

Cherry Hills Village Municipal Code

CHAPTER 18

Building Regulations

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ARTICLE I

International Building Code

Sec. 18-1-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771, except that portion of the *2006 International Building Code* entitled "2006 International Property Maintenance Code" and that portion entitled "ICC Electrical Code," which are not adopted by the ordinance codified herein. One (1) copy of such code and other codes adopted by reference in the *2006 International Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the construction, alteration, moving, demolition, occupancy, use, height, area and maintenance of all buildings or structures within the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-1-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended to insert "the City of Cherry Hills Village," so the section will read as follows:

"101.1 Title. These regulations shall be known as the 'Building Code of the City of Cherry Hills Village,' hereinafter referred to as 'this code.' "

(2) Section 101.4.5 is hereby deleted and specifically not adopted by the City.

(3) Section 105.2 is hereby amended to read as follows:

"105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

"Building:

"1. One-story detached, prefabricated storage sheds that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks required for the zone district.

"2. Fences, walls and berms three feet (3') or less in height measured from natural grade.

"3. Retaining walls, which are not over 4 feet in height, measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II or III-A liquids.

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"4. Sidewalks not over six feet (6') in width and driveways. For purposes of this code the term '*driveways*' shall mean an access route, paved or unpaved, that provides access to a garage structure. Permits are required for driveways if they are:

- "a. More than thirty inches (30") above grade,
- "b. Located over any basement or constructed space, or
- "c. Such as do not provide access to a garage used for the storage of automobiles.

"5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"6. Swings and other playground equipment accessory to single-family dwellings.

"7. Movable cases, counters and partitions not over six feet (6') in height."

(4) Section 105.3.2 is hereby amended to read as follows:

"105.3.2 Time limitation of permit application. An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated."

(5) Section 105.5 is hereby amended to read as follows:

"105.5 Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance or, if so commenced, the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced.

"In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6."

(6) A new Section 105.5.1 is hereby added and shall read as follows:

"105.5.1 Project completion. If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued – or a final building inspection performed in cases where no certificate of occupancy is required – within eighteen (18) months of the date of issuance thereof, said building permit shall expire and be deemed canceled by the building official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

"The building official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

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"1. 1st Extension: A fee equal to twenty-five percent (25%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation, whichever is higher.

"2. 2nd Extension: A fee equal to fifty percent (50%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation, whichever is higher."

(7) Section 106.2 is hereby amended by adding the following to the end of the paragraph:

"Two sets of construction documents shall be submitted with the application for permit. Each set shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey, including the following information:

"1. The size and location of new construction and existing structures on the site.

"2. Setback distances from lot lines appropriate for the parcel's zoning.

"3. The established street grades and the proposed finished grades.

"4. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

"5. Location of designated 100-year floodplain boundary.

"6. For all new residences and proposals to increase the square footage of a residence by 50% or more, the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.

"In the case of demolition, two sets of a site plan shall be submitted with the demolition application, showing:

"1. Construction to be demolished.

"2. The location and size of existing structures and construction that are to remain on the site.

"3. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

"A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage. Site plans are not required in most cases for electrical, plumbing or mechanical work.

"The Community Development Coordinator is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted."

(8) Section 106.5 is hereby amended to read as follows:

"106.5 Retention of construction documents. One set of approved construction documents shall be retained by the City for a period of not less than ninety (90) days from the

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date of issuance of a certificate of occupancy, or the date of the final building inspection, or as required by state or local laws."

(9) Section 107.1 is hereby amended to read as follows:

"107.1 General. The building official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the City of Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses."

(10) A new Section 108.2.1 is hereby added and shall read as follows:

"108.2.1 Fee schedules. Permit fees shall be as outlined in Tables 1-A through 1-E below.

**"Table 1-A
Building Permit Fees**

<i>"TOTAL VALUATION</i>	<i>FEES</i>
\$1.00 to \$2,000.00	\$20.00
\$2,001.00 and up	1% of valuation

**"Table 1-B
Electrical Permit Fees for Nonresidential Buildings and Residential Alteration or Additions**

<i>"PROJECT VALUATION</i>	<i>FEES</i>
Up to \$300.00	\$50.00
To \$2,000.00	\$55.00
To \$50,000.00	\$21.75 per \$1,000.00 or fraction thereof of the total valuation
To \$500,000.00	\$20.50 per \$1,000.00 or fraction thereof of the total valuation plus \$57.50
Over \$500,000.00	\$19.50 per \$1,000.00 or fraction thereof of the total valuation plus \$632.50

**"Table 1-C
Electrical Permit Fees for New Residential Buildings**

<i>"BUILDING AREA</i>	<i>FEES</i>
Not more than 1,000 sq. ft.	\$51.75
Over 1,000 sq. ft. and not more than 1,500 sq. ft.	\$69.00
Over 1,500 sq. ft. and not more than 2,000 sq. ft.	\$86.25
Over 2,000 sq. ft.	\$4.60 per 100 sq. ft. in excess of 2,000 sq. ft.

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**"Table 1-D
Plan Review and Other Fees**

<i>"PROJECT TYPE</i>	<i>FEEES</i>
Nonresidential Structures Including: Churches, Schools, Nonprofit Recreational and Commercial Facilities	Minimum \$1,500 for first 10 hours – additional plan review at \$150.00 per hour
New Home/Scrape and Rebuild – more than 50% of Existing Square Footage	\$900.00
Additions/Scrape and Rebuild – less than 50% of Existing Square Footage	\$450.00
Remodel With No New Square Footage	\$250.00
Accessory and Recreational Structures	\$200.00
Additional Plan Review	\$150.00 per hour, minimum 1 hour
Investigation Fee	Same fee as building permit fee or \$150.00, whichever is more
Reinspection Fee	\$100.00
Duplicate Inspection Record Card	\$50.00
Drainage Review	\$150.00 per hour, minimum 1 hour
Engineering Review — for review of all lots located within the designated 100-year floodplain and for review of drainage plans as required for all new structures and additions that increase square footage by more than 50%	\$150.00 per hour, minimum 1 hour

**"Table 1-E
Elevator Inspection Fees**

<i>"ANNUAL CERTIFICATES OF INSPECTION</i>	<i>FEEES</i>
For each elevator	\$250.00
For each escalator or moving walk	\$250.00
For each dumbwaiter	\$250.00"

(11) Section 108.3 is hereby amended to read as follows:

"108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most recent Building Valuation Data table in the *Building Standards Magazine* as published by the International Conference of Building Officials, whichever is higher. No regional modifier will be used in calculating the valuation of construction."

(12) Section 108.4 is hereby amended to read as follows:

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"**108.4 Work commencing before permit issuance.** Violation of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(13) Section 108.6 is hereby amended to read as follows:

"**108.6 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(14) Section 112.3 is hereby amended to read as follows:

"**112.3 Qualifications.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(15) Section 113 is hereby amended to read in its entirety as follows:

"**113.1 General.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(16) Section 114 is hereby amended to read in its entirety as follows:

"**114.1 General.** The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-9-30 of the Cherry Hills Village Municipal Code."

(17) Section 1612.3 is hereby amended to read as follows:

"**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified in Subsection 16-17-40(b) of the Cherry Hills Village Municipal Code. Said areas of special flood hazard are hereby adopted by reference and declared to be part of this section."

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(18) A new Section 3007 is hereby added and shall read as follows:

"Section 3007 Existing Elevators and Escalators

"3007.1 Scope. This section shall apply to existing installations of elevators, dumbwaiters, escalators and moving walks and provides for the inspection and maintenance of such conveyances.

"Exception: Conveyances located within a dwelling unit.

"3007.2 Certificates of inspection required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspections and tests have been performed in accordance with Part X of the ASME code. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3015.

"Exception: Certificates of inspection shall not be required for conveyances within a dwelling unit.

"3007.3 Application for certificates of inspection. The owner of an elevator, dumbwaiter, escalator or moving walk shall make application for an annual certificate of inspection. Fees for certificates of inspection shall be as specified in this section.

"3007.3.1 Fees. A fee for each permit or certificate of inspection shall be paid to the Building Department as contained in Table 1-E in Appendix A to the Cherry Hills Village Municipal Code.

"(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

"3007.4 Referenced standards. Existing elevators and escalators shall conform to ASME A17.3, Safety Code for Existing Elevators and Escalators, published by the American Society of Mechanical Engineers.

"3007.5 Requirements for operation and maintenance. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator or moving walk installation and shall cause periodic inspections, tests and maintenance to be made on such conveyances as required in this section.

"3007.5.1 Periodic inspections and tests. Routine and periodic inspections and tests shall be made as required by Part X of the ASME code. The owner shall pay all costs of such inspections and tests. A full and correct report of such inspection shall be filed with the building official after each required inspection."

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(19) Section 3409.2 is hereby amended by inserting the effective date of the ordinance codified herein.

(20) The following Appendix Chapters are hereby adopted:

Appendix C — Group U - Agricultural Buildings

Appendix I — Patio Covers

(Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 7 §33, 2004; Ord. 07 §2, 2005; Ord. 08 §§1, 2, 2005; Ord. 01, 2008; Ord. 20 §1, 2008)

ARTICLE II

International Residential Code

Sec. 18-2-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Residential Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2006 International Residential Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes the design and construction of one- and two-family dwellings and townhomes in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-2-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section R101.1 is hereby amended by inserting "City of Cherry Hills Village," to read as follows:

"R101.1 Title. These regulations shall be known as the *International Residential Code for One- and Two-Family Dwellings of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

(2) Section R105.2 is hereby amended to read as follows:

"R105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

"Building:

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"1. One-story detached, prefabricated storage sheds that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks required for the zone district.

"2. Fences, walls and berms three feet (3') or less in height, measured from natural grade.

"3. Retaining walls that are not over 4 feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

"4. Sidewalks not over six feet (6') in width and driveways. For purposes of this code, the term 'driveways' shall mean an access route, paved or unpaved, that provides access to a garage structure. Permits are required for driveways if they are:

"a. More than thirty inches (30") above grade,

"b. Located over any basement or constructed space, or

"c. Such as do not provide access to a garage used for the storage of automobiles.

"5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"6. Swings and other playground equipment accessory to single-family dwellings.

"7. Movable cases, counters and partitions not over six feet (6') in height."

(3) Section R105.3.2 is hereby amended to read as follows:

"R105.3.2 Time limitation of permit application. An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated."

(4) Section R105.5 is hereby amended to read as follows:

"R105.5 Expiration of permits. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance or, if so commenced, if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *International Building Code*, as adopted herein."

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(5) A new Section R105.5.1 is hereby added and shall read as follows:

"R105.5.1 Project completion. If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued – or a final building inspection performed in cases where no certificate of occupancy is required – within eighteen (18) months of the date of issuance thereof, said building permit shall expire and be deemed canceled by the building official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

"The building official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

"1. 1st Extension: A fee equal to twenty-five percent (25%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation, whichever is higher.

"2. 2nd Extension: A fee equal to fifty percent (50%) of the original permit fee for the second extension or twice the regular building permit fee based on the project's remaining valuation, whichever is higher."

(6) Section R106.2 is hereby amended by adding the following to the end of the section:

"Two sets of construction documents shall be submitted with the application for permit. Each set shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey including the following information:

"1. The size and location of new construction and existing structures on the site,

"2. Setback distances from lot lines appropriate for the parcel's zoning,

"3. The established street grades and the proposed finished grades,

"4. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

"5. Location of designated 100-year floodplain boundary on subject property.

"6. For all new residences and proposals to increase the square footage of a residence by 50% or more, the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.

"In the case of demolition, two sets of a site plan shall be submitted with the demolition application, showing:

"1. Construction to be demolished.

"2. The location and size of existing structures and construction that are to remain on the site.

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"3. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

"A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage. Site plans are not required in most cases for electrical, plumbing or mechanical work.

"The Community Development Coordinator is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted."

(7) Section R106.5 is hereby amended to read as follows:

"R106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than ninety (90) days from the date of completion of the permitted work, or as required by state or local laws."

(8) Section R107.1 is hereby amended to read as follows:

"R107.1 General. The building official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the City of Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses."

(9) A new Section R108.2.1, which inserts Tables 1-A through 1-E of the *International Building Code*, as amended herein, is hereby added and shall read as follows:

"R108.2.1 Fee schedule. The fees for residential work shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(10) Section R108.3 is hereby amended to read as follows:

"R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most recent Building Valuation Data table in the *Building Standards Magazine* as published by the International Conference of Building Officials, whichever is higher. No regional modifier will be used in calculating the valuation of construction."

(11) Section R108.5 is hereby amended to read as follows:

"R108.5 Fee refunds. The City of Cherry Hills Village shall authorize the refunding of fees as follows:

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

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"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(12) Section R112.3 is hereby amended to read as follows:

"R112.3 Qualifications. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(13) Section R113 is hereby amended to read in its entirety as follows:

"R113.1 General. Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(14) Section R114 is hereby amended to read in its entirety as follows:

"R114.1 General. The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-9-30 of the Cherry Hills Village Municipal Code."

(15) The definition of *accessory structure* in Section R202 is hereby amended to read as follows:

"ACCESSORY STRUCTURE. A structure not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot."

(16) Table R301.2 (1) is hereby amended to read as follows:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	"Subject to Damage From"				Winter Design Temp	Ice Shield Under- layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termites	Decay					
30 psf	90	B	Severe	36 in.	Slight/ moderate	None/ slight	1 degree	Yes	8/95	726	49.5° F"

(17) The first sentence of Section R310.1 is amended to read as follows:

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"Basements and every sleeping room shall have at least one operable emergency escape and rescue window or door opening for emergency escape and rescue."

(18) Section R1001.10 is amended to read as follows:

"R1001.10 Hearth extension dimensions. Hearth extensions shall extend at least 16 inches (406 mm) in front of and at least 8 inches (203 mm) beyond each side of the fireplace opening. Where the fireplace opening is 6 square feet (0.557 m²) or larger, the hearth extension shall extend at least 20 inches (508 mm) in front of and at least 12 inches (305 mm) beyond each side of the fireplace opening.

"Exception: Masonry fireplaces containing a fuel-fired decorative appliance installed in accordance with Chapter 24 of this code."

(19) A new Section R1007 is hereby added and shall read as follows:

"Section R1007 Pollution Control

"R1007.1. Any new or remodeled fireplace to be installed in any dwelling shall be one of the following:

"1. A gas appliance;

"2. An electric device; or

"3. A fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the State of Colorado Regional Air Quality Control Commission; or

"4. Any other clean-burning device approved by the State of Colorado Regional Air Quality Control Commission."

(20) A new Section G2432.3.1 (602.3.1) is hereby added and shall read as follows:

"G2432.3.1 Unvented decorative appliances. Unvented decorative appliances shall not be installed within a dwelling unit."

(21) The following Appendix Chapters of the *International Residential Code* are hereby adopted:

a. Appendix G — Swimming Pools, Spas and Hot Tubs.

b. Appendix H — Patio Covers.

c. Appendix P — Sprinklering.

(22) Section AP101 is hereby amended to read as follows:

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"**AP101 Fire sprinklers.** An approved automatic fire sprinkler system shall be installed in the following:

"a. New one- and two-family dwellings and townhouses;

"b. Additions to one- and two-family dwellings and townhouses where the floor area of the addition exceeds 50% of the original floor area of the building.

"Such automatic fire sprinkler system shall be installed in accordance with Section 903.3.1.3 of the *International Building Code*.

"**Exception:** An automatic fire sprinkler system is not required for one-and two-family dwellings and townhouses that comply with the minimum fire-flow and flow duration requirements of Appendix B and the fire hydrant location requirements of Appendix C of the 2006 *International Fire Code*."

(Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 08 §3, 2005; Ord. 01, 2008; Ord. 15 §1, 2008)

ARTICLE III

International Mechanical Code

Sec. 18-3-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Mechanical Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2006 International Mechanical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the regulation and control of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances; construction, enlargement, alteration, repair, removal, demolition, equipment and use of buildings and structures and the standards for design and installation of heating, ventilation and air conditioning units; plumbing systems and fuel gas systems within buildings and structures within the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-3-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

"**101.1 Title.** These regulations shall be known as the *International Mechanical Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

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(2) Section 106.4.3 is hereby amended to read as follows:

"106.4.3 Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance or, if commenced, the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *International Building Code*, as adopted herein."

(3) Section 106.5.2 is hereby amended as follows:

"106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(4) Section 106.5.3 is hereby amended to read as follows:

"106.5.3 Fee refunds. The City of Cherry Hills Village shall authorize the refunding of fees as follows:

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(5) Section 108 is hereby amended to read in its entirety as follows:

"108.1 General. Violations of this code shall be governed by Section 18-9-20 of the Cherry Hills Village Municipal Code."

(6) Section 109.2 is hereby amended to read as follows:

"109.2 Membership of Board. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

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(7) Section 109.2.1 through 109.2.6 and 109.3 through 109.7 are hereby deleted. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 08 §4, 2005; Ord. 01, 2008)

ARTICLE IV

International Plumbing Code

Sec. 18-4-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Plumbing Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2006 International Plumbing Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and standards for the installation, alteration or repair of plumbing and drainage systems and equipment within or on public or private buildings or other structures in the City, and provides for the inspection thereof within the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-4-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

"**101.1 Title.** These regulations shall be known as the *International Plumbing Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

(2) Section 106.5.3 is hereby amended to read as follows:

"**106.5.3 Expiration of permits.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In no event shall a permit remain active longer than two (2) years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *International Building Code*, as adopted herein."

(3) Section 106.6.2 is hereby amended to read as follows:

"**106.6.2 Fee schedule.** The fees for plumbing work shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(4) Section 106.6.3 is hereby amended to read as follows:

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"106.6.3 Fee refunds. The building official shall authorize the refunding of fees as follows:

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead;

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(5) Section 108.1 is hereby amended to read as follows, and Sections 108.2 through 108.6 are hereby deleted:

"108.1 General. Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(6) Section 109.2 is hereby amended to read as follows:

"109.2 Membership of Board. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(7) Sections 109.2.1 through 109.2.6 and 109.3 through 109.7 are hereby deleted.

(8) Section 305.6.1 is hereby amended to read as follows:

"305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of sixty inches (60") below finished grade at the point of septic tank connection. Building sewers shall be a minimum of sixty inches (60") below grade."

(10) Section 904.1 is hereby amended to read as follows:

"904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least twelve inches (12") 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 (7') above the roof."

(Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 08 §5, 2005; Ord. 01, 2008)

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ARTICLE V

International Fuel Gas Code

Sec. 18-5-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Fuel Gas Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2006 International Fuel Gas Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and safety standards for the regulations of fuel gas systems and gas-fired appliances within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-5-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

"**101.1 Title.** These regulations shall be known as the *Fuel Gas Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

(2) Section 106.4.3 is hereby amended to read as follows:

"**106.4.3 Expiration of permits.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ninety (90) days after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In no event shall a permit remain active longer than two (2) years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *International Building Code*, as adopted herein."

(3) Section 106.5.2 is hereby amended to read as follows:

"**106.5.2 Fee schedule.** The fees for work performed under this code shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(4) Section 106.5.3 is hereby amended to read as follows:

"**106.5.3 Fee refunds.** The building official shall authorize the refunding of fees as follows:

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"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead;

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(5) Section 108.1 is hereby amended to read as follows, and Sections 108.2 through 108.6 are hereby deleted:

"108.1 General. Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(6) Section 109.2 is hereby amended to read as follows:

"109.2 Membership of Board. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(7) Sections 109.2.1 through 109.2.6 and 109.3 through 109.7 are hereby deleted. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 08 §6, 2005; Ord. 01, 2008)

ARTICLE VI

International Energy Conservation Code

Sec. 18-6-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Energy Conservation Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2006 International Energy Conservation Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the design of energy-efficient buildings and energy-efficient mechanical, lighting and power systems within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

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Sec. 18-6-20. Amendment.

The code adopted herein is hereby modified by the following amendment:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

"**101.1 Title.** These regulations shall be known as the *International Energy Conservation Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

(Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

ARTICLE VII

National Electrical Code

Sec. 18-7-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2005 National Electrical Code*, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269, or any other electrical code revision approved by the State. One (1) copy of such code and other codes adopted by reference in the *2005 National Electrical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the City Clerk and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the electrical construction, alteration, repair, removal and demolition of equipment within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-7-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Appendix G of the *2005 National Electric Code* is hereby adopted.
- (2) Appendix G, Section 80.13(13), is hereby amended to read as follows:

"(13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within three (3) days of such notification.

- (3) Appendix G, Section 80.15, is hereby amended to read as follows:

"(a) Board of Appeals. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

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(4) Appendix G, Section 80.19(F)3., is hereby amended to read as follows:

"3. When any portion of the electrical installation within the jurisdiction of the Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work."

(5) Appendix G, Section 80.19(H), is hereby amended to read as follows:

"1. Applications for permits shall be made to the City on forms provided by the City and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the City, such as plans and specifications, location and so forth. The fees for work performed under this code shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code.

"2. An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

"3. The City shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the City, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the City shall not be issued unless proof of required financial responsibility is furnished.

"4. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *International Building Code*, as adopted herein."

(6) Appendix G, Section 80.23(B), is hereby deleted, and Section 80.23(A) is hereby amended to read as follows:

"80.23(A) Violations. Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(7) Appendix G, Section 80.27, is hereby deleted in its entirety.

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(8) Appendix G, Section 80.29, is hereby amended to read as follows:

"80.29 Liability for damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Cherry Hills Village or any of its employees be held as assuming any such liability by reason of the inspection, reinspection or other examination authorized."

(Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 08 §7, 2005; Ord. 01, 2008)

ARTICLE VIII

International Fire Code

Sec. 18-8-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2006 International Fire Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2006 International Fire Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for fire prevention generally and, specifically, the regulation of conditions hazardous to life and property from fire or explosion; and to provide for the issuance of permits for hazardous uses or operations within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-8-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended as follows:

"101.1 Title. These regulations shall be known as the *Fire Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

(2) A new Section 102.10 is hereby added and shall read as follows:

"102.10 Application of Residential Code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

"1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply, including but not limited to premises identification, fire apparatus access and water supplies. Construction permits for systems and equipment utilized in the interior or exterior of the structure shall also apply.

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"2. Administrative, operational and maintenance provisions: All such provisions of this code shall apply.

"References in this code to Group R-3 or U occupancies or one- and two-family dwellings and townhouses shall apply to structures under the scope of the *International Residential Code*, except as limited by this section."

(3) Section 103 is amended to read in its entirety as follows:

"103.1 General. South Metro Fire Rescue provides fire protection services for the City. It operates under the direction of its fire chief (the 'fire code official'). South Metro Fire Rescue (the 'fire department'), working in conjunction with the City, is charged with the implementation, administration and enforcement of the provisions of this code."

(4) Section 108 is hereby amended by amending Section 108.1 to read as follows and by deleting Section 108.3:

"108.1 Board of Appeals. The board of appeals shall hear and decide appeals or orders, decisions or determinations made by the fire code official or the City Manager or his or her designee relative to the application and interpretation of this code. The board of appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(5) Section 109 is hereby amended to read in its entirety as follows:

"109.1 Violations. Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(6) Section 111 is hereby amended to read in its entirety as follows

"111.1 General. The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-9-30 of the Cherry Hills Village Municipal Code."

(7) A new Section 112 is hereby enacted to read as follows:

"Section 112 Fees

"112.1 General. The fire department shall have authority as outlined in Sections 32-1-1001(1)(j) and 32-1-1002(1)(e), C.R.S., to fix and from time to time to increase or decrease fees for the services authorized by this code."

(8) Section 508.3 is hereby amended to read as follows:

"508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or by an approved method.

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(9) Section 508.5 is hereby amended to read as follows:

"508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6 and Appendix C."

(10) A new Section 511 is hereby enacted to read as follows:

"Section 511 Public Safety Radio Amplification Systems

"511.1 General. Public safety radio amplification systems for the enhancement of emergency services communications within buildings shall be designed, installed and maintained in accordance with this section.

"511.2 Where required. Where adequate radio coverage cannot be established within a building, as defined by the fire code official, public safety radio amplification systems shall be installed in the following locations:

"1. New buildings with a total building area greater than 50,000 square feet or building additions that cause the building to be greater than 50,000 square feet. For the purposes of this section, fire walls shall not be used to define separate buildings.

"2. All new basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy classification.

"3. Existing buildings meeting the criteria of Item #1 or 2 of this section undergoing alterations exceeding 50% of the aggregate area of the building.

"Exception: One- and two-family dwellings and townhouses.

"511.3 Design and installation standard. Public safety radio amplification systems shall be designed and installed in accordance with the criteria established by the fire code official based on the capabilities and communication features of emergency services.

"511.4 Maintenance. Public safety radio amplification systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective."

(11) Section 907.3.1.7 and the third Exception thereto are hereby amended to read as follows:

"907.3.1.7 Group R-2. A manual and automatic fire alarm system shall be installed in existing Group R-2 occupancies more than three stories in height or with more than 16 dwelling units or sleeping units.

"Exceptions:

"3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that

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leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1023.6, Exception 4."

(12) Section 3204.3.1.1 is hereby amended to read in its entirety as follows:

"3204.3.1.1 Location. Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials."

(13) Section 3301.1.3 is hereby amended to read in its entirety as follows:

"3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

"Exceptions:

"1. The use of fireworks for display as allowed in Section 3308.

(14) Section 3404.2.9.5.1 is hereby amended to read as follows:

"3404.2.9.5.1 Locations of aboveground tanks. Aboveground tanks shall be located in accordance with this section."

(15) Section 3406.2.4.4 is hereby deleted in its entirety.

(16) Section 3804.2 is hereby deleted in its entirety.

(17) The following Appendix Chapters of this code are hereby adopted:

- a. APPENDIX B — Fire-Flow Requirements for Buildings.
- b. APPENDIX C — Fire Hydrant Locations and Distribution.

(18) Section B101.1 is hereby amended to read as follows:

"B101.1 Scope. The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings.

"Exceptions:

"1. Existing one- and two-family dwellings undergoing additions less than 50% of the original fire-flow calculation area or that cause the building to be less than 5,000 square feet."

(19) Section B105.1 is hereby amended to read as follows:

"B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600

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square feet (344.5 m²) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B105.1.

"Exceptions: Regardless of the fire-flow calculation area, the following exceptions shall apply:

"1. For new subdivisions, a reduction in required fire-flow of 50 percent is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.3.

"2. In existing subdivisions with existing water mains and fire hydrants that do not meet the requirements of this code, the installation of an automatic fire sprinkler system in accordance with Section 903.3.1.3 shall be sufficient to satisfy the remainder of the fire-flow requirement."

(Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 08 §8, 2005; Ord. 01, 2008)

ARTICLE IX

Violations and Enforcement

Sec. 18-9-10. Unlawful actions.

It shall be unlawful and a violation of this Code for any property owner, permit holder or any other person:

(1) To authorize the performance or to perform any work or activity for which a permit is required by this Code without first securing or obtaining all City-issued permits in accordance with this Code necessary to commence and perform such work or activity.

(2) Following issuance of a stop work order, to authorize the performance or to perform any work or activity other than work or activity deemed by the code official as necessary to remedy the violations or conditions cited in the stop work order.

(3) To authorize the performance or to perform any work that fails to comply with the requirements of this Code.

(4) Following the effective date of this Code, to allow any structure, building, improvement or condition to exist upon property that was installed, constructed, erected or created in violation of this Code.

(5) To remove, move, cover, obscure, damage, destroy or alter a posted Stop Work Order.

(6) To interfere with or otherwise impede or impair the lawful actions of the code official.
(Ord. 17 §2, 2002)

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Sec. 18-9-20. Violations.

Persons who violate a provision of this Chapter or any provision of any code adopted within this Chapter, or who erect, install, alter or repair a structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor. Misdemeanors are punishable by:

- (1) A fine of not more than one thousand dollars (\$1,000.00) for any one (1) offense, each day after a ticket is given constituting a separate offense, or
- (2) By imprisonment in the County jail for a period of not more than ninety (90) days or by both such fine and imprisonment. (Ord. 17 §2, 2002)

Sec. 18-9-30. Stop work orders and notices.

The code official is authorized to issue a notice, order and demand to immediately cease work or any other action found by the code official to be in violation of this Chapter or any code or codes either currently adopted or subsequently adopted by the City.

- (1) A stop work order or other notice shall be made in writing and signed by the code official. The stop work order shall identify with reasonable specificity the activity found by the code official to be in violation of this Code or conducted in an unsafe or dangerous manner. Whenever possible, the order shall cite the applicable provisions of the code. The order shall identify the conditions necessary to remedy the violation and permit the continuation of the work authorized under the permit.
- (2) A stop work order shall be deemed issued and effective when posted in a conspicuous place at the site described in the application for permit. The code official shall endeavor to mail or otherwise deliver a copy of the stop work order to the permit holder, the owner of the property and/or to persons engaged in the performance of the work authorized by the permit. Provided that the stop work order is properly posted in accordance with this Section, failure to deliver a copy of the order to the permit holder, the property owner or any other person shall not invalidate or render ineffective the order.
- (3) Upon correction or remedy of the violations cited in a stop work order, the code official shall issue a written order rescinding the stop work order.
- (4) Upon issuance of a stop work order, the applicant shall submit for a building permit in accordance with this Chapter. The review of such building permit shall be subject to the normal permit fees for such work outlined in Section 108.2.1, Tables 1-A through 1-E, of the 2000 International Building Code, as amended, in addition to an investigation fee as outlined in Table 1-D of said section. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 8 §9, 2005)

Sec. 18-9-40. Abatement of violations.

The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct,

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business or utilization of the property, the structure or any mechanical, plumbing or other system on or about any premises. (Ord. 17 §2, 2002)

ARTICLE X

Construction Practices

Sec. 18-10-10. Applicability and intent.

(a) Applicability. This Article shall apply to all construction activity within the City.

(b) Intent. It is the City's intent by the adoption of this Article to reasonably minimize the detrimental health, safety and general welfare impacts of construction activities on the residents of the community and to ensure that each construction activity is conducted in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and the occupants of neighboring property. (Ord. 06 §1, 2006)

Sec. 18-10-20. Definitions.

For purposes of this Article and unless the context clearly indicates otherwise, certain terms and words used herein shall be interpreted as follows:

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

Construction activity means any site preparation, landscaping, building construction, sign erection, paving, fencing, planting or other improvement or modification of any real property or existing improvement thereon.

Construction site means all of a real property, as defined by its boundary lines, over any part of which there is a construction activity, along with the public or private right-of-way adjacent to such property.

Construction site facilities means a portable toilet, a trash receptacle or dumpster and any other structure or facility erected or installed as a job office, material storage facility or other facility or installation on or within a construction site that is used for or in connection with a construction activity or that is required to be depicted on a construction staging plan pursuant to this Article.

Construction staging plan means a site plan of a construction site that shows the location for all construction site facilities and all other items that are required to be shown on such plan pursuant to the requirements of this Article.

Construction vehicle means any car, truck, tractor, trailer or other vehicle or equipment of any type that is used to perform any part of a construction activity or to transport equipment, supplies or workers to a construction site.

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Right-of-way means any street, way, place, alley, easement, median, parkway or boulevard, whether public or private, the principal purpose of which is the provision of vehicular access to real property.

Vehicle tracking control means an effective method or methods of preventing vehicles from tracking soil, mud or gravel from a construction site to a right-of-way, which method or methods may include, but be not limited to, the use of temporary paving or a washing or mud-clearing station. (Ord. 06 §1, 2006; Ord. 12 §1, 2008)

Sec. 18-10-30. Administration.

(a) A construction staging plan shall be submitted along with the application for a permit for any construction activities. In instances when a building permit or other permit from the City is not required for a construction activity, or for any work being conducted pursuant to a permit issued for a project consisting solely of electrical work, plumbing work or mechanical work, such construction activity shall still be subject to the minimum requirements outlined in 18-10-40(2)(a) through (i) of this Article even though a construction staging plan may not be required. The City Manager or his or her designee may require a construction staging plan be submitted for review and approval, for proposed or current construction activities, if the City Manager or his or her designee determines that a construction staging plan is necessary to ensure that construction is conducted in such a manner so as to minimize the impacts resulting from the construction activity on the general public and the occupants of neighboring property. It shall be unlawful to perform, or for the owner of any construction site to allow to be performed, any construction activity prior to the City's full approval of the construction staging plan, when such construction staging plan is required by this Section.

(b) The construction staging plan shall be subject to the review and approval of the City Manager or his or her designee. Such review shall be conducted to ensure that the construction activities will be conducted in compliance with the requirements of this Article; provided, however, that if the City Manager or his or her designee determines that a deviation of a construction staging plan from the requirements of this Article will result in no greater adverse impacts on adjacent properties than would occur if the plan were to fully comply with the provisions of this Article, then the City Manager or his or her designee may approve the plan in his or her reasonable discretion.

(c) The City Manager or his or her designee may impose reasonable conditions upon any approval of a construction staging plan to ensure that the construction activities will be conducted in compliance with the requirements of this Article.

(d) A construction staging plan may be modified or amended upon the written approval of the City Manager or his or her designee. Any modification to or amendment of a construction staging plan shall be reviewed and approved under the same standards, and shall be subject to the same conditions, as are set forth in this Section for the review and approval and conditioning of the initial construction staging plan.

(e) Any construction activity performed by a property owner or occupant of property without the assistance of a contractor, or any landscaping, planting or grading work that disturbs less than five hundred (500) square feet of property area and less than ten (10) cubic yards of soil, shall not be subject to the requirements of this Article. (Ord. 06 §1, 2006; Ord. 12 §2, 2008)

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Sec. 18-10-40. Construction staging plan.

The construction staging plan shall include all of the following information:

(1) A to-scale, accurate depiction of all existing and proposed improvements.

(2) A to-scale, accurate depiction of the location of all construction site facilities and, when applicable, a description of construction site facilities, including but not limited to the following:

a. Portable toilets.

1. Except for construction sites that contain an operable, permanent toilet that is made available for the use of every construction worker, at least one (1) portable toilet shall be provided on each construction site and the location of such portable toilet shall be shown on the construction staging plan. For a residential construction site, no more than one (1) portable toilet may be located on the site.

2. A portable toilet shall not be located within any right-of-way.

3. Every portable toilet shall be reasonably screened from the view of adjacent properties and rights-of-way, and in no event shall a portable toilet be located within ten (10) feet of any property line.

4. Every portable toilet shall at all times be maintained in a sanitary and odor-free condition.

b. Trash receptacles and dumpsters.

1. A trash receptacle and/or dumpster of a size adequate to contain the construction waste materials anticipated in connection with a construction activity shall be provided on each construction site to contain solid waste materials, and the location of such trash receptacle and/or dumpster shall be shown on the construction staging plan. Liquid and hazardous waste materials shall be disposed of at a proper waste depository.

2. Trash receptacles or dumpsters shall not be located within any right-of-way, and in no event shall a trash receptacle or dumpster be located within five (5) feet of any side or rear property line.

3. Trash receptacles and dumpsters shall at all times be maintained in an odor-free condition and in such a manner as to prevent waste materials from being blown out of them. Trash receptacles and dumpsters shall be emptied on a regular basis so as to comply with the requirements of this Subsection.

c. Construction trailers.

1. Temporary construction trailers shall be permitted, operated and maintained in accordance with the provisions of Section 16-16-70 of this Code. If a temporary construction trailer is to be used on a construction site, its location shall be depicted on the construction staging plan.

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d. Vehicle tracking control.

1. No construction vehicle shall track soil, mud or gravel off of a construction site and onto a right-of-way. Vehicle tracking control shall be used at ingress and egress points on all construction sites that have the potential for construction vehicles to track soil, mud or gravel off of a construction site and onto a right-of-way.

2. The construction staging plan shall depict the location for, and describe the type of, vehicle tracking control that will be utilized for the construction site.

e. Silt fencing.

1. Silt fencing shall be placed downgrade of all areas of a construction site that are to be disturbed and that have the potential for sediment to be transported off of a construction site by runoff, and the location and type of such silt fencing shall be shown on the construction staging plan.

2. A minimum of nine (9) inches of the bottom of the silt fence shall be anchored using gravel or dirt.

f. Parking. For purposes of this Subsection, gross lot area shall have the meaning set forth in Section 16-1-10 of this Code for the terms Lot, gross area.

1. The locations of all parking and loading/unloading areas for construction vehicles associated with a construction site shall be shown on the required construction staging plan.

2. For any lot, parcel or other real property that contains one (1) or more acres of gross lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property. It shall be unlawful for any construction vehicle associated with any lot, parcel or other real property that contains one (1) or more acres of gross lot area to be parked within a right-of-way.

3. For any lot, parcel or other real property that contains less than one (1) acre of gross lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property if reasonably feasible.

4. In the event that the parking of construction vehicles within the boundaries of a lot, parcel or other real property containing less than one (1) acre of gross lot area is not reasonably feasible, the construction staging plan may provide:

a) That the parking area shall be located within the right-of-way area that is immediately adjacent to the subject property and not adjacent to any other property; and

b) That vehicular access on the right-of-way shall be maintained at a minimum width of twenty (20) feet (for emergency response purposes), assuming the contemporaneous use of the right-of-way for the parking of

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vehicles immediately across the right-of-way from the area in which the construction vehicles are to be parked. In the event that such minimum width cannot be maintained, the parking of construction vehicles shall not occur within the right-of-way.

It shall be unlawful for any construction vehicle associated with such lot, parcel or other real property to be parked within a right-of-way except to the extent that the parking within a right-of-way is in conformance with the approved construction staging plan.

5. The construction staging plan shall make provision for parking at remote locations that are not within a right-of-way within the City in the event that the number of anticipated construction vehicles exceeds the parking capacity of the site.

g. Temporary construction fencing.

1. Any temporary construction fencing shall be shown on the required construction staging plan.

2. Temporary construction fencing shall be provided for any below-grade construction in excess of thirty (30) inches that is unattended or open overnight.

3. Temporary construction fencing shall not exceed six (6) feet in height and may be opaque so as to provide additional screening of the construction site.

4. Temporary construction fencing may not be located in a right-of-way.

h. Construction material storage.

1. Construction material storage areas shall be designated on the required construction staging plan.

2. Construction materials shall not be stored in any right-of-way.

3. Construction materials shall be reasonably screened from view of adjacent properties and rights-of way.

4. In no event shall construction materials be stored within five (5) feet from any property line.

i. Storage of fill or excavated dirt.

1. The location of storage sites for any fill or excavated dirt shall be indicated on the construction staging plan.

2. Any fill or excavated dirt shall be maintained in a manner so as to prevent dust from blowing on adjacent properties, which manner may include, but need not be limited to, the periodic watering of the piles.

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3. Silt fencing around piles of fill or excavated dirt may be required under the provisions of Subparagraph e. above.

4. All excess fill or excavated dirt shall be removed promptly upon completion of the project.

(3) Photographs of all improved portions of any public right-of-way that are within five hundred (500) feet of any point of vehicular access to a construction site. (Ord. 06 §1, 2006)

Sec. 18-10-50. Construction site maintenance and operation and duty to repair public rights-of-way.

(a) Contractors, subcontractors and persons holding permits to perform construction activities, and the owners of construction sites, shall cause the construction site to be maintained in a neat and orderly condition that is free from any debris, garbage, junk, used or discarded construction materials, trash or any other foreign substance produced as a result of the construction project other than debris, garbage, junk, trash or other foreign substance deposited into and contained within a trash receptacle or trash dumpster.

(b) Notwithstanding any provision of this Article, all construction activities and construction sites shall be subject to the provisions of Chapter 7 of this Code, including but not limited to those provisions concerning noise.

(c) Contractors, subcontractors, persons holding permits to perform construction activities and the owners of construction sites shall, at the direction of the City Manager or his or her designee, either repair or reimburse the City for its costs incurred to repair any damage to any public right-of-way that is caused by a construction vehicle. (Ord. 06 §1, 2006)

Sec. 18-10-60. Construction times.

Construction work may be performed with the following restrictions:

(1) Construction work shall be performed only between the hours of 7:00 a.m. and 6:00 p.m. during the weekdays, Monday through Friday.

(2) Construction work shall be performed only between the hours of 8:00 a.m. and 4:00 p.m. on Saturdays. There shall be no construction work of any kind outside of fully enclosed areas on Sundays or federal legal holidays. Construction work within a fully enclosed area on Sundays or federal legal holidays shall be performed only between the hours of 8:00 a.m. and 4:00 p.m.

(3) Construction vehicles or construction delivery trucks shall not park and leave their engines idling between the hours of 6:00 p.m. and 8:00 a.m. (Ord. 06 §1, 2006)

Sec. 18-10-70. Enforcement.

(a) Upon a complaint or observation by the City of a violation of this Article, or upon a determination by the City that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, the City shall provide written notice to the contractor or person performing the work on the construction site, as well as mailed notice to the owner of record of the construction site, specifying the specific conditions that are deemed in

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violation of this Article or the approved construction staging plan and demanding that the construction site be brought into compliance with this Article or such plan within twenty-four (24) hours; provided, however, that no such notice is required if the City Manager or his or her designee determines that the immediate cessation of the violation or failure to comply with an approved construction staging plan is necessary to preserve health or safety, or when there is a violation of the regulations concerning construction times as stated in Section 18-10-60 of this Article.

(b) In the event of a violation of any provision of this Article, or in the event that the City determines that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, or in the event that reasonable steps have not been undertaken within the twenty-four-hour period referenced in Subsection (a) above to bring a site into compliance with any provision of this Article or such plan after notice as provided in Subsection (a) above, or without prior notice in the event of a second violation of the same provision of this Article or a second failure to operate in strict conformance with the same provision of an approved construction staging plan, the City may, at its discretion:

- (1) Issue a stop work order;
- (2) Withhold any certificate of occupancy for any improvement on the construction site;
- (3) Withhold any required construction or building inspection approvals;(4) Reject any necessary acceptance by the City of construction or improvements;
- (4) Reject any necessary acceptance by the City of construction or improvements;
- (5) Prosecute the violation in accordance with the City's laws governing nuisances or as a violation of this Article that is subject to the penalties set forth in Subsection (f) below; and/or
- (6) Remedy the conditions that are deemed in violation of this Article or the approved construction staging plan and assess the costs incurred by the City to bring the construction site into compliance with this Article as a lien against the subject property, subject to collection in the same manner as unpaid property taxes.

(c) In the event that the City issues a stop work order pursuant to this Section, it shall be unlawful for any person to engage in any construction activity on the subject construction site until a written plan is submitted to and approved by the City Manager. Such plan shall provide a detailed statement setting forth the means and methods by which the existing violation has been or will be remedied and by which the same violation will be avoided in the future. The statement shall provide such additional or clarifying information as may be reasonably requested by the City Manager. Upon its approval by the City Manager, the written plan shall be a part of the construction staging plan required by this Article, and shall be enforceable under this Article as if it had been set forth as part of the original, approved construction staging plan.

(d) In the event that the City remedies the conditions deemed in violation of this Article or the approved construction staging plan, the cost for the City to perform such work shall be five hundred dollars (\$500.00), exclusive of any costs attributable to vehicle or equipment time, or the actual cost of remediation of the violation, whichever is greater. The failure to pay an assessment imposed by the City for City costs incurred to bring the construction site into conformance with this Article or such plan

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within seven (7) days shall cause all building permits for the construction site to expire. Provided that full payment of such assessment is made and all other applicable requirements for the issuance of a building permit are satisfied, a new permit may be obtained upon application and payment of the building permit fee calculated on the valuation of the remaining work.

(e) Any and all construction site facilities shall have been removed from the construction site at such time as the subject improvement is issued a certificate of occupancy or completion, or within ten (10) days after the construction activity has ceased, whichever first occurs.

(f) Upon the first conviction of a person for a violation of any provision of this Article, there shall be imposed a fine of not less than two hundred fifty dollars (\$250.00). Upon the second conviction of a person for violation of the same provision of this Article for which he or she was previously convicted, there shall be imposed a fine of not less than five hundred dollars (\$500.00). Upon the third and each subsequent conviction of a person for violation of the same provision of this Article for which he or she was previously convicted, there shall be imposed a fine of not less than one thousand dollars (\$1,000.00). (Ord. 06 §1, 2006; Ord. 12 §1, 2007; Ord. 09 §1, 2008)

ARTICLE XI

Service Expansion Fee

Sec. 18-11-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Building means any enclosed structure without reference to use or occupancy for which a building permit is required by the ordinances of the City.

Building Inspector means the official charged with the administration and enforcement of the building code as adopted by the City, or his regularly authorized deputy.

Contractor means any person, firm, partnership, joint venture, architect or corporation required to obtain a building permit pursuant to the ordinances of the City.

Floor area means the area of each floor and basement included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts and parking garages. (Ord. 7, 1979; prior code 3-5-1; Ord. 5, 1989; Ord. 9 §1, 2003)

Sec. 18-11-20. Payment of service expansion fee.

(a) Any owner, architect, contractor or other person applying for a building permit in accordance with the applicable ordinances of the City shall, as a condition to obtaining such building permit, pay to the City a service expansion fee as follows:

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<i>SERVICE EXPANSION FEE</i>	<i>AMOUNT</i>
Building	\$0.90 per square foot
Garage/swimming pool/spa	\$0.40 per square foot
Sport courts (including tennis, basketball and other similar sport courts)	\$0.10 per square foot

(b) The service expansion fee shall apply to all new construction, all additions to existing structures and the substantial alterations or reconstruction of existing structures, except for churches, schools, governmental, municipal or quasi-municipal structures.

(c) The service expansion fee shall be due and payable at the time the building permit is issued. Under no circumstances shall the Building Inspector issue a certificate of occupancy until and unless the service expansion fee, as set forth in Subsection (a) above, has been paid in full. (Ord. 7, 1979; prior code 3-5-2; Ord. 8, 2001; Ord. 9 §1, 2003; Ord. 7 §35, 2004; Ord. 01, 2008)

Sec. 18-11-30. Effective date of provisions.

The service expansion fee provided for herein shall be due and payable with respect to all building permit applications filed with the City from and after November 1, 1979. (Ord. 7, 1979; prior code 3-5-3)