

ORDINANCE NO. 1

SERIES 2005

AN ORDINANCE AMENDING THE TOWN CODE TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2003 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2003 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL AND TO ESTABLISH BUILDING FEES.

WHEREAS, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the construction of safe and sound buildings is inherent in this charge; and

WHEREAS, the adoption of uniform codes is necessary to ensure safe and sound construction of buildings; and

WHEREAS, Town conditions and interests vary somewhat from national conditions, and thus, the codes are herein amended to reflect local conditions; and

WHEREAS, the building codes previously adopted by the Town included therein building department fees, and the instant codes do not set forth building department fee schedules, which schedules are necessary in order to help defray some of the costs associated with the functions of the building department; and

WHEREAS, the Town Council has found that the amendments and adoptions contained herein are necessary to protect the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Repeal Of Current Codes and Adoption of International Building Code and International Residential Code. Article 16-1 of the Crested Butte Municipal Code is hereby repealed. The Town Council reenacts the same Article to read as follows:

“Article 16-1 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE AND INTERNATIONAL BUILDING CODE.

“Section 16-1-1. – The International Residential Code, 2003 Edition as published by

the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 43 inclusive (without appendices) ("IRC"), is hereby adopted by reference as the Town of Crested Butte Building Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

- (A) IRC Section R105.2 (Work Exempt from Permit) is amended by the deletion of "Building: 1. ("One-story detached accessory structures...")."
- (B) IRC Section R105.2 (Work Exempt from Permit) "Building: 5. is amended by replacing 30" with 18"."
- (C) IRC Section R108.2 (Schedule of Permit Fees) is amended by inserting the fee schedule set forth in Appendix A (Permit Fees Schedule).
- (D) IRC Section R301.2 (Climactic and Geographical Design Criteria) is amended by adding the following to Table 301.2(1):
 - Ground Snow Load – 100 pounds
 - Wind Speed – 90 miles per hour 3 second gust
75 miles per hour Fastest Mile
Exposures B & C
 - Seismic Design Category– C
 - Weathering – Severe
 - Frost line Depth- 36"
 - Termite – Slight to Moderate
 - Decay – None to Slight
 - Winter Design Temp – 16 degrees Fahrenheit
 - Ice Shield Underlayment Required – Yes
 - Flood Hazards – RBD Report September 18, 1992
Flood Insurance Rate Map("FIRM") September 29, 1989
Flood Insurance Rate Map("FIRM") June 14, 1974
 - Air Freezing Index – 2000-3000
 - Mean Annual Temp – 40 degrees Fahrenheit
- (E) IRC Section R310 (Emergency Escape and Rescue Openings) is amended by the addition of the following:
 - "R310.5 Basement Bedroom Egress.
 - 1. No bedrooms will be allowed in basements unless there exists either a viable egress window, exit staircase or code egress system.
 - 2. If a full bathroom exists in the basement, then there will be an assumption that any room that can be separated by a door from the larger basement space and also meets the minimum size requirements of a habitable room (and is not a laundry room, mechanical room or similar space) is, or may become in the future, a bedroom.
 - 3. No window well will be approved as a means of egress unless a roof section extends past the window well footprint (at minimum one foot, possibly significantly more) sufficient to prevent snow from falling into or backing into the window well it covers.
 - 4. The roof section covering a window well egress must be high enough above grade to allow egress but should not be more than nine feet above

the grade upon which the window well exits.

5. A curb may be required around the sides of the window well used for egress above the adjacent grade to prevent snow from backing into the window well and to prevent pedestrians from inadvertently falling into the window well.
 6. Final design of the egress system, roof section and window well curbing will only be approved by the building inspector if year-round egress from the basement is established and the design satisfies safety considerations for both inhabitants of the building and pedestrians. Other designs may be approved if they meet the above criteria for safety and effectiveness.”
- (F) IRC Section R313 (Smoke Alarms) is amended by renaming it “Smoke Alarms and Carbon Monoxide Detectors) and adding thereto the following:

“R313.3 Carbon Monoxide Detectors. Carbon monoxide detectors shall be installed in all new construction, additions, remodels and renovations where gas appliances are installed and in all mixed use buildings where carbon monoxide exhaust fumes are generated. Detectors shall receive primary power from the building’s wiring and shall be equipped with battery backup. Detectors installed in existing buildings may be of the wall plug type with battery backup. Location of detectors shall be in accordance with the manufacturer’s instructions and/or by recommendations of the Fire Marshal and the Building Inspector.”

Section 2. “Section 16-1-2. – The International Building Code, 2003 Edition as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 35 inclusive (without appendices) (“IBC”), is hereby adopted by reference as the Town of Crested Butte Building Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

- (A) IBC Section 105.2 (Work Exempt from Permit) is amended by the deletion of “Building: 1. (“One-story detached accessory structures...”)”
- (B) IBC Section 105.2 (Work Exempt from Permit) “Building: 6. is amended by replacing 30” with 18”.”
- (C) IBC Section 108.2 (Schedule of Permit Fees) is amended by inserting the fee schedule set forth in Appendix A (Fees Schedule).
- (D) IBC Section 1604 (General Design Requirements) is amended by adding “1604.1.1 Climactic and Geographical Design Criteria” and those criteria set forth in IRC Section R301.2 and Table 301.2(1).
- (E) IBC Chapter 9 (Fire Protection Systems) is amended by adding as Section 912 (Carbon Monoxide Detectors) those requirements as set forth in IRC Section R313.3.

Section 3. Adoption of Fees. Section 16-1 is amended by the addition of a new Section

16-1-3 -3, which shall read as follows:

“16-1-3. - Fees. Fees for any permit or inspection required by the codes adopted in this chapter or required by Section 15-2-25 are set forth in the Appendix to the Code.”

Section 4. Current Sections 16-1-3, 16-1-5 and 16-1-6 Are Renumbered and Readopted. Current Sections 16-1-3, 16-1-5 and 16-1-6 are hereby renumbered and readopted and shall be renumbered to reflect sequential numbering of 16-1-4, 16-1-5, 16-1-6 and 16-1-7.

Section 5. Amending the Code to Clarify the Requirement of the Submission and Review of Construction Documents. Section 15-2-25.D.1. is amended by deleting the second sentence of that section and replacing it with the following:

“Such building permit shall be issued when the applicant has complied with all requirements of this Code, and any code adopted herein, including the requirement for the submission of construction documents, and the payment of such fees as are required to review such documents and when the applicant has obtained all approvals required hereunder. The determination of value or valuation under any provisions of this Code shall be made by the building official based on the Valuation Schedule published in the most recent edition of the “Building Safety Journal” magazine by the International Code Council, multiplied by the regional modifier of 1.54, or other evidence of value, whichever is greater, as determined by the building official. 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.”

Section 6. Amending the Code to Require Posting of a Performance Deposit. Section 15-2-25.D. is amended by the addition of a new Section 15-2-25.D.2 (and the subsequent, sequential renumbering of the current sections that follow). The new section shall read as follows:

“2. No building permit shall be issued unless and until a performance deposit has been deposited with the building department.

- (a) The amount of the performance deposit shall be the amount of the valuation of the structure for which a building permit is sought, multiplied by .25%.
- (b) The performance deposit will be released upon the issuance of a certificate of occupancy for the structure for which the building permit is sought, if the building department determines that all improvements have been completed in accordance with all approved plans, including landscaping and parking requirements.
- (c) Such deposit, or a portion thereof, as determined by the building official, may be retained by the Town as compensation for performing the plans, provided further that the depositor shall have failed, or refused, to install the work within thirty (30) days after receipt of a notice in writing from the building official. “

Section 7. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 8. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS _____ DAY OF _____, 2005.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 2005.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James Schmidt, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)