

**TOWN OF SILT
ORDINANCE NO. 5
SERIES 2023**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO (“TOWN”), REPEALING AND REPLACING TITLE 15, IN IT’S ENTIRETY OF THE CODE RELATED TO BUILDING AND THE ADOPTION OF AND AMENDMENTS TO THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL FIRE CODE, 2015 INTERNATIONAL FUEL GAS CODE AND 2018 INTERNATIONAL ENERGY CONSERVATION CODE.

WHEREAS, pursuant to Colorado Revised Statute (“C.R.S.”) Section 31-15-103, the Board of Trustees (“Board”) of the Town has the authority to make and publish ordinances necessary and proper to provide for the safety, health, prosperity and order of the Town; and

WHEREAS, Section 1-6 of the Town of Silt Home Rule Charter provides that the Board of Trustees is empowered to enact ordinances; and

WHEREAS, Section 1-11 of the Town of Silt Home Rule Charter provides for the adoption of codes by reference; and

WHEREAS, Colorado House Bill 22-1362 requires all building codes statewide to be updated to the 2018 Edition of the International Energy Conservation Code; and

WHEREAS, the Silt Board of Trustees finds that it is necessary to adopt and amend the current 2015 adoptions, new 2018 International Energy Conservation Code, and Title 15 revisions, to be applied throughout the Town of Silt, providing for administration, enforcement, appeals, penalties for violation of the provisions of this code; and

WHEREAS, the Town held two public meetings in order to introduce the new codes and provide opportunities for interested parties to give input regarding adoption of and amendment to the new codes; and

WHEREAS, the Board of Trustees hereby authorizes the building official and/or designee(s) to administer and enforce these codes; and

WHEREAS, such adoptions of new codes are necessary and proper to protect and promote the safety, health, prosperity and order of the Town.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:

SECTION 1.

The Town Code is hereby amended as shown in **Exhibit A**, which is attached to and incorporated into this Ordinance by reference.

SECTION 2.

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

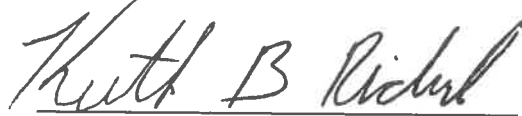
SECTION 3.

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing, this 8th day of May 2023, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

PASSED, APPROVED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED, this 22nd day of May 2023.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

Title 15

BUILDINGS AND CONSTRUCTION

Chapter 15.02 ADOPTION AND AMENDMENTS OF BUILDING CODES

15.02.010 2015 International Building Code (IBC) adopted.

- A. For purposes of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the town, pursuant to the authority conferred by Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the Colorado Revised Statutes ("C.R.S."), the town has adopted by reference as its building code the 2015 International Building Code.
- B. 2015 International Building Code Appendices adopted.

Appendix	Title
Appendix B	Board of Appeals
Appendix G	Flood Resistant Construction
Appendix H	Signs
Appendix I	Patio Covers
Appendix J	Grading

- C. Only the appendices contained within these chapters, as specifically listed herein, are adopted.
- D. All International Building Code Standards, which are referred to in the various parts of the International Building Code, as adopted in this section, are hereby adopted.
- E. Any person, firm or corporation violating any of the provisions of the International Codes, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with Title 1 of the Silt Municipal Code.
- F. Unless indicated otherwise, all references in the Municipal Code to the International Building Codes shall be deemed to include the International Building Code, the International Building Code Appendices and the International Building Code Standards as referred to in this title and as adopted in this section.
- G. The commentary to the 2015 International Building Code and the 2015 International Building Code Application Guides, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 are hereby adopted as enforcement guides.
- H. If the provisions of the International Building Code, as adopted in this article, conflict with any other provisions of the municipal code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

15.02.020 Amendments to the adoption of the 2015 International Building Code (IBC).

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Appendix B and Section 113 IBC

Amended to state that the Board of Trustees will be the governing Board of Appeals.

B. Appendix H

All signs require an approved permit, prior to installation. Permit applications will be reviewed for Silt Municipal Code compliance, as well as any pertinent requirements that the Building Official or designee determine is relevant from Appendix H.

C. Appendix J

Whichever provision is more restrictive, between Appendix J and the Silt Municipal Code, will be applicable.

D. Energy Code (101.4.6 IBC)

The Town has adopted the 2018 Energy Code, therefore any references to energy requirements in the 2015 IBC, will be irrelevant and the 2018 IECC will be referenced for code compliance.

E. Flood Hazard (101.10.1 IBC)

Whichever is more restrictive of 101.10.1 IBC, Section 1612 IBC or Silt Municipal Code Section 15.16 will be applicable.

F. Permits (Section 105 IBC)

The Board of Trustees, Town Building Official or designee will evaluate and determine work exempt from permits, on an annual basis, within the confines of the ICC Code adoptions. All other permit requirements, or the more restrictive of, in the Silt Municipal Code and ICC adoptions will be applicable.

G. Construction Document Submittal (Section 107 IBC)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee have the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

H. Established Fees (Section 109 IBC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

I. Inspections (Section 110 IBC)

Inspections are to include, but are not limited to, the provisions of Section 110 IBC. The Building Official or designee may add additional inspections on the Inspection Record card, or request additional inspections during construction.

J. Detached Building (Section 202 IBC)

A detached building will need to meet a minimum 5-foot fire separation from any other structures. The occupancy of all structures will be a determining factor in final fire separation requirements. The building official or designee will make the final decision on minimum fire separation.

K. Climatic and geographic design criteria (Table R301.2(1)).

The following local amendments are hereby added to IRC Table R301.2(1):

Ground Snow Load (e)	Wind Design	Subject to Damage From						Winter Design Temp (f)	Ice Barrier Underlayment Required (i)	Firm Flood Hazards (h)	Air Freezing Index (j)	Mean Annual Temp (k)
		Speed(d) mph	Topographic Effects (k)	Special Wind Region (l)	Seismic Design Category (g)	Weathering (a)	Frost Line Depth (b)					
40 psf	90 mph	No	1500	C	Severe	36"	Slight/mod	0° F	Yes	5-31-2005	2000	48F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible" "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.

d. The jurisdiction shall fill in this part of the table with "moderate to severe," "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.

e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2 (4)]. Wind exposure category shall be determined on a site-specific basis in accordance with R301.2.1.4.

f. The outdoor design dry-bulb temperature shall be selected from the columns of 97½ percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood insurance Program date of adoption of the first code or ordinance for management of flood hazard areas, (b) the date(s) of the currently effective FIRM or RBRM, or other flood hazard map adopted by the community, as may be amended.

i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3, and R905.8.3, for areas where the average daily temperature in January is 25°F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value of the National Climatic Data Center data table "Air Freezing Index—USA Method (Base 32°F)" at www.nede.noaa.gov/gpsf.html.

k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index—USA Method (Base 32°F)" at www.nede.gov/fpsf.html.

L. Ground snow loads (§ 1608 (IBC) Table R301.2 (6) (IRC)).

1. The minimum ground snow load for buildings or structures within the town shall be 40 pounds per square foot (psf).
2. Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. Roof venting pipe requirements will be found in the International Plumbing Code Adoptions in the Silt Municipal Code.

M. Heating equipment room occupancy separation (Table 509 IBC)

Additional to table 509, in R-3 occupancies, rooms containing a boiler, central heating plant or hot water supply boiler in excess of 400,000 btu per hour input shall be separated from the rest of the building by not less than: one-hour construction on the room side of the heating equipment, with a 20-minute rated door, smoke sealed and self-closing.

N. Basic wind speed (in addition to Section 1609 (IBC)).

The minimum wind speed for determining design wind pressures for the town shall be 90 miles per hour (mph) 3-Second Gust.

O. Retaining walls (Section 1807 (IBC)).

1. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.
2. Retaining walls shall be designed for a minimum safety factor of 1.5 against lateral sliding and overturning.
3. Retaining walls four feet or more in height shall be engineered by a professional engineer licensed in the State of Colorado.
4. The Building Official, or designee, has the authority to require that retaining wall inspections be performed by a special inspector, and the applicant shall pay those special inspection fees, at actual cost, prior to the inspection.

P. Frost protection (Section 1809.5.1 (IBC)).

To meet frost protection in the Town of Silt, the frost line must meet or extend below the required 36 inches from grade.

15.04 International Residential Code

15.04.010 2015 International Residential Code adopted.

A. For purposes of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height in the Town of Silt, pursuant to the authority conferred by Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the town has adopted by reference as its residential code the 2018 International Residential Code, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted except as it is amended in this title.

B. 2015 International Residential Code Appendices adopted.

Appendix	Title
Appendix B	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances and Appliances with Type B Vents
Appendix G	Swimming Pools, Spas and Hot Tubs
Appendix H	Patio Covers
Appendix J	Existing Buildings and Structures
Appendix M	Home Day Care—R-3 Occupancy

C. Only the appendices contained within these chapters, as specifically listed herein, are adopted.

D. All International Residential Code Standards, which are referred to in the various parts of the International Residential Code, as adopted in this section, are hereby adopted.

E. Any person, firm or corporation violating any of the provisions of the International Residential Code, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.

F. Unless indicated otherwise, all references in the Municipal Code to the International Residential Code shall be deemed to include the International Residential Code, the International Residential Code Appendices and the International Residential Code Standards as referred to in this title and as adopted in this section.

G. If the provisions of the International Residential Code, as adopted in this article, conflict with any other provisions of the municipal code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

H. The commentary to the 2015 International Residential Code and the 2015 International Residential Code Application Guides, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 are hereby adopted as enforcement guides.

15.04.020 Amendments to the adoption of the 2015 International Residential Code (IRC).

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Appendix J (Section AJ301)

Amended to delete Section AJ301.1.

B. Appendix M (Section AM103.3.3)

Section AM103.3.3 will be deleted from the Appendix M adoption

C. Construction Document Submittal (Section R106)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee has the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

D. Established Fees (Section 108 IRC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

E. Inspections (Section 109 IRC)

Inspections are to include, but are not limited to, the provisions of Section 109 IRC. The Building Official or designee may add additional inspections on the Inspection Record Card, or request additional inspections during construction.

F. Board of Appeals (Section R112)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

G. Climatic and geographic design criteria (Table R301.2(1))

The following local amendments are hereby added to IRC Table R301.2(1):

Ground Snow Load (e)	Wind Design	Subject to Damage From						Winter Design Temp (f)	Ice Barrier Underlayment Required (i)	Firm Flood Hazards (h)	Air Freezing Index (j)	Mean Annual Temp (k)
		Speed(d) mph	Topographic Effects (k)	Special Wind Region (l)	Seismic Design Category (g)	Weathering (a)	Frost Line Depth (b)					
40 psf	90 mph	No	1500	C	Severe	36"	Slight/mod	0° F	Yes	5-31-2005	2000	48F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible" "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.
- d. The jurisdiction shall fill in this part of the table with "moderate to severe," "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.
- e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2 (4)]. Wind exposure category shall be determined on a site-specific basis in accordance with R301.2.1.4.
- f. The outdoor design dry-bulb temperature shall be selected from the columns of 97½ percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood insurance Program date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM or RBRM, or other flood hazard map adopted by the community, as may be amended.
- i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3, and R905.8.3, for areas where the average daily temperature in January is 25°F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value of the National Climatic Data Center data table "Air Freezing Index—USA Method (Base 32°F)" at www.nede.noaa.gov/gpsf.html.
- k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index—USA Method (Base 32°F)" at www.nede.gov/fpsf.html.

H. Ground snow loads (Section 1608 (IBC) Table R301.2 (6) (IRC).

1. The minimum ground snow load for buildings or structures within the town shall be 40 pounds per square foot (psf).

2. Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. Roof venting pipe requirements will be found in the International Plumbing Code Adoptions in the Silt Municipal Code.

I. Basic Wind Speed (Table R301.2 (IRC))

The minimum wind speed for determining design wind pressures for the town shall be 90 miles per hour (mph) 3-Second Gust.

J. Flood Hazard Provisions (R104.10.1, Section R322)

Flood Hazard Provisions will be determined by the stricter of Section 15.16 of the Silt Municipal Code and regulations of the IRC. If the Building Official or designee determines that additional restrictions are warranted, said restrictions will apply.

K. Work Exempt from Building Permits (R105.2)

1. All one-story attached or detached accessory structures will require a permit, regardless of size, including but not limited to sheds. "Detached" structures will need to have a minimum fire separation of five (5) feet from other structures.

a. Zoning Review Only- Must Meet All Requirements

- i. Structure is less than 200 square feet
- ii. Structure does not contain utility hook-ups
- iii. Structure is detached, meeting the minimum fire separation

b. Building Review and Zoning Review Required

- i. If the structure does not meet all of the above requirements to exempt a building plan review, the permit application will be subject to both a building and zoning review.

2. No fence shall exceed six (6) feet in height. Required permits, size and specifications must conform with section 15.13 of the Silt Municipal Code.
3. Retaining walls require a permit and must meet the specifications in section 15.13 of the Silt Municipal Code.
4. Sidewalks and driveways require a permit.
5. Replacement of windows and doors, where there is no structural change, will not require a permit. It is the property owner's responsibility to ensure that the windows and doors being installed meet the minimum energy requirements adopted by the Town. The replacement of windows and doors that require the existing opening to change (larger or smaller), in order to fit the windows or doors being installed, requires a Miscellaneous Permit.
6. All decks require a permit.

a. Zoning Review Only- Must Meet All

- i. Decks is less than 200 square feet
- ii. Deck is less than 30" above grade at any point
- iii. Deck does not serve the exit door, required by Section R311.4 (2015 IRC)

b. Building Review and Zoning Review Required

- i. If the deck does not meet all of the above requirements to exempt a building plan review, the permit application will be subject to both a building and zoning review.

- 7. Electrical work exemptions will be at the discretion of the State of Colorado Electrical Board.
- 8. The Board of Trustees, Town Building Official or designee will evaluate and determine work exempt from permits, on an annual basis, within the confines of the ICC Code adoptions. All other permit requirements, or the more restrictive of, in the Silt Municipal Code and ICC adoptions will be applicable.

L. Fire Resistant Exterior Walls (Section R302.1 (IRC))

Exceptions 2, 3 & 4, from section R302.1 are hereby deleted from adoption

M. Two family dwelling units intended for subdivision (Section R302.2 (IRC)).

Two family dwelling units intended for subdivision shall be built to town home standards in the Silt Municipal Code and Sections R302, R302.2 and Table R302.1 (IRC). Projection of roof eaves over the property line between the dwelling units in two family dwellings shall have not less than one hour fire resistive construction on the underside and approved maintenance easements and agreements shall be provided.

N. Fire Sprinklers in Townhomes and One- or Two-Family Dwellings

Section R313 will be deleted from adoption

O. Residential automatic fire sprinkler systems (Section P2904.1.1 (IRC)).

No residential automatic fire sprinkler systems shall be required for one-family, two-family dwellings; however, if a residential automatic fire sprinkler system is proposed or required, such a system shall be designed in accordance with Section P2904 (IRC) or NFPA 13D.

P. Flood -Resistant Construction (R322 (2015 IRC))

The Town withholds the right to require additional flood- restraint construction standards, as deemed necessary by the Building Official or designee.

Q. Swimming Pools, Spas and Hot Tubs (Section R326 (2015 IRC))

Section R326 will be deleted from adoption.

R. Energy Efficiency

Amended to delete Chapter 11. The Town has adopted the 2018 Energy Code, therefore any references to energy requirements in the 2015 IRC, will be irrelevant and the 2018 IECC will be referenced for code compliance.

S. Unvented Room Heaters, Unvented Gas Log Heaters and Log Lighters (R1004.4; Exception 3 and 4 of G2406.2; Exception 7 of G2425.8; G2433.1; G2445 and G2445.1 (2015 IRC))

Unvented room heaters, unvented gas log heaters and log lighters are all prohibited in the Town of Silt.

T. Sewer Depth (P2063.5.1 (2015 IRC))

Building sewers are required to be a minimum of 36 inches below grade.

U. Climate Zone

The Town of Silt is in Climate Zone 5B. For purposes of determining factors, see the Energy Code Adoption.

V. Frost protection (Section R403.1.4.1 (IRC)).

To meet frost protection in the Town of Silt, the frost line must meet or extend below the required 36 inches from grade.

W. Test pressure (Section G2417.4.1 (IRC)).

The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than ten psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

X. Roof extension (Section 3103.1 (IRC)).

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

15.06 International Plumbing Code

15.06.010 2015 International Plumbing Code (IPC) adopted.

- A. For purposes of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operating and maintenance of plumbing fixtures, pursuant to the authority conferred in Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the Town has adopted by reference as its plumbing code the 2015 International Plumbing Code, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, which is incorporated herein as if set forth verbatim, except as it is amended in this title.
- B. Unless indicated otherwise, all references in the Municipal Code to the International Plumbing Codes shall be deemed to include the International Plumbing Code, the International Plumbing Code Appendices and the International Plumbing Code Standards as referred to in this title and as adopted in this section.
- C. Any person, firm, or corporation violating any of the provisions of the International Plumbing Code adopted in this section shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.

- D. If the provisions of the International Plumbing Code, as adopted in this article, conflict with any other provisions of the Municipal Code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- E. The 2015 International Plumbing Code Commentary, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as a guide.

15.06.020 Amendments to the adoption of the 2015 International Plumbing Code (IPC).

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Code Official (Section 104 (2015 IPC))

The Building Official or designee will act in the capacity of the Code Official

B. Permits (Section 106 IPC)

The Board of Trustees, Town Building Official or designee will evaluate and determine work exempt from permits, on an annual basis, within the confines of the ICC Code adoptions. All other permit requirements, or the more restrictive of, in the Silt Municipal Code and ICC adoptions will be applicable.

C. Construction Document Submittal (Section 106.3.1 IPC)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee have the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

D. Established Fees (Section 106.6 IPC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

E. Inspections (Section 107 IPC)

Inspections are to include, but are not limited to, the provisions of Section 107 IPC. The Building Official or designee may add additional inspections on the inspection card, or request additional inspections during construction.

F. Board of Appeals (Section 109 IPC)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

G. Water supply and distribution (Section 608.1 General (IPC))

1. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable supply through cross connections or any other piping connections to the system. Backflow preventer applications shall conform to table 608.1, except as specifically stated in Sections 608.2

through 608.16.10. Backflow preventers will be installed and tested, as per state regulations, or IPC regulations, whichever is stricter.

2. No person shall install any water operated equipment or mechanism or use any water treating chemical or substance if it is found that such equipment, mechanism, chemical or substance may cause pollution of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with a Colorado Department of Health approved backflow prevention device. Whenever the use of an antifreeze compound becomes necessary, propylene glycol is recommended. Other antifreeze may be used after written approval by the building official or designee. The use of ethylene glycol is not permitted. In areas where the use of an approved antifreeze is necessary, a readily visible, durable sign shall be posted stated "ETHYLENE GLYCOL PROHIBITED." The sign shall be in letters not less than one inch high on a contrasting background.

H. Roof extension (Section 903 (IPC))

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

I. Combined sanitary and storm system (Section 1109.1 (IPC))

Combined sanitary and storm systems are prohibited.

J. Hydronic heating systems—License required.

All hydronic heating systems within the town limits must be installed by a plumber licensed within the State of Colorado.

15.08 International Fuel Gas Code

15.08.010 2015 International Fuel Gas Code adopted

- A. For purposes of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operating and maintenance of fuel gas fixtures, pursuant to the authority conferred in Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the Town has adopted by reference as its fuel gas code the 2015 International Fuel Gas Code, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, which is incorporated herein as if set forth verbatim, except as it is amended in this title.
- B. Unless indicated otherwise, all references in the Municipal Code to the International Fuel Gas Codes shall be deemed to include the International Fuel Gas Code, the International Fuel Gas Code Appendices and the International Fuel Gas Code Standards as referred to in this title and as adopted in this section.
- C. Any person, firm, or corporation violating any of the provisions of the International Fuel Gas Code adopted in this section shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.
- D. If the provisions of the International Fuel Gas Code, as adopted in this article, conflict with any other provisions of the Municipal Code, then the more restrictive of the two shall govern. Where

there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

- E. The 2015 Fuel Gas Code Commentary, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as a guide.

15.08.020 Amendments to the adoption of the 2015 International Fuel Gas Code (IFGC)

- A. Department of Inspection and Code Official (Section 103 (2015 IFGC))

The Building Official or designee will act in the capacity of the Code Official

- B. Permits (Section 106 IFGC)

The Board of Trustees, Town Building Official or designee will evaluate and determine work exempt from permits, on an annual basis, within the confines of the ICC Code adoptions. All other permit requirements, or the more restrictive of, in the Silt Municipal Code and ICC adoptions will be applicable.

- C. Construction Document Submittal (Section 106.3.1 IFGC)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee have the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

- D. Established Fees (Section 106.6 IFGC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

- E. Inspections (Section 107 IFGC)

Inspections are to include, but are not limited to, the provisions of Section 107 IPC. The Building Official or designee may add additional inspections on the inspection card, or request additional inspections during construction.

- F. Board of Appeals (Section 109 IFGC)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

- G. Unvented Room Heaters, Unvented Gas Log Heaters and Log Lighters (501.8 and 603.1 (2015 IFGC))

Unvented room heaters, unvented gas log heaters and log lighters are all prohibited in the Town of Silt.

- H. Test Pressure (406.4.1 (IFGC))

The test pressure to be used shall be no less than 1.5 times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds

125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping great than 50 percent of the specified minimum yield strength of the pipe.

15.10 International Mechanical Code

15.10.010 2015 International Mechanical Code Adopted

- A. For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operating and maintenance of heating, ventilating, cooling, refrigeration, incinerators and other miscellaneous heat-producing appliances, pursuant to the authority conferred in Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S, the town has adopted by reference as its mechanical code the 2015 International Mechanical Code, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, except as it is amended in this title
- B. Unless indicated otherwise, all references in the Municipal Code to the International Mechanical Codes shall be deemed to include the International Mechanical Code, the International Mechanical Code Appendices and the International Mechanical Code Standards as referred to in this title and as adopted in this section.
- C. Any person, firm, or corporation violating any of the provisions of the International Mechanical Code adopted in this section shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.
- D. If the provisions of the International Mechanical Code, as adopted in this article, conflict with any other provisions of the Municipal Code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- E. The 2015 International Mechanical Code Commentary, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as a guide.
- F. It shall be unlawful for any person to erect, install, alter, repair, relocate, add to, replace, use or maintain heating, ventilating, cooling or refrigeration equipment in the town, or cause or permit the same to be done, contrary to or in violation of the provisions of the 2015 International Mechanical Code and Standards as adopted in this article. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under the 2015 International Mechanical Code and Standards adopted in this article, if installed after the effective date thereof, shall constitute a continuing violation of said code and standards, at which point said violation would need to be brought to compliance of the 2015 International Mechanical Code.
- G. 2015 International Mechanical Code Appendices adopted

Appendix	Title
Appendix A	Chimney Connector Pass-Through

15.10.020 Amendments to the adoption of the 2015 International Mechanical Code (IMC)

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Code Official (Section 104 (2015 IMC))

The Building Official or designee will act in the capacity of the Code Official

B. Permits (Section 106 IMC)

The Board of Trustees, Town Building Official or designee will evaluate and determine work exempt from permits, on an annual basis, within the confines of the ICC Code adoptions. All other permit requirements, or the more restrictive of, in the Silt Municipal Code and ICC adoptions will be applicable.

C. Construction Document Submittal (Section 106.3.1 IMC)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee have the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

D. Established Fees (Section 106.5 IMC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

E. Inspections (Section 107 IMC)

Inspections are to include, but are not limited to, the provisions of Section 107 IMC. The Building Official or designee may add additional inspections on the inspection card, or request additional inspections during construction.

F. Board of Appeals (Section 109 IMC)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

G. Unvented gas log heaters (Section 903.3 (IMC)).

Unvented gas log heaters are prohibited.

15.12 International Property Maintenance Code

15.12.010 2015 International Property Maintenance Code adopted

- A. For the purpose of providing minimum standards for existing residential and nonresidential structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, pursuant to the authority conferred in Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the town has adopted by reference as its property maintenance code, the 2015 International Property Maintenance Code, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, except as it is amended in this title.
- B. Any person, firm or corporation violating any of the provisions of the 2015 International Property Maintenance Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon

conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.

- C. If the provisions of the 2015 International Property Maintenance Code, as adopted in this article, conflict with any other provisions of the municipal code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- D. The 2015 International Property Maintenance Code Commentary, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as a guide.

15.12.020 Amendments to the adoption of the 2015 International Property Maintenance Code (IPMC)

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Inspections (Section 103 IPMC)

Inspections are to include, but are not limited to, the provisions of Section 109 IEBC. The Building Official or designee may add additional inspections on the inspection card, or request additional inspections during construction.

B. Code Official (Section 104 IPMC)

The Building Official or designee will act in the capacity of the Code Official

C. Board of Appeals (Section 111 IPMC)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

15.14 International Existing Building Code

15.14.010 2015 International Existing Building Code adopted

- A. For the purpose of providing minimum standards for existing residential and nonresidential structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, pursuant to the authority conferred in Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the town has adopted the 2015 International Existing Building Code, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, except as it is amended in this title.
- B. Any person, firm or corporation violating any of the provisions of the 2015 International Existing Building Code, as adopted in this article, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.

- C. If the provisions of the 2015 International Existing Building Code, as adopted in this article, conflict with any other provisions of the municipal code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- D. The 2015 International Existing Building Code Commentary, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, is hereby adopted as a guide.

15.14.020 Amendments to the adoption of the 2015 International Existing Building Code (IEBC)

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Code Official (Section 104 (2015 IEBC))

The Building Official or designee will act in the capacity of the Code Official

B. Permits (Section 105 (2015 IEBC))

The Board of Trustees, Town Building Official or designee will evaluate and determine work exempt from permits, on an annual basis, within the confines of the ICC Code adoptions. All other permit requirements, or the more restrictive of, in the Silt Municipal Code and ICC adoptions will be applicable.

C. Construction Document Submittal (Section 106 IEBC)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee have the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

D. Established Fees (Section 108 IEBC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

E. Inspections (Section 109 IEBC)

Inspections are to include, but are not limited to, the provisions of Section 109 IEBC. The Building Official or designee may add additional inspections on the inspection card, or request additional inspections during construction.

F. Board of Appeals (Section 112 IEBC)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

15.16 International Fire Code

15.16.010 2015 International Fire Code adopted

- A. For the purpose of providing minimum requirements for fire safety and fire rated construction, pursuant to the power and authority conferred by Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the town has adopted the 2015 International Fire Code, including the appendices, except Appendix A, but including the 2015 International Fire Code Commentary of such code published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, all to have the same force and effect as though set forth herein in every particular, except as it is amended in this title.
- B. The 2015 International Fire Code Standards, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, are hereby adopted as enforcement guides only.
- C. Any person violating any of the provisions of the 2015 International Fire Code, as adopted in this section, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.
- D. If the provisions of the 2015 International Fire Code, as adopted, conflict with any other provisions of the municipal code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

15.16.020 Amendments to the adoption of the 2015 International Fire Code

- A. Name of jurisdiction (Section 101.1 (2015 IFC)).

These regulations shall be known as the Fire Code of the Town of Silt, hereinafter referred to as "this code."

- B. Fire code official (Section 103.2 (2015 IFC)).

The building official or designee will act as the Fire Code Official. The fire code official may consult with the local fire district on matters of mutual concern to both parties, but in all cases relative to this code and any adopted code, the town shall be the final arbiter.

- C. Fire records (Section 104.6.3 (2015 IFC)).

The following sentence shall be added to Section 104.6.3: Copies of all such records shall be forwarded to the office of the fire code official or designee.

- D. Construction documents submittals (Section 105.4.1 (IFC)).

1. Construction document submittals and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Town. The construction documents shall be prepared by a NICET Level III or higher level in fire alarm design, and affixed to the plans shall be his certification seal and number, with the following exceptions.

- A. Where the fire alarm system designer has the equivalent of NICET Level III training, all certificates and documentation shall be presented for compliance.

B. The town is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional as described above, if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

E. LP-gas (Section 105.6.27 (IFC)).

LP-gas containers are not allowed, with the following exceptions:

1. Storage and use of LP-gas for outdoor, small household purposes (bbq grills, outside landscaping appliances) are allowed; however, no LP-gas containers are allowed indoors, or in excess of 100 gallons and/or for which the primary function of such containers is to provide a fuel source for the heating or cooling of the home, operation of a water heater or stove.
2. Operation of cargo tankers that transport LP-gas through the town, if such cargo tankers first obtain an operational permit from the local fire district.

F. Compliance with orders and notices (Section 109.3.2 (IFC)).

1. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the notice of violation requires additions to or changes in the building or premises such as would be considered real estate and become the property of the owner, said notice and order shall be directed to such owner of the building or premises.
2. Every notice of violation pursuant to this chapter shall set forth a time by which compliance with the notice violation is required. The time specified shall be reasonable according to the circumstances of the particular hazards or condition to which the notice and order pertains. Immediate compliance may be required in any case which represents extreme or imminent danger to persons or property.
3. Except for cases where immediate compliance is required, violations pursuant to this chapter may be appealed as set for in Section 108 (IFC).
4. In cases where immediate compliance is required, the notice of violation so stating shall be final and conclusive.

G. Failure to comply (Section 111.4 (IFC)).

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to Chapter 1.12 of the Silt Municipal Code, general penalty provision.

H. Authorization—Open burning, recreational fires and portable outdoor fireplaces (§ 307.2.1 (IFC)).

A permit issued by the fire code official is for compliance with fire safety and control alone, and is not a permit to violate any existing federal, state or local laws, rules, regulations, or ordinances regarding fire, zoning, building, or air quality and pollution standards. The individual or entity issued the permit is responsible for obtaining any additional permits and/or clearances from any appropriate federal, state, and/or local agency and the local fire district or other official prior to beginning the burn.

I. Theatrical performances (Section 308.3.2 (IFC)).

The use of indoor pyrotechnic and open flame displays shall be prohibited, except that churches and places of worship may have alter candles and restaurants may have small table candles.

J. Obstructions to fire hydrants (Section 507.5.4 (IFC)).

Snow removal operations shall not prevent fire hydrants from being immediately discernible or hinder gaining immediate access.

K. Radio signal strength and emergency responder radio coverage in existing buildings (Sections 510.2 and 510.3 (IFC)).

Both Sections 510.2 and 510.3 of the IFC are hereby deleted.

L. Construction documents and shop drawings (Section 901.2 (IFC)).

The title of this section shall also be known as Construction Documents and Shop Drawings, and the following is hereby added:

1. Approval signature and documentation- Shop drawings for fire sprinklers must bear the seal and signature of a graduate Fire Protection Engineer or a qualified State of Colorado licensed engineer practicing in his/her respective field of expertise or a NICET Level III or higher certification in sprinkler system design.
2. A sealed set of these shop drawings, complete with review comments, shall be made available at all times at the work site for fire code official inspection. An identical set of shop drawings shall be given to the owner.

M. Automatic sprinkler systems (Section 903.2.8 (IFC)).

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings containing a Group R fire area, with the following exceptions:

1. Group R-1 residential occupancies with three or fewer separate units;
2. Group R-2 residential occupancies (only apartment houses, boarding houses, convents, fraternities, monasteries and vacation timeshare properties) with three or fewer separate units, each having 1,000 square feet of floor area, or less.

N. Fire alarm shop drawings (Section 907.1.2 (IFC)).

Section 907.1.2 Fire alarm shop drawings shall be amended to add the following:

1. Shop drawings for fire alarms must bear the seal and signature of a graduate Fire Protection Engineer or a qualified State of Colorado licensed engineer practicing in his/her respective field of expertise or a NICET Level III or higher certification in fire alarm design.
2. A sealed set of these shop drawings, complete with review comments, shall be made available at all times at the work site for fire code official inspection. An identical set of shop drawings shall be given to the owner.

O. Installation (Section 907.1.4 (IFC)).

All fire alarm systems installations shall be supervised by a NICET Level II or higher in fire alarm installations.

P. Exterior visual signals (Section 907.7.5.2 (IFC)).

Section 907.7.5.2 Exterior visual signals shall be amended to add the following:

1. The light used shall be of the strobe light producing at least 110-185 candela;
2. In systems with fire district connections, the light is to be located at least 12 feet above and as directly vertical to the fire district connection as possible. In systems without fire district connections, the light is to be located so as to be visible from the nearest street used for fire district access.
3. The light shall not replace the audible alarms, but shall be used in conjunction with the audible alarms.

Q. Motor fuel dispensing and operations (Section 2304.3 (IFC)).

A new sentence after the first sentence is hereby added to read: A safety plan and safety equipment technical data shall be submitted for review prior to approval. Unsupervised private dispensing shall be by permit only.

R. Explosives and fireworks (Section 5601.1.3 (IFC)).

The following exception is hereby added: Exception 5: The storage, sale, use and handling of toy caps, sparklers and smoke snakes shall be permitted.

S. Explosive materials, certification (Sections 5601.2.4.2 and 5608.2 (IFC)).

A new sentence is hereby added to the end of each of the aforementioned sections to read: The handling and firing of explosives shall only be performed by the person possessing a valid explosives certificate issued by the State of Colorado.

T. Fireworks display, indoor pyrotechnic displays (Section 3308.2.2 (IFC))

A new sentence is hereby added to read: The use of indoor pyrotechnic displays shall be prohibited.

U. Flammable and combustible liquids, special operations, permanent and temporary tanks (Section 5004 (IFC))

The capacity of permanent above ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4,164 L). The capacity of temporary above-ground tanks containing Class I or II liquids shall not exceed 500 gallons (1,892 L), unless approved by the town by special permit. Tanks shall be of a single-compartment design. A permit shall be obtained from the town for the storage or keeping of volatile flammable and non-combustible fluids in excess of 25 gallons in any building and of 100 gallons on any premises. The building official or his designee is further authorized to issue temporary permits for the above ground storage of such fluids in tanks, which shall not exceed 1,000-gallon capacity for the purpose of providing fuel for heavy equipment used in building construction, earth moving, earth grading or similar operations and such permits may be issued only for sites where there are not close

hazards. Such temporary permits shall be issued with the time limits set that shall conform to the reasonably necessary time for completion of the individual job for which the permit is issued.

V. Construction requirements for existing buildings (Section 1101.1 (IFC))

The provisions of this chapter shall apply to existing buildings constructed prior to the original adoption of this code (IFC), if, in the collective opinions of the fire code official and the building official, there is justification for such application.

W. Atriums and covered malls (Section 1103.4.4 (IFC))

Section 1103.4.4 shall be amended to add the following exception:

1. Buildings having atriums or covered malls prior to the adoption of the 2015 International Fire Code are exempt from the provisions of this section, unless such atriums or covered malls are proposed for additions.

15.18 International Energy Conservation Code

15.18.010 2018 International Energy Conservation Code adopted

- A. For the purpose of providing minimum energy conservation requirements for new buildings, to include heating and ventilating systems, light and power efficiency, and water distribution insulation, pursuant to the power and authority conferred by Section 1-11 of the Town of Silt Home Rule Charter and by Section 31-16-207 of the C.R.S., the town has adopted the 2018 International Energy Conservation Code by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, except as it is amended in this title, per the Phased Implementation Policy.
- B. Any person, firm or corporation violating any of the provisions of the 2018 International Energy Conservation Code, as adopted in this chapter, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.
- C. If the provisions of the 2018 International Energy Conservation Code, as adopted in this chapter, conflict with any other provisions of the municipal code, then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- D. Unless indicated otherwise, all references in the Municipal Code, to the International Energy Conservation Code Codes, shall be deemed to include the International Energy Conservation Code, the International Energy Conservation Code Appendices and the International Energy Conservation Code Standards as referred to in this title and as adopted in this section.
- E. All International Building Code Standards, which are referred to in the various parts of the International Energy Conservation Code, as adopted in this section, are hereby adopted.
- F. The commentary to the 2018 International Energy Conservation Code and the 2018 International Energy Conservation Code Application Guides, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 are hereby adopted as enforcement guides.

15.18.020 Amendments to the adoption of the 2018 International Energy Conservation Code (IECC)

Amendments to the International Codes that are included in this title shall supersede any such provisions within the International Codes.

A. Title (Section 101.1 IECC)

These regulations shall be known as the International Energy Conservation Code of the Town of Silt, hereinafter referred to as "this code." The Building Official or designee will act in the capacity of the Code Official.

B. Scope (Section 101.2 IECC)

This code applies to residential and commercial buildings.

C. Construction Document Submittal (Section C103 IECC)

Submittal documents are to include manufacturer installation guides and specifications. The Building Official or designee have the authority to request additional documentation, prior to, during or after construction or as deemed necessary throughout the construction process.

D. Established Fees (Section 104 IECC)

The Board of Trustees will establish and adopt, by resolution, an annual fee schedule.

E. Inspections (Section C105 IECC)

Inspections are to include, but are not limited to, the provisions of Section C105 IECC. The Building Official or designee may add additional inspections on the inspection card, or request additional inspections during construction.

F. Board of Appeals (Section C109 IECC)

Amended to state that the Board of Trustees will be the governing Board of Appeals.

G. Climate Zones (Section C301 IECC)

The Town of Silt is designated as a 5B Climate Zone.

Chapter 15.20 ADMINISTRATION AND GENERAL PROVISIONS

15.20.010 Applicability.

The provisions of this title shall regulate all construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity within the town. No building or other structure shall be constructed, enlarged, altered, moved, removed, demolished, occupied, equipped, used, maintained, reconstructed, repaired or remodeled, nor shall any excavation for any structure be commenced, until the town has issued an excavation permit and/or building permit for such work.

15.20.020 Compliance with laws.

All work performed pursuant to this title shall be in conformity with all applicable provisions of the Silt Municipal Code, ordinances of the town and state and federal statutes, codes, rules and regulations unless such state and federal statutes, codes, rules and regulations have been superseded by the provisions of this title.

15.20.030 No town liability.

- A. Nothing in this title shall be construed as imposing on the town or any town representative liability for injury or damage caused by the provisions of this title, including, but not limited to, the adoption of the various codes and the adherence to the requirements therein, the authorization of inspections or lack thereof by the town, the performance of inspections or lack thereof by the town, or the issuance or non-issuance of a certificate of occupancy or other similar document. Further, the town has no liability for the costs incurred by the applicant failing to adhere to the standards imposed by this title, whether the applicant received inspections or not;
- B. The building official or designee, charged with the enforcement of this code, acting in good faith and without malice in the discharge of their duties, shall not thereby render themselves personally liable for any damage that may accrue to persons and/or property as a result of any act or omission in the discharge of their duties.
- C. This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the community development department, any employee, or the Town of Silt be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code

15.20.040 Copies of Codes.

One (1) copy of all codes adopted by reference in this title is on file in the office of the Town Clerk and may be viewed during regular business hours. In addition, copies of such codes are available for sale to the public at cost plus a fifteen (15) percent administrative fee, as well as the costs of shipping and handling.

15.20.050 Conflicts.

If the provisions of the codes adopted in this title conflict with any other provisions of the Silt Municipal Code, then the more restrictive of the two shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

15.20.060 Violations.

Any person, firm or corporation violating any of the provisions of this title or any lawful rule, regulation or order of the town or its building official shall be punished in accordance with the provisions of Title 1 of the Silt Municipal Code.

15.20.070 Violation—Penalty.

The town may issue a citation to a violator of Chapter 15 (building code administration and general provisions) in accordance with Title 1 in the Silt Municipal Code.

15.22 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

15.22.010 Contractor's License Required.

It is unlawful for any contractor to engage in any work, without first securing a license from the Town and paying the annual license fee pursuant to Title 5, Chapter 12 of the Silt Municipal Code.

15.22.020 Building Permit Required.

- A. No building or other structure shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation of any building be commenced until the Community Development Department has issued a building permit for such work.
- B. A building permit shall also be required for installing individual manufactured homes in a mobile home park or subdivision, for tying down of a previously installed manufactured home and for the repair, alteration, or construction of accessory structures.
- C. The Building Official or designee shall in no case grant any permit for the construction, installation or alteration of any building, if the building, as proposed to be constructed, installed or altered, would be in violation of any of the provisions of the Silt Municipal Code.

15.22.030 Electrical work permits.

- A. No alterations or additions shall be made in the wiring of any building, nor shall any building be wired for electric lights, motors or heating/cooling devices, nor shall any electrical apparatus be installed, without first securing a permit from the Colorado State Electrical Board;
- B. All electrical work is applied for and permitted through the State of Colorado. The Town requires a permit for work being completed that coincides with electrical work, which will need to be applied for and permitted as such. If the work being completed is strictly electrical, no additional Town permitting will be required, however, this does not exempt any contractor from the requirement to obtain a Town of Silt Contractor's License prior to working.

- C. The permit fees and the administrative and appeal procedures for electrical work performed pursuant to this Article shall be as set forth in C.R.S. 12-23-101 et seq., as amended.
- D. The State Electrical Inspector shall serve as the electrical inspector for the town and all inspections need to be scheduled through the State Electric Board.

15.22.040 Work begun without a permit.

When any person, firm or corporation starts or proceeds with work for which a permit is required, prior to obtaining a permit, the permit fee specified shall be doubled, but the payment of such double fee shall not relieve any person, firm or corporation from complying with all requirements of this title in the execution of the work or from any other penalties described in the Silt Municipal Code.

Further, no work may be continued without submitting a complete application including adequate plans and documents requested by Town Staff, for the review and approval of the proposed work. Once approved, the Town will issue a permit, at which point work can commence.

If the work begun, without a permit, is not approved by Town staff, after reviewing the application, the completed work will be required to be removed and restored to the original condition.

15.22.050 Application for permit.

- A. To obtain a permit, the applicant shall first file a complete application, in writing, on a form provided by the community development department for said purpose. Such application will only be accepted by Town Staff, when deemed complete by including, but not limited to the follow:
 - 1. Identify and describe the work to be covered by the permit for which application is made;
 - 2. Describe the land on which the proposed work is to be done; by legal description, street address or similar description that will readily identify the proposed area of construction;
 - 3. Indicate the use and occupancy for which the proposed work is intended;
 - 4. State the total valuation and material cost of the proposed work;
 - 5. The application is required to be signed by the applicant, **and** the property owner;
 - 6. Give such other data and information as required by the building department.
 - 7. Plan Check Fee deposit for a new Single-Family Dwelling or Commercial construction review is one thousand dollars (\$1,000) and will be collected at the permit application submittal.
 - 8. ADU's, additions, garages, basement finishes and other applications necessary of extensive plan reviews, will require a five-hundred-dollar (\$500) deposit.
 - 9. A one hundred fifty-dollar (\$150) deposit will be collected, at permit application submittal, for miscellaneous applications that require a building plan review.
 - 10. The application shall also include a soils report, site specific, at the time of submittal. An open hole's soils/compaction report will also be required prior to rebar inspections.
- B. A survey of the building lot may be required by the building official or designee, to verify that the structure is located in accordance with the approved site plan(s);

1. A site development plan shall be submitted with any building permit application which involves the construction of a new building or the expansion of any existing building.
 2. The final approved site development plan shall be submitted in duplicate and digital, shall be drawn to scale, and shall show the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot with reference to legally established property lines, easements and such other information as may be necessary to provide for the enforcement of the municipal code.
 3. Prior to issuance of a building permit, the building official or designee may require monumentation of property boundaries and corners in accordance with the standards set forth in C.R.S. 38-51-101 et seq., as amended, in order to fulfill the purposes of this section. A record of all site development plans and other survey information shall be retained by the Town, in accordance to the state retention schedule.
 4. Applicant shall, within seven (7) days of the footing inspection, complete and deliver to the town an improvement location certificate (ILC) or foundation location certificate (FLC) that indicates the foundation is in conformance with setback regulations.
 5. Prior to the final inspection or certificate of occupancy (C.O.), the Town requires that a post construction improvement location certificate (ILC) be performed, by a licensed survey company, and submitted to the Town for review and approval.
- C. A building permit shall also be required for installing individual manufactured homes in a mobile home park or subdivision, for tying down of a previously installed manufactured home and for the repair, alteration, or construction of accessory structures.
- D. The building official or designee shall in no case knowingly grant any permit for the construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity within the town which is in violation of any provision of the Silt Municipal Code.

15.22.060 Submittal documents.

The building official or designee shall not issue any permit unless the plans and specifications for such proposed construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity conform to the regulations and restrictions in the International Codes, as adopted. All plans and specifications for such proposed construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity shall bear the seal of an architect or engineer licensed by the State of Colorado, unless the preparation of plans and specifications is exempted by C.R.S. 12-25-303. Any applicant proposing a structure over 600 square feet shall submit to the town plans and specifications that indicate that the foundation bears the seal of an engineer licensed in the State of Colorado, referencing a site-specific soils study prepared by a geotechnical engineer licensed in the State of Colorado.

15.22.070 Plan review fee.

When documents are submitted in accordance with Town requirements, a plan review deposit of one thousand dollars (\$1,000) will be collected. This deposit will cover seven (7) hours of plan review time, at which point another five-hundred-dollar (\$500) deposit will be required for continued review time. The total plan review fee shall be sixty-five (65) percent of the building permit fee, unless the time spent on the review process exceeds the allotted sixty-five percent, with the remaining time billed at actual cost for contracted services or approved annual fee of Community Development Staff.

15.22.080 Building permit—Plans—Fee payment of board-fixed cost at application.

- A. All applications for building permits shall be accompanied by plans in duplicate and digital, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the location on the lot of any existing buildings or structures; the shape, size, use and the location on the lot of the building or structure proposed to be erected or altered, and such other information as may be necessary to provide for the enforcement of the provisions of this title.
- B. The cost of a building permit, including tap fees, shall be determined by the Board of Trustees annually, and payable to the town at the time the building permit is issued. New residential and commercial applications made after November 1st will be issued in January of the new calendar year and will incur the upcoming years permit fee adoption.

15.22.090 Schedule of permit fees by valuation.

A fee for each building permit shall be paid to the town based on a building valuation schedule and the permit fee schedule, each so approved by the board annually by resolution, or as often as necessary, in the board's sole discretion. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The building official or designee may waive the building permit and/or the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or as deemed appropriate.

15.22.100 Determination of value.

The determination of building value or building valuation under any of the provisions of this Code shall be made by the building official or designee based on the building valuation schedule as set forth by the board by resolution.

15.22.110 Compliance with Cost Recovery Agreements

No building permit shall be issued until and unless the developer has complied with the terms and conditions of any cost recovery agreement entered into by the Town, affecting any or all of the property for which the building permit is requested.

15.22.120 Fee Refunds.

The building official or designee may authorize the refunding of any fee paid hereunder which was erroneously paid or collected, or for which the building official or designee determines that a portion of such fee should be returned to the applicant.

- A. The board shall set a refund processing fee by resolution annually, or more often as necessary.
- B. The building official or designee may authorize the refunding of not more than eighty (80) percent of the permit fee paid, only if no work has begun under said permit, nor any inspections performed; provided, however, that the time that town officials have dedicated to the application does not exceed twenty (20) percent of the total permit fee collected.
- C. The building official or designee may authorize the refunding of not more than eighty (80) percent of the plan review deposit that was collected when an application for a permit was submitted but was requested to be withdrawn or cancelled before any plan reviewing has been completed.
- D. No refunds will be issued if the pulled permit is expired.

15.22.130 Expiration and extension of permit.

- A. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred and eighty days (180) after its issuance.
 - 1. Every permit issued shall be become invalid if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred and eighty (180) days after the time the work is commenced.
 - 2. The applicant shall request the extension of time in writing to the community development department at least thirty (30) days prior to the permit's expiration.
 - 3. The building official or designee is authorized to grant, in writing, one extension of time, for a period not to exceed one hundred and eighty (180) days for a miscellaneous permit or twelve (12) months for a building permit. Additional extensions can be requested, at which point the building official or designee will conduct a project review, to determine if an additional extension is warranted.
 - 4. The building official or designee shall issue a decision on the request for extension within ten (10) days of the receipt of the request.
- B. Determination of extension of permit.
 - 1. The building official or designee shall approve, approve with conditions, or deny the extension request based on the following factors, as well as other similar compliance factors that may apply on a case-by-case basis. Reasons for denial of a building permit extension request include, but are not limited to the following:
 - a. The applicant is not licensed by the town as a contractor at the time of request for extension of the building permit;

- b. The applicant has not provided the town proof of valid liability and/or workmen's compensation insurance in effect at the time of the request for extension of the building permit;
- c. The applicant owes a monetary balance to the town either related or not related to the building permit in question;
- d. The applicant has failed to request the necessary inspections in order to keep the building permit current and valid at the time of the request for extension of the building permit;
- e. The applicant has not remedied all life, health and safety concerns as detailed by the building official or his designee through the tenure of the building permit.

15.22.140 Permit extension fee.

- A. All permit extension fees will be collected in the amount of fifty (50) percent of the original permit fee.

15.22.150 Re-inspections.

- A. The town may assess a re-inspection fee, as set by the board of trustees by resolution annually, or more often as necessary, for each inspection or re-inspection when any element of the scheduled inspection is not complete or corrections are necessary in order to be approved that require the inspector to conduct an additional inspection, in accordance with this chapter:
 - 1. A re-inspect fee is intended to help off-set the additional cost of repeated inspections as well as curtail an applicant's request for inspections prior to being ready for such inspection or re-inspection, or failing to cancel scheduled inspection when work is not complete.
 - 2. The town may assess re-inspection fees when the inspection record card is not posted or otherwise available on the worksite, the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official or designee.
 - 3. The town may assess a re-inspection fee for an applicant's failure to post a readily visible address on the job site.
 - 4. Re-Inspect fees will be billed monthly and must be paid, prior to new/additional inspections taking place. All re-inspect fees must be paid in full, prior to the issuance of the final C.O. or final inspection.

15.22.160 Revocation or suspension of permits.

The Town Building Official or designee may suspend or revoke a permit issued, under the provisions of this title, by notice in writing whenever the permit is issued in error, on the basis of incorrect information supplied by the applicant, or in violation of any ordinance, regulation or of any provision of the Silt Municipal Code. Work completed may be required to be removed, at the applicant's expense.

15.22.170 Use and occupancy.

- A. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official or designee has issued a new/revised certificate of occupancy therefore as provided herein;
- B. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the town.

15.22.180 Temporary certificates of occupancy, certificates of occupancy and certificates of completion.

- A. Certificates of Occupancy- The building official or designee shall make a final inspection of the construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity, and, if it is determined that all work has been completed as detailed in the construction plans and according to the architect's and/or engineer's specifications, a certificate of occupancy shall be issued, under the following conditions:
 - 1. Permittee must receive approval and printed Final C.O., by building official or designee, prior to occupying building or structure.
 - 2. Permittee shall request and schedule for a certificate of occupancy inspection, either for the whole structure or for a part of the structure, at the conclusion for such proposed construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity.
 - 3. The building official or designee shall not grant a certificate of occupancy until or unless such proposed construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity is in complete conformity with the provisions of this title, the Silt Municipal Code and adopted ICC Codes.
 - 4. The building official, or designee, shall not issue a temporary certificate of occupancy, certificate of occupancy or certificate of completion until permittee pays to the town all monies owed to the town related to such construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity, including any outstanding utility bills.
 - 5. The building official or designee shall not issue a temporary certificate of occupancy, certificate of occupancy or certificate of completion until permittee repairs any town property damaged as a result of the construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity.
 - 6. The building official or designee shall not issue a temporary certificate of occupancy, certificate of occupancy or certificate of completion until permittee submits to the town an improvement location certificate (ILC) and all required documentation, in the building official's sole discretion.

- D. Certificates of Completion- The building official or designee shall make a final inspection of the construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity, and, if it is determined that all work has been completed as detailed in the construction plans, a certificate of completion may be issued.
- E. Record of Certificate of Occupancy- The Community Development Department shall keep a record of all certificates of occupancy;
- B. Temporary Certificates of Occupancy (TCO)- The building official or designee shall make an inspection of the construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity, and, if it is determined that no health, life or safety corrections need to be made nor any special hazard will result from occupancy of such building or portion thereof before the same is completed, the building official or designee may issue a TCO for the use of a portion or portions of a building or structure, prior to the completion of the entire building or structure, under the following conditions:
 1. The permittee shall submit a deposit equal to ten percent of the building permit fee originally charged, prior to issuance of TCO;
 2. The building official or designee may issue a single extension to a TCO, for a total of 180 days;
 3. The permittee shall pay all attorney fees and administrative costs incurred by the town in the event that the TCO expires and the town determines that enforcement proceedings or other related actions are necessary;
 4. If the building official or designee has cause to revoke the TCO, the applicant/permittee and all occupants shall vacate the building until such time as the construction, enlargement, alteration, moving, removal, demolition, occupancy, equipment, use, height, area, maintenance, reconstruction, repair, remodeling or other construction activity is deemed complete and approved by the building official, resulting in the issuance of a Certificate of Occupancy;
 5. The building official or designee shall investigate all instances where a building is occupied or used without the building official first granting approval for occupancy. Any persons occupying a building prior to, or outside of approved occupancy for said building will be punished in accordance with Title 1 of the Silt Municipal Code.

15.22.190 Certificate of occupancy—Required when.

A certificate of occupancy issued by the building official or designee is required in advance of, but not limited to the following requirements:

- A. Occupancy of a new building or structure
- B. Occupancy or certain alterations of an existing building or structure
- C. A change of occupancy or zoning use for any building or land.

15.22.200 Certificate of occupancy—Application and issuance timing.

A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part has been completed in conformity with the provisions of this title.

15.22.210 Certificate of occupancy—Zoning conformance—Denial.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this code. If a building is being used for an occupancy, outside of original approval, per the Silt Municipal Code, the Building Official or designee, holds the right to red tag the building, to prevent further non-conforming use. The Town may require that said building be brought to code and conforming occupancy, prior to regaining a certificate of occupancy. The Town may issue a citation to the violator and property owner, in accordance of Chapter 1.12 of this code.

15.22.220 Certificate of occupancy—Filing—Copies.

A record of all certificates shall be kept on file in the office of the community development department and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building or land involved.

15.22.230 Violation—Penalty.

The town may issue a citation to a violator of Chapter 15.12 (building permits and certificates of occupancy) in accordance with Chapter 1.12 of this code. Specifically, a violator is any person who has been found to have inhabited, or caused anyone else to inhabit, in any manner, a building prior to issuance of a certificate of occupancy or contrary to or in violation of any of the provisions of this chapter.

15.22.240 Property Numbering

- A. All developed property within the town limits shall be assigned a property number that is consistent with the adopted town standard. Numbers will be used for addressing and property identification. These numbers shall progress along streets in a logical, consecutive and clear manner. All attempts shall be made to reduce confusion for property identification purposes.
- B. All buildings within the town limits shall display a town-assigned number, placed on the building site at time of construction, then on the structure, prior to C.O. and maintained throughout the existence of the structure. All property previously maintaining a county-assigned address shall adopt a town-assigned number at the time of annexation to the town.
- C. The numbers shall be clear, legible, at least four inches in height and placed upon the building and/or at the driveway or curbside access point of the property as to designate the front entrance of the building. The address will be assigned by the Town and will be determined by the street in which the front door faces. If an applicant applies to face the entrance of the building away from the street and receives Town approval, the numbers shall be placed on the side of the building facing the street in which the address is assigned. The numbers shall be in a conspicuous place and not obscured so that they can be read easily from the center of the street in the daytime. In

addition, numbers shall be contrasting color to the building, or a reflector-type material, in order to promote visibility at night.

- D. If the owner or lessee of any building shall fail, refuse or neglect to place the number, or replace it, when necessary, such owner or occupant shall be deemed guilty of a Class B misdemeanor offense. Such person shall have ten days to comply or otherwise shall be deemed guilty of a separate offense for each subsequent day that the violation is committed or continued. Said offense shall be deemed to be one of strict liability.

15.22.250 Building Site Cleanliness and Sanitation

All developers and/or contractors working on any building site within the Town of Silt shall provide all necessary large trash receptacles in order to maintain a clean, safe construction area and to provide a method of portable sanitation (port-a-potties), in a number sufficient to take care of the number of contractors, subcontractors and employees on the site. If at any time during construction, contractors, subcontractors and/or employees are denied access to portable sanitation facilities and/or a trash receptacle is not being used, the Town may issue a citation in accordance with Title I of the Silt Municipal Code. All developers and/or contractors shall also ensure that the town street, sidewalks and adjacent properties, in and around the job site, are kept free of dirt, mud and construction debris from the job site, and shall protect the town's street(s) and infrastructure from damage resulting from construction activity. All construction must remain on the lot being developed, including but not limited to trash, equipment and machinery, dirt and building materials.

15.22.260 Excavation/Grading

Due to the non-isolated nature of properties lying within the town boundaries, no excavation, grading or property elevation changes that increase or decrease by more than 12 vertical inches, exceeding a thirty-six (36) square foot area, shall be permitted anywhere within the town, without first obtaining an excavation permit. It shall be the obligation of the owner or person in charge of the property and the person(s) who will actually perform the grading to jointly obtain a permit. Engineered grading plans shall be submitted unless waived by the building official or designee. All excavation taking place with machinery or equipment will require an excavation permit.

15.22.270 Paving of Driveways, Parking Areas and Sidewalks

All driveways, parking areas and sidewalks require the submittal and approval of a miscellaneous permit application. Once approved, the Town will issue a permit. The applicant will need to submit a site plan, indicating the locates of utilities and curb stop. Work completed without a permit will refer to Chapter 15.12.040 of this title.

15.22.280 Public Street, Road, Highway, Alley or Sidewalk Closure/Traffic Control Permits

Requirements referred to in Chapter 12.13 of the Silt Municipal Code.

15.22.290 Metal Buildings within All Zone Districts

Any proposal for metal buildings moved into or built within the town limits shall be reviewed for Silt Municipal Code and ICC Code compliance, as well as architectural design compatibility with surrounding properties. Commercial Districts will be required to apply for a Site Plan Review, which will be presented and voted on in a regularly scheduled Planning and Zoning Commission meeting. Metal buildings proposed as a primary living structure in a Residential District, will require a Special Use Permit Application. Metal buildings as a secondary use, including but not limited to sheds, will be reviewed by the Community Development Department, after an application and site plan indicating architectural features and compatibility with the residential unit on the property and adjacent properties.

15.22.300 Sheds

Per Municipal Code Section 15.02.020(K), All one-story attached or detached accessory structures will require a permit, regardless of size, including but not limited to sheds. "Detached" structures will need to have a minimum fire separation of five (5) feet from other structures.

- a. Zoning Review Only- Must Meet All Requirements
 - i. Structure is less than 200 square feet
 - ii. Structure does not contain utility hook-ups
 - iii. Structure is detached, meeting the minimum fire separation
- b. Building Review and Zoning Review Required
 - i. If the structure does not meet all of the above requirements to exempt a building plan review, the permit application will be subject to both a building and zoning review.

In addition to:

1. No permit for a shed may be knowingly issued by the Community Development Department in violation of zoning regulations.
2. Sheds are not allowed to be occupied as a residence or business in Town limits
3. Sheds must remain in rear and side yards only
4. Sheds must be a single neutral or earth toned colored, but may contain a different colored accent.
5. Sheds must not create drainage on adjacent properties or negative drainage on same property

Chapter 15.24 FENCES, RETAINING WALLS AND SCREENING DEVICES

15.24.010 Purpose and intent.

- A. The purpose and intent of this chapter is to regulate the construction and installation of fences, retaining walls and screening devices within town boundaries and to control the design and use of fences, retaining walls and screening devices within town boundaries, and to control the design

and use of fences, retaining walls and screening devices, in accordance with the regulations contained herein:

1. Promote the effective use of fences, retaining walls and screening devices;
2. Protect the public, preserve the town's character, and prevent visual discord and clutter within the town;
3. Encourage the development of private property in harmony with the desired character of the town while providing due regard for the public and private interests involved.

B. Abatement

1. All fences, retaining walls, and screening devices legally in existence as of the effective date of this ordinance codified in this chapter that do not conform to these regulations shall be considered pre-existing and nonconforming;
2. Upon the replacement of 25 percent or more of a pre-existing or nonconforming fence, retaining wall or screening device, owner of that property shall bring any and all fences, retaining walls or screening devices on the property, into conformance with these regulations.

C. Dangerous fences, retaining walls and screening devices.

1. All fences, retaining walls or screening devices within or directly adjacent to a public right-of-way or public property and/or those that pose an immediate danger to public health or safety, including, but not limited to, visual and drainage obstruction, shall be removed, repaired or relocated in a manner that eliminates the public hazard or obstructions;
2. The town administrator shall, make a determination of whether such a fence, retaining wall or screening device poses an immediate danger to public health or safety;
3. The town shall provide written notice of such a condition to the owner of the property or to the owner's representative by hand delivery or by first class mail, and the town shall allow up to ten days for owner to cure said problem. The town shall have the right, without liability, to issue citations to the owner and fine the owner, to conduct repairs to bring the owner's fence, retaining wall or screening device into compliance, and to assess the costs against the owner in the manner permitted with regards to a violation per Title 1 of this code;
4. Within such ten-day period, the owner of a property who received such notice as contemplated by this section, may file a written appeal to the planning and zoning commission, to be reviewed at the next available regularly scheduled commission meeting.

15.24.020 Permit required for fences, retaining walls and screening devices.

- A. A permit is required for any new fence, retaining wall or screening device exceeding 42 inches in any zone district.
- B. A permit is required for replacement of 25 percent or more of the perimeter of a conforming fence, retaining wall or screening device exceeding 42 inches in any zone district.
- C. A permit is required for replacements of 25 percent or more of a nonconforming length of fence, retaining wall or screening device in any zone district.
- D. An applicant for a fence, retaining wall or screening device shall submit a complete permit application on forms provided by the town, in addition to the following items:

1. Site plan to scale indicating all property lines and locations of existing and proposed fences, retaining walls, and screening devices;
2. Narrative and/or drawing indicating proposed material(s), height(s) and topography (if requested by the town).

E. Retaining Wall Additional Requirements.

1. The site plan shall detail the proposed construction materials, proposed height and location of retaining wall on property;
2. The structural design of such a wall, if 48 inches or more in height, or more than two horizontal steps, shall be designed by a Colorado licensed professional engineer and the engineer's stamp shall be clearly depicted on the design plan;
3. Such engineered plan shall have considered a site-specific soils report for the site, and shall state that the design is in accordance with the soils report recommendations;
4. The town may refer such engineered plan to the town engineer for his review, at the applicant's cost;
5. The town engineer may request additional materials, inspections, and a certification from the design engineer, following construction of wall, that wall was built to the design specifications;
6. No fence, retaining wall, equipment, vehicle or other material may be placed on top of the wall or affecting the wall within 48 horizontal inches of the edge, other than that material and those uses called out in the design specifications;
7. If an applicant proposes uses and/or materials to be placed on top of the wall, or affecting the wall within 48 horizontal inches of the edge, he may submit a written and stamped Colorado licensed professional engineer's statement that such proposal is appropriate.

15.24.030 Materials for fences, retaining walls and screening devices.

- A. An applicant for a fence, retaining wall or screening device shall construct same of durable materials that require low maintenance, are architecturally compatible with the primary building on the site and are aesthetically pleasing as viewed from the street. The following materials may be used:
1. Masonry walls with stucco or other acceptable finish or constructed from masonry block units with an indigenous pattern or finish;
 2. Stone or rock, or a dense material designed to emulate stone or rock, which does not include a thin, flat material such as patterned asphalt roofing material or a mural on concrete;
 3. Wooden fences constructed from newly milled lumber that is pressure treated, or milled, treated native wood. Slab lumber, used lumber or rough-hewn lumber is not acceptable without the planning and zoning commission's special review of the construction detail(s) and material(s);
 4. Chain link fence, constructed with round metal posts and top rail (color shall be dark or natural, if coated);
 5. Concrete painted an earth tone color (retaining walls only); and

6. Other materials that can withstand exposure to the weather and are aesthetically pleasing, as approved by the town administrator or his designee.
- B. Barbed wire, razor wire, slab wood, rough-hewn wood or wood with bark still attached, electric, or other fences not described in this section, are not permitted. An applicant who wishes to use such materials may submit a fence exception application in accordance with this code, and request that the planning and zoning commission, at a regularly scheduled meeting, consider the applicant's reasons for such appeal. If applicant installs such a fence as contemplated by this section either without a permit or prior to the commission's ruling, the applicant automatically loses his right to an appeal and must remove the fence within seven days of the town's notice to applicant. Violations will be enforced in accordance with Chapter 1.12 of the Silt Municipal Code.
- C. Screening Device Provisions in Commercial and Multi-Family Zone Districts.
1. An applicant for trash and/or refuse collection area(s) for or within commercial or multi-family properties shall design enclosure with a six-foot high solid wood fence or masonry wall, styled and colored to match the material of adjacent walls or the main building on the site (hereinafter "required screening wall"), in accordance with Title 17 of this code, if applicable. The town administrator or his designee may require a screening wall for other properties that have requested a special use permit or other zoning action;
 2. An applicant for a required screening device must design such device in order to completely screen stored materials on all sides;
 3. An applicant for a required screening device shall construct the device of permitted materials as described in this section, in a manner that creates a completely opaque screen through which no portion or silhouette of the items screened is visible. Chain link fencing with interwoven plastic, wood, vinyl or metal slats does not satisfy required screening requirements.
- D. Design and Construction.
1. An applicant for a fence, retaining wall or screening device adjacent to a street, park or open space shall install so that a decorative or finished surface faces the street or public open space;
 2. An applicant for a fence, retaining wall or screening device in excess of 150 feet in length shall avoid a long, flat appearance by incorporating cap treatments on posts or columns, use of accentuated columns, texture or elements which provide relief to the surface, the setting back of wall portions, planters on or in the wall, and/or the use of materials that break up the long appearance of such walls;
 - a. The town administrator or designee shall determine conformance with this section, in accordance with Chapter 17.42 of this code, if applicable, following permit application and prior to fence, retaining wall or screening device construction;
 - b. Where side or rear lot lines are adjacent to public parks or open space, or where rear lot lines are adjacent to public rights-of-way, the applicant shall utilize the same materials, design and color for all fences, retaining walls or screening device construction on all lots.

15.24.040 Heights of fences, retaining walls or screening devices in all residential districts.

Except as otherwise provided for in this code, the maximum height of fences, retaining walls, or screening devices, or combination thereof, shall be as follows in all residential zone districts:

- A. Forty-two inches on the property line or forty-eight inches at a minimum 5-foot setback, from the property line in any yard adjoining a public street;
- B. Forty-two inches on the property line or forty-eight inches at a minimum 5-foot setback for any portion of side yard or rear yard fence that extends into the setback adjoining a public street;
- C. Six feet in rear yards and side yards, where these areas do not adjoin a public street;
- D. The height of fences, retaining wall, or screening devices shall be measured from the top of the curb of the adjoining street or the top of the crown of the adjoining street or alley where no curb exists;
- E. If the elevation of the yard is above or below the elevation of the street, the maximum height of a fence in that yard shall be six feet, except as otherwise stated for yards that adjoin public streets and alleys;
- F. No property owner may artificially lower or raise his lot, by cutting, filling or other means, in order to avoid the provisions of this section.

15.24.050 Maintenance of fences, retaining walls and screening devices.

- A. All fences, retaining walls, and screening devices whether required by this code or not, shall be maintained with finishes and surfaces in good repair and shall be in sound structural condition;
- B. The town shall notify the owner of such fence, retaining wall, or screening device of a violation of this section and shall have the duty to comply with this section within ten days of such notification;
- C. The town, in its sole discretion, may allow applicant to construct fences, retaining walls, or screening devices on property owned by or under the control of the town and subject to approval by the town administrator or designee under the following conditions:
 - 1. More than ten feet of right-of-way or public property exists between the back of the closest adjoining curb, street drainage structure, street traveled lane, sidewalk, traffic control device or similar public improvement
 - 2. The owner acknowledges by receipt of permit that the town may request such fence, retaining wall or screening device be removed within 30 days' notification, at owner's sole cost
 - 3. The construction of a fence, retaining wall, or screening device shall not create a hazard to pedestrian traffic, vehicular traffic or any other public use of the adjoining public property, including, but not limited to, pedestrian, access and drainage easements
 - 4. Construction of such fences, retaining walls, or screening devices shall otherwise conform to all provisions of this code

15.24.060 Exceptions—Special review.

- A. Any person may apply to the planning and zoning commission for an exception to the provisions of Section 15.13, regarding type, size, height, and location of fences, retaining walls and screening devices. Additionally, an applicant may appeal a decision or interpretation made by the town administrator or designee regarding the provisions of the aforementioned sections.
- B. An exception may be granted if the fence, retaining wall or screening device will result in a harmonious addition to the community, otherwise complies with this chapter, and is consistent with the following guidelines:
 - 1. Fence, retaining wall or screening device height shall be limited to the lowest possible height in order to achieve the intended result, and in no case shall residential fences exceed six feet in height;
 - 2. Fence, retaining wall or screening device shall not negatively detract from the adjacent properties or the surrounding visual corridors;
 - 3. Fence, retaining wall or screening device shall be designed to accommodate the existing topography of the site;
 - 4. Fence, retaining wall or screening device shall be located completely within the applicant's property;
 - 5. Fence, retaining wall or screening device shall not create a hazard to pedestrian traffic, vehicular traffic, or any use of a public property, including, but not limited to, pedestrian, access and drainage easements.
- C. An applicant requesting a fence exception shall submit to the town a complete fence permit application on a form provided by the town, and a statement by the applicant detailing the type of exception requested, for consideration by the planning and zoning commission in a regularly scheduled meeting.
 - 1. The applicant for a fence exception shall submit to the town a fee equal to the fence permit fee, as established by the board annually or more often as necessary;
 - 2. Submittals shall be in conformance with this chapter;
 - 3. Applicant shall publicly notice the fence exception in a manner of a zoning variance, per this code.
- D. Appeal to Commission's Decision—Process. Any person aggrieved of a decision by the planning and zoning commission regarding a fence exception may appeal to the board of trustees within one month of the commission's fence exception decision, for consideration at a regularly scheduled meeting.
 - 1. The applicant for a fence exception appeal shall submit to the town a statement as to the reason for the appeal, and any other item as requested by the town in order for the town to review the appeal;
 - 2. The applicant for a fence exception appeal shall submit to the town a fee equal to the fence permit fee, as established by the board annually, or more often as necessary;
 - 3. Applicant shall publicly notice the fence exception appeal in a manner of a zoning variance, per this code;

4. The board shall review the fence exception appeal at the first available regularly scheduled meeting following the commission's decision;
5. The board, in its sole and final discretion, shall affirm the commission's decision, deny the commission's decision, or affirm the commission's decision with additional conditions.

15.24.070 Violations—Penalties.

In the case that any fence, retaining wall or screening device is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any fence retaining wall or screening device is used, in violation of this title, the town administrator or designee, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent or remove such violation. Any person who violates any provision of this chapter shall be punished in accordance with Chapter 1.12 of this code.

Chapter 15.26 NONCOMPLYING WOOD STOVES

15.26.010 Definitions.

- A. "New stove" means any stove which has not been sold or used after March 1, 1991, the effective date of the Colorado Phase II certification/exemption list.
- B. "Used stove" means a stove which has already been sold at least once and has been in use at least once prior to March 1, 1991, the effective date of the Colorado Phase II certification/exemption list.

15.26.020 Restrictions on installation.

Any previously used stove or new stove not in compliance with Colorado Phase II requirements shall not be installed within any existing or planned structure in the town after the adoption of the ordinance codified in this chapter. Only stoves which meet the requirements or exemptions as per the Colorado Phase II certification/exemption lists, effective March 1, 1991, are allowed to be installed within the town after the passing of said ordinance.

15.26.030 Proof of compliance.

Any person wishing to install a used or new stove within any existing or planned structure in the town shall be required to submit documentation either in original or copy to town officials which certifies that the stove complies with or is exempted from the Colorado Phase II certification/exemption requirements set forth in Regulation No. 4 of the Colorado Air Quality Control Commission.

15.26.040 Removal of nonconforming stoves.

If a reinstalled or newly installed stove is deemed not in compliance, the owner shall be given written notice of such and shall have ten days to completely remove the stove from the structure.

15.26.050 Violation—Penalty.

The town may issue a citation to a violator of Chapter 15.14 (non-complying stoves) in accordance with Chapter 1.12 of this code.

15.26.060 Exemption of preexisting stoves.

Any stove which is currently in use or has been purchased and installed prior to the adoption of the ordinance codified in this chapter is exempted from this chapter as long as the stove is not resold or moved from its current location in any way. Once the stove is resold or moved, it falls within the restrictions outlined in this chapter.

Chapter 15.28 FACTORY BUILT, MANUFACTURED AND MODULAR RESIDENTIAL UNITS

15.28.010 Definitions.

For the purposes of this title, certain words used in this chapter are defined as follows:

- A. "Installation" is the work performed and operations involved in the placement and securing of a new factory built, manufactured or a modular residential unit on a foundation system.
- B. "Manufactured home" is a new residential unit built entirely in the factory under only the federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards, also known as the HUD Code, went into effect June 15, 1976. New manufactured homes may be single- or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency, heating, plumbing, air-conditioning, thermal and electrical systems and insulation. The HUD Code does not regulate zoning, developmental, use, aesthetic, architectural and historical standards, site planning, and permanent foundation standards imposed by Title 17 of this code.
- C. "Factory built home" or "modular home" means a new single-family dwelling which:
 - 1. Is partially or entirely built in a factory and designed for long-term residential use;
 - 2. Is built in multiple sections, with each section on a chassis which enables it to be transported to its occupancy site;
 - 3. Meets or exceeds, on an equivalent performance engineering basis, such standards as may now or hereafter be established by the town's municipal building code (equivalent performance engineering basis means that by using engineering calculations or testing, and following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units); and
 - 4. Meets or exceeds all applicable zoning, developmental, use, aesthetic, architectural and historical standards, including, but not limited to, requirements relating to permanent foundations, minimum floor space, unit size or sectional requirements, and improvement location, setback standards as the same may now or hereafter be established by the town.

- D. "Mobile home" or "trailer home" is any originally wheeled vehicle, exceeding either eight feet in width or 32 feet in length, excluding towing gear and bumpers, without motive power, which was designed and is commonly used for occupancy by persons for residential purposes in permanent locations, and which may be drawn over the public highways by a motor vehicle. Mobile homes or trailer homes shall include those homes constructed prior to the Federal Manufactured Home Construction and Safety Standards, also known as the HUD Code. Mobile homes and trailer homes are considered pre-existing, nonconforming uses.
- E. "Permanent foundation" means a full perimeter concrete or concrete block, site-built foundation designed by a licensed Colorado engineer, following recommendations of a soils report specific to the site for which the foundation is proposed, and for which is required of all new factory built, manufactured and modular residential units manufactured after 1976;
- F. "Stabilizing devices" are all those components of the anchoring and support systems, such as piers, footings, ties, anchoring equipment, ground anchors, or any other materials and methods of construction which supports and secures a mobile home to the ground.

15.28.020 Compliance with zoning.

All new factory built, manufactured and modular residential units shall conform with the provisions and regulations of all zoning and other applicable ordinances of the town. The board shall determine such specific criteria for new factory built, manufactured and modular residential units, following a public hearing for the special use permit for such units.

15.28.030 Building permit required.

No new factory built, manufactured or modular, or factory-built residential unit may be installed within the town limits without first securing a building permit therefor from the town.

15.28.040 Installation requirements.

- A. A licensed plumber shall install all-natural gas, sewer and water service lines; a licensed electrician must install all electrical service connections.
- B. All applicants for new factory built and modular residential units must indicate to the town compliance with the town's approved snow load; all applicants for new manufactured units shall indicate to the town the federal insignia on the home as required by the HUD code; the building inspector shall determine snow loads for all mobile homes and those mobile residential units.
- C. All applicants for new factory built and modular residential units must indicate to the town compliance with the town's approved wind load; all applicants for new manufactured units shall indicate compliance with the federal insignia as required by the HUD code; the building inspector shall determine wind loads for all mobile homes and those mobile residential units.
- D. All applicants for new factory built and modular residential units must indicate to the town compliance with the town's approved insulation; all applicants for new manufactured units shall indicate compliance with the federal insignia as required by the HUD code; the building inspector shall determine insulation requirements for all mobile homes and those mobile residential units.
- E. All applicants for new factory built and modular residential units must indicate to the town compliance with and engineered, permanent concrete or concrete block foundation, with adequate frost depth protection as defined by this code; the building inspector shall determine

type of foundation or anchoring for all mobile homes and those mobile residential units built prior to 1976.

- F. All applicants for new factory built and modular residential units shall indicate to the town compliance with the town's requirements for a crawl space and adequate crawl space ventilation, according to the town's adopted building code; the board shall determine type of crawl space, if any, for all mobile homes and those mobile residential units built prior to 1976.
- G. All applicants for new factory built and modular residential units shall indicate to the town compliance with all exterior access structure criteria within this code and within the town's adopted building code.
- H. All applicants for new manufactured homes shall indicate compliance with manufacturer's installation instructions and applicant shall include a copy of such instructions at building permit application.

15.28.050 Foundation and removal of axles and wheels.

All applicants for new factory built, manufactured and modular residential units shall remove all axles and wheels in such a manner that the residential unit is considered an improvement to real property as a permanent structure. Owner of such new factory built, manufactured or modular residential unit shall purge the title and provide proof to town that such unit is no longer mobile.

15.28.060 Exemption for mobile home parks.

Any mobile home located in a legally established mobile home park within the town shall be exempt from preceding section; however, it shall comply with all other provisions of this code.

15.28.070 Common ownership and taxation.

Any owner of a factory built, manufactured, modular or mobile home residential unit located in the town and occupied or used as a residence shall have the same record title ownership as the real property upon which the factory built, manufactured, modular or mobile home is located. Such residential unit shall be taxed as an improvement to the real property.

Chapter 15.30 FLOOD DAMAGE PREVENTION

15.30.010 Intent.

It is the purpose of this chapter, and prescribed by the legislature of the state in C.R.S. Title 29, Article 20 delegating the responsibility to local governmental units to adopt regulations to promote the public health, safety, and general welfare of its citizenry and to minimize public and private losses due to conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;

- E. To minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer, and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of flood prone areas in such a manner as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is located in a flood hazard area; and
- H. To ensure that those who occupy the areas of flood prone areas assume responsibility for their actions.

15.30.020 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

15.30.030 Definitions.

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

- A. "100-year flood" means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every 100 years.
- B. "100-year floodplain" means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.
- C. "500-year flood" means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual flood). The term does not imply that the flood will necessarily happen once every 500 years.
- D. "500-year floodplain" means the area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.
- E. "Addition" means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

- F. "Alluvial fan flooding" means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.
- G. "Area of shallow flooding" means a designated Zone AO or AH on the town's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- H. "Base flood elevation" or "BFE" means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.
- I. "Basement" means any area of building having its flood sub-grade (below ground level) on all sides.
- J. "Channel" means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
- K. "Channelization" means the artificial creation, enlargement or realignment of a stream channel.
- L. "Code of Federal Regulations" or "CFR" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to federal regulation.
- M. "Community" means any political subdivision in the State of Colorado that has the authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.
- N. "Conditional letter of map revision" or "CLOMR" means FEMA's comment on a proposed project, which does not revise an effective floodplain map that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.
- O. "Critical facility" means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 15.32.50, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.
- P. "Development" means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- Q. "DFIRM database" means the database (usually spreadsheets containing data and analyses that accompany DFIRMS). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.
- R. "Digital Flood Insurance Rate Map" or "DFIRM" means the FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

- S. "Elevated building" means a non-basement building (i) building, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of flood waters.
- T. "Existing manufactured, modular or factory-built home park or subdivision" means a manufactured, modular or factory-built home park for which the construction of facilities for servicing the lots on which the homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) are completed before the effective date of the floodplain management regulations adopted by a community.
- U. "Expansion to an existing manufactured, modular or factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- V. "Federal Register" means the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.
- W. "Federal Emergency Management Agency" or "FEMA" means the agency responsible for administering the National Flood Insurance Program, or NFIP.
- X. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land area from:
1. The overflow of water from channels and reservoir spillways;
 2. The unusual and rapid accumulation or run-off of surface waters from any source; or
 3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).
- Y. "Flood Insurance Rate Map" or "FIRM" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- Z. "Flood Insurance Study" or "FIS" means the official report provided by FEMA, which contains the FIRM as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.
- AA. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.
- BB. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.
- CC. "Floodplain development permit" or "FDP" means a permit required before construction or development begins within any special flood hazard area, or SFHA. If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or

other development in the community including the placement of manufactured, modular and factory-built homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.

- DD. "Floodplain management" means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
- EE. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state and local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- FF. "Flood control structure" means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- GG. "Flood-proofing" means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- HH. "Floodway" or "regulatory floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letter of Map Revision (LOMR) to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.
- II. "Freeboard" means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased run-off due to urbanization of the watershed.
- JJ. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities or port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- KK. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- LL. "Historic structure" means any structure that is (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program

as determined by the Secretary of the Interior, or, directly by the Secretary of the Interior in states without approved programs.

- MM. "Levee" means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.
- NN. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- OO. "Letter of Map Revision" or "LOMR" means FEMA's official revision of an effective FIRM, or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).
- PP. "Letter of Map Revision Based on Fill" or "LOMR-F" means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the FIRM based on the placement of fill outside the existing regulatory floodway.
- QQ. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or 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 requirement of Section 60.3 of the NFIP regulations.
- RR. "Manufactured home" means a manufactured home, modular home or factory-built home that is transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. The term "manufactured home" does not include "recreational vehicle."
- SS. "Manufactured, modular or factory-built home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- TT. "Mean sea level" means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's FIRM are referenced (for NFIP purposes).
- UU. "Material safety data sheet" or "MSDS" means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

- VV. "National Flood Insurance Program" or "NFIP" means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act.
- WW. "No-rise certification" means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the FIRM or FBFM.
- XX. "Physical map revision" or "PMR" means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.
- YY. "Recreational vehicle" means a vehicle which is:
1. Built on a single chassis;
 2. 400 square feet or less when measured at the large's horizontal projections;
 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- ZZ. "Special flood hazard area" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.
- AAA. "Start of construction" means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of slab or footings, the installation of piles, 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- BBB. "Structure" means a walled and roofed building, including manufactured, modular or factory-built home.
- CCC. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.
- DDD. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of construction" of the improvement. The value of the structure shall be determined by the town, in its sole discretion. This includes structures which have incurred

"substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the building official and which are the minimum necessary conditions; or
2. Any alteration of an "historic structure" provided that that alteration will not preclude the structure's continued designation as an "historic structure."

EEE. "Threshold planning quantity" or "TPQ" means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

FFF. "Variance" means a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see Section 60.6 of the NFIP regulations.)

GGG. "Violation" means the failure of a structure or other development to be fully compliant with the town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the NFIP regulations is presumed to be in violation until such time as that documentation is provided.

HHH. "Water surface elevation" or "WSE" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

15.30.040 General provisions.

- A. **Lands to Which This Chapter Applies.** This chapter shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the town.
- B. **Basis for Establishing the Areas of Special Flood Hazard Area.** The special flood hazard areas identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Silt", dated May 31, 2005, with accompanying Flood Insurance Rate Maps and/or Flood Boundary Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated and approved by the Town of Silt. The floodplain administrator shall keep a copy of the FIS, DFIRMs, FIRMs, and/or FBFMs on file and available for public inspection.
- C. **Establishment of Floodplain Development Permit.** A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.
- D. **Compliance.** No structure or land shall hereafter be located, altered, or have its use changed within the special flood hazard area without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent the town from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board (CWCB) and the NIFP.

- E. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.30.050 Administration.

- A. Designation of Town Administrator. The town administrator or his designee is hereby appointed as floodplain administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
 - 1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood-proofing certificate required by Section 15.32.060 of this Code;
 - 2. Review, approve, or deny all applications for floodplain development permits required by adoption of this chapter;
 - 3. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;
 - 4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
 - 5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure;
 - 6. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation;

7. When base flood elevation data has not been provided in accordance with Section 15.32.040(B), the floodplain administrator shall obtain, review and reasonably utilize any BFE data and floodway data available from a federal, state, or other source, in order to administer the provisions for flood hazard reduction;
8. For waterways with BFE for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community;
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the town may approve certain development in Zones A1-30, AE, AH, on the town's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval;
10. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

15.30.060 Permit procedures.

- A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by the town and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured, modular and factory-built homes, and the location of the foregoing in relation to special flood hazard area:
 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
 3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Section 15.32.080(B);
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 5. Maintain a record of all such information in accordance with this chapter.
- B. Approval or Denial of Floodplain Development Permit—Basis. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
 1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. 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;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

C. Variance Procedures.

1. The board of trustees shall hear and render judgment on requests for variances from the requirements of this chapter;
2. The board of trustees shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter;
3. Any person or persons aggrieved by the decision of the board of trustees may appeal such decision in the courts of competent jurisdiction;
4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request;
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter;
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases;
7. Upon consideration of the factors noted above and the intent of this chapter, the board of trustees may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter;
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

10. Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing provisions of this Code.
- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by the board of trustees for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a. The criteria outlined in the above variance procedures are met; and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.30.070 Floodplain development permit fee.

An applicant for a floodplain development permit shall pay to the town a fee as set by the board of trustees by resolution annually, or more often as necessary. Applicant shall additionally pay all of the town's incurred costs for experts and/or engineers, who assist the town in review of the application and/or determination of the floodplain.

15.30.080 General standards for flood hazard reduction.

- A. Anchoring. In all special flood hazard areas, the following provisions are required for all new construction and substantial improvements:
 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. All manufactured, modular and factory-built homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state

and this section's anchoring requirements for resisting wind forces. Specific requirements may be:

- a. Over-the-top ties be provided at each of the four corners of the manufactured, modular or factory-built home, with two additional ties per side at intermediate locations, with manufactured, modular or factory-built homes less than 50 feet long requiring one additional tie per side;
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured, modular or factory-built homes more than 50 feet long requiring four additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - d. Any additions to the manufactured, modular or factory-built home shall be similarly anchored.
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 4. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- B. Utilities.
1. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, 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;
 2. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
 4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- C. Subdivision Proposals.
1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

15.30.090 Specific standards for flood hazard reduction.

In all special flood hazard areas where base flood elevation data has been provided as set forth in Section 15.16.090, the following provisions are required:

- A. Residential Construction. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base

flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the floodplain administrator.

- B. Nonresidential Construction. With the exception of critical facilities, outlined in Section 15.16.150, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall conform to the following:
1. Either have the lowest floor (including basement) elevated to one foot above the base flood elevation; or
 2. Together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. Openings in Enclosures Below the Lowest Floor. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one foot above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- D. Manufactured, Modular and Factory-Built Homes.
1. Manufactured, modular and factory built homes that are placed or substantially improved within Zones A1-30, AH, and AE on the town's FIRM on sites (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; (d) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. All manufactured, modular and factory-built homes placed or substantially improved on sites in an existing manufactured, modular or factory-built home park or subdivision within Zones A1-30, AH and AE on the town's FIRM that are not subject to the provisions of Section 15.16 above, shall be elevated so that either:
 - a. The lowest floor of the manufactured, modular or factory-built home is one foot above the base flood elevation; or
 - b. The manufactured, modular or factory-built home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches

in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- E. Recreational Vehicles. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the town's FIRM shall either:
 - 1. Be on the site for fewer than 180 consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Meet the permit requirements of this code, and the elevation and anchoring requirements for "manufactured, modular and factory-built homes" in Section 15.16.
- F. Prior Approved Activities. Any activity for which a floodplain development permit was issued by the Town of Silt or a CLOMR was issued by FEMA prior to the effective date of this chapter may be completed according to the standards in place at the time of the permit of CLOMR issuance and will not be considered in violation of this chapter if it meets such standards.

15.30.100 Standards for areas of shallow flooding in AO and AH Zones.

Located within the special flood hazard area established in 15.16 of the Code, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the floodplain administrator.
- B. Non-Residential Construction. A registered Colorado professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Section 15.16 of the Code, are satisfied. With the exception of critical facilities, outlined in Section 15.16 of the Code, all new construction and substantial improvements of non-residential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

15.30.110 Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of "Floodway"). Located within special flood hazard area established in Section 15.16, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
- B. If Section 15.16 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

15.30.120 Alteration of a watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- A. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- B. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- C. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and town floodplain rules, regulations and ordinances.
- D. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- E. All activities within the regulatory floodplain shall meet all applicable federal, state and Town of Silt floodplain requirements and regulations.
- F. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 15.16 of this Code.

- G. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

15.30.130 Properties removed from the floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the base flood elevation with one foot of freeboard that existed prior to the placement of fill.

15.30.140 Standards for subdivision proposals.

- A. All subdivision proposals including the placement of manufactured, modular or factory-built home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- B. All proposals for the development of subdivisions including the placement of manufactured, modular and factory-built home parks and subdivisions shall meet floodplain development permit requirements of this chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured, modular or factory-built home parks and subdivisions which is greater than 50 lots (units) or five acres, whichever is lesser, if not otherwise provided pursuant to this chapter.
- D. All subdivision proposals including the placement of manufactured, modular or factory-built home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

15.30.150 Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that, if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- A. Classification of Critical Facilities. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services.
 - 1. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.
 - a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

- b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - c. Designated emergency shelters;
 - d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - f. Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars);
 - g. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances;
 - h. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the town on an as-needed basis upon request.
2. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials, and may include the following:
- a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c. Refineries;
 - d. Hazardous waste storage and disposal sites; and
 - e. Above ground gasoline or propane storage or sales centers.
3. Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other

chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this chapter, but exclude later amendments to or editions of the regulations.

- a. Exemptions:
 - i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use;
 - ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the town having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the town having land use authority) that a release of the subject hazardous material does not pose a major threat to the public;
 - iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
 - b. These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this chapter.
4. At-risk population facilities include medical care, congregate care, and schools, including but not limited to elder care (nursing homes), congregate care serving 12 or more individuals (day care and assisted living), public and private schools.

5. Facilities vital to restoring normal services including but not limited to essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers) and essential structures for public colleges and universities (dormitories, offices, and classrooms only).
 - a. Exemptions.
 - i. These facilities may be exempted if it is demonstrated to the town that the facility is an element of a redundant system for which service will not be interrupted during a flood.
 - ii. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the town on an as-needed basis upon request.
- B. Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protection shall include one of the following:
 1. Location outside the special flood hazard area; or
 2. Elevation or flood-proofing of the structure to at least two feet above the base flood elevation.
- C. Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the town, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.
- D. Responsibility. It is the responsibility of the town to identify and confirm that specific structures in the community meet the criteria of the previous section.

15.30.160 Violation—Penalty.

The town may issue a citation to a violator of Chapter 15.16 (Floodplain development) in accordance with Chapter 1.12 of this code.