

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, REPEALING TITLE 11 OF THE PITKIN COUNTY CODE "BUILDINGS AND CONSTRUCTION" AND REENACTING THE PITKIN COUNTY EFFICIENT BUILDING CODE AS CHAPTER 11.06, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (AS AMENDED) AS CHAPTER 11.32, CONTRACTOR LICENSING REGULATIONS AS CHAPTER 11.36 AND THE LOFGREN CARBON MONOXIDE ORDINANCE AS CHAPTER 11.38; AND ADOPTING THE 2009 INTERNATIONAL BUILDING CODE (AS AMENDED) AS CHAPTER 11.04, THE 2009 INTERNATIONAL MECHANICAL CODE (AS AMENDED) AS CHAPTER 11.08, THE NATIONAL ELECTRICAL CODE (AS AMENDED) AS CHAPTER 11.12, THE 2009 INTERNATIONAL PLUMBING CODE (AS AMENDED) AS CHAPTER 11.16, THE 2009 INTERNATIONAL RESIDENTIAL CODE (AS AMENDED) AS CHAPTER 11.20 AND THE 2009 INTERNATIONAL FUEL GAS CODE (AS AMENDED) AS CHAPTER 11.28.

ORDINANCE NO. 030 -2010

Whereas, the 2003 International Building Codes, as currently adopted by Pitkin County, have been through two code changes; and

WHEREAS, Pitkin County strives to stay current with new building construction technology that allows new buildings to benefit from current standards and technological advancement; and

WHEREAS, Pitkin County strives to provide for and promote the health, safety and welfare of Pitkin County residents and visitors with the benefits of most current building standards; and

Whereas, the International Plumbing Code and National Electrical Code are mandated by the State of Colorado; and

WHEREAS, the Pitkin County Board of County Commissioners has the authority to adopt and implement regulations for new and existing construction in Pitkin County,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pitkin County, Colorado: Title 11, Buildings and Construction, of the Pitkin County Code is hereby repealed and reenacted as follows in Exhibit A.

EXHIBIT "A" TO COMMISSIONERS' ORDINANCE NO. 030-2010

Title 11

BUILDINGS AND REGULATIONS

Chapters:

- 11.04 2009 International Building Code
- 11.06 Pitkin County Efficient Building Code
- 11.08 2009 International Mechanical Code
- 11.12 National Electrical Code Adoption
- 11.16 2009 International Plumbing Code
- 11.20 2009 International Residential Code
- 11.28 2009 International Fuel Gas Code
- 11.32 2009 International Energy Conservation Code
- 11.36 Contractor Licensing Regulations
- 11.38 Lofgren Carbon Monoxide Ordinance

Chapter 11. 04

INTERNATIONAL BUILDING CODE ADOPTED

Section 11.04.010 of the Pitkin County code adopting the 2003 edition of the International Building Code is hereby repealed and reenacted to read as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Building Code, 2009 Edition, including Appendices C, E, and I, as published by the

**International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.**

**11.04.020 Copies on file**

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2009 International Building Code, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

**11.04.030 Severability**

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

**11.04.040 Amendments to the International Building Code**

Section **101.1 Title** is hereby amended to read:

These regulations shall be known as the Building Code of Pitkin County, hereinafter referred to as "this code."

Section **101.4 Referenced Codes** is hereby amended to read as follows:

The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

Section **101.4.4 Property Maintenance** is hereby deleted in its entirety.

Section **104.4.5 Fire Prevention** is hereby deleted in its entirety.

**Add Section 101.4.7 Electrical:**

The provisions of the most current version of the National Electric Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section **104.6 Right of Entry** is hereby amended to read as follows:

[The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the Pitkin County Court authorizing the building official to make entry onto the building or premises.

**Section 104.8 Liability** is hereby amended to read as follows:

The Building Official, or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof, or Pitkin County be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code.

**Section 105.3.2 Time limitation of application** is hereby amended to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the date of filing. The building official is not authorized to grant further extensions.

**Section 105.5 Expiration** is hereby amended to read as follows:

A building permit that has been issued shall become invalid if: 1) The work on the structure authorized by such permit is not commenced within 12 months after the date of permit issuance. Evidence of commencement shall be a building inspection of work performed on the structure itself and does not include such peripheral work as infrastructure, grading, access, excavation, etc. 2) The work authorized on the site by such permit is suspended or abandoned for a period of six months after the time the work is commenced. Continuation of work shall be evidenced by a required building inspection. Projects that are not ready for a required inspection shall request a progress inspection to document the performance of significant work in the judgment of the building official. The building official is not authorized to grant an extension.

**Add Section 107.2.6 Improvement Survey.**

The application shall also be accompanied by a survey that is certified by a surveyor registered in the State of Colorado, is no more than two years old, and that contains or indicates the following:

- a) Original wet stamp and signature of the surveyor,
- b) Standard industry language regarding accuracy of the survey,
- c) Property boundaries,
- d) All structures and buildings located on the site,
- e) Topography indicating two foot contour intervals,

- f) Natural water courses that traverse or are adjacent to the lot or parcel,
- g) Average high water mark for such natural water courses,
- h) 100 year Floodplain and/or delineated wetlands (where relevant),
- i) Lot or parcel size,
- j) Legal description,
- k) Location and dimensions of any easements and rights-of-way either contained on the parcel or adjacent to the parcel,
- l) All development envelopes approved through land use review,
- m) Trees within the building envelope that have a greater than 6 inch DBH,
- n) Location of existing well and/or septic system(s) (where applicable),
- o) Legible vicinity map, and
- p) Surveyor notes.

The above requirements shall not be mandatory for a building permit application to reconstruct or remodel totally within the limits of an existing building or structure.

**Section 107.3.3 Phased Approval** is hereby amended to read as follows:

The building official is authorized to issue a permit for the construction of the foundation of a building only after the documents for the whole building or structure have been submitted and approved by the appropriate referral agencies. The holder of a foundation permit shall proceed at the holder's own risk without assurance that a permit for the entire structure will be granted.

**109.1 Payment of fees** is hereby amended and shall read as follows: A permit shall not be valid until all fees prescribed by the most current Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

**109.4 Work commencing before permit issuance** is hereby amended and shall read as follows: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee, in addition to the permit fee, which may be collected whether or not the permit is subsequently issued. The minimum investigation fee in the first instance of violation shall be equal to the amount of the permit fee set forth in the most current adopted Community Development fee ordinance. The second and subsequent times an individual starts work without a permit the minimum fee shall be four times the permit fee.

**Add Section 109.7 Reinspections.** A reinspection fee may be assessed when an inspection is called for and the work is not complete, required corrections are not made, field copy of approved plans is not readily available to the inspector, work is not accessible or for deviating from approved plans.

**Section 110.3.10 Final Inspection** is hereby amended to read as follows:

The final inspection shall be made after all work required by the building permit is completed and all applicable referral agencies have accepted the work to comply with conditions of approval and any specific regulations.

**111.3 Temporary Occupancy** is hereby deleted in its entirety.

**Section 113 BOARD OF APPEALS** is hereby amended and shall 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 shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

**113.2 Limitations of Authority.** The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**Section [F] 903.2 Where required** is hereby amended to read as follows:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Section 903.2.1 through 903.2.12 and in all structures 5,000 square feet or greater as defined by fire area (section 902.1). A fire wall, as defined in section 702.1, shall not create separate buildings for this purpose.

**903.2.7 Group M** is hereby amended and condition #4 shall read:

4. Where a Group M occupancy that is used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m<sup>2</sup>) in fire area.

**Section [F] 907.2.9 Group R-2** is hereby amended:

**907.2.9.1, #3** shall read as follows:

3. The building contains more than three dwelling units or sleeping units.

Add **Section 1504.8 Snow shed design.** Roofs shall be designed so that they do not shed ice and snow onto the main path of egress to the public way, upon the public way or upon neighboring property.

Exceptions:

- 1) Roofs with mechanical snow retention devices secured to roof framing members or to solid blocking in accordance to manufacturers' instructions or as designed by a licensed structural engineer.
- 2) Roof areas with a horizontal dimension of no more than 48 inches that will not receive snow shedding from a higher roof are exempt from the requirement of design by a licensed structural engineer. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface.
- 3) The re-roofing of legally-existing roofs that are not framed to allow effective installation of snow retention devices is exempt from this requirement.
- 4) Roofs with asphalt shingle roof coverings with a pitch of 6 in 12 or less are exempt from this requirement.

**Section 1505 Fire Classification** is hereby amended and the last sentence of **1505.1 General** shall be replaced with the following sentence: The minimum roof assemblies installed on buildings shall be Class A.

**Table 1505.1 Minimum Roof Covering Classification for Types of Construction** is hereby eliminated in its entirety.

**Section 1507.2.8.2 Ice barrier** is hereby amended to read as follows:

An ice dam barrier that consists of at least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and shall extend from the roof eave edge at least four and one-half feet inside the exterior wall line as measured along the roof surface, twenty-four inches from the centerline of the valley and up twenty-four inches on the vertical wall at a roof and wall juncture.

**Section 1608 Ground Snow Loads** is hereby deleted and is replaced with the following: The value of roof (or other member) snow load shall be equal to the "recommended basic snow load" as defined in the "1971 Snow Load Design Data for Colorado", prepared and published by the "Structural Engineers Association of Colorado".

**Section 1612.3. Establishment of flood hazard areas.** Insert: Pitkin County for [NAME OF JURISDICTION] and insert "June 4, 1987 or the latest study available" for [DATE OF ISSUANCE].

**Section 1805.2.1** item #1 "Frost protection" is hereby amended to read as follows:

Frost protection depth shall be thirty-six (36) inches.

Add **Section 2111.1.1 Fireplaces allowed.** The number of fireplaces allowed shall be determined by the Pitkin County Code Section 6.12.030.

Add **Section 3001.5 Permits required.** Elevator permits and inspections are required for the installation of elevators.

## **Chapter 11.08**

### **INTERNATIONAL MECHANICAL CODE ADOPTED**

**11.08.010** of the Pitkin County code adopting the 2003 editions of the Uniform Mechanical Code is hereby repealed and reenacted to read as follows:

**Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Mechanical Code, 2009 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.**

#### **11.08.020 Copies on file**

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2009 International Mechanical Code, as adopted by this Article, and said copy shall be open to public inspection at all times during the regular business hours of said Division.

#### **11.08.030 Severability**

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

#### **11.08.040 Amendments**

**Section 101.1** Insert: Pitkin County for [NAME OF JURISDICTION]

**Section 103.4 Liability** is hereby amended to read as follows:

The Building Official, or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property

caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof, or Pitkin County be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code.

**Section 104.4 Right of Entry** is hereby amended to read as follows:

[The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from Pitkin County Court authorizing the building official to make entry onto the building or premises.

**Section 106.4.4 Expiration** is hereby amended to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is not authorized to grant an extension.

**Section 106.4.4 Extensions** is hereby deleted.

**Section 106.5.2 Fee schedule** is hereby amended to read as follows: A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

**Section 106.5.3 Fee refunds.** Insert: 80% for [SPECIFY PERCENTAGE] in 1. and 2.

**109 Means of Appeal** is deleted in its entirety and shall read as follows:

Section 109.1 Appeals shall be in accordance with IBC Section 113 as amended by this ordinance.

**Section 306.3 Appliances in attics.** Exception 2 is hereby amended and shall read in its entirety: Where the passageway is unobstructed and not less than 5'6" high and 30" wide for its entire length, the passageway shall not be greater than 50 feet in length.

**Section 306.4 Appliances under floors.** Exception 2 is hereby amended and shall read in its entirety: Where the passageway is unobstructed and not less than 5'6" high and 30" wide for its entire length, the passageway shall not be limited in length.

**Section 307.1 Fuel-burning appliances** is hereby amended and the following sentence is added at the end of the paragraph: All condensate shall be neutralized, collected and discharged.

**Section 501.2 Exhaust discharge.**

Add to the end of the paragraph: Bath Fans shall be defined as environmental air exhausts and shall use termination clearances from IMC Section 501.2.1, Item #3.

**Section 504.1 Installation.**

Add to the end of the paragraph: Dryer exhausts shall be defined as environmental air exhausts and shall use termination clearances from IMC Section 501.2.1, Item #3.

**Section 505.1 Domestic systems.**

Add to the end of the paragraph: Kitchen Hoods shall be defined as environmental air exhaust and shall use termination clearances from IMC Section 501.2.1, Item #3.

**Chapter 11.12**

**NATIONAL ELECTRICAL CODE ADOPTED**

**Section 11.12.010** of the Pitkin County code adopting the National Electrical Code is hereby repealed and reenacted to read as follows:

**Pursuant to the power and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the National Electrical Code, most current edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269.**

**11.12.020 Copies on file**

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the National Electrical Code, most current edition, as adopted by this Article, and said copy shall be open to public inspection at all times during the regular business hours of said Division.

**11.12.030 Severability**

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

**11.12.050 Amendments to the National Electrical Code**

**690.10 Stand-Alone Systems** is hereby amended and shall read as follows:

The premises wiring system shall be adequate to meet the requirements of this Code for a similar installation connected to a service. The wiring on the supply side of the building or structure disconnecting means shall comply with this Code except as modified by 690.10(A) through (D).

**(A) Inverter Output.** The ac output from a stand-alone inverter(s) shall be permitted to supply ac power to the building or structure disconnecting means at current levels less than the calculated load connected to that disconnect. The inverter output rating or the rating of an alternate energy source for dwellings less than 1000square feet shall be equal to or greater than 50% of the load as calculated by NEC 220.40 General.

The calculated load of a feeder or service shall not be less than the sum of the loads on the branch circuits supplied, as determined by Part II of this article, after any applicable demand factors permitted by Part III or IV or required by Part V have been applied.

For all other dwellings NEC 220.40 shall apply

For non-dwellings the calculated load shall be equal to or greater than the load posed by the largest single utilization equipment connected to the system.

**(B) Sizing and Protection** is not amended.

**(C) Single 120-Volt Supply** is not amended.

**(D) Energy Storage or Backup Power System Requirements** is amended and shall read as follows: Energy storage or backup power supplies are not required except for dwellings.

## Chapter 11.16

### INTERNATIONAL PLUMBING CODE ADOPTED

**Section 11.16.010** of the Pitkin County code adopting the 2003 edition of the International Plumbing Code is hereby repealed and reenacted to read as follows:

**Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Plumbing Code, 2009 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.**

#### **11.16.020 Copies on file.**

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2009 International Building Code, as adopted by this Article, and said

copy shall be open to public inspection at all times during the regular business hours of said Division.

### **11.16.030 Severability**

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

### **11.16.040 AMENDMENTS TO THE 2003 INTERNATIONAL PLUMBING CODE**

**Section 101.1 Title.** Insert: Pitkin County for [NAME OF JURISDICTION]

**Section 103.4 Liability** is hereby amended and to read as follows:

The Building Official or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof, or Pitkin County be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code.

**Section 104.4 Right of Entry** is hereby amended to read as follows:

[The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the Pitkin County Court authorizing the building official to make entry onto the building or premises.

**Section 106.5.3 Expiration** is hereby amended to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is not authorized to grant an extension.

**Section 106.5.4 Extension** is hereby deleted.

**Section 106.6.2 Fee schedule** is hereby amended and to read as follows: A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

**Section 106.6.3 Fee refunds.** Insert: 80% for [SPECIFY PERCENTAGE] in 1. and 2.

**Section 109 Means of Appeal** is hereby amended and shall read in its entirety as follows:

**Section 109.1 Appeals** shall be in accordance with IBC Section 113 as amended by this ordinance.

**Section 305.6.1 Sewer Depth.** Insert 48 for [NUMBER].

**Section 314.1 Fuel burning appliances** is hereby amended and the following sentence is added at the end of the paragraph: All condensate shall be neutralized, collected and discharged.

**Section 412.2 Floor Drains** is hereby amended and the following sentence added to the end of the paragraph: All emergency, mechanical room and basement floor drains shall be plumbed to an approved sanitary drainage system, except that garage floor drains may drain to daylight or drywell.

Add **Section 412.5 Floor Drains for Storage Tank.** Crawlspace containing large capacity storage tanks shall have emergency floor drains or some other means of catastrophic draining provided. Such drainage shall go to a drywell or to daylight.

**Table 702.3 Building Sewer Pipe** is amended to delete "Vitrified clay pipe" as an allowed material.

**Section 904.1 Roof Extension.** Insert 12 for [NUMBER].

## Chapter 11.20

### INTERNATIONAL RESIDENTIAL CODE ADOPTED

**Section 11.20.010** of the Pitkin County code adopting the 2003 edition of the International Residential Code is hereby repealed and reenacted to read as follows:

**Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Residential Code, 2009 Edition, including Appendices E, F, H and K, as published by the**

**International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.**

**11.20.020 Copies on file.**

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2009 International Residential Code as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

**11.20.030 Severability**

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

**11.20.040 AMENDMENTS TO 2009 INTERNATIONAL RESIDENTIAL CODE.**

**R101.1 Title.** Insert Pitkin County for [NAME OF JURISDICTION].

**Section R104.6 Right of Entry** is hereby amended to read as follows:

[The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the Pitkin County Court authorizing the building official to make entry onto the building or premises.

**Section R104.8 Liability** is hereby amended to read as follows:

The Building Official or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof, or Pitkin County be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code.

**Section R105.3.2 Time limitation of application** is hereby amended to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the date of filing. The building official is not authorized to grant further extensions.

**Section R105.5 Expiration** is hereby amended to read as follows:

A building permit that has been issued shall become invalid if: 1) The work on the structure authorized by such permit is not commenced within 12 months after the date of permit issuance. Evidence of commencement shall be a building inspection of work performed on the structure itself and does not include such peripheral work as infrastructure, grading, access, excavation, etc. 2) The work authorized on the site by such permit is suspended or abandoned for a period of six months after the time the work is commenced. Continuation of work shall be evidenced by a required building inspection. Projects that are not ready for a required inspection shall request a progress inspection to document the performance of significant work in the judgment of the building official. The building official is not authorized to grant an extension.

**Add Section R106.2.1 Improvement Survey.**

The application shall also be accompanied by a survey that is certified by a surveyor registered in the State of Colorado, is no more than two years old, and that contains or indicates the following:

- a) Original wet stamp and signature of the surveyor,
- b) Standard industry language regarding accuracy of the survey,
- c) Property boundaries,
- d) All structures and buildings located on the site,
- e) Topography indicating two foot contour intervals,
- f) Natural water courses that traverse or are adjacent to the lot or parcel,
- g) Average high water mark for such natural water courses,
- h) 100 year Floodplain and/or delineated wetlands (where relevant),
- i) Lot or parcel size,
- j) Legal description,
- k) Location and dimensions of any easements and rights-of-way either contained on the parcel or adjacent to the parcel,
- l) All development envelopes approved through land use review,
- m) Trees within the building envelope that have a greater than 6 inch DBH,
- n) Location of existing well and/or septic system(s) (where applicable),
- o) Legible vicinity map, and
- p) Surveyor notes.

The above requirements shall not be mandatory for a building permit application to reconstruct or remodel totally within the limits of an existing building or structure.

**Section R106.3.3 Phased Approval** is hereby amended to read as follows:

The building official is authorized to issue a permit for the construction of the foundation of a building only after the documents for the whole building or structure have been submitted and

approved by the appropriate referral agencies. The holder of a foundation permit shall proceed at the holder's own risk without assurance that a permit for the entire structure will be granted.

**Section R108.1 Payment of fees** is hereby amended and shall read as follows: A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

**108.6 Work commencing before permit issuance** is amended and shall read as follows: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee, in addition to the permit fee, which may be collected whether or not the permit is subsequently issued. The minimum investigation fee shall be equal to the amount of the permit fee set forth in the most current adopted Community Development fee ordinance. The second time and subsequent times an individual starts work without a permit the minimum fee shall be four times the permit fee.

**Section R109.1.6 Final Inspection** is hereby amended and shall read as follows:

The final inspection shall be made after all work required by the building permit is completed and all applicable referral agencies have accepted the work to comply with conditions of approval and any specific regulations.

Add **Section R109.5 Reinspections**. A reinspection fee may be assessed when an inspection is called for and the work is not complete, required corrections are not made, field copy of approved plans is not readily available to the inspector, work is not accessible or for deviating from approved plans.

**Section R110.4 Temporary Occupancy** is hereby deleted.

**Section R112 BOARD OF APPEALS** is hereby amended and shall 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 shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

**R112.2 Limitations of Authority** is hereby amended and the last sentence shall read: The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

**R202 Definitions. Habitable Space** is hereby amended. The definition shall remain as written, with the following sentence appended to the end: Unfinished basements with a ceiling height of 80 inches or more are considered habitable space.

Table R301.2 (1) shall read as follows:

Ground Snow Load	Wind Design		Seismic Design Category	Weathering	Frost Line Depth	Termite	Decay	Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic Effects										
0.833 x roof snow load*	90/B	No	33 D	Severe	36"	None to slight	None to slight	-16	Yes -- refer R905.2.7.1 as amended	1987 or latest study available	2000	40.8

\* The value of roof (or other member) snow load shall be equal to the "recommended basic snow load" as defined in the "1971 Snowload Design Data for Colorado", prepared and published by the "Structural Engineers Association of Colorado".

**R313.2 One- and two-family dwellings automatic fire sprinkler systems** is hereby amended and shall read: Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed one- and two-family dwellings.

Add **R313.3 Structures 5,000 square feet or greater** to read as follows: An approved automatic fire-extinguishing system shall be installed in all structures 5,000 square feet or greater as defined by fire area (IBC section 702.1). A fire wall, as defined in IBC section 702.1, shall not create separate buildings for this purpose.

**R315 Carbon monoxide alarms** is hereby amended and shall read in its entirety:

**R315.1 Carbon monoxide alarms.** Carbon monoxide alarms shall be installed in new and existing buildings in compliance with the Pitkin County Carbon Monoxide Ordinance No. 039-2008.

**Section R902.1** is hereby amended and shall read as follows:

The second sentence is replaced with the following: The minimum roof assemblies installed on buildings shall be Class A.

Add **Section R903.5 Snow shed design.**

Roofs shall be designed so that they do not shed ice and snow onto the main path of egress to the public way, upon the public way or upon neighboring property.

Exceptions:

- 1) Roofs with mechanical snow retention devices secured to roof framing members or to solid blocking in accordance to manufacturers' instructions or as designed by a licensed structural engineer.

- 2) Roof areas with a horizontal dimension of no more than 48 inches that will not receive snow shedding from a higher roof are exempt from the requirement of design by a licensed structural engineer. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface.
- 3) The re-roofing of legally-existing roofs that are not framed to allow effective installation of snow retention devices is exempt from this requirement.
- 4) Roofs with asphalt shingle roof coverings with a pitch of 6 in 12 or less are exempt from this requirement.

**Section R905.2.7.1 Ice protection** is hereby amended to read as follows:

An ice dam barrier that consists of at least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and shall extend from the roof eave edge at least four and one-half feet inside the exterior wall line as measured along the roof surface, twenty-four inches from the centerline of the valley and up twenty-four inches on the vertical wall at a roof and wall juncture.

Add **Section R1003.1.1 Fireplaces allowed**. The number of fireplaces allowed shall be determined by the Pitkin County Code Section 6.12.030.

**Chapter 11** is deleted in its entirety and replaced with the following:

**Chapter 11 Energy Efficiency**. The provisions of the 2009 International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

**M1305.1.3 Appliances in attics**. Exception 2 is hereby amended and shall read: Where the passageway is unobstructed and not less than 5' 6" high and 30" wide for its entire length, the passageway shall be not more than 50' long.

**M1305.1.4 Appliances under floors**. Exception 2 is hereby amended and shall read: Where the passageway is unobstructed and not less than 5' 6" high and 30" wide for its entire length, the passageway shall not be limited in length.

Add **M1307.7 Fuel-burning appliances**. All condensate shall be neutralized, collected and discharged.

**Section R2406 Appliance location** is amended as follows:  
Exceptions 3 & 4 are hereby deleted.

**Section G2425.8** item #7 is hereby amended to read as follows:  
Unvented room heaters shall not be installed.

**Section G2445 Unvented room heaters** are prohibited in Pitkin County and this section is hereby deleted in its entirety.

**Section P3103.1 Roof extension** is hereby amended and shall read as follows:

All open vent pipes which extend through a roof shall be terminated at least 12 inches above the roof or 6 inches above the anticipated snow accumulation, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

## **Chapter 11.28**

### **INTERNATIONAL FUEL GAS CODE ADOPTED**

**Section 11.28.010** of the Pitkin County code adopting the 2003 edition of the Uniform Code for the Building Conservation is hereby repealed and reenacted to read as follows:

**Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Fuel Gas Code, 2009 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.**

#### **11.28.020 Copies on file**

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the International Fuel Gas Code, most current edition, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

#### **11.28.030 Severability**

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

#### **11.28.040 AMENDMENTS TO 2003 INTERNATIONAL FUEL GAS CODE**

**Section 106.5.2 Fee schedule** is hereby amended and to read as follows: A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee

ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

**Section 106.5.3 Fee refunds** is hereby amended as follows: insert 80% for [SPECIFY PERCENTAGE] in items 2. and 3.

**Section 109 (IFGC) Means of Appeal** is deleted in its entirety and shall read as follows:

Section 109.1 Appeals shall be in accordance with IBC Section 113 as amended by this ordinance.

**Section 306.3 Appliances in attics.** Exception 2 is hereby amended and shall read: Where the passageway is unobstructed and not less than 5' 6" high and 30" wide for its entire length, the passageway shall be not more than 50' long.

**Section 306.4 Appliance under floors.** Exception 2 is hereby amended and shall read in its entirety: Where the passageway is unobstructed and not less than 5'6" high and 30" wide for its entire length, the passageway shall not be limited in length.

**Add Section 402.6.2 Liquefied petroleum gas facilities and equipment.**

Liquefied petroleum gas (LPG) gas facilities and equipment shall not be located in any pit or basement, under show windows or interior stairways, in engine, boiler, heater or electric meter rooms.

Exception: Equipment may be installed in such locations with an approved means of detection and removal of unburned LPG gas. A minimum 3" drain pipe to the exterior of the building, propane sensor and automatic safety shutoff shall be installed. The drain shall not be trapped and shall be protected from snow closure and rodents.

When the above listed means cannot be achieved, an engineered mechanical exhaust system designed by a Colorado-licensed mechanical engineer with a propane sensor and an automatic safety shut-off shall be required.

**Section 503.4.1.1 Plastic vent joints** is hereby amended and the following shall be added to the end of the first sentence: and shall be tested with water at a minimum 10' of head pressure or air at a minimum of 5 psi for 15 minutes.

**Section 621 (IFGC) Unvented Room Heaters** is hereby deleted in its entirety and shall read as follows:

**Section 621.1 General.** Unvented room heaters shall not be installed.

## Chapter 11.32

### INTERNATIONAL ENERGY CONSERVATION CODE

#### 11.04.040 Amendments

**Section 107.5 Refunds** is hereby amended and shall read in its entirety:

The building official shall authorize the refund for the full amount of any fee paid which was erroneously paid or collected. Not more than 80% of an energy code permit fee paid may be refunded when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than six months after the date of payment.

Refunds may be approved for up to 80% of a fee paid for REMP. No refund will be approved when requested more than 180 days after the Certificate of Occupancy or Letter of Completion is issued.

**Add Section 403.8.1. to Section 403.8 Snow melt systems controls.**

1. Electric roof and gutter deicing systems shall include automatic controls capable of shutting off the system when outdoor temperature is above 50 degrees F and below 25 degrees F, or which limit the use of the system to daylight hours by means of a programmable timer.
2. Hydronic roof and gutter deicing systems shall be considered snowmelt systems and shall comply with Appendix A "Residential Renewable Energy Mitigation Program" of the 2009 International Energy Conservation Code, as amended.

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING ON THE 1<sup>st</sup> DAY OF December 2010.

NOTICE OF PUBLIC HEARING AND THE FULL ORDINANCE PUBLISHED IN THE ASPEN TIMES WEEKLY ON THE 5<sup>th</sup> DAY OF December 2010.

ADOPTED AFTER FINAL READING AND PUBLIC HEARING ON THE 15<sup>th</sup> DAY OF December 2010.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN TIMES WEEKLY ON THE 26<sup>th</sup> DAY OF December 2010.

ATTEST:

By Jeanette Jones  
Jeanette Jones  
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS

By George Newman  
George Newman, Chair

Date: 12/15/10

APPROVED AS TO FORM:

John Ely  
John Ely, County Attorney

MANAGER APPROVAL

Phyllis Mattice  
Phyllis Mattice, Interim County Manager