

TOWN OF PAONIA, COLORADO
ORDINANCE NO. 09-2022

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CHAPTER 18 OF THE MUNICIPAL CODE AND PROVIDING FOR THE ADOPTION OF AND AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, AND ADOPTION OF THE INSTALLATION HANDBOOK FOR MANUFACTURED HOMES AND FACTORY BUILT HOUSING, JANUARY 2020 EDITION, PUBLISHED BY THE COLORADO DEPARTMENT OF LOCAL AFFAIRS.

WHEREAS, the Town of Paonia (the "Town"), in the County of Delta and State of Colorado, is a statutory municipal corporation duly organized and existing under the laws of the State of Colorado; and;

WHEREAS, the Town has adopted by reference earlier editions of building codes for the Town; and

WHEREAS, the International Code Council released updated editions of International Building Codes in 2018, and staff recommends adoption of the 2018 Editions; and

WHEREAS, pursuant to Title 31, Article 16, Part 2, C.R.S., the Board of Trustees desires to amend the Paonia Municipal Code in order to adopt by reference the 2018 Editions of the International Building Code; International Residential Code; International Mechanical Code; International Fuel Gas Code; and the Installation Handbook for Manufactured Homes and Factory Built Housing, January 2020 edition, published by the Colorado Department of Local Affairs, as the building codes for the Town pursuant to the procedures set forth in C.R.S. §31-16-201, *et seq.*

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, ORDAINS THAT:

Section 1. Recitals.

The recitals to this Ordinance are adopted as findings of the Board of Trustees in support of the enactment of this Ordinance.

Section 2. Repeal and Adoption.

Title 18, Articles 1, 2, 3, 4, 5 of the Paonia Municipal Code are hereby repealed in their entirety.

Title 18, Article 6, Signs, of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 10.

Title 18, Article 7, Flood Damage Prevention, of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 11.

Title 18, Article 8, Supplementary Regulations, of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 12.

Title 18, Article 9 – Accessory Buildings, Structures and Uses of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 13.

Title 18, Article 10, Building Permits and Site Plan Review Requirements, of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 14.

Title 18, Article 11, Building Code Board of Appeals, of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 8.

New Title 18, Articles 1 through 9, as set forth in **Exhibit A** attached, are hereby adopted.

The Town's codifier is hereby authorized to renumber this Title to conform with these amendments.

Section 3. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 4. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed, and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not

affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.


Section 5. Effective Date.

This Ordinance shall take effect thirty days from the date of publication.

INTRODUCED, READ, AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 23rd day of June 2024.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 10 day of January, 2023 by a vote of 6 to 0.

**TOWN OF PAONIA, COLORADO,
A MUNICIPAL CORPORATION**

By: 
Mary Bachran, Mayor

ATTEST:


Amanda Mojarro, Deputy Town Clerk



Approved As To Form:

Nick Cotton-Baez, Town Attorney

EXHIBIT A

Chapter 18 - BUILDING REGULATIONS

ARTICLE 1. - BUILDING CODE

Sec. 18-1-10. - Adoption.

(a) 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, for the purpose of providing minimum standards to protect persons, property and public welfare the International Building Code, 2018 edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

(b) The scope of the International Building Code includes all buildings except detached one- and two-family dwellings and townhouses up to three stories. Chapters 1 through 35 inclusive and Appendix Chapters C, E, G, I and J, are hereby adopted by reference as the Town of Paonia Building Code as if fully set out in this Article with the additions, deletions, insertions, and changes as set forth in Section 18-1-30 below and pertains to all buildings except detached one- and two-family dwellings and townhouses up to three stories.

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

At least one (1) copy of the International Building Code, 2018 edition, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-1-30. - Amendments.

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

- a) References to jurisdiction in Section 101.1 (Title) and elsewhere mean the Town of Paonia.
- b) Section 101.4.1 (Gas) is amended to read: The provisions of the International Fuel Gas Code as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations) shall be enforced by the State of Colorado.

- c) Section 101.4.3 (Plumbing) is amended to read: The provisions of the International Plumbing Code as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations) shall be enforced by the State of Colorado.
- d) Section 101.4.4 (Property Maintenance) is hereby deleted.
- e) Sections 104.10.1 (Flood Hazard Areas), 1612.3 (Establishment of Flood Hazard Areas) and 1612.4 (Flood Hazard Documentation) are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article 12 of this Municipal Code.
- f) Section 105.2 (Work exempt from permit) is amended to exempt the following from permit requirements:
 - 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet. Such structures shall be located in accordance with Section 705.3 with respect to other structures on the same lot and in accordance with Chapter 16 Zoning Regulations.
 - 2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-9-10
 - 3. Item 14 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
 - 4. Item 15 is added and reads: Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.
 - 5. Item 16 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).
- g) Section 109.2 (Schedule of permit fees) is amended to read: Fees shall be assessed as established by Resolution of the Town Board.

- h) Section 109.4 (Work commencing before permit issuance) is amended to read: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by Resolution of the Town Board that shall be in addition to the required permit fees. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.
- i) Section 109.6 (Refunds) is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- j) Section 113 (Board of Appeals) is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- k) Section 114 (Violations) is amended to read: Violations shall be processed pursuant to Article 9 of this Chapter.
- l) Section 310.4.1 (Care facilities within a dwelling) is hereby deleted
- m) All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.
- n) The following Appendix Chapters of the International Building Code, 2018 Edition, are adopted:
 - 1. Appendix C: Group U Agricultural Buildings.
 - 2. Appendix E: Supplementary
 - 3. Appendix F: Accessibility Requirements.
 - 4. Appendix G: Flood-Resistant Construct
 - 5. Appendix I: Patio Covers.
 - 6. Appendix J: Grading.

ARTICLE 2. – RESIDENTIAL CODE

Sec. 18-2-10. - Adoption.

- a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted for the purpose of providing minimum standards to protect persons, property and public welfare as the residential building code of the Town, by reference thereto, the International Residential Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478.
- b) The subject matter of the International Residential Code includes the standards for the design, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of one and two-family dwellings and townhouses not more than three stories above grade, and providing for the issuance of permits and collection of fees therefore. Chapters 1 through 32 inclusive and Appendix Chapters B, F, H, J, K, M, Q, R and S are hereby adopted by reference as the Town of Paonia Residential Building Code as if fully set out with the additions, deletions, insertions, and changes as set forth in Section 18-2-30 below.

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

At least one (1) copy of the International Residential Code, 2018 edition, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-2-30. - Amendments.

The code adopted herein is hereby modified and amended by the following:

- a) References to jurisdiction in Section R101.1 (Title) and elsewhere shall mean the Town of Paonia.
- b) R104.10.1 (Flood hazard areas), R105.3.1.1 (Permits/Determination of substantially improved or substantially damaged existing buildings in flood hazard areas), R301.2.4 (Design criteria/Floodplain construction), R309.3 (Garages and carports/Flood hazard

areas), and R322 (Flood resistant construction) are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article 11 of this Code.

- c) Section R105.2 (Work exempt from permit) is amended in part and with items added to read as exempt from permit requirements:

1. Building:

- a. Item 2 Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Section 18-13-10 of this Code.
- b. Item 10 Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.
- c. Item 11 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
- d. Item 12 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

2. Electrical: All exemptions are subject to the laws established by the Colorado State Electrical Board.

3. Plumbing: All exemptions are subject to the laws established by the Colorado State Plumbing Board.

- d) Section R105.5 (Permit expiration) is amended to read:

1. Work must commence within 180 days of issuing the permit.
2. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within

180 days of the previous mandated inspection according to the following schedule:

- a. Reinforcement in footings or structural (monolithic) slab.
- b. Reinforcement in stem-wall or basement-wall.
- c. Wall and roof sheathing.
- d. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
- e. Insulation.
- f. Drywall or other interior wall coverings.
- g. All final inspections.

e) Section R108.2 (Schedule of permit fees) is amended to read: Fees shall be assessed as established by Resolution of the Town Board.

f) Section R108.5 (Refunds) is amended to read: Refunds shall be determined as established by Resolution of the Town Board.

g) Section R108.6 is amended to read: Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by Resolution of the Town Board that shall be in addition to the required permit fees. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.

h) Section R112 (Board of Appeals) is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.

i) Section R113 (Violations) is amended to read: Violations shall be processed pursuant to Article 9 of this Chapter.

j) All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado. The Building Official has the right to waive this requirement when the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code.

k) Amend Table R301.2(1) (Climatic and Geographic Design Criteria) Manual J Design Criteria

1. Elevation: 5,682
2. Latitude: 38
3. Winter Heating: 3
4. Summer Cooling: 87
5. Altitude Correction Factor: .84
6. Indoor Design Temperature: 70
7. Design Temperature Cooling: 75
8. Heating Temperature Difference: 67
9. Cooling Temperature Difference: 12
10. Wind Velocity Heating: N/A
11. Wind Velocity Cooling: N/A
12. Coincident Wet Bulb: 58
13. Daily Range: H
14. Winter Humidity: 30%
15. Summer Humidity: 50%

16. Ground Snow Load: 33 psf
17. Minimum Roof Snow Load: 25 psf
18. Wind Speed: 105 mph Ultimate / Exposure B or C
19. Topographic Effects: N/A
20. Special Wind Region: N/A
21. Windborne Debris Zone: N/A
22. Seismic Design Category: C
23. Weathering: Severe
24. Frost Line Depth: 24"
25. Termite: Moderate
26. Winter Design Temp.: 3 degrees F
27. Ice Barrier Underlayment: No
28. Flood Hazards: Those set forth in FIRM Map Nos. 08029C0313D, 08029C0501D, and 08029C0502D (effective 8.19.2010), as they may be amended, and any other applicable FIRM, FBFM, or other flood hazard map, if any.
29. Air Freezing Index: 1500
30. Mean Annual Temp.: 49

l) Amend Exceptions to Section R302.1 (Exterior walls) to read:

1. Exception #2 is hereby deleted.
2. Exception #3 is hereby deleted.

m) Section 324.4.1 (Structural requirements) is amended to read: Rooftop-mounted photovoltaic systems - Structural requirements to include: For PV systems with a total installed weight not to exceed 3-psf and with staggered fasteners attaching to an existing roof, an engineer's review of the roof structure shall not be required.

n) Section R326.1 (Swimming pools, spas and hot tubs) is hereby deleted.

o) Section R908.3.1.1 (Roof cover not allowed) #3 is amended to read: Where the existing roof has two or more applications of any type of roof covering unless the third covering is metal panels and appropriate length fasteners are used.

p) Add a new subsection R908.7 to read as follows: R908.7 Attic ventilation shall be made to be in compliance with Section R806 (Roof ventilation).

q) Section G2445 (Unvented Room Heaters) is amended to read: Unvented room Heaters are prohibited.

r) Section G2406.2 (Appliance prohibited locations) is amended to delete Exceptions #3 and #4.

s) Section G2425.8 (Appliances not required to be vented) is amended to delete item #7.

t) Section N1102.4.1.2 (Energy efficiency/Air leakage/Testing) is deleted.

u) Section N1103.3.3 (Energy efficiency/Systems/Duct testing) is deleted.

v) Section N1103.3.4 (Energy efficiency/Systems/Duct leakage) is deleted.

w) Section N1103.5.1 (Energy efficiency/Systems/Heated water circulation and temperature maintenance systems) is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

x) Section N1103.5.2 (Energy efficiency/Systems/Demand recirculation water systems) is amended as follows: When installed, demand recirculation water-systems shall have controls that comply with both of the following:

1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.
2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

y) Section N1103.5.4 (Energy efficiency/Systems/Drain water heat recovery units) is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

z) Chapter 33 is hereby deleted.

aa) Chapters 34-43 regarding electrical requirements are hereby deleted. Note, that pursuant to CRS 12-115-107, the electrical code as enforced by the State of Colorado approved Electrical Inspector shall apply to all electrical work within the Town.

bb) The following Appendix Chapters of the International Residential Code, 2018 Edition, are adopted:

- 1) Appendix B: Vent Sizing. Appendix F: Radon Control.
- 2) Appendix H: Patio Covers.
- 3) Appendix J: Existing Buildings and Structures is amended to read as follows: Section AJ501.5 Electrical repairs and upgrades are subject to the National Electrical Code as adopted by the state of Colorado Electrical Board.
- 4) Appendix K: Sound Transmission.

- 5) Appendix M: Home Day Care.
- 6) Appendix Q: Tiny Homes.
- 7) Appendix R: Light Straw-Clay Construction.
- 8) Appendix S: Strawbale Construction.

ARTICLE 3. - EXISTING BUILDING CODE

Sec. 18-3-10. - Adoption.

- a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted for the purpose of providing minimum standards to protect persons, property and public welfare as the existing building code of the Town, by reference thereto, the International Existing Building Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.
- b) The Existing Building Code provides the standards for the alteration, repair, addition, moving, change of occupancy and relocation of existing buildings, and providing for the issuance of permits and collection of fees therefor. Chapters 1 through 16 inclusive, all Appendix Chapters and Resource "A" are hereby adopted by reference as the Town of Paonia Existing Building Code as if fully set out with the additions, deletions, insertions, and changes as set forth in Section 18-3-30 below.

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

At least one (1) copy of the International Existing Building Code, 2018 edition, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-3-30. - Amendments.

The code adopted herein is hereby modified and amended by the following:

- a) Reference to "jurisdiction" in Section 101.1 (Title) and elsewhere shall mean the Town of Paonia.
- b) Section 108.2 (Schedule of permit fees) is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- c) Section 108.6 (Refunds) is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- d) Section 112 (Board of Appeals) is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- e) Section 113 (Violations) is amended to read: Violations shall be processed pursuant to Article 9 of this Chapter.

ARTICLE 4. - ENERGY CONSERVATION CODE

Sec. 18-4-10. - Adoption.

- a) 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, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.
- b) The subject matter of the adopted code includes regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, and providing for the issuance of permits and collection of fees therefor. Chapters 1 through 6 and Appendix A designed for Commercial and Residential provisions, respectively, are hereby adopted by reference as the Town of Paonia International Energy Conservation Code as if fully set out with the additions, deletions, insertions, and changes as set forth in Section 18-4-30 below.

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

At least one (1) copy of the International Energy Efficiency Code, 2018 edition, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-4-30. - Amendments.

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

a) Commercial

1) Section C101.1 (Title) is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as "this code."

b) Residential

1) Section R101.1 (Title) is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as "this code."

2) Section R402.4.1.2 (Testing) is deleted.

3) Section R403.3.3 (Duct testing) is deleted.

4) Section R403.3.4 (Duct leakage) is deleted.

5) Section R403.5.1 (Heated water circulation and temperature maintenance systems) is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

6) Section R403.5.2 (Demand recirculation water systems) is amended as follows: When installed, demand recirculation water systems shall have controls that comply with both of the following:

a. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.

b. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

7) Section R403.5.4 (Drain water heat recovery units) is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

8) R403.6 (Mechanical ventilation) – append this Section by adding: Automatic controls for heating incoming-air shall be provided.

ARTICLE 5. - MANUFACTURED HOUSING INSTALLATION

Sec. 18-5-10. - Adoption

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the manufactured housing code of the Town, for the purpose of providing minimum standards to protect persons, property and public welfare, by reference thereto, the Installation Handbook for Manufactured Homes and Factory Built Housing, January 2020 edition, published by the Colorado Department of Local Affairs. The subject matter of the adopted code includes regulations governing the installation of manufactured homes in the Town and is adopted in its entirety without amendment.

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

At least one (1) copy of the Installation Handbook for Manufactured Homes and Factory Built Housing, January 2020, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-5-30. - Definitions.

For purposes of this Article, the following definitions will apply:

Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower.

Independent mobile home means a mobile home which has a flush toilet, a bath or a shower and a sink.

Mobile home means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.

Modular home means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.\

Sec. 18-5-40. - Permit for location and installation.

- a) It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the Town.
- b) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home that has less than six hundred (600) square feet of living space.
- c) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the Town without first obtaining a permit therefor upon written application on a form to be furnished by the Town Clerk. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building Official, and if he or she is satisfied that the installation

therein described will conform to the requirements of Paragraphs (1) through (6) below, he or she shall issue a permit therefor to the applicant. Fees for the permit shall be a minimum of \$300.00 or otherwise in accordance with the Permit Fee Rate Schedule adopted by Resolution based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of Subparagraphs (1) through (6) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Article, the date issued and the signature of the Building Official.

- 1) The proposed location shall be in compliance with Chapter 16 of this Code. No mobile home or modular home shall be located or placed on or within an area of less than five thousand (5,000) square feet.
- 2) No mobile home or modular home shall be located closer than twelve (12) feet to any building and shall also be located as to comply with all requirements as to setback lines and side and rear yards as now or hereafter provided for dwelling structures by Chapter 16 of this Code.
- 3) The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as set forth in paragraph (6) below.
- 4) All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, with the exception of a supply container for each mobile home, no gasoline, kerosene or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief. Every connection between a liquefied petroleum gas container

and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and Environment controlling carbon monoxide poisoning.

5) Every mobile home and modular home shall be supported on solid masonry or concrete footings which shall be of sufficient size to safely support the loads imposed as determined from the character of the soil. The foundation walls or piers shall extend at least six (6) inches above the finished grade adjacent to the wall at all points. The foundation walls or piers shall be directly below the load-bearing beams or stringers of the mobile home or modular home. If piers are used, they shall be installed pursuant to requirements of the home manufacturer and State Laws, except that design and specifications shall be provided by a Colorado Licensed Engineer for all "permanent foundations". Every mobile home and modular home shall be anchored in such a way as to resist wind loads established per the IRC and approved as per State Laws, except that design and specifications for anchoring shall be provided by a Colorado Licensed Engineer for all "permanent foundations". Foundations for all mobile homes and modular homes shall be level or shall be stepped so that both top and bottom of such foundation are level. After such foundations have been constructed, each mobile home or modular home shall have a wood or metal skirt firmly attached to all exterior walls and extended to the ground along the entire outside perimeter.

6) Pursuant to the Laws of the State of Colorado, Department of Housing, no permanent utilities are to be released to the home prior to the affixing of the installation-insignia, and Occupancy of the structure is prohibited prior to affixing the installation-insignia.

ARTICLE 6. - INTERNATIONAL MECHANICAL CODE

Sec. 18-6-10. - Adoption.

a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code of the Town, for the purpose of providing minimum standards to protect persons, property and public welfare, by reference thereto, the International Mechanical Code,

2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

b) The adopted code regulates the design and installation of mechanical systems and appliances, appliance venting, duct and ventilation systems, combustion air provisions, hydronic systems and solar systems, issuance of permits and collection of fees therefor. Chapters 1 through 15 inclusive and all Appendix Chapters are hereby adopted by reference as the Town of Paonia Mechanical Code as if fully set out with the additions, deletions, insertions, and changes as set forth in Section 18-6-30 below.

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

At least one (1) copy of the International Mechanical Code, 2018 edition, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-6-30. - Amendments.

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

- a) Reference to "jurisdiction" in Section 101.1 (Title) and elsewhere shall mean the Town of Paonia.
- b) Section 106.5.2 (Fee schedule) is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- c) Section 106.5.3 (Fee refunds) is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- d) Section 108 (Violations) is amended to read: Violations shall be processed pursuant to Article 9 of this Chapter.
- e) Section 109 (Means of appeal) is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.

ARTICLE 7. – INTERNATIONAL FUEL GAS CODE

Sec. 18-7-10. - Adoption.

a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the Town, by reference thereto, the International Fuel Gas Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795

b) The subject matter of the adopted code includes regulations governing fuel gas systems and gas-fired appliances and the issuance of permits and collection of fees therefor. Chapters 1 through 8 inclusive and all Appendix Chapters are hereby adopted by reference as the Town of Paonia International Fuel Gas Code as if fully set out with the additions, deletions, insertions, and changes as set forth in Section 18-7-30 below.

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

At least one (1) copy of the International Fuel Gas Code, 2018 edition, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-7-30. - Amendments.

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

- a) Reference to "jurisdiction" in Section 101.1 (Title) and elsewhere shall mean the Town of Paonia.
- b) Section 106.6.2 (Fee schedule) is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- c) Section 106.6.3 (Fee refunds) is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- e) Section 108 (Violations) is amended to read: Violations shall be processed pursuant to Article 9 of this Chapter.

- f) Section 109 (Means of Appeal) is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- g) Section 501.8 (Appliances not required to be vented) #8 (Hot plates and laundry stove) is hereby deleted.
- h) Section 621 (Unvented Room Heaters) is amended to read: Unvented Room Heaters are hereby prohibited.

ARTICLE 8 - BUILDING CODE BOARD OF APPEALS

Sec. 18-8-10. -- Establishment and Purpose of Building Code Board of Appeals.

a) There is hereby created the Building Code Board of Appeals. Unless otherwise conflicted, the five (5) members of the Building Code Board of Appeals shall serve as the members of the Zoning Board of Adjustment. The Board of Appeals shall consist of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. In evaluating the qualifications and experience of the five (5) members, the qualifications in Appendix B of the version of the IBC adopted by the Town shall serve as guidance in selecting members to the Board of Appeals.

b) The purpose of the Board of Appeals is to hear and decide appeals arising under the codes adopted by reference under this title, except with respect to the National Electric Code and International Plumbing Code. Zoning appeals pursuant to Chapter 16 shall be heard in accordance with Chapter 16.

c) Such Building Code Board of Appeals shall have jurisdiction to decide any appeals from a decision of the Building Official, or his/her designee, if the decision of the Building Official or his/her designee concerns suitability of alternate materials, method of construction or reasonable interpretations of the codes adopted pursuant to this title. Provided, however, the Building Code Board of Appeals shall not be entitled to hear appeals of life safety matters, or the administrative provisions of the codes adopted pursuant to this title, nor shall the Building Code Board of Appeals be empowered to waive requirements under said codes.

c) The Building Code Board of Appeals may adopt reasonable rules and regulations not inconsistent with this Code for conducting its business, meetings, and deliberations.

Sec. 18-8-20. Membership

Membership shall be as prescribed in Section 2-8-20, Zoning Board of Adjustment. Four of the five members shall be qualified by experience and training to pass upon matters pertaining to building construction. In evaluating the qualifications and experience of the four (4) members, the qualifications in Appendix B of the version of the IBC adopted by the Town shall serve as guidance in selecting members to the Building Code Board of Appeals.

Sec 18-8-30 –Appeal Procedures

a) Appeals to the Building Code Board of Appeals may be taken by any person aggrieved by a decision of the Building Official, or his/her designee, denying, issuing, or revoking a permit or in applying the provisions of this title or any code adopted by reference thereunder, to the construction, alteration, or repair of a structure.

b) Appeals to the Building Code Board of Appeals must be made in writing and filed with the Town Clerk no later than 4:30 p.m. of the tenth (10) day following the date of the decision of the Building Official, or his/her designee, by filing a written notice of appeal with the Town Clerk setting forth the decision appealed from and the grounds for said appeal. Upon receipt, the Town Clerk shall transmit the notice of appeal to the Building Official and the Building Code Board of Appeals.

c) In the event the tenth (10) day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the tenth (10) day. The day of the action or decision shall not be included in the ten-day calculation.

d) An appeal to the Building Code Board of Appeals stays all proceedings in furtherance of the action appealed from, unless the Building Official, or his/her designee, from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with him or her that, by reason of facts stated in the certificate, a stay, in his or her opinion, would cause imminent peril to life and property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the

Zoning Board of Adjustment or a court of record on application, on notice to the Building Official, or his/her designee, from whom the appeal is taken and on whom due cause is shown.

Sec. 18-8-40. - Scheduling of hearing.

Upon receipt of a notice of appeal, the Town Clerk shall schedule said appeal for hearing within thirty (30) days from the date of receipt of the notice of appeal. The Town Clerk shall thereupon mail written notice of the date, time, and place of the hearing to the Building Official, or his/her designee and to the appellant.

Sec. 18-8-50. - Hearing.

a) The hearing on the appeal from a decision of the Building Official, or his/her designee shall be public and shall permit the appellant and the Building Official, or his/her designee to call witnesses, introduce evidence, examine and cross-examine witnesses, and otherwise provide each of the parties with due process of law.

b) At hearings, all witnesses shall be sworn-in, and the Chairperson will utilize such procedures as the Building Code Board of Appeals finds will ensure fairness and efficiency. The Building Code Board of Appeals shall not be required to observe formal rules of evidence but may consider any testimony or other evidence the Building Code Board of Appeals finds reasonably reliable and calculated to aid the Building Code Board of Appeals in reaching an accurate determination of the issue involved. Rulings on questions of procedure, admissibility of evidence, and exhibits will be made by the Chairperson and will stand unless objected to by a member of the Building Code Board of Appeals, in which event the question will be decided by a majority vote of the members of the Board present.

c) The Building Code Board of Appeals shall have the authority to review any written final decisions of the Building Official regarding the suitability of alternate materials, methods of construction, or regarding the technical application and interpretation of the building codes adopted by reference, and any amendments thereto, within this Chapter 18. The Building Code Board of Appeals shall also be authorized to issue advisory opinions and policies regarding such matters at the request of the building official. The Building Code Board of Appeals shall not have the authority to waive requirements of any such code, nor shall the Building Code Board of Appeals have the authority to recommend decreasing public safety or fire- resistive standards set forth in any section of such codes. A decision of the Board

shall not be considered a precedent for future decisions of the building official. The Building Code Board of Appeals shall act in each instance based upon the facts presented in the appeal.

d) In the event of a conflict between any building codes adopted by the Town and this Chapter 18, Article 9, the Town Code shall take precedent. Notwithstanding the foregoing, for any matter which the Town Code is silent, the Building Code Board of Appeals shall take into account direction and guidance from the relevant building code(s).

Sec. 18-8-60. - Decisions.

Building Code Board of Appeals, shall issue its findings and decision of a majority of the members on an appeal in writing no later than thirty (30) days after the conclusion of the hearing. The Town Clerk shall mail copies of the findings and decision to the Building Official, or his/her designee and the appellant.

Sec. 18-8-70. - Appeals from the board.

Any decision issued by the Building Code Board of Appeals filed under this chapter shall be final. Any further appeal from the decision of the Building Code Board of Appeals shall be made to the District Court as provided by law.

ARTICLE 9. – VIOLATIONS

Sec. 18-9-10. - Violations – Penalty.

a) Except as may otherwise be provided in this title, any person, firm, or corporation violating any of the provisions of this title shall be deemed guilty of a municipal misdemeanor and subject to the Town's general penalty provision, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted. Said offense shall be deemed to be one of "strict liability." Only the Town of Paonia, by and through its Building Official, or his/her designee, the Town Attorney, or the Police Department, shall be permitted to initiate the filing of a complaint in the Paonia Municipal Court for violation of any of the provisions of this title and the primary codes adopted by reference herein.

b) In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of this title or any primary code adopted by reference herein, the Town Attorney, upon request of the Building Official or the Town Manager, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use, in any court of competent jurisdiction.

