

CHAPTER 18

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ARTICLE I

General Provisions

Sec. 18-1. Authorization of Building Official.

The Building Official is authorized to terminate inspection in progress, issue stop work orders on projects in progress, and refuse to issue permits when he or she reasonably determines that a violation of the provisions of this Chapter, Chapter 16 or Chapter 16A has occurred. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 4-1998 §1)

Sec. 18-2. Reserved.

Sec. 18-3. Limitation on construction times and noise.

(a) Construction activities which produce excessive noise or vehicle activity shall be permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday (excluding legal holidays) throughout the year. No noise-producing construction or excessive vehicle activity shall be permitted during the hours on Sunday or legal holidays.

(b) Excessive noise-producing construction activities may include, but not be limited to, the following:

(1) Sawing, hammering, compressors, excavation, compacting, concrete trucks, dump trucks and loud radios used by the construction personnel.

(2) Any event which produces a decibel reading at the property line in excess of sixty (60) decibels. Examples of typical sources in decibels are:

a. Normal face-to-face conversation is fifty-five (55) to sixty-five (65) dB.

b. An air compressor at five hundred (500) feet is sixty (60) to seventy (70) dB.

c. A truck passing at fifty (50) feet is seventy-five (75) to eighty-five (85) dB.

(c) Excessive vehicle activity may include, but not be limited to the following: delivery trucks, employee vehicles not able to be parked on the property and off of the streets, dump trucks and other construction-related vehicles. (Ord. 6-1992 §1; Ord. 4-1994 §1)

Sec. 18-4. Snowmass Water and Sanitation District integration.

The Water District is the provider of potable water and sanitary sewer services within the Town. An integration between the provisions of this Chapter and the provisions of the rules and regulations of the Water District shall occur to the greatest extent possible. (Ord. 4-1994 §1)

Sec. 18-5. Water District connection permit required.

All applications for a building or plumbing permit pursuant to this Chapter must include a copy of a connection permit issued by the Water District or a statement from the Water District that a connection permit is not required. (Ord. 4-1994 §1)

Sec. 18-6. Water District rules and regulations.

The current rules and regulations of the Water District are considered to be a supplement to the provisions of Article VI and are hereby incorporated herein by this reference. Any conflict between the provisions of this Chapter and

the provisions of the current rules and regulations of the Water District shall be resolved in favor of the more restrictive provision. (Ord. 4-1994 §1)

Sec. 18-7. Water District compliance inspection required.

If the Building Official determines that a compliance inspection has not been performed or successfully completed by the Water District, if required, then the Building Official may refrain from the issuance of a certificate of occupancy or a certificate of completion. (Ord. 4-1994 §1)

Sec. 18-8. Access permit required.

No permit, certificate of occupancy or certificate of completion shall be issued by the Building Official unless an access permit required by the provisions of Section 11-1 of this Code has been issued by the Public Works Director. (Ord. 10-1997 §11)

Sec. 18-9. Adoption of International Existing Building Code.

The International Existing Building Code, 2003 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, in particular Chapters 1 through 14, inclusive, is hereby adopted by reference as the Existing Building Code for the Town, with the following amendments:

- (1) In Section 101.1, Title, insert "Town of Snowmass Village."
- (2) In Section 1201.2, Applicability, insert "November, 2003." (Ord. 11-2001 §1; Ord. 16-2003 §1)

Secs. 18-10—18-20. Reserved.

ARTICLE II

Contractor Licenses

Sec. 18-21. License required.

No building, electrical, plumbing, mechanical, fire protection, alarm system or excavation work shall be performed in the Town without the contractor first having obtained a contractor license or, in the case of an electrical contractor, registering with the Town. The Building Official shall prescribe the form for the application for a contractor license and any examination required to be successfully completed by an applicant. (Ord. 4-1994 §1)

Sec. 18-22. Exemption from license requirement.

An owner/builder who demonstrates construction knowledge and ability to the Building Official may construct one (1) Group R, Division 3 dwelling unit every three (3) years for himself or herself without a contractor license, provided that all subcontractors working for the owner/builder shall be licensed by the Town and the owner/builder shall provide continuous supervision at the job site. (Ord. 4-1994 §1)

Sec. 18-23. License classifications.

- (a) General Class AA - Unlimited construction.
- (b) General Class A - All types of construction limited to six (6) stories in height.
- (c) General Class B - New construction and additions and alterations. Buildings not required to exceed types III, IV and V construction with a total floor area not in excess of fifteen

thousand (15,000) square feet (area separation walls shall not constitute separate buildings), minor alterations and additions and limited new construction and additions and all types of construction not to exceed ten thousand (10,000) square feet.

(d) General Class C - Additions and alterations of a minor nature. Limited new construction of all types not exceeding one thousand (1,000) square feet.

(e) Specialty - Limited to a specific specialty.

(f) Electrical - Class A electrical contractor licensed by the State.

(g) Plumbing - Class A master plumbing contractor licensed by the State. (Ord. 4-1994 §1)

Sec. 18-24. Fees.

(a) The fees for contractor license/registration applications are as follows:

<u>Classification</u>	<u>1st Year</u>	<u>Annual Renewal</u>
General Class AA	\$250.00	\$125.00
General Class A	225.00	105.00
General Class B	125.00	55.00
General Class C	115.00	50.00
Specialty	115.00	50.00
Electrical	NO CHARGE (PER STATE LAW)	
Plumbing	65.00	25.00

The first year license/registration fee includes an application fee of fifteen dollars (\$15.00).

(b) One-half (½) of the first-year license fee shall be charged for each additional license required by such contractor. (Ord. 6-1992 §1)

Sec. 18-25. Revocation and suspension.

The Building Official shall have the authority to temporarily suspend or permanently revoke any contractor license for violation of the provisions of this Chapter by the licensee. (Ord. 4-1994 §1)

Sec. 18-26. Liability of Building Official.

The Building Official charged with the enforcement of the provisions of this Chapter, acting in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent provisions of this Code, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or employee in the enforcement of any provision of this Chapter or other pertinent provisions of this Code implemented for the enforcement of this Chapter shall be defended by the Town until final termination of such proceedings, and any judgment resulting therefrom shall be satisfied by the Town. The requirements of this Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure or any damages to persons or property caused by defects, nor shall the Town be held as assuming any such liability by reason of the inspections authorized by this Chapter or any permits or certificates issued. (Ord. 4-1994 §1)

Secs. 18-27—18-40. Reserved.

ARTICLE III

Building Code

Sec. 18-41. Adoption.

The International Building Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and in particular Chapters 1 through 35, inclusive, and Appendix Chapters B, G, I and J, inclusive, is hereby adopted as the Building Code for the Town. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-42. Amendments.

(a) Section 102.6, Existing Structures, is amended by the addition of the following paragraph:

"For the purpose of this section, any remodeling of an existing building or structure which requires the replacement of an existing utility or installation of a new utility system, or part thereof, shall require that such utility installation be placed underground as is required for new buildings or structures."

(b) Section 105.3, Application for Permit, is amended by the addition of paragraphs 8, 9 and 10, to read as follows:

"8. Survey Information. (a) Applications for new construction upon unimproved lots shall be accompanied by a recent land survey plat, legal description and topographic map prepared by and containing the wet-stamped certification of a registered professional land surveyor licensed by the State of Colorado at the time of its preparation. A digital version on disk is required for submittal purposes unless the Chief Building Official determines otherwise.

"(b) Applications for additions or alterations, which extend beyond the footprint of the existing improvements, shall be accompanied by an improvement survey plat and topographic map prepared by and containing the wet-stamped certification of a registered professional land surveyor licensed by the State of Colorado at the time of its preparation. A digital version on disk is required for submittal purposes unless the Chief Building Official determines otherwise.

"(c) Any required land or improvement survey shall be prepared in accordance with Article 51 of Title 38 of the C.R.S.

"(d) When topographic information is required, it shall include the building envelope and all other areas within five (5) feet of any driveway, structure, improvement or other areas, which will be disturbed during construction. Topography at no greater than one-foot contour intervals will be required within the building footprint, with all other areas being no greater than two-foot contour intervals. A digital version on disk is required unless the Chief Building Official determines otherwise.

"(e) The requirements of this section may be waived, modified or amended at the sole discretion of the Building Official if it is felt that adequate information is on file or available to identify building height, location, setbacks, easements of record and other information necessary to properly administer applicable codes adopted by the Town; however, only surveys or other information prepared within the five (5) years preceding the application may be accepted.

"9. Flood Hazard Areas. When construction is proposed in flood hazard areas, the permit application shall be accompanied by a development permit issued in accordance with the provisions of Article IX of the Snowmass Village Municipal Code.

"10. Fire Access Compliance. For SPA-1, SPA-2, MU, MF, NC and PUD zone districts, submissions shall indicate compliance with Section 503, Fire Apparatus Access Roads, of the International Fire Code, as amended."

(c) Section 105.5.1, Expiration, is added, to read as follows:

"105.5.1 Residential. Single-family, duplex, triplex and fourplex occupancies shall be completed within eighteen (18) months of the issuance date of the permit."

(d) Section 105.5.2, Restoration of Site, is added, to read as follows:

"105.5.2 Restoration of Site. If a permit has expired, then all below-grade excavations shall be filled and construction debris removed within thirty (30) days of expiration to bring the site to a condition comparable to that before the permit was issued, including elimination of any hazardous condition determined to exist by the Building Official."

(e) Section 105.8, Placement of Construction Drawings, is added, to read as follows:

"105.8 Placement of Construction Drawings. The permit holder shall maintain upon the construction site the 'approved' stamped plans checked by the Building Department. These plans shall be protected from the elements, which may cause damage to them, and continually be accessible for reference by the contractors and inspectors."

(f) Section 106, Construction Documents, is hereby amended by adding the following subsections:

"106.1.1.2 Posted Address. Plans shall indicate the location of a lighted or contrasting address number, which shall be visible

from the road serving the building. The street address number shall be posted by the time of the final inspection.

"106.1.1.3 Construction Management Plan. If required by the Building Official, the applicant shall submit a Construction Management Plan. This plan shall indicate how the contractor intends to manage potential impacts caused by the construction project. This plan shall address maximum number of construction personnel vehicles, construction vehicles, portable toilets, temporary trailers and trash containers proposed for the project, as well as where the vehicles and other components are to be parked or stored.

"106.1.1.3.1 Condition of Job Site. The job site shall be kept clean at all times. The permit holder is responsible for the removal of all trash to the County solid waste dumping location. He or she is also responsible for providing adequate precautions to maintain control of all construction debris and materials, including personal trash generated by construction personnel, subcontractors, jobbers and delivery persons. Those precautions will include but not be limited to:

"1. Adequate covered dumpsters or trash accumulation areas to prevent any construction-related item from being scattered around the job site or onto adjacent public or private property. Heaping materials within a dumpster above level, allowing it to be covered or transported will be a violation.

"2. Adequate means for the transportation of materials from staging areas to the construction site and removal of construction debris without dropping it en route.

"3. The Building Official or other authorized Town Official may issue a stop work order or refuse to perform required inspections until debris is cleaned up and adequate provisions are in place for the control of construction materials and debris."

(g) Section 108.2.1, Town of Snowmass Village Building Permit Fee Schedule, is added, to read as follows:

"BUILDING PERMIT FEES

<i>Building Valuation</i>	<i>Fee</i>
\$500.00 or less	\$26.00
Greater than \$500.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$4.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
Greater than \$2,000.00 to \$25,000.00	\$76.00 for the first \$2,000.00 plus \$15.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
Greater than \$25,000.00 to \$50,000.00	\$430.00 for the first \$25,000.00 plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
Greater than \$50,000.00 to \$100,000.00	\$708.00 for the first \$50,000.00 plus \$8.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
Greater than \$100,000.00 to \$500,000.00	\$1,094.00 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
Greater than \$500,000.00 to \$1,000,000.00	\$3,600.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
Greater than \$1,000,000.00	\$6,000.00 for the first \$1,000,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof

"BUILDING PERMIT FEES (cont'd)

<i>"Other Inspections and Fees</i>	
1. Inspections outside normal business hours (minimum two hours)	\$50.00/hr
2. Reinspection fees	\$50.00
3. Inspections for which no fee is specifically indicated	\$50.00/hr
4. Additional plan review required by changes, additions or other revisions to plans	\$50.00/hr
5. For use of outside consultants for plan review and inspection or both	Actual costs
6. Copies of previously issued Certificate of Occupancy	\$10.00
7. Letter of code compliance	\$25.00"

(h) Section 108.3.1, Fees, is added, to read as follows:

"108.3.1 Underestimated Valuation. If, in the opinion of the Building Official, the valuation is underestimated on the application, the building valuation shall be determined by using the current edition of Building Safety Journal, Building Valuation Data, published periodically by the International Code Council. The regional modifier for the Town shall be 1.5."

(i) Section 108.5.1, Completion Deposit, is added, to read as follows:

"108.5.1 Completion Deposit. In addition to the building permit and plan review fees, a completion deposit shall be charged as follows:

<i>"Valuation</i>	<i>Deposit</i>
\$2,000 to 5,000	\$ 100.00
5,001 to 25,000	200.00
25,001 to 50,000	300.00
50,001 to 100,000	400.00
100,001 to 300,000	800.00
300,001 to 500,000	1,500.00
500,001 to 1,000,000	3,000.00
1,000,001 and above	6,000.00"

(j) Section 108.5.2, Occupancy, is added, to read as follows:

"108.5.2 Occupancy Assessment. In addition to the other fees set forth in this section, an occupancy assessment shall be charged in accordance with the following schedule, which shall be due and payable before the condition of the final inspection or before the issuance of the certificate of occupancy.

<i>"Type of Structure</i>	<i>Assessment Rate per SF of Floor Area*</i>
Residential	
Single-family & duplex to and including 4,000 SF	\$0.20
Single-family from 4,001 SF and larger	0.30
Multiple-family (excluding duplex) and public accommodations	0.75
Commercial (includes public accommodations)	.085
Air-supported structures (i.e., tennis bubbles, swimming pool covers and other similar devices which are held in place by injected air pressure)	0.15

"*This assessment will be imposed for new construction and all floor area added to existing construction. The measurement of floor areas for the purpose of this section shall be the same as measuring floor area for floor area ratio as defined in Chapter 16A of the Snowmass Village Municipal Code."

(k) Section 302.1.2 is added, to read as follows:

"302.1.2 Boilers & Furnaces in Group R Occupancies. Every room containing a boiler or central heating plant in Group R occupancies shall be separated from the rest of the building by not less than a one-hour fire barrier. The required one-hour fire barrier may be limited to the installation of materials approved for one-hour fire-resistive construction on the room side, and a self-closing, tight-fitting, solid wood door one-and-three-eighths (1³/₈) inches in thickness will be permitted in lieu of a one-hour fire assembly. The Building Official on good cause shown may modify this requirement."

(l) Section 505.6 is added, to read as follows:

"505.6 Lofts or Mezzanines in Residential Occupancies. Lofts shall meet the definition of a mezzanine.

"1. The loft area shall be equipped with an approved smoke detector wired into the building's electrical system.

"2. The Building Official may determine that a rescue or egress window is required.

"Exception: When it is not practical to install an egress or rescue window, fire sprinkler protection in compliance with NFPA Standard 13-R may be required.

"3. Portable fire extinguishers in compliance with NFPA Standard 10 shall be provided in all lofts. Portable fire extinguishers shall be mounted near the access to the loft and shall be visible.

"4. No enclosed area shall be used for sleeping unless it meets the requirements of this code for a sleeping room."

(m) Section 903.2 is amended to read as follows:

"903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section. Furthermore, in all occupancies except Group R-3 and Group U occupancies, an automatic sprinkler system shall be installed in all buildings over five thousand (5,000) square feet. For the purpose of this section, firewalls shall not define separate buildings."

(n) Section 907.2.8.1, Manual Fire Alarm System, is deleted and the following is added:

"907.2.8.1 Manual Fire Alarm System. Group R-1 occupancies shall be provided with an approved manual and automatic fire alarm system when two (2) or more stories in height or containing six (6) or more guest rooms. The system shall be monitored by an approved agency."

(o) Section 907.2.9, Group R-2, is deleted and the following is added:

"907.2.9 Group R-2. Group R-2 occupancies shall be provided with an approved manual and automatic fire alarm system when two (2) or more stories in height or containing six (6) or more guest rooms. The system shall be monitored by an approved agency."

(p) Section 1503.4, Roof Drainage, is amended as follows:

"1503.4 Roof Drainage. Design and installation of roof drainage systems shall comply with the International Plumbing Code. Roofs should be designed so that they do not shed ice and snow onto potentially occupied areas such as a walkway, stairway, driveway, road, alley, public way, deck, patio, greenhouse, skylight or other constructed area where there is potential for personal injury or property damage. When the roof, for practical reasons, has been designed in a manner that will allow for snow and ice to shed onto potentially occupied areas, there shall be designed by an architect or engineer, devices on the roof and overhangs to prevent the movement of ice or snow. This section shall not apply to R-3 occupancies."

(q) Section 1510.4.1, Reapplication of Wood Shakes or Shingles, is added, to read as follows:

"1510.4.1 Reapplication of Wood Shakes or Shingles. In all occupancy groups, reapplication of wood shakes or shingles over existing underlayment, in good condition, shall be done with a minimum Class C wood shake or shingle.

"Exception: The occasional replacement of individual shakes or shingles that have become damaged or broken."

(r) Section 1608.1.1, Snow load for the Town of Snowmass Village, is added, to read as follows:

"1608.1.1 Snow Load for the Town of Snowmass Village. Snow loads, full or unbalanced, shall be considered to be a minimum of seventy-five (75) pounds per square foot where such loading will result in larger members or connections."

(s) Section 1609.3, Basic Wind Speed, is amended as follows:

"1609.3 Basic Wind Speed. The minimum basic wind speed for any site within the limits of the Town shall be a minimum of seventy-five (75) miles per hour fastest mile or one hundred (100) miles per hour three-second gust. Exposure Type B shall be used in these calculations."

(t) In Section 1612.3, Establishment of Flood Hazard Areas, insert the following: "Town of Snowmass Village," dated 1987.

(u) Section 1805.2.1, subsection 1(a), is added to read as follows:

"1(a). The 'frost line' for the Town of Snowmass Village is defined as forty-two (42) inches below finished grade measured to the bottom of the footing."

(v) Section 2111.1.1, Number of Fireplaces, is added, to read as follows:

"2111.1.1 Maximum Number of Fireplaces or Stoves. The number of masonry or factory-built fireplaces or solid-fuel-burning stoves allowed is limited as follows:

"1. One (1) solid-fuel burner is permitted in each dwelling unit.

"Exception: In each single-family detached dwelling unit and in each unit in a duplex residence, a second solid-fuel-burning appliance may be added, provided that the appliance is approved by the Building and Planning Department and is nonpolluting as certified by the State.

"2. One (1) solid-fuel-burning appliance is permitted for each eight thousand (8,000) square feet of space available to

the public in motel, hotel and inn, lodge, bar, lounge, restaurant and conference facility.

"3. In any restaurant, bar or lounge not located within a motel, hotel, inn or lodge, one (1) solid-fuel-burning appliance is permitted."

(w) Section 2111.1.2, Minimum Requirements, is added, to read as follows:

"2111.1.2 Minimum Requirements. Masonry and factory-built fireplaces shall provide for the following before approval:

"1. All masonry and factory-built fireplaces shall be designed, constructed, tested and listed with glass or other non-combustible doors.

"2. All fireplaces shall be designed, manufactured or constructed with an outside combustion air source.

"3. All factory-built appliances shall be listed by a nationally recognized testing agency or listed in an ICC research report.

"For the purpose of determining the number of allowed fireplaces, a fireplace constructed to burn wood but with a gas log appliance installed shall be considered to be the one (1) allowed solid-fuel burner referred to in Section 2111.1.1.

"4. Gas fireplace appliances, gas log sets and gas fireplace inserts shall be installed in accordance with the International Mechanical Code and the International Fuel Gas Code.

"5. All wood stoves shall be non-polluting as certified by the State."

(x) Section 3104.3.1, Uncovered Pedestrian Walkway, is added, to read as follows:

"Section 3104.3.1 Uncovered Pedestrian Walkway. Uncovered exterior pedestrian walkways essentially on grade for the purpose of facilitating pedestrian traffic in other than Group R-3 occupancies shall be constructed and maintained to the following requirements:

"1. The incline of the slope shall not exceed one percent (1%).

"2. Surfaces of walks shall be roughened or of slip-resistant materials.

"3. Surfaces shall be contoured to provide drainage away from the walking surface."

(Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 10-1997 §11; Ord. 4-1998 §1; Ord. 21-2001 §1; Ord. 16-2003 §1)

Sec. 18-43. Copy of Building Code on file.

One (1) copy of the International Building Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Secs. 18-44—18-60. Reserved.

ARTICLE IV

Electrical Code

Sec. 18-61. Adoption.

The Town Council has adopted, by reference thereto, the National Electrical Code, 2002 Edition, published by the National Fire Protection

Association, Batterymarch Park, Massachusetts 02269, subject to the amendments herein. (Ord. 6-1992 §1; Ord. 16-2003 §1)

Sec. 18-62. Amendments.

(a) Section 80.19(E)1 is added, to read as follows:

"80.19(E)1 Permit Fees. Where this Article requires a permit, there shall be charged a permit fee as established pursuant to Section 24-34-105 of the C.R.S."

(b) Section 80.19(I) is added, to read as follows:

"80.19(I) Permit Required for Electrical Installations. It shall be unlawful for any person to do any electrical installation or to alter any existing electrical installation of any electric lights, motors, heating devices or appliances requiring the use of electric current without first applying for and securing an electrical permit from the Building Department."

(c) Section 210.8(A)9 is added, to read as follows:

"210.8(A)9. Plumbing Fixtures. Ground fault circuit protection shall be provided for all convenience receptacles within six (6) feet of all bathtubs, showers, sinks or lavatories within the same room."

(d) Section 210.8(B)4 is added, to read as follows:

"210.8(B)4. Plumbing Fixtures. Ground fault circuit protection shall be provided for all convenience receptacles within six (6) feet of all bathtubs, showers, sinks or lavatories within the same room."

(e) Section 210.52(G)1 is added, to read as follows:

"210.52(G)1. Spark-Producing and Electrical Heating Devices. Installation of all spark-producing devices and electrical heating devices in residential garages, repair shops or any area where heavier than air flammable vapors may be present shall be installed a minimum of eighteen (18) inches above the finished floor. In instances where the Electrical Code is more restrictive, the Code shall prevail."

(f) Section 334.12(A)10(a) is revised to read as follows:

"334.12(A)10(a). Where exposed in other than attics or crawl space areas."

(g) Section 338.10(B)4(c) is added, to read as follows:

"338.10(B)4(c). Type SE cable shall not be installed exposed in other than crawl space and attic areas."

(h) Section 340.12(9) is revised to read as follows:

"340.12(9). Where exposed in other than attic or crawl space areas."

(i) Section 310.14(A) is added, to read as follows:

"310.14(A). The installation of aluminum or copper-clad conductors #8AWG or smaller is prohibited."

(Ord. 6-1992 §1; Ord. 16-2003 §1)

Sec. 18-63. Copy of Electrical Code on file.

One (1) copy of the National Electrical Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Secs. 18-64—18-80. Reserved.

ARTICLE V

Mechanical Code

Sec. 18-81. Adoption.

The International Mechanical Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, in particular Chapters 1 through 15, inclusive, and Appendix Chapters A and B, is hereby adopted as the Mechanical Code of and for the Town. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-82. Amendments.

(a) Section 901.5 is added, to read as follows:

"901.5 Non-vented Appliances. Non-vented appliances are not allowed to be utilized indoors."

(b) Section 903.4, Vented Gas Log Heaters, is added, to read as follows:

"903.4 Vented Gas Log Heaters. All factory-built, vented decorative appliances shall comply with the provisions contained within this section.

"903.4.1 Appliances To Be Listed. All gas logs and gas fireplace appliances shall be listed by a recognized testing agency.

"903.4.2 Combustion Air. In all installations, adequate combustion air shall be provided as required by Chapter 7 of the IMC.

"903.4.3 Removal of Damper. In all cases, no damper may be placed within the gas flue. Retrofits of gas logs into existing fireplaces shall require that the damper be fully removed or maintained in a permanently open position, in a manner acceptable to the Building Official.

"903.4.4 Doors. Where glass doors are installed within a masonry fireplace or provided with a manufactured fireplace, outside combustion air shall be provided. If outside combustion air cannot be provided, adequate air volume from inside the room must be provided and the doors removed.

"903.4.5 Installation in Existing Masonry Fireplace. Installation of a gas log within an existing masonry fireplace shall require verification that the existing masonry or manufactured flue complies with the provisions of Chapter 9 of the IMC and that the firebox is properly constructed and has been properly maintained.

"903.4.6 Installation in Existing Manufactured Fireplace. Installation of a gas log within an existing manufactured fireplace shall require approval of the installation by the fireplace manufacturer. If the approval of the fireplace manufacturer cannot be obtained, due to cause beyond the control of the owner, approval of the installation must be obtained from a qualified person acceptable to the Building Official."

(c) Section 101.1 is amended as follows: insert "Town of Snowmass Village."

(d) The fees for mechanical work in Section 106.5.2, Fee Schedule, shall be as indicated in the following schedule:

"B101 MECHANICAL PERMIT FEES (other than gas piping fees)	
"B101.1 Initial fee for issuing each permit	\$20.00
"B101.2 Additional fees	
"B101.2.1 Fee for inspecting heating, ventilating, ductwork, air-conditioning, exhaust, venting, combustion air, pressure vessel, solar, fuel oil and refrigeration systems and appliance installations	\$25.00 for the first \$1,000.00 or fraction thereof of valuation of the installation plus \$19.00 for each additional \$1,000.00 or fraction thereof
"B101.2.2 Fee for inspecting repairs, alterations and additions to an existing system	\$35.00 plus \$19.00 for each \$1,000.00 or fraction thereof
"B101.2.3 Fee for inspecting boilers (based upon Btu input)	
33,000—165,000 Btu	\$15.00
165,001—330,000 Btu	\$20.00
330,001—1,165,000 Btu	\$25.00
1,165,001—3,300,000 Btu	\$40.00
Over 3,300,000 Btu	\$65.00

"B102 Fee for Reinspection. If it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of \$50.00.

"B103 Temporary Operation Inspection Fee. The contractor requesting such preliminary inspection shall pay, when preliminary

inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration or air conditioning system, or portion thereof, a fee of \$50.00. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee shall be charged for each subsequent preliminary inspection for such purpose.

"B104 Self-Contained Units Less Than Two Tons. In all buildings, except one- and two-family dwellings, where self-contained air conditioning units of less than two (2) tons are to be installed, the fee charged shall be that for the total cost of all units combined. (See B101.2.1 for rate)."

(e) Section 106.5.3 is amended as follows: insert "80%" in both locations.

(f) Section 108.4 is amended as follows: insert "misdemeanor, \$300.00" and "30 days," respectively, in the first sentence.

(g) Section 108.5 is amended as follows: insert "\$100.00" and "\$300.00," respectively, in the last sentence. (Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-83. Copy of Mechanical Code on file.

One (1) copy of the International Mechanical Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Secs. 18-84—18-100. Reserved.

ARTICLE VI

Plumbing Code

Sec. 18-101. Adoption.

The International Plumbing Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, in particular Chapters 1 through 13, inclusive and Appendix Chapters A, D, E and F, is hereby adopted as the Plumbing Code of and for the Town. (Ord. 6-1992 §1; Ord. 16-2003 §1)

Sec. 18-102. Amendments.

(a) Section 101.1 is amended as follows: insert "Town of Snowmass Village."

(b) Section 106.6.2 is amended as follows:

"106.6.2 Fee Schedule. The fees for all plumbing work shall be as indicated in the following schedule:

<i>"Plumbing Permit Fees</i>	
1. Permit issuance for issuing each permit	\$25.00
2. For issuing each supplemental permit	15.00
Unit Fee Schedule (in addition to items 1 and 2 above)	
For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow prevention)	9.00
For each building sewer	18.00
Rainwater systems – per drain (inside building)	9.00
For each private sewage disposal system	50.00

<i>"Plumbing Permit Fees (cont'd)</i>	
For each water heater and/or vent	\$ 9.00
For each installation, alteration or repair of water piping and/or water treating equipment, each	9.00
For each repair or alteration of drainage or vent piping, each fixture	9.00
For each lawn sprinkler system on any one meter, including backflow protection	9.00
For each backflow protective device other than atmospheric-type vacuum breakers:	
2-inch diameter and smaller	9.00
Over 2-inch diameter	18.00

<i>"Other Inspections and Fees</i>	
Inspections outside of normal business hours	\$50.00
Reinspection fees	50.00
Inspections for which no fee is specifically indicated	50.00
Additional plan review required by changes, additions, or revisions to approved plans, (min. charge)	50.00"

(c) Section 106.6.3 is amended as follows:

"Section 106.6.3 Fee Refunds. The code official shall authorize refunding of fees as follows:

"The full amount of any fee paid hereunder that was erroneously paid or collected.

"Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"Not more than eighty percent (80%) of the plan review fee when an application for a

permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended."

(d) Section 108.4 is amended as follows:

"Section 108.4 Violation and Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(e) Section 108.5 is amended as follows: insert "\$100.00" and "\$300.00," respectively, in the last sentence.

(f) Section 303.2.1 is added, to read as follows:

"303.2.1 Fire-Resistant Assemblies. In all construction where fire-resistant assemblies are specified, copper or ferrous piping shall be required.

"Exception: Approved plastic pipe may be used if all penetrations in fire-resistant assemblies are installed in copper or ferrous piping sleeves, adequately fire-caulked and approved by the Building Official."

(g) Section 305.6.1 is amended as follows:

"305.6.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of thirty (30)

inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-eight (48) inches below grade."

(h) Section 608, Protection of Potable Water Supply, is hereby deleted. The provisions of this section will be regulated by the Snowmass Water and Sanitation District.

(i) New Section 702.3.1 is added, to read as follows:

"702.3.1 Vitrified Clay Pipe. Vitrified clay pipe is not allowed."

(j) Section 705.15, Vitrified Clay, is deleted in its entirety.

(k) Section 904.1 is amended as follows:

"904.1 Roof Extensions. All open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof or six (6) inches above the anticipated snow accumulation and not less than twelve (12) inches from any vertical surface. Where a roof is to be used for any purpose other than weather protection, the vent extensions shall be installed at least seven (7) feet above the roof."

(l) Section 1003, Interceptors and Separators, is hereby deleted. The provisions of this section will be regulated by the Snowmass Water and Sanitation District. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-103. Copy of Plumbing Code on file.

One (1) copy of the International Plumbing Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Secs. 18-104—18-120. Reserved.

ARTICLE VII

Fire Code

Sec. 18-121. Adoption.

The International Fire Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, in particular Chapters 1 through 45, inclusive, and Appendix Chapters B, C, and D, is hereby adopted as the Fire Code of and for the Town. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-122. Amendments.

(a) Section 503.1.1 is amended as follows: replace "150 feet" with "100 feet."

(b) Section 503.2.1 is amended as follows: replace "20 feet" with "24 feet."

(c) Section 504.1.1 is added, to read as follows:

"504.1.1 Obstructions. The following provisions shall be considered to be obstructions to fire or rescue operations:

"1. When all exterior openings are not accessible by an aerial ladder or elevated platform from a fire access road.

"2. When all exterior openings are not accessible by hand ladders placed on a solid base at a safe climbing angle.

"3. When all exterior openings are in excess of one hundred (100) feet measured to the first story from a fire access road measured along the path of travel carrying a 35-foot extension ladder in the closed position. This path of travel must be over open ground with a grade not exceeding fifteen percent (15%) or over obstacles in excess of one (1) foot high or along walkways and stairways suitable for carrying the extension ladder.

"4. Walkways that are not maintained summer and winter."

(d) Section 508.5.1 is amended as follows: delete both Exceptions 1 and 2.

(e) Section 508.5.1.2 is added, to read as follows:

"508.5.1.2 Location. Fire hydrants shall be located within one hundred seventy-five (175) feet of the approach to any commercial, multi-family, public assembly or public building. Fire hydrants shall be located within four hundred (400) feet of the approach to any single-family or duplex dwelling unless otherwise approved by the Fire Chief. Fire hydrants shall be located a minimum distance of fifty (50) feet from any building served by the hydrant. The Fire Chief shall approve all new or relocated fire hydrants."

(f) Section 508.5.5 is amended as follows:

"508.5.5 Clear Space Around Hydrants. A three-foot clear space shall be maintained around the circumference of fire hydrants and, specifically, as follows:

"1. Fire hydrants located in parking areas must be accessible and protected. An access area ten (10) feet wide must be kept for the placement of the hydrant. The hydrant shall be located in the approximate center of the discharge located not less than three (3) feet above the surface of the parking lot. A six-inch elevated concrete curb or securely fastened solid wood curbing shall protect the hydrant.

"2. All fire access roads and arterial roads shall have fire hydrants placed on the high side. Hydrants shall be a minimum of ten (10) feet from the paved

surface. The center of the steamer connection shall face the roadway. Adequate clearance shall be maintained on all sides of the hydrant to permit utilization of all outlets without causing the hose to kink and to allow the use of a twenty-four-inch hydrant wrench to remove all caps and operate valve without removing wrench from cap or stem nut."

(g) Section 903.1.2 is added, to read as follows:

"903.1.2 Visual Alarm Signals. A visual signal shall be required wherever an audible alarm signal is required for an automatic fire alarm system. The visual signal shall meet the following requirements:

"1. Separate alarms are required for fire alarm and fire protection systems.

"2. The light used shall be of the strobe type, producing at least one million (1,000,000) effective candle power or incandescent flashing type which can be plainly seen for at least one thousand five hundred (1,500) feet in all directions of approach.

"3. Lights are to be red in color for fire protection systems equipped with a fire department connection and yellow in color for fire alarm systems.

"4. In systems with a fire department connection, the light is to be located at least twelve (12) feet above and as directly vertical to the fire department connection as possible. In systems without fire department connection, the light is to be located so as to be visible from the nearest street.

"5. The light shall not replace the audible alarm but is to be used in conjunction with it."

(h) Section 903.2 is amended as follows:

"903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section. An automatic fire extinguishing system shall be installed in all buildings greater than five thousand (5,000) square feet, except for Group R-3 and Group U occupancies. Firewalls shall not be considered to create separate buildings for the purpose of calculation of square footage."

(i) Section 905.9.1 is added, to read as follows:

"905.9.1 Water Flow. The activation of an electrically supervised switch on the water supply valve and wet stand pipes shall cause a signal to be transmitted to the monitoring agency but shall not cause the building alarm to be activated. The monitoring agency shall be instructed by the owner of the property to immediately notify the fire department of tampering with the water valve.

"Exception: Systems installed in conformance with NFPA Standard 13D."

(j) Section 907.2.8.1, Exception 1, is amended as follows:

"Exceptions:

"1. A manual fire alarm system is not required in buildings less than two (2) stories in height or containing six (6) or less guest rooms where all individual guest rooms and contiguous attic and crawl spaces are separated from each other and

public or common areas by at least one-hour fire partitions and each individual guestroom has an exit to a public way, exit court or yard."

(k) Section 907.2.9, item 1, is amended as follows:

"1. Any dwelling unit or sleeping unit is located two (2) or more stories above the lowest level of exit discharge;"

(l) Section 907.2.9, item 3, is amended as follows:

"3. The building contains more than six (6) dwelling units or sleeping units."

(Ord. 6-1992 §1; Ord. 2-1994 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-123. Copy of Fire Code on file.

One (1) copy of the International Fire Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 6-1992 §1; Ord. 4-1994 §1; Ord. 16-2003 §1)

Sec. 18-124. Fire Department administration.

The provisions of this Article are administered by the Fire Chief of the Fire Department pursuant to an intergovernmental agreement between the Town and the Snowmass/Wildcat Fire Protection District. (Ord. 4-1994 §1; Ord. 16-2003 §1)

Secs. 18-125—18-140. Reserved.

ARTICLE VIII

Emergency Alarms

Sec. 18-141. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Alarm means a signal from an alarm system indicating that an emergency exists requiring an immediate response by police, fire or emergency medical personnel.

Alarm business means the business by any person of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system in or on any building, structure or facility, or the business of monitoring such alarms.

Alarm system means any burglar, holdup, police, fire or other emergency alarm or device arranged to signal activity requiring the immediate response of police, fire and/or medical personnel.

Alarm user means the person in control of any building, structure or facility wherein an alarm system is maintained.

False alarm means an alarm signal, either silent or audible, eliciting a response from police, fire or emergency medical personnel when the emergency for which it was designed does not exist.

Public accommodation complex means a building or complex of buildings used as public accommodations for rental or lease of thirty (30) days or less and is two (2) or more stories in height or contains more than six (6) apartments, dwelling units or guest rooms. (Ord. 1-1989 §1; Ord. 24-1992 §1)

Sec. 18-142. Alarm user permit required.

(a) It shall be unlawful for any alarm user to operate an alarm system in the Town without a valid alarm user permit.

(b) An alarm user permit shall be obtained for each separate emergency alarm system from the Police Department prior to the use of the alarm system. These permits must be renewed annually, and a permit fee of thirty-five dollars (\$35.00) shall be paid to the Town before January 1 of each year. The permit year shall extend from January 1 to the following December 31. Permits not renewed by January 31 shall be considered delinquent and subject to a twenty-dollar late fee.

(c) The alarm user shall provide such information deemed necessary by the Police Department for the expeditious and safe response of emergency personnel and the timely and effective billing of false alarm service fees. This information shall include, but shall not be limited to, the following:

- (1) Name, address and telephone number of the alarm system user.
- (2) Name, address (physical and mailing) and telephone number of the person responsible for paying false alarm service fees.
- (3) Address and accurate directions to the alarm system location.
- (4) Purpose of alarm system.
- (5) Name of installing contractor.
- (6) Name and telephone number of two (2) or more responsible parties who would be available to access and secure the premises during any hour of the day or night in a timely manner if requested by the investigating officer.

(7) Name and telephone number of alarm monitoring center.

(d) The alarm user holder shall immediately notify the Police Department in writing of any changes in the information on file with the Town regarding the alarm user permit. (Ord. 1-1989 §1; Ord. 4-1994 §1; Ord. 27-2004 §1)

Sec. 18-143. Alarm system regulations.

(a) No alarm system which transmits only an exterior audible signal to the general public shall be permitted within the Town, except residential smoke detectors.

(b) Every audible alarm system, except a general fire alarm, shall be equipped with a device which automatically deactivates the alarm system not more than fifteen (15) minutes after the alarm is activated.

(c) No alarm system shall be installed or used which emits a sound which is similar to that of an emergency vehicle siren or public warning system siren.

(d) Alarm systems shall be equipped with electrical surge protection that will prevent alarm activation due to electrical surges, as well as a rechargeable battery power supply to prevent alarm activation due to failure or interruption of the primary electrical power source.

(e) An alarm system equipped with an automatic dialer shall not be programmed to automatically dial the Police, Fire or Sheriff's Departments, Combined Communications Center or any other public agency unless given specific approval to do so by the Chief of Police.

(f) All residential alarm system users shall be required to display the house address number so that it is visible and discernable from the street at all times of the year. (Ord. 1-1989 §1; Ord. 18-1989 §1; Ord. 4-1994 §1)

Sec. 18-144. Instructions as to the operation of alarm systems.

It shall be the responsibility of the alarm user permit holder to instruct and reinstruct his or her agents, employees or occupants of rental properties in the proper use and operation of the alarm procedure in avoiding a false alarm charge. Fire alarm systems are not to be silenced or reset unless authorized to do so by the Fire Department. (Ord. 1-1989 §1)

Sec. 18-145. False alarm service fees and penalties.

(a) The alarm user permit holder is subject to the following service fees for all false alarms occurring within a calendar year:

Residential and Commercial Facilities:
 0 through 3 false alarms - no fee
 4 through 7 false alarms - \$50 per alarm

Public Accommodation Complexes:
 0 through 5 false alarms - no fee
 6 through 9 false alarms - \$50 per alarm

The eighth false alarm for a commercial or residential facility and the tenth false alarm for a public accommodation complex shall be deemed a failure to comply with the proper maintenance or operation of a trouble free alarm and a violation of this Article. The permittee shall be charged three hundred dollars (\$300.00) for this and each false alarm thereafter, and the permittee may be required to meet with the Chief of Police and the alarm contractor to determine the cause of the problem and discuss possible solutions.

(b) No false alarm shall be counted under the provisions of this Section which occurs within thirty (30) days after the installation of the system.

(c) All false alarm service fees shall be paid to the Town within fifteen (15) days from

the date of billing by the Town. The Town shall notify the permittee of each false alarm in writing addressed to the permittee shown on the permit application.

(d) Fees paid to the Town pursuant to this Section shall be allocated to the cost of operation of the Police Department. (Ord. 1-1989 §1; Ord. 24-1992 §1; Ord. 4-1994 §1)

Sec. 18-146. Noncompliance deemed unlawful and a public nuisance.

Any alarm system or device which does not comply with the provisions of this Article is unlawful and a public nuisance and shall be abated as such. (Ord. 1-1989 §1)

Sec. 18-147. Appeals.

(a) The Town Manager is authorized to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm, as determined by the investigating officer at the scene of such alarm.

(b) Upon receipt of any false alarm report from the Town, the alarm user shall have ten (10) days to request in writing a hearing.

(c) At the hearing, the user shall have the right to present evidence and testimony.

(d) The Town Manager shall make written findings available to the alarm user and Chief of Police within ten (10) days from the date the hearing is concluded.

(e) A false alarm penalty may be waived by the Town Manager prior to the appeal process if the alarm signal was caused by extraordinary circumstances, such as a telephone line problem, which were beyond the control of the alarm user. (Ord. 1-1989 §1; Ord. 18-1989 §1; Ord. 4-1994 §1)

Secs. 18-148—18-170. Reserved.

ARTICLE IX

Flood Damage Prevention

Sec. 18-171. Findings.

(a) The flood hazard areas of the Town, are subject to periodic inundation which results in health and safety hazards, disruption of commerce and governmental services, public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) The flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) Periodic mud and rock slides within the Town caused by the cumulative effect of weather and topography are certainly hazards for public health, safety and general welfare. (Ord. 19-1986)

Sec. 18-172. Compliance.

(a) No development or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations.

(b) This Article shall apply to all areas of special flood hazards within the jurisdiction of the Town.

(c) The new development of any building, temporary or permanent (including mobile homes), is prohibited in an area of special flood hazard. This provision is not subject to the variance process established in Section 18-176 below. (Ord. 19-1986)

Sec. 18-173. Disclaimer of liability.

The degree of flood and slide protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 19-1986)

Sec. 18-174. Definitions.

Unless specifically defined below, words or phrases used in this exhibit shall be interpreted so as to give them the meaning they have in common usage and to give this exhibit its most reasonable application.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Snowmass Village, Colorado," dated June 4, 1987, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this Article. The Flood Insurance Study and FIRM are on file at the Town Planning Department

Base flood means the flood having a one-percent chance of being equalled or exceeded in any given year.

Building means any structure, permanent or temporary (including manufactured homes) built or located for the shelter or enclosure of persons, animals, chattels or property of any kind.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings, bridges, culverts or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters, and/or (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood elevation without cumulatively increasing the water surface elevation more than one (1) foot.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

New construction means structures for which the "start of construction" commences on or after the effective date of the ordinance codified herein.

Start of construction includes substantial improvements, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piers, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Substantial improvement means any repair, reconstruction or improvement of a development, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (a) before the

improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions. (Ord. 19-1986; Ord. 4-1987)

Sec. 18-175. Administration.

(a) The Planning Director is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

(b) Duties of the Planning Director shall include, but not be limited to:

- (1) Permit review:
 - a. Review of all development permits to determine that the permit requirements of this Article have been satisfied.
 - b. Review of all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.
 - c. Review of all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 18-177(b)(3) are met.

(2) Base flood data: The Planning Director shall obtain, review and reasonably utilize base flood elevation data as described in Section 18-174 in order to administer Section 18-177(b)(1), residential construction; and Section 18-177(b)(2), nonresidential construction.

(3) Information to be obtained and maintained by the Planning Director shall include:

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved development.

b. For all new or substantially improved floodproofed development:

1. Verify and record the actual elevation (in relation to mean sea level to which the development has been floodproofed); and

2. Maintain the floodproofing certification required in Subsection (5)(c) below.

c. Maintain for public inspection all records pertaining to the provisions of this Article.

(4) Alterations of watercourses:

a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18-177(b). Application for a development permit shall be made on forms furnished by the Planning Director and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed development, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all development;

b. Elevation in relation to mean sea level to which any development has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential development meet the floodproofing criteria in Section 18-177(b)(2); and

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 19-1986; Ord. 10-1997 §12)

Sec. 18-176. Variance procedure.

(a) The Planning Commission shall hear and decide requests for variances from the requirements of this Article.

(b) In passing upon an application for a variance, the Planning Commission shall consider all technical evaluations, all relevant factors, other standards specified in other sections of this Article and all of the following:

(1) The damage that materials may be swept onto other lands to the injury of others;

(2) The danger to property due to flooding or erosion damage;

(3) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed development to the community;

(5) The necessity to the development of a waterfront location, where applicable;

(6) The availability of alternative locations, for the proposed development which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed development with the existing and anticipated development;

(8) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area;

(9) The safety or access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) The estimated costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

The Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

(c) Conditions for variances.

(1) The variance will not increase flood levels during the base flood discharge;

(2) The variance is the minimum necessary to afford relief, considering the flood hazard;

(3) The applicant has made a showing of good and sufficient cause for granting a variance;

(4) Failure to grant the variance would result in exceptional hardship to the applicant; and

(5) The granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection (a)(3) above or conflict with existing local laws or ordinances.

(d) The Town Council shall hear and decide appeals when it is alleged there is an error in any decision or determination made by the Planning Director in the enforcement or administration of this Article or the denial of a variance by the Planning Commission.

(e) The Planning Director shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency. (Ord. 19-1986; Ord. 4-1994 §1; Ord. 10-1997 §12)

Sec. 18-177. Provisions for flood hazard reduction.

(a) In all areas of special flood hazards the following standards are required:

(1) Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement.

(2) Construction materials and methods:

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities:

a. All new and replacement water supply systems shall be designed to

minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals:

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development in close proximity to a watercourse.

(b) In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18-175(b)(2), above, the following provisions are required:

(1) Residential construction: Substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Nonresidential construction: New construction and substantial improvement shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to passage of water. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design methods of construction are in accordance with accepted standards of practice.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a registered professional engineer or architect that the standards of this Subsection are satisfied. Such certification shall be provided to the Planning Director.

(3) Floodways. Located within areas of special flood hazard established in Section 18-174(1) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. If Subsection (3)(a) above is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 18-177 above. (Ord. 19-1986; Ord. 4-1987; Ord. 10-1997 §12)

Secs. 18-178—18-190. Reserved.

ARTICLE X

Fuel Gas Code

Sec. 18-191. Adoption.

The International Fuel Gas Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, in particular Chapters 1 through 7, inclusive, and Appendix Chapters A, B, C and D, is hereby adopted as the Fuel Gas Code of and for the Town. (Ord. 16-2003 §1)

Sec. 18-192. Amendments.

(a) Section 101.1 is amended as follows: insert "Town of Snowmass Village."

(b) The fees for work listed in Section 106.5.2, Fee Schedule, shall be as indicated in the following schedule:

"FUEL GAS PIPING PERMIT FEES (also see Mechanical Code)	
"Unit fee schedule	
"For each appliance or piece of equipment regulated by this code but not classed in other appliance or fee categories, or for which no other fee is listed in this code	\$15.00
"For each gas piping system of one to four outlets	9.00
"For each gas piping system of five or more outlets, per outlet	3.00"

(c) Section 501.8(8) is hereby deleted.

(d) Section 620, Unvented Room Heaters, is hereby deleted.

(e) Section 625, Gas-Fired Toilets, is hereby deleted. (Ord. 16-2003 §1)

Sec. 18-193. Copy of Fuel Gas Code on file.

One (1) copy of the International Fuel Gas Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 16-2003 §1)

Secs. 18-194—18-220. Reserved.

ARTICLE XI

Energy Conservation Code

Sec. 18-221. Adoption.

The International Energy Conservation Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, in particular Chapters 1 through 8, inclusive, and the Appendix Chapter, is hereby adopted as the Energy Conservation Code of and for the Town. (Ord. 16-2003 §1)

Sec. 18-222. Amendments.

Section 302.1, Exterior Design Conditions, is amended to read as follows:

"302.1 Exterior Design Conditions. The following design parameters in Table 302.1 shall be used for calculations required under this code.

"TABLE 302.1 Exterior Design Conditions	
<i>Condition</i>	<i>Value</i>
Winter, Design Dry-bulb	-15 Degrees F
Summer, Design Dry-bulb	88 Degrees F
Summer, Design Wet-bulb	62 Degrees F
Degree days heating	8850
Degree days cooling	525
Climate zone	17"

(Ord. 16-2003 §1)

Sec. 18-223. Copy of Energy Conservation Code on file.

One (1) copy of the International Energy Conservation Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 16-2003 §1)

Secs. 18-224—18-240. Reserved.

ARTICLE XII

Residential Building Code

Sec. 18-241. Adoption.

The International Residential Code, 2003 Edition, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and in particular Chapters 1 through 35, inclusive, and Appendix Chapters G, H, J and K, is hereby adopted as the Residential Code of and for the Town. (Ord. 16-2003 §1)

Sec. 18-242. Amendments.

(a) Design Criteria. Table R301.2(1) of the International Residential Code is amended to read as follows:

"TABLE R301.2(1) Climatic and Geographic Design Criteria							
Roof Snow Load	Wind Speed*	Seismic Design Category	Subject to Damage From				Winter Design Temp
			Weathering	Frost Depth	Termite	Decay	
75 PSF	75 MPH	C	Severe	42"	Slight to Moderate	None to Slight	-15 F

* Fastest Mile Wind Speed"

(b) Section R315.1, Handrails, is amended to read as follows:

"R315.1 Handrails. Handrails having minimum and maximum heights of 34 inches and 38 inches, respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways. All required handrails shall be continuous the full length of the stairs with four or more risers from a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half (1½) inches between the wall and the handrail."

(c) Section R1003.1, General, is amended to read as follows:

"R1003.1 General. Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4 of this code and subject to the restrictions of Chapter 18, Article V of the Town of Snowmass Village Municipal Code."

(d) Section R1004.1, General, is amended to read as follows:

"R1004.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL 127 and be subject to the restrictions of Chapter 18, Article V of the Town of Snowmass Village Municipal Code."

(e) Section G2443, Unvented Room Heaters, is deleted in its entirety.

(f) Section P2903.9.3, Valve Requirements, is amended to read as follows:

"P2903.9.3 Valve Requirements. Valves serving individual fixtures, appliances, risers and branches shall be provided with access. An individual shutoff valve shall be required on the water supply to each such fixture or appliance."

(g) Section P3103.1, Roof Extension, is amended to read as follows:

"P3103.1 Roof Extension. All open vent pipes which extend through a roof shall be terminated at least six (6) inches above the roof or six (6) inches above the anticipated snow accumulation and not less than twelve (12) inches from any vertical surface. Where a roof is to be used for any purpose other than weather protection, the vent extensions shall be installed at least seven (7) feet above the roof."

(h) Section E3301.4, Conflicts, is added, to read as follows:

"E3301.4 Conflicts. Whenever, for any reason, there is a conflict between this code and the National Electrical Code, the provisions of the National Electrical Code shall govern."

(Ord. 16-2003 §1)

Sec. 18-243. Copy of Residential Code on file.

One (1) copy of the International Residential Code as adopted herein will be filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 16-2003 §1)

Secs. 18-244—18-260. Reserved.

ARTICLE XIII

Outdoor Lighting

Sec. 18-261. Applicability.

The lighting standards of this Article shall be applicable to all outdoor lighting within the Town. Existing outdoor lighting shall be considered "legal nonconforming" lighting for

eighteen (18) months from the adoption date of the ordinance codified herein. Lighting that falls into this category and has not been brought into conformance with this Article after eighteen (18) months shall be considered a violation of the ordinance codified herein, and such lighting shall be retrofitted to comply, replaced with a compliant fixture or removed, upon investigation and findings of the Building Official. (Ord. 18-2003 §2)

Sec. 18-262. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Fixture height means the height of the fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light-emitting part of the fixture.

Foot-candles means a unit of illumination of a surface that is equal to one (1) lumen per square foot. For the purposes of these regulations, foot-candles shall be measured at a height of three (3) feet above finished grade.

Fully shielded light means light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform to the definition.

High intensity discharge light source (HID) means light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium and other similar types which are developed in accordance with accepted industry standards.

Offsite light emission means the shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Point light source means the exact place from which illumination is produced, as in a light bulb filament or discharge capsule. (Ord. 18-2003 §2)

Sec. 18-263. Lighting plans.

An outdoor lighting plan shall be submitted in conjunction with applications for subdivision, planned unit development, development within any environmentally sensitive area, special review application and building permit applications for residential, commercial or multi-family buildings. Such lighting plans shall be subject to establishment and approval through the applicable review processes. Said lighting plan shall show the following:

- (1) The location and height of above-grade light fixtures;
- (2) The type (incandescent, halogen, fluorescent, etc.) and luminous intensity of each light source;
- (3) The type of fixture (floodlight, full-cutoff, lantern, recessed, coach light, bollard, pole, etc.);
- (4) Estimates for site illumination resulting from the lighting, measured in foot-candles, including minimum, maximum and average illumination;
- (5) Other information deemed necessary by the Building Official to document compliance with the provisions of this Article. (Ord. 18-2003 §2)

Sec. 18-264. Commercial and multi-family lighting standards.

The following lighting standards shall be applicable to all nonresidential properties, including mixed uses such as condominiums and apartments:

(1) Outdoor lighting used to illuminate parking spaces, exterior dining areas, drive-ways, maneuvering areas or buildings shall conform to the definition for "fully shielded light fixtures" and be designed, arranged and screened so that the point of light source is not visible from adjoining lots or streets. No portion of the bulb or lamp may be visible beyond a distance equal to or greater than twice the mounting height of the fixture. The light level shall not exceed fifteen (15) foot-candles as measured three (3) feet above finished grade. Exemptions may be requested for areas with high commercial, pedestrian or vehicular activity up to a maximum of twenty-five (25) foot-candles. Exemptions or consideration may be made for lighting when located on slopes greater than thirty percent (30%) in order to achieve compliance with this Section.

(2) Outdoor lighting shall be twelve (12) feet or less in height unless it meets one (1) or more of the following criteria:

- a. Fully shielded with a nonadjustable mounting;
- b. Lighting for parking and vehicle circulation areas in which case heights up to a maximum of twenty (20) feet may be allowed;
- c. Building-mounted lighting directed back at a sign or building façade;
- d. Lighting on above-grade decks or balconies, which shall be fully shielded.

(3) All light sources, which are not fully shielded, shall use other than a clear lens material as the primary lens material to enclose the light bulb to minimize glare from that point light source. Exceptions may be allowed where there is a demonstrated benefit for the community determined through the exemption process listed in this Section.

(4) High intensity discharge (HID) light sources are allowed with a maximum wattage of one hundred seventy-five (175) for high-pressure sodium and one hundred seventy-five (175) for metal halide. Standards for other HID light sources may be established by the Town for new technology consistent with the above restrictions. Compact fluorescent lamps shall not exceed nine (9) watts.

(5) Pole-mounted fixture spacing for security and parking lot light fixtures shall be no less than seventy-five (75) feet. Fully shielded decorative fixtures are allowed to maintain fifty-foot fixture spacing. Wall-mounted fixture spacing for security lighting shall be no less than fifty (50) feet measured horizontally. Decorative fixtures directed back toward a building face shall be exempt from this spacing requirement when fully shielded and shall not exceed one hundred (100) watts. Decorative fixtures that are not fully shielded shall maintain a minimum spacing of twenty-five (25) feet and shall not exceed one hundred (100) watts. Where security lighting is a combination of pole- and wall-mounted fixtures, minimum spacing shall be seventy-five (75) feet.

(6) Pole-mounted fixtures shall be limited to two (2) light sources per pole.

(7) Mixed use areas that include residential occupancies shall comply with the residential standards on those floors or areas that are more than fifty percent (50%) residential based on square footage of uses.

(8) Uplighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs or year-round tree canopies which can functionally contain or limit illumination of the sky. In these cases, the fixture spacing is limited to one (1) fixture per one hundred fifty (150) square feet of area and total lamp wattage within a fixture of thirty-five (35) watts.

(9) Uplighting of flags is permitted with a limit of two (2) fixtures per flagpole with a maximum of one hundred fifty (150) watts each. The fixtures must be shielded such that the point source is not visible outside of a fifteen-foot radius.

(10) Outdoor vending, such as gas stations, require approval for lighting. Lighting shall not exceed a maximum of twenty (20) foot-candles under the canopy. (Ord. 18-2003 §2)

Sec. 18-265. Sign lighting.

In addition to the provisions of Section 18-264, the following provisions shall further regulate lighting of signs:

(1) Sign illumination shall not exceed seventy (75) foot-candles as measured at the brightest point on the sign face.

(2) Only lighting that conforms with the Residential Lighting Standards shall illuminate signs in residential neighborhoods and zone districts.

(3) Illuminated signs, equal to or larger than twenty (20) square feet in size shall be turned off no later than 11:00 p.m. or one-half (½) hour after the use to which it is appurtenant is closed, whichever is later. (Ord. 18-2003 §2)

Sec. 18-266. Residential single-family lighting standards.

The following lighting standards shall be applicable to residential properties, including single-family dwellings, duplexes and town-homes.

(1) Outdoor lighting shall be twelve (12) feet or less in height unless it meets one (1) or more of the following criteria:

- a. Fully shielded with a nonadjustable mounting;
- b. Lighting for parking and vehicle circulation areas in which case heights up to a maximum of twenty (20) feet may be allowed;
- c. Building-mounted lighting directed back at a sign or building façade;
- d. Lighting on above-grade decks or balconies, which shall be fully shielded.

(2) No exterior light source shall exceed a rating of sixty (60) watts. Outdoor lighting with HID light sources in excess of fifty (50) watts shall be prohibited. In addition, incandescent light sources including halogen shall not exceed sixty (60) watts. Compact fluorescent lamps shall not exceed nine (9) watts.

(3) All clear-lensed light point sources shall be shielded. All light sources that are not fully shielded shall use other than a clear lens material as the primary lens material to enclose the light bulb to minimize glare from a point source.

(4) Landscape lighting is limited to thirty-five (35) watts per fixture per one hundred fifty (150) square feet of landscaped area. Uplighting is prohibited as a landscaping element.

(5) Security lights shall be restricted as follows:

- a. The point light source shall not be visible from adjoining lots or streets.
- b. Floodlights must be controlled by a switch or preferably a motion sensor activated only by motion within the owner's property.
- c. Timer- or photocell-controlled floodlights shall be prohibited.
- d. Photocell lights shall be allowed under the following circumstances:
 - 1. At primary points of entrance or in critical common areas and multi-family properties;
 - 2. Where the light sources are fully shielded by opaque material;
 - 3. The light source is fluorescent or compact fluorescent to eliminate excess consumption of electricity.
- e. Lights must be fully shielded, down-directed and screened from adjacent properties in a manner that limits light trespass to 0.1 foot-candle as measured at the property line.
- f. Light intensity shall not exceed ten (10) foot-candles measured three (3) feet above grade.
- g. No light fixture shall be greater than twelve (12) feet in height, except pole- or building-mounted, fully shielded and downward-directed lights using a light source of not more than fifty (50) watts.

(6) Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.

(7) Offsite light emission at property lines shall not exceed one-tenth (0.1) foot-candle as measured at the brightest point. (Ord. 18-2003 §2)

Sec. 18-267. Street lighting standards.

All new lighting illuminating public right-of-ways and easements or private streets shall conform to the following standards: streetlight fixtures shall be approved jointly by the Planning and Public Works Departments and shall comply with the guidelines of the ordinance codified herein. (Ord. 18-2003 §2)

Sec. 18-268. Exemptions.

The following types of lighting installations shall be exempt from the provisions, requirements and review standards of this Section, including those requirements pertaining to land use review:

(1) Holiday lighting. Winter holiday lighting which is temporary in nature and which is illuminated only during ski season shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous glare conditions on adjacent streets or properties, is maintained in an attractive condition and does not constitute a dangerous situation or fire hazard.

a. Residential guidelines. In order to limit holiday lighting density in residential areas, no more than one-third ($\frac{1}{3}$) of a property's open space shall have holiday lighting. In addition, holiday lighting shall be extinguished, either automatically or manually, no later than 11:00 p.m.

b. Commercial guidelines. All holiday lighting in commercial areas shall be extinguished, either automatically or manually, no later than 2:30 a.m.

(2) Municipal lighting. Municipal lighting installed for the benefit of public health, safety and welfare, including but not limited to, traffic control devices, existing streetlights, special event lighting and construction lighting. Any Town project built after January 15, 2004, shall comply with the ordinance codified herein.

(3) Temporary lighting. Any person may submit a written request to the Building Official for a temporary exemption request. If approved, the exemption shall be valid for not more than fourteen (14) days from the date of issuance of a written and signed statement of approval. The Building Official may approve an additional fourteen-day temporary exemption. The Building Official shall have the authority to refer an application for a temporary exemption to the Planning Commission if deemed appropriate. A temporary exemption request shall contain the following minimum information:

- a. Specific exemption or exemptions requested;
- b. Type, use and purpose of lighting fixtures involved;
- c. Duration of time requested for exemption;
- d. Type of lamp including wattage;
- e. Proposed location on property;
- f. Previous exemptions if applicable;
- g. Other information deemed necessary by the Building Official.

(4) Decorative lighting elements. Decorative lighting such as shades with perforated patterns and opaque diffusers may be exempted from the fully shielded requirement, provided that the lighting does not exceed fifty (50) watts.

(5) Community benefit. If a proposed lighting plan or fixture layout does not meet the requirements of this Article but has demonstrated a community benefit, an exemption may be considered. The applicant shall submit additional information to adequately assess the community benefit for approval by the Building Official. (Ord. 18-2003 §2)

Sec. 18-269. Prohibitions.

The following types of exterior lighting sources, fixtures and installations shall be prohibited in the Town:

(1) Light sources shall not be affixed to the top of a roof, except where required by the Building Code.

(2) Lighting for the purpose of illuminating a building façade shall be prohibited when such lighting is mounted to the ground, elevated on poles or mounted on adjoining or adjacent structures.

(3) Blinking, flashing, moving, revolving, scintillating, flickering, intensity changing, color changing and internally illuminated signs shall be prohibited, except for temporary holiday displays, lighting for public safety or traffic control or lighting required by the FAA for air traffic control and warning purposes.

(4) Mercury vapor and low-pressure sodium lighting shall be prohibited.

(5) Linear lighting (including neon and fluorescent) primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement shall be prohibited.

(6) Unshielded floodlights and timer-controlled floodlights shall be prohibited.

(7) No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares. The following is prohibited:

a. Any fixed light not designed for roadway illumination that produces direct light or glare that could be disturbing to the operator of a motor vehicle.

b. Any light that may be confused with or construed as a traffic control device except as authorized by state, federal or local government.

(8) No beacon or searchlight shall be installed, illuminated or maintained.

(9) Uplighting is prohibited, except as otherwise provided in this Section. (Ord. 18-2003 §2)

Sec. 18-270. Nonconforming lighting.

Unless otherwise specified within this Article, within eighteen (18) months of the effective date of the ordinance codified herein, all outdoor lighting fixtures that do not conform to the requirements of this Article must be removed, replaced with conforming fixtures or retrofitted to comply to the extent practical as determined by the Building Official. Violations shall be corrected within sixty (60) days after being notified in writing by the Building Official. (Ord. 18-2003 §2)

Sec. 18-271. Review standards.

Exterior lighting plans shall conform to the following design review standards:

(1) Height. Outdoor residential and commercial lighting shall be twelve (12) feet or less above grade in height. Special review by the Planning Commission may allow lighting of a greater height under the following circumstances:

a. A fixture of greater height is required due to safety, building design or extenuating circumstances, in which case the light shall be fully shielded with a nonadjustable mounting;

b. Lighting for commercial parking and vehicle circulation areas may have a maximum height of twenty (20) feet above grade and shall be fully shielded;

c. Lighting on above-grade decks or balconies, which are fully shielded.

(2) Foot-candles. Outdoor nonresidential, sign and residential lighting shall not exceed the maximum foot-candles designated in their respective sections. Special review by the Planning Commission may allow lighting of greater intensity under the following circumstances:

a. A fixture of greater light intensity is required due to safety, building design or extenuating circumstances, in which case the light shall be fully shielded with a nonadjustable mounting;

b. An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a nonadjustable mounting. (Ord. 18-2003 §2)

Sec. 18-272. Procedures.

Lighting plans and proposals shall be submitted as follows:

(1) Lighting plans submitted in conjunction with applications for subdivisions, planned unit developments, developments within environmentally sensitive areas or special review applications shall be reviewed by the Planning Commission.

(2) Lighting plans submitted as a part of a building permit application for a commercial or residential structure shall be reviewed by the Building Official. The Building Official shall have the authority to refer an application to the Planning Commission.

(3) Any appeals related to decisions regarding outdoor lighting shall be made to the Town Manager. (Ord. 18-2003 §2)

Secs. 18-273—18-290. Reserved.

