ignition-resistant building materials.

6. Wood with a minimum nominal thickness of at least 2 inches for joists and 4 inches for beams and columns or posts.

R328.4.9 Exterior windows and glazing. Exterior windows, window walls, glazed doors, windows within exterior doors, and skylights shall be tempered glass, multi-layered glazing, glass block, or have a fire protection rating of not less than 20 minutes. Unless they are part of a fire-rated assembly, window frames and sashes may be of any material permitted by this code.

Exception: Windows with unreinforced vinyl frames or sashes are not permitted.

R328.4.10 Exterior doors. Exterior doors and garage doors shall be approved noncombustible construction, metal clad, solid core wood not less than 1 3/4 inches in thickness, or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section R328.4.9.

Exception: Vehicle access doors.

R328.4.11 Vents. Attic ventilation openings, foundation or under-floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/8 inches or shall be designed and approved to prevent flame or ember penetration into the structure. Gable end and dormer vents shall be located at least 15 feet from property lines and shall be designed and approved to prevent flame or ember penetration into the structure. Underfloor ventilation openings shall be located as close to grade as practical.

R328.4.12 Detached accessory structures. Detached accessory structures shall have exterior walls constructed in accordance with Section R328.4.6.

R328.4.12.1 Underfloor areas. Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground with exterior wall construction in accordance with Section R328.4.6 or underfloor protection in accordance with Section R328.4.7.

Exception: The enclosure shall not be required where the underside of all exposed floors and all exposed structural columns, beams, and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use.

R328.4.13 Defensible space. Individual buildings or structures on a property must be provided with a fuel modification zone in accordance with the defensible space standard. When additions requiring a permit occur, both existing and new structures must be provided with defensible space in accordance with this section. The fuel modification zone must be maintained at all times.

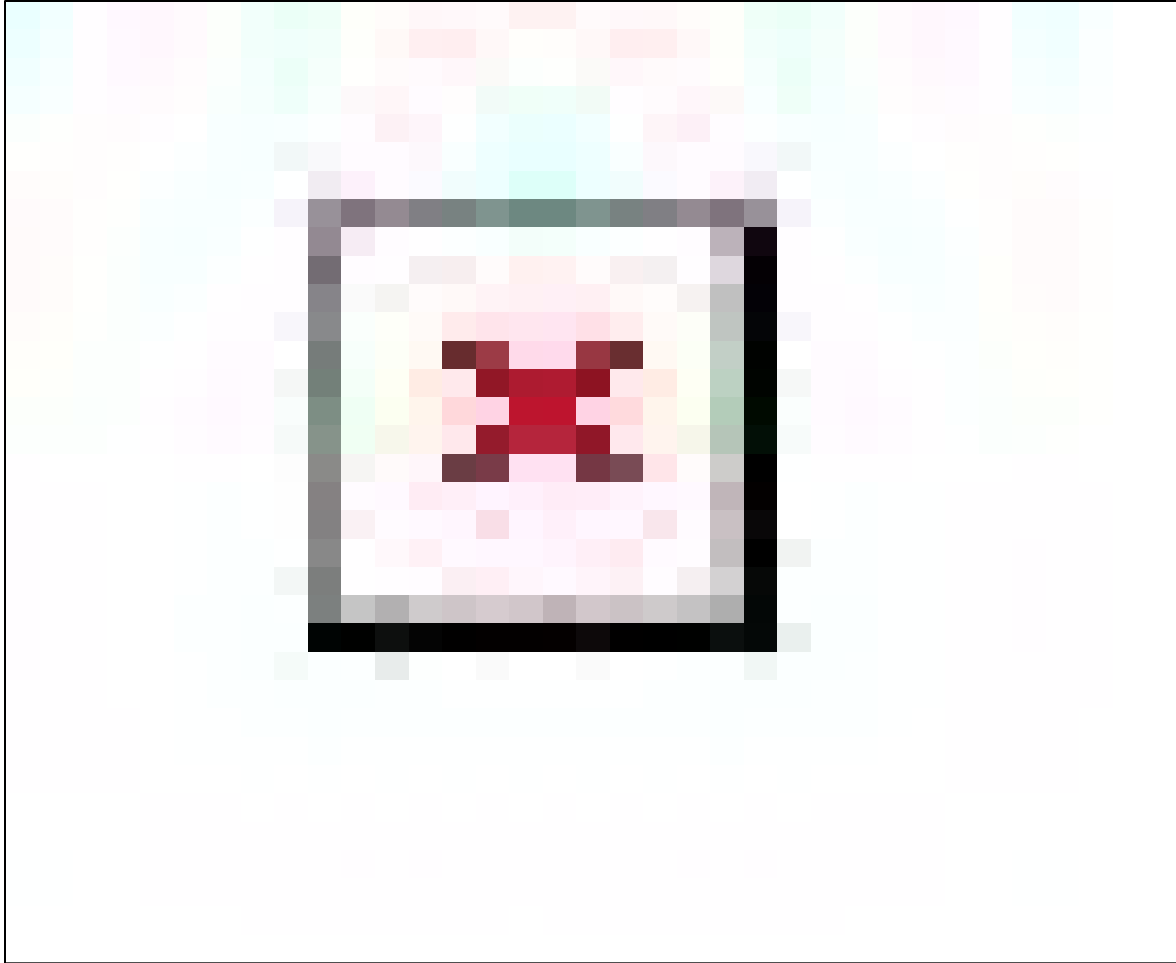
Exceptions:

1. The implementation and completion of an approved wildfire mitigation plan prior to final inspection approval for the project.
2. Participation in the Wildfire Partners program and the issuance of a Wildfire Partners certificate prior to final inspection approval for the project.

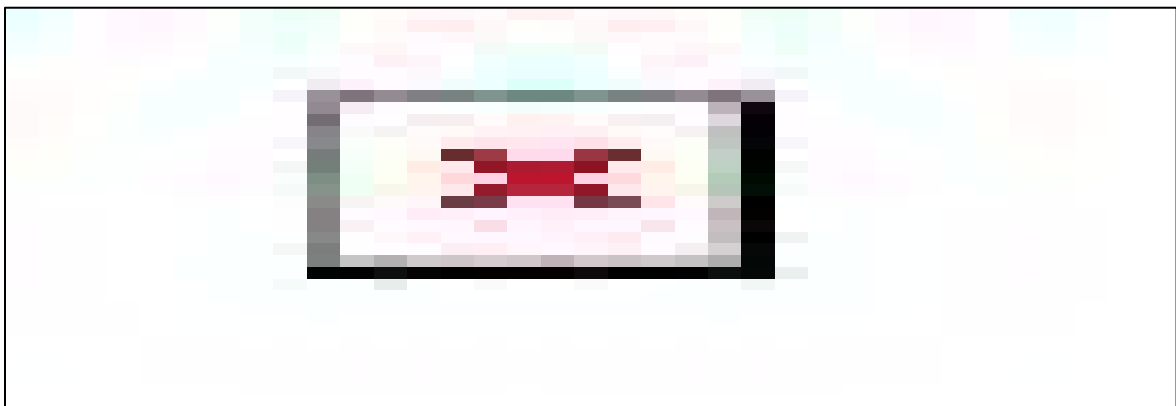
R328.4.13.1 Weed barrier and gravel or crushed rock. A weed barrier and gravel or crushed rock not less than $\frac{3}{4}$ -inch in diameter applied at least 2 inches thick must be installed beneath decks, unenclosed floors, and around the perimeter of the building to extend at least 3 feet beyond the exterior walls and at least 2 feet beyond the driplines of decks, bay windows and other eaves and overhangs.

Exception: Noncombustible surfaces, such as poured concrete or asphalt, or other approved noncombustible materials, such as a weed barrier and brick, concrete or stone pavers, may be used to satisfy this requirement.

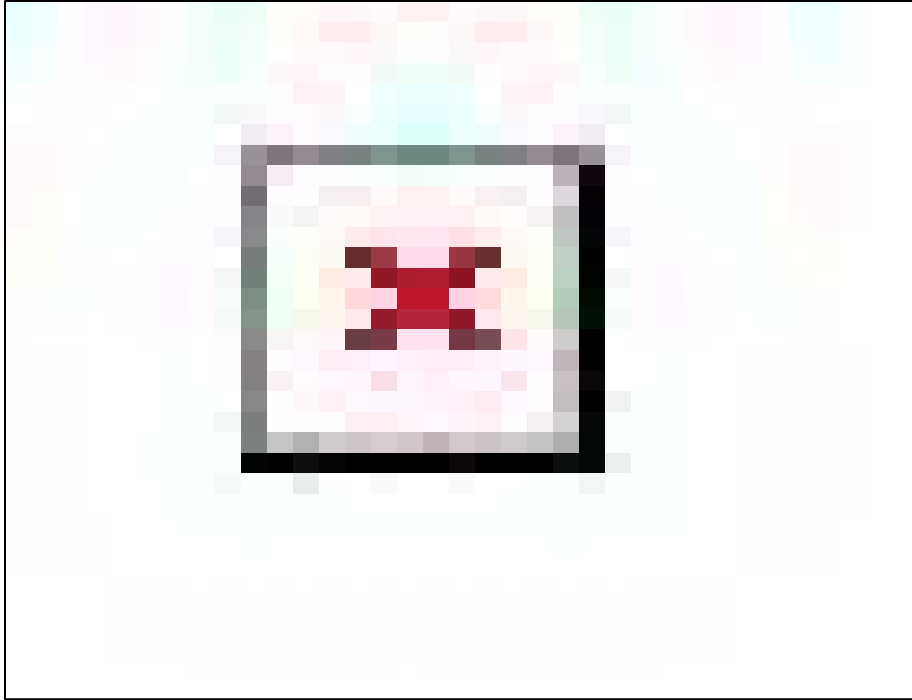
- (16) Section N1102.1.1 (R402.1.2) Insulation and fenestration criteria is amended to replace Table N1102.1.2 with the following Table N1102.1.2 from the Boulder County Build Smart regulations:



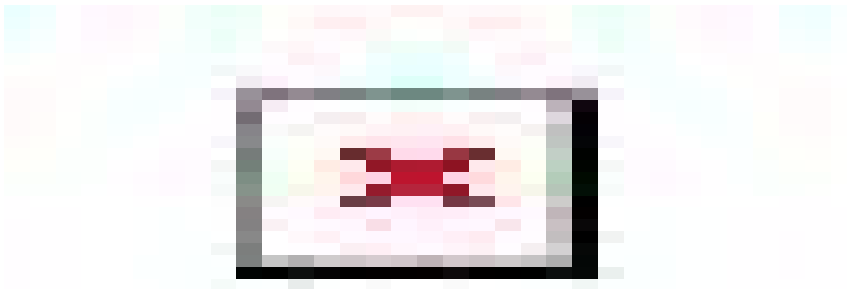
- (17) Section N1102.1.4 (R402.1.4) Equivalent U-Factors criteria is amended to replace Table N1102.1.4 with the following Table N1102.1.4 from the Boulder County Build Smart regulations:



- (18) Section N1106.4 (R406.4) Maximum Energy Rating Index is amended to replace Table N1106.4 with the following Table N1106.4 from the Boulder County Build Smart regulations:



(19) Section N1101.17 is added to read as follows:



(20) Section E3703.8 is added to read as follows:

E3703.8 Electric Vehicle Capable. Electric Vehicle (EV) capable requirement for detached or attached single-family build homes. Each parking space shall have full circuit installation(s) of 208/240-volt 40-ampere (or greater) or wiring raceway large enough to accommodate a 208/240v 40-ampere (or greater) circuit and panel capacity for the same.

(d) The International Mechanical Code (IMC) is modified by the following amendments:

(1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the Town of Nederland, hereinafter referred to as “this code.”

- (2) Section 103 is amended to read in its entirety as follows:

**SECTION 103
CODE OFFICIAL (IMC)**

103.2 Appointment. The Town Board of Trustees shall appoint the code official.

103.3 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the code official.

- (3) Section 106.5.2 is amended to read as follows:

106.5.2. Fee schedule. The fees for mechanical work shall be as indicated in Section 4-171 of the Nederland Municipal Code.

- (4) Section 106.5.3 is amended to read as follows:

106.5.3 Fee refunds. 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 canceled 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 one hundred eighty (180) days after the date of fee payment.

- (5) Section 108.4 is amended to read as follows:

108.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.

- (6) Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 deemed to be in violation of this code.

- (7) Section 109.2 is amended to read as follows:

109.2 Membership of board. The Town Board of Trustees shall act as the board of appeals.

(8) In Chapter 1, Administration, Section 109, Means of Appeal, Sections 109.2.1 through and including 109.2.6 are hereby deleted.

(e) **The International Plumbing Code (IPC) is modified by the following amendments:**

(1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the International Plumbing Code of the Town of Nederland, hereinafter referred to as “this code.”

(2) Section 103 is amended to read in its entirety as follows:

**SECTION 103 (IPC)
CODE OFFICIAL**

103.2 Appointment. The Town Board of Trustees shall appoint the code official.

103.3 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the code official.

(3) Section 106.6.2 is amended to read as follows:

106.6.2. Fee schedule. The fees for mechanical work shall be as indicated in Section 4-171 of the Nederland Municipal Code.

(4) Section 106.6.3 is amended to read as follows:

106.6.3 Fee refunds. 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 canceled 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 one hundred eighty (180) days after the date of fee payment.

(5) Section 108.4 is amended to read as follows:

108.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.

(6) Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe

manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 deemed to be in violation of this code.

- (7) Section 109.2 is amended to read as follows:

109.2 Membership of board. The Town Board of Trustees shall act as the board of appeals.

- (8) In Chapter 1, Administration, Section 109, Means of Appeal, Sections 109.2.1 through and including 109.2.6 are hereby deleted.

- (9) Section 305.6.1 is amended to read as follows:

305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (305 mm) below grade.

(f) The International Fuel Gas Code (IFGC) is modified by the following amendments:

- (1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the Town of Nederland, hereinafter referred to as "this code."

- (2) Section 103 is amended to read in its entirety as follows:

**SECTION 103 (IFGC)
CODE OFFICIAL**

103.2 Appointment. The Town Board of Trustees shall appoint the code official.

103.3 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the code official.

- (3) Section 106.5.2 is amended to read as follows:

106.5.2. Fee schedule. The fees for mechanical work shall be as indicated in Section 4-171 of the Nederland Municipal Code.

- (4) Section 105.6.3 is amended to read as follows:

106.5.3 Fee refunds. 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 canceled 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 one hundred eighty (180) days after the date of fee payment.

- (5) Section 108.4 is amended to read as follows:

108.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.

- (6) Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to be in violation of this code.

- (7) Section 109.2 is amended to read as follows:

109.2 Membership of board. The Town Board of Trustees shall act as the board of appeals.

- (8) **SECTION 406.4.1.** (TEST PRESSURE) IS AMENDED BY CHANGING 3 PSIG TO 10 PSIG.

- (9) In Chapter 1, Administration, Section 109 (IFGC), Means of Appeal, Sections 109.2.1 through and including 109.2.6 are hereby deleted.

(g) The International Energy Conservation Code is modified by the following amendments:

- (1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the International Energy Conservation Code of the Town of Nederland, hereinafter referred to as "this code." For clarification, the commercial and residential provisions are adopted. The following appendices are also adopted: Appendix CA and Appendix RA.

(h) The International Property Maintenance Code is modified by the following amendments:

- (1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Town of Nederland, hereinafter referred to as “this code.”

- (2) Section 103 is amended to read in its entirety as follows:

SECTION

103

CODE OFFICIAL

103.2 Appointment. The Town Administrator is hereby appointed as the code official.

103.3 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the code official shall have the authority to appoint as deputy code officials the building inspector and law enforcement officers of the Town. Such deputies shall have those powers delegated by the code official.

- (3) Section 106.4 is amended to read as follows:

106.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.

- (4) Section 107.4 is amended to read as follows:

107.4 Penalties. Noncompliance with orders and notices shall be deemed to be violations of this code, which shall be governed by Section 18-3 of the Nederland Municipal Code.

- (5) Section 111.2 is amended to read as follows:

111.2 Membership of board. The Town Board of Trustees shall act as the board of appeals.

111.2.1 (ALTERNATE MEMBERS) is amended by deleting the section in its entirety

111.2.2 (CHAIRMAN) is amended by deleting the section in its entirety

111.2.3 (DISQUALIFICATION OF MEMBER) is amended by deleting the section in its entirety

111.2.4 (SECRETARY) is amended by deleting the section in its entirety

111.2.5 (COMPENSATION OF MEMBERS) is amended by deleting the section in its entirety

- (6) **302.4. (WEEDS)**, is amended to insert (12") where indicated.

- (8) **Section 602.3. (HEAT SUPPLY)**, is amended by the addition of the term November 1st to April 30th where indicated.

(i) The International Existing Building Code is modified by the following amendments:

- (1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the Town of Nederland, hereinafter referred to as “this code.”

- (2) Section 103 is amended to read in its entirety as follows:

**SECTION 103
CODE OFFICIAL**

103.2 Appointment. The Town Board of Trustees shall appoint the code official.

103.3 Deputies. In accordance with the prescribed procedures of the Town and with the concurrence of the Town Board of Trustees, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the code official.

- (3) Section 113.4 is amended to read as follows:

113.4 Violation penalties. Violations of this code shall be governed by Section 18-3 of the Nederland Municipal Code.

- (4) Section 114.3 is amended to read as follows:

114.3 Unlawful continuance. 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 deemed to be in violation of this code.

- (5) Section 1201 is amended to read in its entirety as follows:

**SECTION 1201
GENERAL**

1201.1 Conformance. Structures moved into or within the Town shall comply with the provision of this code for new structures.

- (6) All references to the ICC Electrical Code shall be replaced with "the adopted electrical code."

(j) The International Fire Code is modified by the following amendments:

- (1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the Town of Nederland, hereinafter referred to as "this code". The 2018 International Fire Code is adopted in the form including the sections as amended herein, including the following appendices: Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; Appendix D, Fire Apparatus Access Roads.

- (2) Section 102.3 is amended to read as follows:

102.13 Conflicts with Other Adopted Codes. Where a conflict arises between this Code and the International Building Code and/or the International Residential Code, the more stringent application of the respective codes shall apply.

Exception: When any provision from the respective codes is agreed upon by the Chief Building Official and the Fire Code Official as being applicable and acceptable.

- (3) Section 102.14 is amended to read as follows:
- 102.14 Other Adopted Codes.** Where this document refers to other ICC codes, the currently adopted edition for the location under consideration shall apply.
- Exception: When any provision from the respective codes is agreed upon by the Chief Building Official and the Fire Code Official as being applicable and acceptable.
- (4) Subsection 103.4 Liability shall be amended by the addition of the following sentence at the end of the section: "Nothing herein shall be construed as a waiver of any immunities provided by section C.R.S. 24 - 10 - 101, et seq., or by other statutes, or by common law."
- (5) Subsection 104.10 Fire investigations shall be amended by the addition of the following sentence at the end of the section: "The authority of the Chief of the District, or authorize designee, including all fire code officials, to act as peace officers shall extend to the limits as authorized in C.R.S. 16-2.5-109."
- (6) Subsection 104.11 Authority at fires and other emergencies shall be amended by the addition of the following sentence at the end of the section: "the authority of the Chief of the District, or authorized designee, including all fire code officials, to act as peace officers shall extend as far as the authority set forth in C.R.S. Section 32-1-1002, 16-2.5-109, and other applicable state statutes."
- (7) Subsection 105.4.1 is amended to read as follows:
- 105.4.1 Submittals.** Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by registered design professional when said documents are submitted in support of an application for a construction permit. When requested, qualifications statements shall be submitted to the fire code official for the registered design professional to demonstrate compliance with appropriate professional qualifications.
- (8) Section 105.6 is repealed and reenacted to read:
- 105.6 Required operational permits.** The fire code official may issue an operational permit for the following operations:
- (a)105.6.14, Explosives
 - (b)105.6.23, Hot Work
 - (c)105.6.30, Mobile food preparation vehicles
 - (d)105.6.32, Open Burning (Recreational fires on private land except)
 - (e)105.6.36, Outdoor assembly events
 - (f)105.6.38, Plant extraction systems
 - (g)105.6.40, Pyrotechnic special effects material
 - (h)105.6.47, Temporary membrane structures and tents
- (9) Subsection 106 is deleted in its entirety and replaced with:

106 Fees

106.1 Fees. Fees for services pursuant to the provisions of this code shall be established from time to time by resolution of the Nederland Fire Protection District Board of Directors pursuant to Section 32-1-1002(1)(j) C.R.S. Said fees and charges may include a charge for reimbursement to the fire district of any consultation fees, expenses or costs incurred by the fire district in the performance of inspection related services pursuant to provisions of this code.

106.2 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid; nor shall an amendment to a permit be released until additional fees, if any, has been paid.

106.3 Operational permit fee. An inspection fee may be charged for any operational permit required by Section 105.6. The inspection fee shall be based upon the time required to conduct inspections authorized by Section 105.2.2 and associated activities, to determine compliance with this code and other applicable laws and ordinances as required by Section 105.2.4, and to issue the permit as specified in Section 105.3.7.

106.4 Construction permit fee. A fee may be charged for any construction permit required by Section 105.7 of this code. The construction permit fee is intended to cover the cost of inspections required or requested in connection with the work for which the permit is granted, and the associated costs of processing the application

106.5 Other inspection fee. Fees for re-inspections, for inspections outside normal business hours, or for inspections for which no fee is otherwise established may be charged.

106.6 Plan review fee. The plan review fee is intended to cover the significant costs and expenses incurred by the fire district in reviewing materials necessary to perform appropriate inspections of construction, uses, processes, and operations. The fee shall be assessed based on the reasonable, customary, and necessary time associated with reviewing or evaluating site plans; construction documents and calculations; changes, additions, or revisions to approved plans; construction documents resubmitted after the fire code official's issuing a statement explaining the reasons that a previous submittal does not conform to the requirements of this code. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged. The plan review fee required by this Section 106.6 is separate from the construction permit fee required by Section 106.4.

106.7 Unauthorized Work Inspection Fee. Any person or entity that commences any work before obtaining a construction permit required by Section 105.7 shall be subject to an inspection fee in an amount equal to the amount of the construction permit fee. The fee shall be separate from and in addition to a construction permit fee. Payment of the inspection fee shall not relieve any person from compliance with all other provisions of this code or from any penalty prescribed by law. The inspection fee shall be assessed regardless whether or not a construction permit is then or subsequently issued.

EXCEPTION: When approved in writing by the fire code official, work may commence prior to obtaining a construction permit so long as other appropriate permits are in place.

106.8 Related Fees. The payment of the fee for construction, uses, processes, or operations authorized by an operational permit or construction permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or required by Section 113.

- (9) Subsection 109.1 is repealed in its entirety and reenacted to read as follows:

109.1 Appeals Procedure-General. Any person, firm, or corporation who are grieved by an application, interpretation, or order made by fire district personnel, pursuant to any provision of the code for the standards adopted, may file within three days a written notice of appeal with the fire district requesting a hearing before the Fire Chief. All appeals must be made in writing to the Fire Chief at the district's administrative office. The Fire Chief shall establish reasonable rules for such appeal and shall make a record of all proceedings the decision of the Fire Chief shall be considered a final administrative decision.

109.1.1 Appeals Procedure-Administrative Decisions. To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, upon request of an interested party, including the Fire Chief or designee, there shall be, and is hereby created a board of appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The board of appeals shall be appointed by the Town Board of Trustees and shall hold office at its pleasure. The board of appeals shall adopt reasonable rules of procedure for conducting its business, and shall render all interpretations, decisions, and findings in writing to the appellant or requesting party with a duplicate copy to the Fire Chief. All appeals of the Fire Chief's decision shall be made in writing, within three days of the date of the Fire Chief's decision, to the Town Board of Trustees by delivery to the district Fire Chief or his representative at the district's administrative office.

- (10) Subsection 110.4 is amended to read as follows:

110.4 Violation penalties. Persons who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall correct install alter repair, or do work in violation of the approved construction documents, or directions of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$250. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (11) Subsection 112.4 is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine and/or imprisonment up to the maximum specified in CRS Section 32-1-1001 and CRS

section 32-1-1002. Each day in which such violation occurs shall constitute a separate violation pursuant to CRS Section 32-1-1002 (3) (d).

Section 202, Definitions, Occupancy Classifications:

“Uses other than Group H”

Add items:

18. Distilling or brewing of beverages conforming to the requirements of the International Fire Code.

19. The storage of beer, distilled spirits and wines in barrels and casks conforming to the requirements of the International Fire Code.

“Moderate-hazard storage, Group S-1”

Add: Beverages over 16-percent alcohol content

(12) Subsection 903.3.1.3.1 is added to read as follows:

903.3.1.3.1 Fire Department Connections. Residential sprinkler systems which are supplied by atmospheric pressure tanks and fire pumps shall be installed with a Fire Department Connection, the size and location of which shall be determined by the Fire Code Official. Fire Department Connections are not required on residences that are less than 400 Sq. ft. in size.

(13) Subsection 903.3.1.3.2 is added to read as follows:

903.3.1.3.2 Attached Garage Sprinklers. Residences with attached garages, where the garage may serve as an egress path or are below living space, shall have the garage sprinkled, as determined by the Fire Code Official.

(14) Subsection 903.3.1.3.3 is added to read as follows:

903.3.1.3.3 Interior and Exterior Notification. Residential sprinkler systems shall have adequate interior notification of the occupants provided to alert them that the sprinkler system is activated, in accordance with NFPA 72. Additionally, a horn and strobe device shall be installed on the exterior of the building visible from the street side of the building, or above the Fire Department Connection noted in Section 903.3.1.3.1 if installed.

(15) A new Chapter 40 for Storage of Distilled Spirits and Wines is added to read as follows:

CHAPTER 40 STORAGE OF DISTILLED SPIRITS AND WINES

User note:

About this chapter: Chapter 40 provides specific requirements for the storage of distilled spirits and wines. In accordance with Section 307.1.1 of the International Building Code®, these occupancies are not classified as a Group H occupancy. Instead, as listed in Sections 311.2 and 311.3 of the International Building Code, the storage of beverages that contain up to and including 16-percent alcohol are classified as a Group S-2 occupancy, and those that contain over 16-percent alcohol

content are classified as a Group S-1 occupancy. Note that those that are classified as a Group S-1 occupancy are required to be provided with an automatic sprinkler system throughout the Group S-1 fire area, regardless of size, in accordance with Section 903.

SECTION 4001-GENERAL

4001.1 General.

The storage of distilled spirits and wines in barrels and casks shall comply with this chapter in addition to other applicable requirements of this code.

4001.1.1 Nonapplicability.

Chapter 50 and Chapter 57 are not applicable to the storage of distilled spirits and wines in barrels and casks as identified in Section 5001.1, Exception 10, and Section 5701.2, Item 10.

SECTION 4002-DEFINITIONS

4002.1 Definitions.

Words and terms used in this chapter and defined in Chapter 2 shall have the meanings ascribed to them as defined therein.

SECTION 4003-PRECAUTIONS AGAINST FIRE

4003.1 Spill control.

Drainage or containment systems shall be provided by means of curbs, scuppers, special drains or other suitable means to prevent the flow of spills throughout the building.

4003.2 Ventilation.

For rooms and spaces where distilled spirits and wines in barrels and casks are stored, ventilation shall be provided in accordance with the International Mechanical Code and one of the following:

1. The rooms and spaces shall be ventilated at a rate sufficient to maintain the concentration of vapors within the area at or below 25 percent of the lower flammable limit (LFL). This shall be confirmed by sampling the actual vapor concentration under normal operating conditions. The sampling shall be conducted throughout the enclosed storage area, extending to or toward the bottom and the top of the enclosed storage area. The vapor concentration used to determine the required ventilation rate shall be the highest measured concentration during the sampling procedure. The sampling shall be conducted manually or by installation of a continuously monitoring flammable vapor detection system.

2. The rooms and spaces shall be provided exhaust ventilation at a rate of not less than 1 cfm per square foot [0.00508 m³/(s × m²)] of solid floor area. The exhaust ventilation shall be accomplished by natural or mechanical means, with discharge of the exhaust to a safe location outside the building.

4003.3 Sources of ignition.

Sources of ignition shall be controlled in accordance with Sections 4003.3.1 through 4003.4.

4003.3.1 Smoking.

Smoking shall be prohibited and “No Smoking” signs provided as follows:

1. In rooms or areas where hazardous materials are stored or dispensed or used in open systems in amounts requiring a permit in accordance with Sections 105.5 and 105.6.
2. Within 25 feet (7620 mm) of outdoor storage, dispensing or open-use areas.
3. Facilities or areas within facilities that have been designated as totally “no smoking” shall have “No Smoking” signs placed at all entrances to the facility or area. Designated areas within such facilities where smoking is permitted either permanently or temporarily shall be identified with signs designating that smoking is permitted in these areas only.
4. In rooms or areas where flammable or combustible hazardous materials are stored, dispensed or used.

Signs required by this section shall be in English as a primary language or in symbols allowed by this code and shall comply with Section 310.

4003.3.2 Open flame.

Open flames and high-temperature devices shall not be used in a manner that creates a hazardous condition and shall be listed for use with the hazardous materials stored or used.

4003.3.3 Industrial trucks.

Powered industrial trucks used in areas designated as hazardous (classified) locations in accordance with NFPA 70 shall be listed and labeled for use in the environment intended in accordance with NFPA 505.

4003.3.4 Electrical.

Electrical wiring and equipment shall be installed and maintained in accordance with Section 608 and NFPA 70.

4003.4 Lightning.

Structures containing barrel storage should be protected from lightning. The lightning protection equipment shall be installed in accordance with NFPA 70 and NFPA 780.

SECTION 4004

STORAGE

4004.1 Storage.

Storage shall be in accordance with this section and Section 315.

4004.2 Empty containers.

The storage of empty containers previously used for the storage of flammable or combustible liquids, unless free from explosive vapors, shall be stored as required for filled containers.

4004.3 Basement storage.

Class I liquids shall be allowed to be stored in basements in amounts not exceeding the maximum allowable quantity per control area for use-open systems in Table 5003.1.1(1), provided that automatic suppression and other fire protection are provided in accordance with Chapter 9. Class II and IIIA liquids shall also be allowed to be stored in basements, provided that automatic suppression and other fire protection are provided in accordance with Chapter 9.

4004.4 Bulk beverage storage areas.

There shall be no storage of combustible materials in the bulk beverage storage areas not related to the beverage storage activities.

SECTION 4005

FIRE PROTECTION

4005.1 Automatic sprinkler system.

The storage of distilled spirits and wines shall be protected by an approved automatic sprinkler system as required by Chapter 9.

4005.2 Portable fire extinguishers.

Approved portable fire extinguishers shall be provided in accordance with Section 906.

SECTION 4006

SIGNAGE

4006.1 Hazard identification signs.

Unless otherwise exempted by the fire code official, visible hazard identification signs, as specified in NFPA 704 for the specific material contained, shall be placed on stationary containers and above-ground tanks; at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit; and at specific entrances and locations designated by the fire code official.

4006.1.1 Maintenance and style.

Signs and markings required by Section 4006.1 shall not be obscured or removed; shall be in English as a primary language or in symbols allowed by this code; shall be durable; and the size, color and lettering shall be approved.

Sec. 18-3. Violations and penalties.

Any person doing any act or omission in violation of these codes shall be subject to prosecution in the Municipal Court and subsequent penalty, if any, subject to a maximum fine of two thousand six hundred fifty dollars (\$2,650.00), with each day such violation continues to constitute a separate offense.

Sec. 18-4. Supplemental building permit requirements.

In addition to any other requirements for a building permit provided in this Code or by any applicable law, all of the following is required prior to issuance of any building permit for construction of any new buildings in excess of seven hundred fifty (750) square feet, and for alteration, enlargement or improvement of any existing building that increases the footprint of the existing building by more than twenty percent (20%).

- (1) Design standards review certificate pursuant to this Chapter;
- (2) A recent survey of the property, dated within five (5) years of the date of application, including:
 - a. Existing utility facilities;
 - b. Existing drainage ditches, including culverts; and
 - c. Existing stream courses, both annual and perennial.
- (3) A site development plan (may be a separate map or imposed upon the area map) including:
 - a. For residential uses:
 1. Building plan showing layout of existing and proposed buildings, noting zoning and densities allowed, number and type of dwelling units proposed, decks and patios.
 2. Building elevations showing front, side and rear views.
 3. Location of off-street parking.
 4. Locations of ingress and egress with the directions of traffic flow into, out of and within parking and loading areas, turning and maneuvering areas and emergency vehicle access lanes.

5. Site grading and drainage plan, stamped by a land surveyor, including disposition of surface drainage on and off the site to maintain historical flows, snow removal and storage areas. Best management techniques are to be used including, but not limited to, detention areas. If historical drainage flows cannot be maintained on site, off-site improvements shall be required, at the property owner's expense, and approved by the Town.
 6. A wildfire mitigation plan approved by the Town and the Nederland Fire Protection District for all areas of the Town outside of the Nederland Urban Fire Mitigation Area. This requirement shall not apply until the boundaries of the Nederland Urban Fire Mitigation Area and the requirements for the fire mitigation are adopted by ordinance. All construction and landscaping shall reasonably minimize fire danger to improvements and inhabitants and reasonably enhance the ability to fight fires on the property.
 7. A landscape plan which shall encourage the use of native plant species.
 8. A signed consultant fee agreement in the form approved by the Town.
- b. For all nonresidential uses:
1. All requirements listed above for residential uses, and the building plan shall include existing and proposed canopies, fences, signs, service areas, storage facilities, walks and driveways, off-street parking and loading facilities, trash storage and removal facilities, and percent of lot coverage.
 2. A plan depicting landscaping and screening of off-street parking and loading areas.
 3. A statement regarding expected excavating requirements and compliance with the Town excavating ordinance.
 4. A special review certificate for all nonresidential uses of more than three thousand (3,000) square feet.
 5. Payment of all fees due to the Town.
 6. A signed consultant fee agreement in the form approved by the Town.

Sec. 18-5. Relocation of structures.

- (a) It shall be unlawful for any person or entity to relocate any existing structure from a location within or outside the Town into the Town.
- (b) For purposes of this Section, an existing structure which cannot be relocated in the Town includes any structure constructed or erected with a fixed location, regardless of whether it is on a permanent foundation, including but not limited to dwelling units, manufactured homes, sheds, garages and principal and accessory buildings, but does not include poles,

lines, cables or other transmission or other distribution facilities of public utilities, and does not include structures that are one hundred twenty (120) square feet or less and structures that do not require a building permit.

- (c) This Section shall not apply if both of the following occur:
- (1) A person or entity seeks to move a structure that has been designated as an historical landmark in the State, or the person or entity applies to the Board of Trustees for a determination that the structure would enhance the Town; and
 - (2) The Board of Trustees determines at a public hearing that the structure would enhance the Town, and the Board of Trustees and the applicant enter into an agreement specifying the terms under which the applicant is permitted to move the structure. Such agreement shall include but need not be limited to:
 - a. A detailed description of the structure.
 - b. The property, and location on the property, on which the structure will be placed.
 - c. Any other conditions the Board of Trustees deems appropriate.

Sec. 18-6. Fees.

Where any code adopted by this Article requires a fee, said fee shall be as set forth in Section 4-171 of this Code.

Secs. 18-7—18-20. Reserved.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Minor Revisions or Correction Authorized. The Town Administrator, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective date. After adoption by the Board of Trustees, this Ordinance shall take effect January 1, 2022

INTRODUCED AND READ at a regular meeting of the Board of Trustees of the Town of Nederland, Colorado, held on the 19th day of October, 2021.

AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Nederland, Colorado, held on the 16th day of November, 2021.

TOWN OF NEDERLAND, COLORADO

Mayor Larsen

ATTEST:

Miranda Fisher, Town Clerk/Town Administrator

APPROVED AS TO FORM:

Jennifer Madsen, Town Attorney

I hereby certify that the Notice of the public hearing held at the regular meeting of the Board of Trustees of the Town of Nederland, Colorado, held on the 16th day of November, 2021, was published in The Mountain Ear on October 28th, 2021 and November 4th, 2021.

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of November 16th, 2021 and ordered published by title only by The Mountain Ear newspaper on November 18th, 2021.

ATTEST:

Miranda Fisher, Town Clerk/Town Administrator