

TOWN OF PAGOSA SPRINGS, COLORADO

Ordinance No. **675**  
(Series 2006)

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS AMENDING ARTICLE 15, CHAPTER 21 OF THE PAGOSA SPRINGS MUNICIPAL CODE TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2006 EDITION, INCLUDING APPENDIX CHAPTER J; INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION INCLUDING APPENDIX CHAPTER E; INTERNATIONAL FIRE CODE, 2006 EDITION INCLUDING APPENDIX CHAPTER A, B, AND C; INTERNATIONAL MECHANICAL CODE, 2006 EDITION; AND INTERNATIONAL FUEL GAS CODE, 2006 EDITION.**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 (“Charter”); and

WHEREAS, pursuant to Section 11.2, A) of the Charter, the Town is authorized to adopt land use and development ordinances; and

WHEREAS, pursuant to Section 3.11 of the Charter, the Town is authorized to enact by reference, with or without amendments, standard codes promulgated by the federal government, the state of Colorado, any agency of either the state or federal government, any municipality or recognized trade or professional organization; and

WHEREAS, the International Code Council and similar trade and professional organizations have updated and improved the uniform construction, fire and similar codes previously adopted by the Town by reference and contained in Article 15, Chapter 21 of the Pagosa Springs Municipal Code; and

WHEREAS, the Building Official has reviewed the updated uniform codes and recommends their adoption by the Town Council; and

WHEREAS, the Town Council wishes to amend the Pagosa Springs Municipal Code to update the uniform codes previously adopted by the Town

WHEREAS, the Town Council hereby finds and determines that amending the Pagosa Springs Municipal Code to update the uniform codes previously adopted by the Town is appropriate and necessary for the health, safety and welfare of the residents and visitors of the Town and to the function and operation of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

**Section 1. Renumbering of Section 21.15.6 through 21.15.9 of the Pagosa Springs Municipal Code.** Section 21.15.6 regarding Snow Load Requirements, Section 21.15.7 regarding Foundation Requirements, Section 21.15.8 regarding Manufactured Housing Requirements and Section 21.15.9 regarding Survey Requirements, of the Pagosa Springs Municipal Code are renumbered and readopted as Sections 21.15.8, 21.15.9, 21.15.10 and 21.15.11, respectively, without further amendment.

**Section 2. Repeal and Readoption of Sections 21.15.1 through 21.15.7 of the Pagosa Springs Municipal Code.** Sections 21.15.1, through 21.15.7 of the Pagosa Springs Municipal Code is hereby repealed in their entirety and readopted to read as follows:

**Sec. 21.15.3. International Building Code.**

There is hereby adopted by the Town, for the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town, that certain code known as the International Building Code, 2006 Edition, including Appendix Chapter J, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this section with the amendments, deletions and additions as follows:

**Section 105.2 Work Exempt from permit, Exception 11** which is amended to read as follows:

11. Swings and other playground equipment.

**Section 406.1.1 Classification**, is amended to read as follows:

Building or parts of buildings classified as Group U Occupancies because of the use or character of the occupancy shall not exceed 1,000 square feet in area or two (2) stories in height except as provided in Section 406.1.2. Any building or portion thereof that exceeds the limitations specified in this chapter shall be classed in the occupancy group other than Group U that it most nearly resembles.

**Section 907.2.1 Group A, Exception**, delete.

**Section 907.2.2 Group B, Exception**, delete.

**Section 907.2.3 Group E, Exception 2 & 3**, delete.

**Section 907.2.4 Group F, Exception**, delete.

**Section 907.2.7 Group M, Exception**, delete.

**Section 907.2.8.1 Manual fire alarm system, Exception 2,** delete.

**Section 907.2.9 Group R-2, Exception 2,** delete

**Section 1301.1.1 Criteria,** is amended to read as follows:

Buildings should be designed and constructed in accordance with the *International Energy Conservation Code*. This code is not officially adopted.

**Section 3202.2 Encroachments above grade and below 8 ft in height** is amended to read:

**Section 3202.2 Encroachments above grade.** Doors and windows shall not open or project into the public right-of-way. Any other encroachments into the public way shall be reviewed for approval by the Town of Pagosa Springs Planning Commission.

**Section 3202.2.1 Steps,** delete.

**Section 3202.2.2 Architectural features,** delete.

**Section 3202.2.3 Awnings,** delete.

**Section 3202.3 Encroachments 8 feet or more above grade,** delete section in its' entirety.

**Section 3202.4 Temporary encroachments,** delete.

**Chapter 36,** is added to read as follows:

## **Chapter 36**

### **CONSTRUCTION SITE MANAGEMENT**

**Section 3601 Purpose, Application and Scope.** The requirements set forth in this chapter shall apply to the management and maintenance of all construction sites during construction.

**Section 3602 Construction Access.** Access to construction sites shall not adversely affect existing traffic patterns or access to adjacent properties. Construction access shall be limited to the approved access shown on the development permit or building permit. The construction access shall be installed in accordance with the Town of Pagosa Springs Road Standards and the requirements of the Fire Marshall. At a minimum, the access and any road where emergency access lanes must be maintained shall be built at the onset of construction.

**Section 3603 Drainage.** Major drainage patterns shall not be interrupted or diverted in a way that would adversely affect the site, surrounding area, or downstream properties.

Any temporary diversion shall be of adequate capacity to control a 25-year storm and shall be removed upon completion of construction.

**Section 3604 Grading.** Massive over lot grading is discouraged. Grading shall be done in a way that minimizes erosion and disturbed areas must be re-vegetated as soon as practical within the same growing season the disturbance occurs. Major retaining walls should be completed in the first development phase to preserve the site. Should work during any development phase be discontinued for a period of ninety (90) days or longer, retaining walls and re-vegetation for the area worked shall be completed before discontinuance.

**Section 3605 Storage.** Fencing may be required to mitigate the visual impact of storage and construction. Fence specifications and limits shall be approved by the Planning Department and Building Department.

**Section 3606 Pedestrian Protection.** Protection of pedestrians during construction or demolition shall be provided as required by Section 3303.

**Section 3607 Environmental Controls.** At a minimum, the following environmental controls shall be provided and maintained during construction:

1. Dust control materials shall be applied to minimize raising dust from construction operations, and provide positive means to prevent airborne dust from dispersing into the atmosphere.
2. Areas under the contractor's control shall be free of extraneous debris. A specific program to prevent accumulation of debris at the construction site, storage and parking areas or along access roads and haul routes shall be developed. Failure to ensure the maintenance of debris may result in the issuance of a stop work order. Covered trash receptacles shall be provided on site.
3. The contamination of soil, water or atmosphere by discharge of noxious substances from effluents, chemicals or other such substances adjacent to streams or in sanitary or storm sewers shall be prevented. Contaminated earth shall be properly disposed of offsite and replaced with suitable compacted fill and topsoil.
4. Mud, dirt, sand, concrete, and building debris shall not be allowed to accumulate in or impact the public right-of-way during construction. Contractor shall take measures necessary to keep public rights of way in a safe and clean manner.
5. Trees and plants shall be protected as follows:
  - 5.1 Existing trees and plants which are designated to remain shall be protected by temporary barriers.

5.2 Root zones of trees and plants shall be protected from vehicular traffic, parking, stored materials, and dumping of refuse or chemically injurious materials or liquids.

5.3 Excavating, grading and filling and subsequent construction operations shall be supervised to prevent damage.

5.4 Trees designated to remain which are damaged or destroyed due to construction operations shall be replaced or repaired.

**Section 3608 Temporary Construction Facilities.** Temporary utilities required for construction shall be installed on site, out of the right-of-way and shall removed on completion of work. Materials may be new or used but must be adequate in capacity for required usage, must not create unsafe conditions and must not violate requirements of applicable codes and standards.

Adequate sanitary facilities for the convenience of all workmen shall be provided. These facilities shall be kept in a clean and sanitary condition throughout the duration of the work. The temporary facility shall be enclosed, screened and weatherproofed. If connected to a sewer, upon removal of the temporary facilities, the sewer connection shall be removed and the sewer capped. In lieu of connecting to a sewer, the temporary facility may be a portable, enclosed, chemically treated, tank-tight unit. Temporary facilities for use by workmen during building construction shall consist of at least one water closet or chemical toilet and one urinal for each thirty (30) workmen.

Temporary field offices may be new or used but must not violate the provisions of applicable codes and standards.

**Section 3609 Construction Site Cleanup.** Periodic cleaning shall be done to keep the site and adjacent properties free from accumulations of waste materials and windblown debris.

Upon completion of the project or any phase of a project, temporary materials, equipment, facilities and services shall be removed. This shall occur no later than ten (10) days after issuance of the Certificate of Occupancy. Damage caused by installation or use of temporary facilities shall be repaired as follows:

1. Foundations and underground installations for construction facilities shall be removed.
2. Areas of the site affected by temporary installations shall be filled and graded to required elevations and slopes.

**Appendix Section J103.3 Grading fees,** is added to read as follows:

When plans or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. A grading permit fee shall be paid at permit issuance. Said plan review and grading permit fees shall be as set forth in the adopted fee schedule.

Copies of the 2006 International Building Code are available for public inspection in the office of the Town of Pagosa Springs Building Department.

#### **Section 21.15.4 International Residential Code.**

There is hereby adopted by the Town, for the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of one and two-family dwellings within the Town, that certain code known as the International Residential Code, 2006 Edition, including Appendix Chapter E, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this section with the amendments, deletions and additions as follows:

**Section R202 Definitions**, is amended to read as follows:

**TOWNHOUSE.** A single-family dwelling unit constructed in a group of *two* or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

**Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**, is completed as follows:

- Ground Snow Load – 65 psf
- Wind Speed – 90 MPH
- Seismic Design Category – B
- Subject to Damage by Weathering – Severe
- Subject to Damage by Frostline Depth – 42 inches
- Subject to Damage by Termite – Slight to Moderate
- Subject to Damage by Decay – Slight to Moderate
- Winter Design Temperature - -15°F (-26°C)
- Ice Shield Underlayment Required – Yes
- Flood Hazards – FIRM, Community Panel #0800190005C & LOMR to this FIRM dated January 1996
- Air Freezing Index – 1634 °F
- Mean Annual Temperature – 42.2 °F

**Section R305.1 Minimum height. Exception 2**, delete

**R317.2.1 Continuity** is amended to read as follows:

The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab and the fire-resistance rating shall be for exposure from both sides of each wall. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures. An eave of 18" max (measured from finish wall surface to finish fascia) may be constructed with the following requirements which must extend the entire length of the wall or walls: The lower roof and the upper roof shall have a minimum of Class C roof covering and roof decking or sheathing of noncombustible materials or approved fire-retardant-treated wood for a distance of 4 feet on each side of the walls or wall. The soffit and the fascia framing shall be noncombustible materials or approved fire-retardant-treated wood. The underside of the soffit framing shall be protected with 5/8" type "X" exterior gyp or noncombustible materials or approved fire-retardant-treated wood. The soffit shall be without openings or penetrations.

**Section N1101.1 Scope**, is amended to read as follows:

This chapter sets forth energy-efficiency related recommendations for the design and construction of buildings regulated by this code.

**Section G2445 (621) Unvented Room Heaters**, is amended to read as follows:

**Section G2445.1 (621.1) General.** Unvented room heaters shall be prohibited.

**Section G2445.2 through G2445.7**, delete.

**Section P2904.4.1 Water service installation**, is amended to read as follows:

Water service pipe and the building sewer shall be separated as required by policy established by authority having jurisdiction. No exceptions.

**Section 21.15.5 International Fire Code.**

There is hereby adopted by the Town, for the purpose of regulating and governing and safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Town; providing for the issuance of permits and collection of fees therefore; that certain code known as the International Fire Code, 2006 Edition, including Appendix A, B, C, & D published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this section with the amendments, deletions and additions as follows:

**Section 103.1 General** is amended to read:

The department of fire prevention is established within the jurisdiction under the direction of the Pagosa Fire Protection District which shall be operated under the supervision of the District's Fire Chief. All references in this code to "fire code official" shall be synonymous with Pagosa Fire Protection District Fire Chief.

**Section 105.6 Required operational permits**, delete entire section and subsections with the exception of: **Section 105.6.30 Open Burning**.

**Section 907.2.1 Group A, Exception**, delete.

**Section 907.2.2 Group B, Exception**, delete.

**Section 907.2.3 Group E, Exception 2 & 3**, delete.

**Section 907.2.4 Group F, Exception**, delete.

**Section 907.2.7 Group M, Exception 2**, delete.

**Section 907.2.8.1 Manual fire alarm system, Exception 2**, delete.

**Section 907.2.9 Group R-2, Exception 2**, delete

**Appendix B Section B105.1 One- and two-family dwellings**, is amended to read as follows:

The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which exceeds 4,000 square feet shall be 1,000 gallons per minute (3785.4 L/min). All new subdivisions ( preliminary plat Subdivision or P.U.D. applications submitted to the Town Planning Department after October 3<sup>rd</sup>, 2006) shall provide minimum fire flows as specified in Table B105.1 or unless flows are otherwise specifically approved by the Fire Chief pursuant to Sections 104.8 and 104.9 of this Code, based on conditions of the public water supply system existing at the time of such application which would make meeting the minimum fire flows as specified in Table B105.1 impractical.

**Exception:** A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system

**Appendix B Section B105.2 Buildings other than one and two family dwellings** is amended to read as follows:

**B105.2 Buildings other than one- and two-family dwellings.**

The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

**Exception:** A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than that deemed necessary by the Fire Chief pursuant to Sections 104.8 and 104.9 of this Code, based on conditions of the public water supply system existing at the time of such application which would make meeting the minimum fire flows as specified in Table B105.1 impractical.

#### **Sec. 21.15.6 International Mechanical Code.**

There is hereby adopted by the Town, for the purpose of regulating and controlling the design, construction, installation, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances in the City, that certain code known as the International Mechanical Code, 2006 Edition; published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this section.

#### **Sec. 21.15.7 International Fuel Gas Code.**

There is hereby adopted by the Town, for the purpose of regulating and controlling the installation of fuel-gas piping systems, fuel-gas utilization equipment and related accessories within the Town, that certain code known as the International Fuel Gas Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3405. The Code, and the whole thereof, is adopted by reference thereto the same as if set forth in length in this section with the amendments, deletions and additions as follows:

**Section 303.3, Prohibited locations, Exception 3,** delete.

**Section 303.3, Prohibited locations, Exception 4,** delete.

**Section 621 Unvented Room Heaters,** is amended to read as follows:

**Section 621.1 General.** Unvented room heaters shall be prohibited

**Section 621.2 through 621.7,** delete

**Section 3. Public Inspection.** The full text of this Ordinance and the codes adopted herein by reference, with any amendments, are available for public inspection at the office of the Town Clerk.

**Section 4. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 5. Public hearing.** A public hearing on this Ordinance shall be held on the 7<sup>th</sup> day of November, 2006, at 5:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

**Section 6. Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTIONS 3.11 AND 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 5<sup>TH</sup> DAY OF SEPTEMBER, 2006.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Ross Aragón, Mayor

ATTEST

By: \_\_\_\_\_  
Deanna Jaramillo, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTIONS 3.11 AND 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2006.

TOWN OF PAGOSA SPRINGS, COLORADO

By: \_\_\_\_\_  
Ross Aragón, Mayor

ATTEST

By: \_\_\_\_\_  
Deanna Jaramillo, Town Clerk