

ORDINANCE NO. 28

SERIES 2010

**AN ORDINANCE AMENDING THE BASEMENT
CONSTRUCTION REQUIREMENTS
CONTAINED IN THE CRESTED BUTTE
MUNICIPAL CODE**

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

WHEREAS, the Crested Butte Municipal Code ("Code") contains certain regulations on the construction of basements;

WHEREAS, the Town staff has found that such regulations, as currently devised, are antiquated and have the overall net effect of prohibiting the construction of basements;

WHEREAS, the Town staff has found that a by-product of such regulations is that residents have had to discharge water into the Town's sewer system and onto public right of ways, thus negatively impacting the Town's public facilities;

WHEREAS, the Town staff has determined that such regulations are inappropriate for the Town as the Town considers basement construction be an acceptable and approved method of construction and such construction will not, if performed to certain standards, pose inordinate risks to the property owner, neighbouring properties or the Town, and will help to cease the discharge of basement water into the Town's sewer system and onto public right of ways;

WHEREAS, on account of the foregoing, the Town staff has recommended that the Town Council revise such basement construction regulations to include new standards for the construction of basements, such that basement construction can more readily occur, and can occur in a manner that poses little risk to the property owner, neighbouring properties and the Town, and that will help to cease the discharge of basement water into the Town's sewer system and onto public right of ways; and

WHEREAS, the Town Council has found that, once adopted, these amendments to the regulations on the construction of basements will allow such basement construction to more readily occur, and occur in a manner that poses little risk to the property owner, neighbouring properties and the Town, and that will help to cease the discharge of basement water into the Town's sewer system and onto public right of ways, and, therefore, such amendments set forth hereinbelow are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town.

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

Section 1. Amending Section 16-14-150 - Basement Construction. Section 16-14-150 is hereby deleted in its entirety and replaced with the following language in place thereof:

"Sec. 16-14-150. Basement Construction.

The construction of basements is prohibited unless the proponent complies with Section 18-16-10."

Section 2. Adding a New Article 16 to Chapter 18. A new Article 16 is added to Chapter 18 of the Code which shall read as follows:

"ARTICLE 16

Basement Construction Requirements

All new basements, as defined in Section 16-1-20, must meet the following requirements.

(a) **Basement Foundation Design.** Basements shall be designed and constructed to be completely waterproof, and shall be no larger in footprint than the above-ground structure they support with the exception of window wells and exiting features and underground parking facilities in Business, Tourist and Commercial districts. Basement foundations shall be designed by a licensed Colorado Professional Engineer experienced in these types of waterproof structural systems and who shall affix their seal on all relevant construction documents.

(b) **Floors.** All floors in basements are required to be waterproofed. They shall be constructed of concrete, designed and constructed to withstand the hydrostatic pressures to which such floors will be subjected. Waterproofing shall be accomplished through means approved in the International Building Code such as applied membranes and coatings installed under the slab in accordance with the manufacturer's requirements. Additionally, concrete admixtures may be utilized in conjunction with approved membranes and coatings. Alternative designs may be approved on a case-by-case basis by the Building Official if submitted by a licensed Colorado Professional Engineer.

(c) **Walls.** Walls required to be waterproofed shall be of concrete and shall be designed and constructed to withstand the hydrostatic pressure and other lateral loads to which such walls will be subjected. Waterproofing shall be accomplished through means approved in the International Building Code such as applied membranes and coatings installed on the positive hydrostatic pressure side of the wall according to the manufacturer's requirements. The waterproofing shall be lapped and sealed to the slab waterproofing according to the manufacturer's requirements and shall extend to a point not less than six (6) inches above finished grade. Concrete admixtures may be utilized in conjunction with approved membranes and coatings. Alternative designs may be approved on a case-by-case basis by the Building Official if submitted by a licensed Colorado Professional Engineer.

(d) **Water Table Displacement.** Basement foundations shall not extend more than one (1) story, as such term is defined in the International Residential Code (IRC), below existing grade. On sloping sites, maximum foundation depth will be determined by the Building Official.

(e) Construction Dewatering. Construction dewatering may be allowed only during construction of the basement foundation upon approval by the Building Department. The proponent is responsible for obtaining any required dewatering discharge permits that may be required by the State of Colorado or other licensing agency and shall provide copies of the same to the Town. A construction dewatering and discharge plan including the location and point of discharge shall be submitted to the Town for approval prior to commencement of dewatering.

(f) Dewatering Systems. Permanent dewatering systems shall not be allowed. Accommodations for an emergency dewatering systems and sumps may be allowed if they are designed by a Colorado Professional engineer and shall be described as part of the foundation submittal and approved by the Building Department. Automatic pumping systems may not be incorporated into the design of such dewatering systems. Water may not be discharged into the Town's sewer system as part of an emergency dewatering proposal. Prior to activating any emergency dewatering system, the Town must be notified in writing with such notice providing the address, location for discharge and volume of discharge. Said activation must be approved by the Town."

Section 3. 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 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 7th DAY OF SEPTEMBER, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20th DAY OF SEPTEMBER, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: Leah B. Williams
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

(SEAL)

