

## CHAPTER 18

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## ARTICLE 1

### Building Code

#### **Sec. 18-1-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2006 edition, together with all appendices and tables thereto, published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Ord. 520 §2, 2002; Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

#### **Sec. 18-1-20. Copy on file.**

At least one (1) copy of the International Building Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 520 §3, 2002; Ord. 634 §1, 2010)

#### **Sec. 18-1-30. Adoption; Manufactured Housing Installation Program.**

(a) Adoption by reference. There is hereby adopted by reference, as though the same were fully printed and set forth herein, the Manufactured Housing Installation Program, Resolution #37, as prepared by the State Division of Housing, 1313 Sherman Street, Room 518, Denver, Colorado 80203.

(b) Copy on file. One (1) copy of the above Resolution #37, certified to be a true copy, is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. (Ord. 517, 2001; Ord. 634 §1, 2010)

#### **Sec. 18-1-40. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

#### **Sec. 18-1-50. Penalties.**

Any person violating any of the provisions of this Article, or suffering or permitting the same to be violated, shall be deemed guilty of a misdemeanor and, upon conviction, may be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. The imposition of one (1) penalty for one (1) violation shall not excuse the violation or permit it to continue, and each day thereafter that prohibitive conditions are maintained shall constitute a separate and chargeable

offense. Separate and additional complaints may be filed by the Building Inspector for such continuing violations. (Ord. 493 §4, 1998; Ord. 520 §4, 2002; Ord. 595 §10, 2007; Ord. 634 §1, 2010)

## **ARTICLE 2**

### **Residential Code**

#### **Sec. 18-2-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the *International Residential Code*, 2006 edition, together with all appendices and tables thereto, published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare. (Ord. 520 §2, 2002; Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010).

#### **Sec. 18-2-20. Copy on file.**

At least one (1) copy of the International Residential Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 520 §3, 2002; Ord. 634 §1, 2010)

#### **Sec. 18-2-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

## **ARTICLE 3**

### **Mechanical Code**

#### **Sec. 18-3-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code for the Town, by reference thereto, the *International Mechanical Code*, 2006 edition, together with all appendices and tables thereto, published by the International Code Council, Inc., 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code includes comprehensive provisions and standards relating to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling and refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the Town

for the purpose of protecting the public health, safety and general welfare. (Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

**Sec. 18-3-20. Copy on file.**

At least one (1) copy of the International Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 634 §1, 2010)

**Sec. 18-3-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

**ARTICLE 4**

**Plumbing Code**

**Sec. 18-4-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the Town, by reference thereto, the *International Plumbing Code*, 2006 edition, and all appendices and tables thereto, published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California. The subject matter of the adopted code includes comprehensive regulations governing materials, installation methods and other matters pertaining to plumbing for the purpose of protecting the public health, safety and general welfare. (Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

**Sec. 18-4-20. Copy on file.**

At least one (1) copy of the International Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 634 §1, 2010)

**Sec. 18-4-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

## ARTICLE 5

### Fuel Gas Code

#### Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code for the Town, by reference thereto, the *International Fuel Gas Code*, 2006 edition, and all appendices and tables thereto published by the International Code Council, Inc., and the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California. The subject matter of the adopted code concerns requirements for the installation and maintenance of fuel gas-burning appliances and systems. (Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

#### Sec. 18-5-20. Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 634 §1, 2010)

#### Sec. 18-5-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

## ARTICLE 6

### Energy Conservation Code

#### Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy conservation code of the Town, by reference thereto, the *International Energy Conservation Code*, 2006 edition, published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 2001. The subject matter of the adopted code concerns the design of energy-efficient mechanical, lighting and power systems and for energy conservation related standards for testing and materials. (Ord. 520 §2, 2002; Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010).

#### Sec. 18-6-20. Copy on file.

One (1) copy of the International Energy Conservation Code, certified to be a true copy, is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 520 §3, 2002; Ord. 634 §1, 2010)

**Sec. 18-6-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

**ARTICLE 7**

**Existing Building Code**

**Sec. 18-7-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the Town, by reference thereto, the *International Existing Building Code*, 2006 edition, and all appendices, tables and examples thereto, published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 2001. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. (Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

**Sec. 18-7-20. Copy on file.**

One (1) copy of the *International Existing Building Code*, certified to be a true copy, is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 634 §1, 2010)

**Sec. 18-7-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

**ARTICLE 8**

**Electrical Code Administrative Provisions**

**Sec. 18-8-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the administrative provisions electrical code of the Town, by reference thereto, the *International Electrical Code Administrative Provisions*, 2006 edition, and all appendices, tables and examples thereto, published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 2001. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. (Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

**Sec. 18-8-20. Copy on file.**

One (1) copy of the *International Electrical Code Administrative Provisions*, certified to be a true copy, is now on file in the office of the Town Clerk and may be inspected by any interested person

between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 634 §1, 2010)

**Sec. 18-8-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

**ARTICLE 9**

**Electrical Code**

**Sec. 18-9-10. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the *National Electrical Code*, 2005 edition, and all appendices, tables and examples thereto, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. The subject matter of the adopted code includes comprehensive rules and regulations governing materials, methods of installation, inspection and other matters pertaining to the practical safeguarding of persons and property from hazards arising from the use of electricity. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. (Ord. 600 §§I, II, 2008; Ord. 634 §1, 2010)

**Sec. 18-9-20. Copy on file.**

At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 634 §1, 2010)

**Sec. 18-9-30. Amendments.**

The code adopted herein is hereby modified by the following amendments: none. (Ord. 634 §1, 2010)

## ARTICLE 10

### Manufactured Home Regulations

#### *Division 1 Generally*

#### **Sec. 18-10-10. Title.**

These regulations shall be referred to as the *Mancos Manufactured Home Regulations*. (Ord. 397 §1.1, 1980)

#### **Sec. 18-10-20. Authority.**

The Mancos Manufactured Home Regulations are authorized by Title 31, Article 23, C.R.S. (Ord. 397 §1.2, 1980)

#### **Sec. 18-10-30. Purpose.**

The purpose of these regulations shall be to establish minimum standards governing:

- (1) The construction and maintenance of manufactured home parks;
- (2) The provided utilities, facilities and other physical things and conditions to make manufactured home parks safe, sanitary and fit for human habitation; and
- (3) The responsibilities and duties of owners and operators of manufactured home parks. (Ord. 397 §1.3, 1980; Ord. 634 §1, 2010)

#### **Sec. 18-10-40. Submission requirements.**

(a) Submission. All manufactured home park submissions shall conform to the submission requirements set forth for Planned Unit Developments in Chapter 16 of this Code.

(b) Design. The site design submitted shall be prepared by a registered engineer, architect or certified planner in accordance with all other subdivision and/or PUD procedures. (Ord. 397 §2, 1980)

#### **Sec. 18-10-50. Review and approval requirements.**

All review and approval procedures required for PUDs and special use reviews as described in Chapter 16 of this Code shall be adhered to when considering manufactured home park requests. (Ord. 397 §3, 1980)

#### **Sec. 18-10-60. Park size.**

A manufactured home park shall not be developed and operated on a site of less than three (3) acres. (Ord. 397 §4.1, 1980)

**Sec. 18-10-70. Park density.**

The manufactured home park shall have a gross density of not more than eight (8) units per acre. (Ord. 397 §4.2, 1980)

**Sec. 18-10-80. Lot size.**

Each manufactured home lot shall have a minimum area of four thousand (4,000) square feet for accommodating single-wide structures and a minimum area of five thousand (5,000) square feet for accommodating double-wide structures. (Ord. 397 §4.3, 1980)

**Sec. 18-10-90. Lot width.**

Each lot shall have a minimum width of forty (40) feet. (Ord. 397 §4.4, 1980)

**Sec. 18-10-100. Setbacks.**

The park developer and/or owner shall set aside the following areas to be used for no other purpose than landscaping and ingress and egress:

(1) Front: five (5) feet to the on-site driveway; ten (10) feet to park roadways or walkways; twenty-five (25) feet to any dedicated street or roadway; fifty (50) feet to any major arterial or highway.

(2) Side: ten (10) feet to any interior lot; fifteen (15) feet to any side park perimeter.

(3) Rear: fifteen (15) feet to the rear park perimeter; except when the rear of the park abuts a public right-of-way; in which case, the rear setback shall be fifty (50) feet. (Ord. 397 §4.5, 1980)

*Division 2  
Development Standards*

**Sec. 18-10-210. Generally.**

Each manufactured home park shall be in full compliance with all provisions and requirements of the Colorado Department of Public Health and Environment Sanitary Standards and Regulations for Manufactured Home Parks, as amended. (Ord. 397 §5.1, 1980; Ord. 634 §1, 2010)

**Sec. 18-10-220. Services and utilities.**

Each lot shall be provided with electrical service, central potable water service and central sewage disposal. Utility installations and connection taps shall be installed in a manner which conforms with all state and local government codes and regulations. All utilities, except major power transmission lines, shall be installed underground, unless it can be shown to be economically or mechanically infeasible. No utilities shall be aboveground without the express consent of the Board of Trustees, upon recommendation by the Planning Commission. (Ord. 397 §5.2, 1980)

**Sec. 18-10-230. Streets and roadways.**

Private streets shall be permitted in manufactured home parks. All access or service roads, whether public or private, shall be hard-surfaced and constructed to specifications prescribed by the Board of Trustees. The minimum width for the principal access roads shall be thirty-two (32) feet, and for roads within the park, twenty-two (22) feet. If roadways are to be used for parallel parking, the width shall be as follows: parking on one (1) side of the street, twenty-eight (28) feet; parking on both sides of the street, thirty-four (34) feet. The Town may require greater widths for service roads when the design indicates the need to permit movement of emergency vehicles. (Ord. 397 §5.3, 1980; Ord. 634 §1, 2010)

**Sec. 18-10-240. Snow removal.**

The park owner or developer shall be responsible for the satisfactory removal of snow on all private streets within the park. (Ord. 397 §5.4, 1980)

**Sec. 18-10-250. Access.**

The manufactured home park shall have direct access to a public street or highway. At least two (2) off-site entrances shall be provided, and no dead-end access roads shall be permitted. Each lot within the park shall have direct access to a public street or highway or private roadway. (Ord. 397 §5.5, 1980)

**Sec. 18-10-260. Parking.**

At least two (2) off-street parking spaces shall be provided for each manufactured home unit. All parking spaces shall be graveled or hard-surfaced and shall have a minimum size of no less than eight (8) feet by twenty (20) feet for each space provided. (Ord. 397 §5.6, 1980)

**Sec. 18-10-270. Storage area.**

An outdoor storage area for trailers of all types, boats, detached pick-up campers and motor homes shall be provided in an amount equal to fifty (50) square feet per manufactured home space. Such storage area shall be topped with a dust-growth-free surface facilitating drainage and shall be screened by a solid fence not less than six (6) feet in height. An indoor storage area, either individual or common, for the personal use of manufactured home park occupants shall be provided in an amount equal to fifty (50) square feet per manufactured home space. Space beneath the manufactured home shall not fulfill this requirement. (Ord. 397 §5.7, 1980)

**Sec. 18-10-280. Recreational area.**

Not less than eight percent (8%) of the gross land area of a manufactured home park shall be set aside in a central and safe location for a recreational area with facilities. The park's laundry room or management office may be placed in this area if in a single building. This recreational area shall not include any area designated as a manufactured home space, storage area or required yard and shall exclude any area dedicated as public right-of-way. (Ord. 397 §5.8, 1980)

**Sec. 18-10-290. Landscaping.**

A landscaping plan shall be submitted showing existing trees and shrubs to be maintained and new trees and shrubs to be planted. The plan shall show the size and type of plantings proposed, their spacing and maintenance provisions in accordance with the following:

(1) Areas along streets. Within the required setbacks, at least one (1) deciduous or evergreen tree shall be planted for each thirty-five (35) feet or portion thereof of street frontage. This should not be construed to mean trees placed at thirty-five-foot intervals.

(2) Buffer areas between zoning districts. These areas shall be landscaped with a minimum of one (1) deciduous or evergreen tree for each seven hundred fifty (750) square feet within the buffer zone.

(3) Areas other than Paragraphs (1) and (2) above. At least one (1) tree or shrub shall be provided for each manufactured home space and be located in the park's open areas and between manufactured home units and other park structures. (Ord. 397 §5.9, 1980)

**Sec. 18-10-300. Walkways and lighting.**

All walkways within the park shall be hard surfaces with asphalt or concrete, and shall be well-lighted at night with a minimum of twenty-five-watt lamps at intervals of not more than one hundred (100) feet. (Ord. 397 §5.10, 1980)

**Sec. 18-10-310. Street names and lot numbering.**

No street shall be officially named without approval by the Board of Trustees, or lots given numbers until the Town Clerk has been consulted. (Ord. 397 §5.11, 1980)

**Sec. 18-10-320. Fire protection.**

Every manufactured home park shall be equipped at all times with fire-extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations. (Ord. 397 §5.12, 1980)

**Sec. 18-10-330. Improvements guarantee compliance.**

The manufactured home park owner or developer shall comply with the improvements guarantee provisions of Chapter 16, Article 18 of this Code. (Ord. 397 §5.13, 1980)

*Division 3  
Operation and Supervision*

**Sec. 18-10-410. Certificate of occupancy.**

Prior to any occupancy of the proposed park, there must be a certificate of occupancy signed by a designated official of the Town. Each manufactured home unit located in the park must have a certificate of occupancy issued to it prior to any occupancy. (Ord. 397 §6.1, 1980)

**Sec. 18-10-420. Registration of owners and occupants.**

(a) It shall be the duty of each park operator to keep a register containing a record of all manufactured home owners and occupants located within the park.

(b) The register shall contain:

(1) The name and address of the owner and number of occupants of each manufactured home.

(2) The name, number and address of occupants of each manufactured home, if different from the owner.

(3) The make, model, year and current license number of each manufactured home.

(4) The date of arrival and of departure of each manufactured home.

(c) This register shall be available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. (Ord. 397 §6.2, 1980)

**Sec. 18-10-430. Dependent manufactured homes.**

Dependent manufactured homes, defined as any camping unit or any manufactured home which does not have an approved toilet and a bathtub or shower, shall not be allowed in an approved manufactured home park. (Ord. 397 §6.3, 1980)

**Sec. 18-10-440. Compliance with regulations.**

The person who owns a manufactured home park shall at all times operate the park in compliance with these regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times. Inoperative motor vehicles, junk and other debris shall not be allowed to stand within the park premises once it has been determined that the vehicles or materials are no longer in active use. The park owner may provide space within the park, separate from any individual lots and well-screened, for the storage of any inoperative vehicles or for use in washing or repairing such vehicles. (Ord. 397 §6.4, 1980)

**Sec. 18-10-450. Owner-tenant relations.**

The owner of the manufactured home park shall comply with all provisions of the State of Colorado Landlord Tenant Act as set forth in Sections 38-12-201 to 38-12-212, C.R.S. (Ord. 397 §6.5, 1980)

**Sec. 18-10-460. Nonconformance; existing parks.**

When a manufactured home park was in existence in the Town on the effective date of the initial ordinance codified herein, and such manufactured home park complied with all applicable codes then in effect, the manufactured home park shall be considered to be legally nonconforming, shall not be subject to the provisions of this Article and shall be subject to the conformance provisions of Chapter 16, Article 21 of this Code. (Ord. 397 §7, 1980; Ord. 634 §1, 2010)

## ARTICLE 11

### Model Flood Damage Prevention Code

#### **Sec. 18-11-10. Adoption.**

Pursuant to 31-16-102, C.R.S., there is adopted as the flood damage prevention code of the Town, by reference thereto, the *Model Flood Damage Prevention Code*, 1991, prepared and published by the Federal Emergency Management Agency, an agency of the United States Government, all to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regarding the erection, construction, enlargement, alteration, repair, removal, conversion, demolition, occupancy, equipment, use, height, area, elevation and preparation for construction of building and structures for the purpose of protecting the same from flood damage with the intention of protecting the public health, safety and general welfare. (Ord. 462 §1, 1991; Ord. 634 §1, 2010)

#### **Sec. 18-11-20. Copy on file.**

One (1) copy of the Model Flood Damage Prevention Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. The Model Flood Damage Prevention Code as adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 462 §2, 1991; Ord. 634 §1, 2010)

#### **Sec. 18-11-30. Interpretation.**

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered to be minimum requirements;
- (2) Liberally construed in favor of the Town; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 462 §6, 1991; Ord. 634 §1, 2010)

#### **Sec. 18-11-40. Penalties.**

The following penalty clause, as contained in the Model Flood Damage Prevention Code, is herewith set forth in full and adopted:

- (1) No structure on land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of the initial ordinance codified herein, and any violation of any provision of this Article shall be actionable by the Town in a court of competent jurisdiction for injunction or abatement.
- (2) A violation of any provision of this Article shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment. (Ord. 462 §3, 1991)

## **ARTICLE 12**

### **Building Permits**

#### **Sec. 18-12-10. Applications.**

The Building Official shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and manufactured homes, must:

- (1) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Use construction materials and utility equipment that are resistant to flood damage; and
- (3) Use construction methods and practices that will minimize flood damage. (Ord. 374 §1, 1975)

#### **Sec. 18-12-20. Subdivision proposals.**

The Building Official shall review subdivision proposals and other proposed new developments to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards. (Ord. 374 §2, 1975)

#### **Sec. 18-12-30. Water supply systems.**

The Building Official shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. 374 §3, 1975)

## ARTICLE 13

### Public Improvements

#### *Division 1*

#### *Standards and Specifications for Design and Construction*

##### **Sec. 18-13-10. Adoption.**

The *Standards and Specifications for Design and Construction of Public Improvements* of the Town are adopted by reference and shall have the same force and effect as if they were recited in their entirety. (Ord. 491 §1, 1998)

##### **Sec. 18-13-20. Copy on file.**

One (1) copy of the Standards and Specifications for Design and Construction of Public Improvements in its entirety is available for public inspection and/or acquisition in the office of the Town Clerk. In summary, the Standards and Specifications for Design and Construction of Public Improvements provide for the standardization of installing public improvements affecting the water system, sewer system, storm drainage, sidewalks and streets. (Ord. 491 §1, 1998; Ord. 634 §1, 2010)

##### **Sec. 18-13-30. Scope and General Conditions chapter.**

The Standards and Specifications for Design and Construction of Public Improvements contain a Scope and General Conditions chapter divided into the following sections: Purpose and Scope, General Conditions and Permits and Inspections. (Ord. 491 §2, 1998)

##### **Sec. 18-13-40. Water supply facilities.**

The Standards and Specifications for Design and Construction of Public Improvements contain five (5) sections pertaining to the design and construction of improvements to the water system. (Ord. 491 §3, 1998)

##### **Sec. 18-13-50. Sanitary sewer facilities.**

The Standards and Specifications for Design and Construction of Public Improvements contain six (6) sections pertaining to the design and construction of improvements to the sewer system. (Ord. 491 §4, 1998)

##### **Sec. 18-13-60. Street construction.**

The Standards and Specifications for Design and Construction of Public Improvements contain sixteen (16) sections dealing with the design and construction of street systems. (Ord. 491 §5, 1998)

##### **Sec. 18-13-70. Storm drainage facilities.**

The Standards and Specifications for Design and Construction of Public Improvements contain seven (7) sections dealing with the design and construction of improvements to the storm drainage system. (Ord. 491 §6, 1998)

**Sec. 18-13-80. Site work and earthwork.**

The Standards and Specifications for Design and Construction of Public Improvements contain six (6) sections dealing with the design and construction of site work and earthwork. (Ord. 491 §7, 1998)

**Sec. 18-13-90. Concrete work.**

The Standards and Specifications for Design and Construction of Public Improvements contain ten (10) sections dealing with the design and construction of concrete work. (Ord. 491 §8, 1998)

**Sec. 18-13-100. Acceptance procedures.**

The Standards and Specifications for Design and Construction of Public Improvements contain three (3) sections dealing with the acceptance procedures for improvements of any kind. (Ord. 491 §9, 1998)

**Sec. 18-13-110. Enforcement and penalties.**

(a) Any person who violates any of the provisions of the Standards and Specifications for Design and Construction of Public Improvements, or who fails to comply with the provisions thereof, within the Town shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Each day any such violation or noncompliance continues shall constitute a separate and distinct offense.

(b) The penalties provided herein shall be cumulative of other remedies provided by state law, and the power of injunction may be exercised in enforcing Chapter 16, Article 15 of this Code, whether or not there has been a criminal complaint filed. (Ord. 491 §10, 1998; Ord. 595 §10, 2007; Ord. 634 §1, 2010)

*Division 2*  
*Permits*

**Sec. 18-13-210. Purpose.**

This Division is enacted to ensure that proper installation of any public or private improvements in the public ways is accomplished in accordance with Town specifications and regulations. (Ord. 487 §1, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-220. Public improvement permit required.**

It is unlawful for any person to construct, enlarge, alter, repair, move, improve, remove, excavate, convert or demolish any pipelines or other public improvements or common facilities regulated by the Town without first obtaining a public improvements permit (PIP) from the Town. (Ord. 487 §2, 1997)

**Sec. 18-13-230. Application requirements and run time.**

(a) Applicants for public and private improvement permits shall complete and submit an application in writing on a form furnished by the Town for that purpose. The applicant must also submit two (2) sets of plans with the application, pursuant to Section 18-13-310 of this Division. If the cost of work is in excess of five thousand dollars (\$5,000.00), such application shall be made at least thirty (30) days prior to the need for the permit. As a minimum, each application shall:

- (1) Identify and describe the work to be covered by the permit being requested pursuant to Section 18-13-220 above;
- (2) Provide the legal description and street address or similar description that will readily identify the land where the work will be performed;
- (3) Indicate the type of work or improvement intended;
- (4) Be accompanied by a set of plans, diagrams, computations, specifications and other data required in this Division and any other regulations concerning construction standards;
- (5) State the valuation and the quantities of the work to be performed;
- (6) Be signed by the owner or his legally authorized agent;
- (7) Contain estimated project start and completion dates; and
- (8) Include any other information as may be required by the Town.

(b) The Town shall have seven (7) working days to review and issue the permit. (Ord. 487 §3, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-240. Issuance.**

(a) The application, plans, specifications and any other data filed by the applicant for a PIP will be reviewed by the Town. If the Town finds that the work described in an application is complete and in accordance with Town standards and specifications and other pertinent laws, and a permit fee has been paid, a permit will be issued to the applicant.

(b) When the Town issues a PIP, it will endorse the plans in writing or stamp the plans with the words "Accepted for construction." These accepted plans may not be modified or altered without authorization from the Town, and all work will be completed in accordance with the accepted plans. At least one (1) set of accepted plans will be retained by the Town, and a second set shall be returned to the applicant, to be retained at the work site during the progress of the work.

(c) The issuance of the PIP will not be construed as a permit to violate any applicable provision of this Code. No permit which gives authority to violate or cancel any provision of this Code shall be valid.

(d) The issuing of a permit based upon plans, specifications or other data will not prevent the Town from requiring the correction of errors in those plans which were not corrected at the time of

application. In such cases, the Town may, at its discretion, stop construction until all necessary corrections have been made. (Ord. 487 §4, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-250. Expiration.**

(a) Every PIP issued by the Town shall expire if the work authorized by the PIP is completed or is not substantially completed by the completion date stated in the application. *Substantially completed* shall mean at least ninety percent (90%) completed, as determined by an inspection by the Town.

(b) If it is determined that the project is not substantially complete, work on the project shall cease and a new permit will be required to complete the project.

(c) In no case shall an extension of a PIP cause a site to be left in such a state as to create a hazard or nuisance. If the suspension, delay or abandonment of the project creates a hazard or nuisance to public traffic (vehicular or pedestrian), to other public improvements or to any public structure, the Town shall cause the project to be completed, and the Town shall own the improvements until such time as the Town is fully reimbursed for the completion of the project. (Ord. 487 §5, 1997)

**Sec. 18-13-260. Fees.**

Each application shall be accompanied by a processing fee of twenty-five dollars (\$25.00). (Ord. 487 §6, 1997)

**Sec. 18-13-270. Assurances.**

(a) The applicant shall post a bond with a state underwriter, a cash deposit or an irrevocable letter of credit in an amount determined sufficient by the Town, to defray the cost of returning Town or private facilities to the same condition as before the construction began, plus any reasonable damages which might be incurred. Upon completion of the project in a satisfactory manner, the applicant may apply for a return of said collateral.

(b) The applicant is responsible for making the proper utility notification and location arrangements prior to the commencement of any work. Any damages caused by failure to make proper notification is the responsibility of the applicant. (Ord. 487 §7, 1997)

**Sec. 18-13-280. Investigation fees (working without a permit).**

Any work performed which is not covered by an issued PIP shall cease upon written notice of the Town. An investigation fee shall be levied which is equal to any fees required for investigation time. These fees shall be collected whether or not a proper PIP is issued after the investigation. The payment of such investigation fees shall not exempt any person from compliance with all other provisions of this Division or from any other penalty prescribed by law. (Ord. 487 §8, 1997)

**Sec. 18-13-290. Inspections.**

(a) All construction work for which a PIP is required shall be subject to inspection by the Town, and special types of construction shall be required to have continuous inspections by special inspectors.

(b) It is the responsibility of the applicant or designated representatives of the applicant to notify the Town that the work performed is ready for inspection. Every request for inspection shall be filed at least three (3) days before inspection is desired, unless an early inspection is made necessary by prior agreement with the Town. An inspection request shall be made in writing or by telephone call to the appropriate Town employee, at the option of the Town and on a case-by-case basis.

(c) Access to the site and work being inspected shall be provided to the Town by the person requesting inspection. The Town shall have the authority to halt construction when the accepted plans and/or Town regulations governing construction have not been adhered to or the work is otherwise defective.

(d) The Town shall give the applicant written notice of the deficiencies to be corrected and the time frame in which the corrections are expected to be completed and may order further construction to cease until all deficiencies are corrected. If the deficiencies are not corrected by the time frame specified, the Town may evoke enforcement options in accordance with the provisions set forth in this Code and/or any performance guarantees under which the work is being performed.

(e) The procedure for final inspection and acceptance will be by mutual agreement between the Town and the applicant, as specified in any contract documents or as provided by applicable Town regulations. (Ord. 487 §9, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-300. Additional inspections and reinspection.**

(a) The Town may make or require any additional inspections of any work as deemed necessary to ascertain and ensure compliance with this Division any other applicable provisions of this Code.

(b) A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for have not been made.

(c) Reinspection fees may be assessed when the permit and the accepted plans are not at the work site in the possession of the permit holder or the permit holder's agent and readily available to the inspector, or for deviating from the plans accepted by the Town.

(d) This Section is not to be interpreted as requiring reinspection fees the first time the job is rejected for failure to comply with Town regulations concerning construction, but rather as controlling the practice of calling for inspections before a job is ready for such inspection or reinspection. (Ord. 487 §10, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-310. Plans and specifications for large projects.**

(a) For work in excess of five thousand dollars (\$5,000.00) per project, plans, engineering specifications, diagrams and other data shall be submitted in at least two (2) full sets at the time of application for a PIP. The required documents that are submitted shall have been prepared and designed by a registered professional engineer licensed to practice in the State.

(b) Exception: The Town may waive the submission of plans, engineering specifications, diagrams and other data if the Town finds that the nature of the work applied for is such that reviewing of the plans is not necessary to obtain compliance with Town construction regulations. (Ord. 487 §11, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-320. Construction plan requirements.**

All construction plans will be checked for conformance with Town construction regulations prior to acceptance and the issuance of a PIP to the applicant. The Town's acceptance of the plans shall be based upon conformance with Town standards and other construction requirements. Engineering design or needs will remain the responsibility of the professional design engineer used by the applicant. (Ord. 487 §12, 1997; Ord. 634 §1, 2010)

**Sec. 18-13-330. General requirements.**

Plans and specifications shall be drawn to scale and shall have sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that they conform to Town construction standards and all relevant provisions of this Code. (Ord. 487 §13, 1997; Ord. 634 §1, 2010)