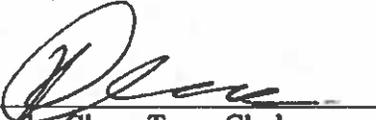


CERTIFICATE OF PUBLICATION

I, Becky Close, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 08 (Series 2023) was approved by the Town Council on first reading on the 13th day of June, 2023, and was published on the Town's official website June 9th, 2023, with notice specifying that a public hearing on the ordinance would be held on June 27th, 2023, at 7:00 p.m. at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado, which is not less than four (4) days after first publication.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 14th day of June, 2023.


Becky Close, Town Clerk

(S E A L)



I, Becky Close, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 08 (Series 2023) was approved by the Town Council on second reading at its meeting held on the 27th day of June, 2023, and thereafter was published on the Town's official website on June 28th, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 28th day of June, 2023.


Becky Close, Town Clerk

(S E A L)



**Ordinance First Reading
Notice for Publication and Posting**

NOTICE OF PUBLIC HEARING

TOWN OF GYPSUM
P.O. Box 130
50 Lundgren Boulevard
Gypsum, CO 81637

This is to give notice that at a public meeting on June 13th, 2023, the following Ordinance was introduced, read by title, approved on first reading, and ordered posted and published by title only, by the Gypsum Town Council. A public hearing for final approval, rejection, or other action as may be taken by vote of Town Council on second reading is scheduled on June 27th, 2023, at 7:00 p.m. in the Town Council Chambers at Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum Co 81637.

Ordinance No. 08 Series 2023 An Ordinance Providing For The Repeal And Readoption Of Title 15 Of The Gypsum Municipal Code

The text of this Ordinance is available for public inspection at the office of the Town Clerk, 50 Lundgren Blvd., Gypsum, Colorado, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the Town's website at <https://townofgypsum.com>.
/ss: Becky Close, Town Clerk

**Ordinance Second Reading Without Amendments
Notice for Publication and Posting**

PUBLIC NOTICE

TOWN OF GYPSUM

P.O. Box 130
50 Lundgren Boulevard
Gypsum, CO 81637

This is to give notice that at a public hearing on second reading, the following Ordinance was introduced, read by title, and finally adopted, passed, and approved and ordered posted and published by title only by the Town Council on June 27th, 2023.

ORDINANCE NO. 08 (SERIES 2023) AN ORDINANCE Providing for the Repeal and Readoption of Title 15 of The Gypsum Municipal Code Second Reading.

The text of this Ordinance is available for public inspection at the office of the Town Clerk, 50 Lundgren Blvd., Gypsum, Colorado, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the Town web site at <https://townofgypsum.com>.
/ss: Becky Close, Town Clerk.

TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 08
SERIES 2023**

**AN ORDINANCE PROVIDING FOR THE REPEAL AND READOPTION OF
TITLE 15 OF THE GYPSUM MUNICIPAL CODE**

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, by Ordinance No. 1, Series 1985, and pursuant to the provisions of Section 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, the Town Council adopted the Gypsum Municipal Code (“Code) consisting of a codification of the Town’s ordinances of a general and permanent nature; and

WHEREAS, several titles, chapters, sections and subsections of the Code have been amended and/or repealed and readopted since 1985; and

WHEREAS, in order to reduce liability risks to the Town, add clarity and consistency, and ensure the Code incorporates current legislation and case law, the Town Council has undertaken a comprehensive review of the Code to ensure the Code is adequately serving the community’s needs as the Town grows; and

WHEREAS, the Town Council finds and determines that Title 15 (Buildings and Constructions) should be repealed and its content readopted and codified, as amended, and that the same is necessary and designed for the purposes of updating Title 15 to comply with changes in the Colorado Revised Statutes and International Codes, and promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants and visitors of the Town; and

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Repeal and Readoption of Title 15 (Buildings and Constructions). Title 15 of the Gypsum Municipal Code is hereby repealed and readopted in its entirety, as attached hereto as Exhibit A and incorporated herein.

Section 2. Public Inspection. Copies of this ordinance, the Gypsum Municipal Code, and the referenced International Codes are available for public inspection at the office of the Gypsum Town Clerk.

Section 3. Public Hearing: A public hearing on this Ordinance shall be held on the 27th day of June, 2023, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 4. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 27th day of June, 2023, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 5. Severability. If any portion of this Ordinance, or the Gypsum Municipal Code or International Codes amended hereby, 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.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 13TH DAY OF JUNE, 2023.

TOWN OF GYPSUM

By: 
Stephen M. Carver, Mayor

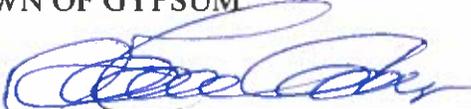
Attest:


Becky Close, Town Clerk



INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 27TH DAY OF JUNE, 2023, BY A VOTE OF 5 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: 
Stephen M. Carver, Mayor

Attest:


Becky Close, Town Clerk

(S E A L)



EXHIBIT A

Title 15

TITLE 15 - BUILDINGS AND CONSTRUCTION

Chapter 15.01 - INTERNATIONAL CODES

15.01.010 - Application.

(1) As modified by this Chapter, the International Fire Code and the Fire Code Standards, 2021 Edition, as published by the International Fire Code Institute, and amendments thereto; the Urban Wildland Interface per the local jurisdiction; the current Edition of National Fire Protection Association Standards for reference; the International Building Code, 2021 Edition; the International Residential Code, 2021 Edition; the International Energy Conservation Code, 2018 Edition; the International Mechanical Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the Edition of the National Electrical Code, and all appendix chapters, as adopted by the State of Colorado (NEC); the ICC/ANSI Accessibility Standards 2009 Edition, and the Colorado Manufactured Home Installation Program of the State of Colorado, are hereby adopted by this reference and incorporated herein as if set forth in full and shall apply to all dwellings, buildings and structures located within the boundaries of the Town of Gypsum, hereinafter referred to as the "regulated area," unless otherwise provided.

(2) Unless otherwise provided herein, where the requirements or conditions imposed by a provision of this Chapter of the Gypsum Municipal Code differ from the requirements or conditions imposed by a provision or another law, ordinance, resolution, or order having application in the Town of Gypsum, the provision which is more restrictive shall govern.

15.01.020 - Permit Requirements/References.

(1) Table 1 titled "Town of Gypsum Permit Requirements" together with the remaining Tables 2 through 9 inclusive, as attached hereto are hereby incorporated herein by this reference. Table 1 sets forth the projects that may require permit(s), if any, and identifies the specific type of permit(s) required and the site inclusion requirements. Additional permits not identified in Table 1 may also be required.

(2) It is the duty of any person or entity that proposes to construct a project which is not specifically set forth in Table 1, to contact the Building Official of the Town of Gypsum for a determination of the type of permit(s) required, if any, and the site inclusion requirements.

15.01.030 - Definitions.

For the purpose of this Chapter, all words, terms, and expressions contained herein shall be interpreted in accordance with the definitions set out in the Code, except that:

(1) *Agricultural building* shall mean a pole barn, private noncommercial greenhouse no larger than 300 square feet in size, shed or similar structure designed and constructed to house only farm implements, hay, grain, poultry, livestock, or other horticultural products and shall not include footings, piers, concrete floors, insulation, finish materials, plumbing, heat, or similar elements. Electricity may be provided for lighting purposes only in which an electrical permit is required.

(2) *Building official or inspector* shall mean the Town of Gypsum Chief Building Official and the building official's duly authorized deputies, inspectors, staff, and others reasonably involved in code administration and enforcement.

(3) *Certificate of occupancy* shall mean a certificate issued by the Town of Gypsum stating that the structure or building is suitable for occupancy. Except for Group U Occupancies, no building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure shall be made until the building official has issued a certificate of occupancy as provided herein. Issuance of a certificate of occupancy shall not be construed as waiving any violation of the provisions of this Chapter or of any other ordinance or requirement of the Town of Gypsum. Certificates presuming to give authority to violate or cancel the provisions of this Chapter or of any other ordinance or requirement of the Town of Gypsum shall not be valid.

(4) *Chief of the fire department* shall mean the head of the fire protection district having jurisdiction, or his regularly authorized deputies.

(5) *Code* shall mean the International Fire Code and the Fire Code Standards, 2021 Edition, as published by the International Fire Code Institute and amendments thereto; the Urban Wildland Interface per the local jurisdiction; the current state adopted edition of National Fire Protection Association Standards for reference; the International Building Code 2021 Edition; the International Residential Code, 2021 Edition; the International Energy Conservation Code, 2018 edition; the International Mechanical Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the Edition of the National Electrical Code, and all appendix chapters, as adopted by the State of Colorado; the ICC/ANSI Accessibility Standards 2009 Edition, and the Colorado Manufactured Home Installation Program of the State of Colorado; and all amendments to said codes and standards as of the date of the adoption of this Chapter and as set forth in Section 15.01.040 of this Chapter.

(6) *Construction hours* shall mean the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday, during which construction is allowed in the Town of Gypsum.

(7) *Construction improvement agreement* shall mean an agreement entered between the permit holder/owner/developer and the Town of Gypsum for the completion of all unfinished work on any building, landscaping, infrastructure, erosion control and other required public improvements as required for a certificate of occupancy. A financial guarantee may be required as part of this agreement. The improvements required by any such agreement shall be completed within one year of the date of the issuance of a temporary certificate of occupancy or certificate of occupancy, whichever occurs first.

(8) *Duplex or Town home* shall mean a building with two or more dwelling units separated by a zero-clearance common property line. The exterior walls adjoining the common property line are required to be one hour rated firewalls, see Table 9.

(9) *Erosion control* shall mean the ground cover, faces of cut and fill slopes that shall be prepared and maintained to control against erosion. Erosion control may be accomplished through landscaping, revegetation, mulching, cribbing, riprap, or other means approved by the building official.

(10) *Factory-built housing unit* shall mean any structure or component thereof, designed primarily for residential occupancy, either permanent or temporary which is wholly or in substantial part made, fabricated, formed or assembled in a manufacturing facility intended for assembly and installation, on a permanent foundation as a building site and which carries a Colorado Division of Housing "factory-built unit certification".

(11) *Final inspection* means the final inspection of all buildings and structures which are subject to provisions of this Chapter that must occur when such buildings and structures are deemed complete and includes the final approval obtained from the Town of Gypsum before any such building or structure is ready and available for occupancy or use.

(12) *Fire code official* shall mean either the Town fire code official or the district fire code official.

(13) *District fire code official* shall mean the fire chief of the fire district, and his/her duly authorized deputies, inspectors, staff, and others reasonably involved in fire code administration and enforcement of existing nonresidential buildings, common areas of existing multi-family residential buildings, activities subject to operational permits, fire alarm systems, and fire sprinkler systems.

(14) *Town fire code official* shall mean the Town building code official and his/her duly authorized deputies, inspectors, staff, and others reasonably involved in fire code administration and enforcement of construction, fire alarm systems, and fire sprinkler systems.

(15) *Health officer* shall mean the Eagle County Public and Environmental Health Officer as appointed by Eagle County. For the purpose of administering the individual sewage disposal system regulations, the public and environmental health officer has been designated as this duly authorized representative.

(16) *Improvement location certificate* shall mean the certificate issued by a Colorado Registered Professional surveyor pursuant to Sections 38-51-102(8), C.R.S., and 38-51-108, C.R.S. Such a certificate shall be required on all newly constructed buildings or additions, and, unless waived by the building official, the improvement location certificate as issued must show that the building, including any addition thereto, has not been built within a setback or utility easement.

(17) *Installation insignia* shall mean the marking required by Section 24-32-3317 C.R.S., which regulates the installation of manufactured homes, and directs that upon completion of the installation of a manufactured home an insignia will be attached to the home that certifies the installation. No permanent utilities shall be connected to the home prior to the installation of the seal. Temporary utility connections are permitted for construction purposes when pertinent testing has been completed.

(18) *Installation manual* shall mean the manufacturer's installation instructions for manufactured homes and factory-built housing. Such manual must be available at time of inspection.

(19) *Loft* shall mean any story or floor area in a building that is open to the floor directly below, but that does not qualify as a mezzanine due to its failure to comply with one or more of the items specified for mezzanine floors in Section 505 of the International Building Code. At least one side of the loft shall be at least 50 percent open to the room below. Lofts may be habitable space or non-habitable space. (Habitable lofts in residential occupancies shall be considered as sleeping rooms or bedrooms and must have egress windows and a smoke detector.)

(20) *Lot* shall mean any legal parcel of land created in compliance with the Town of Gypsum Subdivision Regulations on record in the office of the Town of Gypsum or Eagle County Clerk and Recorder.

(21) *Manufactured home installation program* shall mean a program requiring that installers of manufactured housing be certified by the State of Colorado and that such housing units be inspected by a State of Colorado certified inspector.

(22) *Manufactured housing (mobile home)* shall mean a factory-assembled structure or structures equipped with the necessary service connections and made to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation. (American National

Standards Institute (ANSI) A119-1: (1) The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. ANSI Article A119.1: Standard for Mobile Homes, National Fire Protection Association (NFPA Edition No. 501A, 1990) (Section 1-2).

(23) *Road or street* shall mean a way or right-of-way reserved for public or private use (other than an alley) that also provides primary vehicular and pedestrian access to adjacent properties. A road or street may also be used for drainage or utility access to adjacent properties and may, but need not necessarily, be commonly identified as an avenue, drive, highway, lane, place, road, street, or other similar designation.

(24) *Sign* shall mean any letters, figures, design, symbol, trademark, illuminating device, or other device intended to attract attention to any place, subject, person, firm, corporation, public performance, article machine or merchandise whatsoever, and painted, printed, constructed, or displayed in any manner whatsoever.

(25) *Site* shall mean any parcel or area of land having an area sufficient to satisfy the provisions of the Town of Gypsum Subdivision Regulations.

(26) *Temporary certificate of occupancy (TCO)* means a certificate that may, but is not required to be, issued by the Town of Gypsum Official, authorizing a structure for which a certificate of occupancy has not been issued, to be temporarily occupied as hereinafter provided.

(27) *Town* shall mean the area consisting of the incorporated limits of the Town of Gypsum, as the same exists from time to time and may also hereinafter be referred to as the "regulated area".

(28) *Work* shall mean the construction, demolition, alteration, repair, moving or change in the class of occupancy of any building, equipment or structure, and the placement and use of a mobile home as a living unit other than in an approved mobile-home park as defined in the Town of Gypsum Zoning Regulation, Section 18.05.040.

15.01.040 - Amendments to the Code.

(1) Where the requirements or conditions imposed by a provision of this Chapter differ from the requirements or conditions of the Code, the most restrictive shall govern.

(2) The International Building Code, 2021 Edition, are incorporated into this Chapter by reference with the following amendments:

(a) 101.1 Title: Section 101.1 is amended to read as follows: 101.1 Title. These regulations shall be known as the Building Code of the Town of Gypsum, hereinafter referred to as “the Building Code.”

(b) Amendment of Section 104.1 "General." The first sentence of the first paragraph is amended to read:

“The Building Official is hereby authorized and directed to enforce all the provisions of this Code; however, a guarantee that all buildings and structures have been constructed in accordance with all provisions of this Code is neither intended nor implied.”

“The Building Official is hereby authorized and directed to enforce all the provisions of this Building Code; however, a guarantee that all buildings and structures have been constructed in accordance with all provisions of this Building Code is neither intended nor implied.”

(c) Amendment of Section 105.2 "Work Exempt from Permit." The following sentence and bullet points shall be added:

“The following structures shall not require a Building Permit:

(d) Amendment of Section 105.2 “Work Exempt from Permit”. The following sentence and bullet points shall be added:

“The following structures shall not require a Building Permit:

- One story detached buildings used only as a tool and/or storage shed, playhouse or other and similar uses, provided such buildings are not intended or used for human habitation, the area does not exceed 120 square feet and the height does not exceed 10 feet at the peak of the roof.
- Decks not more than 30 inches above grade, (18 inches if built into a setback) with no permanent construction above the floor line

other than guardrails. Note: Fences and decks less than 18 inches above grade are allowed in setback. See 18.05.030 note 2.

- Agricultural buildings as defined in the Gypsum Municipal Code.
- Fences over 36 inches in height shall not be allowed in the front yard.”

(e) Amendment of Section 105.7 General "Placement of permit".
“The following sentence shall be added:

“It shall be the responsibility of the permittee to display the Building Permit card on the job site throughout the construction process.”

(f) Amendment of Section 107.1 General “Construction Documents.” The following shall be added for clarification:

“All commercial building plans, remodels, etc. shall be designed and stamped by a Colorado licensed architect and engineer. Foundation plans for all commercial buildings shall be designed and stamped by a Colorado registered professional engineer. All commercial building MEP plans shall be designed by a registered professional engineer.”

(g) Amendment of Section 107.3.1 "Approval of construction documents." The following paragraph shall be added:

“A building permit will not be issued by the Town of Gypsum until all construction drawings, applications, and permit fees are submitted and approved. With approval of the Building Official, a footing and foundation permit may be issued prior to the receipt of other permit information, if adequate structural, site plan, floodplain and geological hazard information is provided. The permittee shall proceed at their own risk until the full set of documents are received and approved.”

(h) Amendment of Section 109.2 "Schedule of permit fees." The following shall be added:

"The valuation for commercial building permits fees shall be based on the most current Building Valuation Data Chart.

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$1.00 to \$500.00	\$50.00
\$501.00 to \$2,000.00	\$50.00 for the first \$500, plus \$3.05 for each additional \$1,000 or fraction thereof, up to and including \$2,000
\$2,001.00 to \$25,000.00	\$95.75 for the first \$2,000.00, plus \$14.00 for each additional \$1,000.00 or fraction thereof, up to and including \$25,000
\$25,001.00 to \$50,000.00	\$417.75 for the first \$25,000, plus \$10.10 for each additional \$1,000.00 or fraction thereof, up to and including \$50,000
\$50,001.00 to \$100,000.00	\$670.25 for the first \$50,000, plus \$7.00 for each additional \$1,000.00 or fraction thereof, up to and including \$100,000
\$100,001.00 to \$500,000.00	\$1020.25 for the first \$100,000, plus \$6.50 for each additional \$1,000.00 or fraction thereof, up to and including \$500,000
\$500,001.00 to 1,000,000.00	\$3620.25 for the first \$500,000, plus \$5.00 for each additional \$1,000.00 or fraction thereof, up to and including 1,000,000.
1,000,000.00 and up	\$6120.25 for the first 1,000,000 plus \$4.00 for each additional \$1,000 or the fraction thereof.

(i) Amendment of Section 109.5 “Related Fees” is amended to add the following related to the transfer of permits:

“Required fees for the transfer of permits from the original contractor to new a contractor are as follows:

Transfer of a building permit is 65% of original building permit fee.

Transfer of an electrical permit is the calculated Town fee for the work being performed.

Transfer of a plumbing permit is the calculated Town fee for the work being performed.

Transfer of a mechanical permit is the calculated Town fee for the work being performed.”

(j) Amendment of Section 110.11 "Special Inspections." The following sentences shall be added:

“LOG HOMES: A third party inspection by a certified log inspection agency shall be required of all logs used for the structural system of a log home.

METAL BUILDINGS: An inspection by engineer of record or special inspector shall be required at an appointed time by the Building Official. (Usually prior to covers being installed.

ELEVATORS: Duties transferred to the Northwest Colorado Council of Governments pursuant to Town of Gypsum Resolution No. 97-5.”

(k) Amendment of Section 310.1 Residential Group R. The description of Group R-3 Residential Occupancies is deleted in its entirety and replaced with the following:

“R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2; or adult care facilities that provide accommodations for five (5) or fewer persons of

any age for less than 24 hours per day; or child care facilities that provide accommodations for up to six (6) children from birth to eighteen (18) years of age and up to two (2) additional children of school age who are attending full-day school, for less than 24 hours per day. Adult and childcare facilities that are within a single-family home are permitted to comply with the International Residential Code in accordance with Section 101.2. (Ord. 2011-10).”

(l) Amendment of Section 509.1 "Separations." The following Subsections shall be added:

“A one-hour fire resistive assembly shall be required in single-family residences having a primary and secondary unit therein.

(m) Amendment of 1301.1.1 “Criteria” is amended to read as follows:

“Buildings shall be designed and constructed in accordance with the 2018 International Energy Conservation Code.”

(n) Amendment of Section 1505.1 “General.” Section 1505.1 is amended to read as follows:

“All roof coverings shall be Class A. Wood shakes and shingles are not permitted unless exempted for replacement or repair as defined in Section 1501.1.1.

Replacement or Repair: Each structure with a nonconforming roof covering or roof assembly shall be allowed one (1) replacement or repair of twenty five percent (25%) or less of the roof area. Replacement or repair more than twenty-five percent (25%) or a second replacement or repair of the roof covering, or roof assembly shall trigger replacement of the nonconforming covering or assembly in its entirety. For the purpose of this Section, a two-family dwelling shall be considered two separate structures. Emergency repairs of less than 10 square feet shall not be subject to the twenty-five percent (25%) rule.

Exception: Metal and concrete roofing systems.

Table 1505.1 Minimum Roof Covering Classification for Types Construction and all-associated footnotes are deleted.

(o) Deletion of Section 1505.3. Section 1505.3, Class B roofing assemblies, is deleted in its entirety.

(p) Deletion of Section 1505.4. Section 1505.4, Class C roof assemblies, is deleted in its entirety.

(q) Deletion of Section 1505.5. Section 1505.5, Non-classified roofing is deleted in its entirety.

(r) Deletion of Section 1505.6. Section 1505.6, Fire-retardant-treated wood shingles and shakes, is deleted in its entirety.

(s) Deletion of Section 1505.7. Section 1505.7, Special purpose roofs, is deleted in its entirety.

(t) Addition of a new Section 1507.7.7 Snow Retention Device. A new Section 1507.7.7 is added to read as follows:

“1507.7.7 Snow Retention Devices: New metal roof assemblies shall be designed to prevent accumulations of snow from shedding onto exterior balconies, decks, stairways, sidewalks, streets, alleys, pedestrian, and vehicle exits from buildings, areas directly above or in front of utility meters and/or adjacent properties.

Exception: Roof areas with a horizontal projection of less than 48 inches that will not receive snow shedding from a higher roof. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to the intersecting wall surface.”

(u) Addition of a new Section 1603.1.10 Boulder or Rock Walls. A new Section 1603.1.10 is added, to read as follows:

“1603.1.10 Boulder or Rock Walls. Boulder or rock walls with a height of greater than 48 inches shall

be designed by a registered design professional and shall comply with Section 1603.1.”

(v) Amendment of Section 2902.2, Separate Facilities. Section 2902.2 is amended to delete Exception 4 and to revise Exception 2 to read as follows:

“Exception 2: Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 30 or fewer.

(w) Amendment of Section 3307.01 - "Protection of Adjoining Property." The following paragraph shall be added:

“Drainage improvements shall be required on all construction projects. The work is to be completed in strict conformance with the approved plans and ready for inspection no later than the date of the Temporary Certificate of Occupancy or the Certificate of Occupancy inspection, whichever occurs first. It will be the general contractor's responsibility to maintain positive drainage on the site during all phases of construction, including protection of any drainage along the public roadways, irrigation ditches, streams, ponds, or other water bodies. Drainage improvements shall not adversely affect adjoining properties.”

(x) The Town hereby adopts the following appendices to the International Building Code:

- (i) Appendix I Patio Covers
- (ii) Appendix K Administrative Provisions

(3) The International Residential Code, 2021 Edition, is incorporated into this Chapter by reference with the following amendments:

(a) Section R101.1, Title, is amended to read as follows:

“R101.1 Title. These regulations shall be known as the Residential Building Code of the Town of Gypsum, hereinafter referred to as “the Residential Code”.”

(b) Section R105.2, Work Exempt from permit, is amended to repeal and readopt item 1 to read as follows:

“Building:

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 120 square feet with a maximum height of 10 feet to the tallest peak of the roof.”

(c) Amendment of Section R108.2 “Schedule of permit fees”, is amended by the addition of the following sentence and to adopt the following fee schedule:

“The valuation for residential building permits fees shall be based on \$178.00 a square foot for habitable areas, \$45.00 per square foot for unfinished areas and \$28.50 per square foot for garages and other outbuildings and basement finish at \$30.00 per square foot.”

Building Permit Fees:

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$1.00 to \$500.00	\$50.00
\$501.00 to \$2,000.00	\$50.00 for the first \$500.00, plus \$3.05 for each additional \$1,000.00 or fraction thereof, up to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$95.75 for the first \$2,000.00, plus \$14.00 for each additional \$1,000.00 or fraction thereof, up to and including \$25,000.
\$25,001 to \$50,000	\$417.75 for the first \$25,000, plus \$10.10 for each additional \$1,000.00 or fraction thereof, up to and including \$50,000.
\$50,001.00 to \$100,000.00	\$670.25 for the first \$50,000, plus \$7.00 for each additional \$1,000.00 or fraction thereof, up to and including \$100,000.
\$100,001.00 to \$500,000.00	\$1020.25 for the first \$100,000, plus \$6.50 for each additional

	\$1,000.00 or fraction thereof, up to and including \$500,000.
\$500,001.00 to \$1,000,000.00	\$3620.25 for the first \$500,000, plus \$5.00 for each additional \$1,000.00 or fraction thereof, up to and including \$1,000,000.”
\$1,000,001.00 and up	\$6120.25 for the first \$1,000,000 plus \$4.00 for each additional \$1,000 or fraction thereof.

(d) Section R108.4 “Related Fees”, shall be amended by the addition of the following related to the transfer of permits:

“Required fees for the transfer of permits from the original contractor to new a contractor are as follows:

Transfer of a building permit is 65% of original building permit fee.

Transfer of an electrical permit is the calculated Town fee for the work being performed.

Transfer of a plumbing permit is the calculated Town fee for the work being performed.

Transfer of a mechanical permit is the calculated Town fee for the work being performed.”

(e) Section R109.1.5 Other Inspections, is amended by the addition of the following:

“The Building Official shall be authorized to make or require inspections of construction work as required by Chapter 17 of the International Building Code.”

(f) Table R301.2, Climatic and Geographic Design Criteria, is amended in its entirety to read as follows:

CLIMATE ZONE	GROUND SNOW	WIND SPEED	TOPOGRAPHIC EFFECTS	SEISMIC	WEATHERING DESIGN	FROSTLINE	TERMINATE	WINTER DESIGN TEMP	ICE BARRIER AIR UNDERLYANMENT	FREEZING INDEX
6B	50	115	B	C	Severe	42"	Slight	-5	Yes	2500

(g) Section R301.2.3 "Snow Loads", is hereby deleted in its entirety and replaced with the following:

“Roof snow load requirements for the Town of Gypsum shall be forty pounds per square foot (40 PSF) live load and ten pounds per square foot (10 PSF) dead load. Decks are fifty pounds per square foot (50 PSF) live load and ten pounds per square (10 PSF) foot dead load.”

(h) Section R302.13, Fire Protection for Floors, is deleted in its entirety.

(i) Section R313, Automatic Fire Sprinkler Systems, is deleted in its entirety.

(j) Residential Fire Sprinklers. Residential fire sprinklers as required by Sections R309.5, R313, and P2904 of the 2021 International Residential Code are not required to be incorporated into residential buildings; however, if such improvements are included in a residential structure the standards and requirements of such Sections shall apply.

(k) Sections R401.3 "Drainage", and 1804.4 "Site Drainage" are amended by the addition of the following paragraph:

“Positive drainage away from the exterior of all foundation walls must be maintained. In those locations where the foundation is subject to a high-water table, or where surface or ground water drainage will present a problem, additional precautions may be required.”

(l) Section R401. 4, "Soils Tests", is hereby deleted in its entirety and replaced with the following:

“An open hole classification of the soil at each building site shall be determined by a Colorado registered Soils Engineer.”

(m) Section R403.1 is amended to add the following to the end of the last sentence in this Section:

“and verified by a licensed engineer for permit submittal.”

(n) Section R902.1, Roof covering materials, is amended to read as follows:

“R902.1 General. In accordance with the Town of Gypsum Municipal Codes, all roof coverings shall be Class A roofing only. Wood shakes and shingles are not permitted except where exempted for replacement or repair as defined below.

Replacement or Repair: Each structure with a nonconforming roof covering or roof assembly shall be allowed one (1) replacement or repair of twenty five percent (25%) or less of the roof area. Replacement or repair more than twenty-five percent (25%) or a second replacement or repair of the roof covering, or roof assembly shall trigger replacement of the nonconforming covering or assembly in its entirety. For the purpose of this Section, a two-family dwelling shall be considered two separate structures. Emergency repairs of less than 10 square feet shall not be subject to the twenty-five percent (25%) rule.”

(o) Section R902.2, Fire-retardant-treated wood shingles and shakes, is deleted in its entirety.

(p) Section R903.5, Snow Retention Devices, is amended to read as follows:

“R903.5 Snow retention Devices: New metal roof assemblies shall be designed to prevent accumulations of snow from shedding onto exterior balconies, decks, stairways, sidewalks, streets, alleys, pedestrian, and vehicle exits from buildings,

areas directly above or in front of utility meters and/or adjacent properties.

Exception: Roof areas with a horizontal projection of less than 48 inches that will not receive snow shedding from a higher roof. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to the intersecting wall surface.”

(q) Section R1005.1 "Listing", shall be amended to add the following:

“In bedrooms and areas required by the manufacturer, outside combustion air shall be required in both gas-fired and wood burning fireplaces and shall be terminated inside the firebox wall. Ducts for said combustion air shall be a minimum of 26-gauge galvanized metal when located in a fire restrictive shaft.”

(r) Chapter N1101, 2021 International Energy Conservation Code residential provisions, is hereby deleted in its entirety.

(s) The following Appendices are hereby adopted by the Town of Gypsum:

- (i) Appendix AH Patio Covers
- (ii) Appendix AJ Existing Building and Structures
- (iii) Appendix AQ Tiny Houses
- (iv) Appendix AW 3D-Printed Building Construction

(t) Chapter 11, Energy Efficiency, is deleted in its entirety and replaced with the 2018 International Energy Conservation Code.

(4) The International Energy Conservation Code, 2018 Edition, is incorporated into this Chapter by reference with the following amendments:

(a) R401.3 Certificate (Mandatory) is amended to replace the word “Mandatory” with the word "Optional.”

(b) The home energy certificate may only be requested the first buyer of a new home after the Certificate of Occupancy has been issued.

(c) Table R402.1.2 climate zone 6, is amended to add the following additional method for thermal envelopes in wood frame wall R-value:

“Spray foam placed on the inside portion of the structural sheathing at not less than 1 ½” in depth and a faced R-13 cavity insulation that will achieve at a minimum of R-23 with the completed thermal envelope system.”

(d) R403.1 Controls Mandatory, is amended to add the following exception:

“Exception: A programable thermostat is not required for fluid-based radiant heating systems.”

(5) The International Plumbing Code, 2021 Edition, (the “Plumbing Code”) is incorporated into this Chapter by reference with the following amendments:

(a) Plumbing license required.

(b) Pursuant to Section 12-58-115, C.R.S., only qualified licensed plumbers may install "Plumbing Systems" as defined in Section 202 of the Plumbing Code.

(c) Section 109.2 "Fee schedule" is hereby amended as follows:

“(The current schedule of Plumbing Permit Fees is contained in Table 5.)”

(d) Section 903.1 "Vent Extension" is amended to add the following:

“Open vent pipes that extend through a roof shall be terminated not less than 10” above the roof.

The vent termination on metal roofs shall be within 3 feet of the ridge or an alternate means of protection shall be provided.”

(e) Section 918.3 "Where permitted," is amended to add the following:

“Air admittance valves allowed only where construction does not allow ease of a vent installation, or up to the A.H.J.”

(f) Section 1003.10 "Access and maintenance of interceptors and separators," is amended to add the following:

“The Town of Gypsum requires bars/restaurants, schools, food preparation businesses (including any business with a cafeteria), grocery stores, gas stations and car washes (any business with an interceptor or separator) to provide the Town with copies of their grease/waste removal records semi-annually. The records shall be delivered to the Public Works department no later than July 31st and January 31st of each year. Penalties for noncompliance shall be \$100.00 a day, with a maximum of \$10,000.00.”

(g) General note: All water closets (toilets) shall be vented with a 2-inch vent.

(h) Exterior Sewer Cleanout. There shall be a sewer cleanout near the junction of the building drain and the building sewer. The sewer cleanout shall be outside of the building, brought up to grade level, accessible and within 5 feet of the exterior wall. All sewer cleanouts shall have a plug that is threaded with a raised square head. Countersunk square heads shall be installed where raised heads are a trip hazard.

(i) Building Water Pressure. All water service installations to buildings shall have a pressure reducing valve to reduce the pressure in the building water distribution piping to 80 psi static or less. The pressure reducing valve shall be installed before the meter. A backflow preventer that complies with Table 608.1 of the 2021 International Plumbing Code shall be installed following the meter. Isolation valves shall be located before the pressure reducing valve and after the backflow preventer (i.e., isolation valve à PRV à meter à backflow preventer à isolation valve). The backflow preventer shall have 12 inches of clearance below the device and 24 inches of open space for the test cocks.

(6) The International Mechanical Code, 2021 Edition, is incorporated herein by reference with the following amendments:

(a) Section 106.5.2 is amended to read:

“See Table 4 for fee schedule.”

(b) General Note. All PVC exhaust flues for boilers, water heaters and furnaces shall be tested with 5psi of air.

(c) Mechanical Combustion Air. All combustion air, vent and duct terminations shall be a minimum of 3 feet above grade level or other surfaces where snow may accumulate and 2 feet above roof surfaces.

(d) Recessed dryer boxes shall be installed in a minimum of a 2” x 6” wall.

(7) The International Fire Code, 2021 Edition (“Fire Code”), including Appendix Chapters A, B, C, D, E, F, G, H, I, K, and N, as adopted with amendments by Greater Eagle Fire Protection District and Gypsum Fire Protection District is hereby adopted by the Town and incorporated into this Chapter by reference.

15.01.050 - Responsibility of Owner, Contractor, or Authorized Agent.

Neither the granting of a permit, nor the approval of the drawings and specifications, nor inspections made by the building official shall in any way relieve the owner of such building or structure from full responsibility for carrying out all work in accordance with the requirements of this Chapter.

15.01.060 - General Restrictions.

(1) No person shall commence or continue any work on or with respect to any building, structure, factory-built housing unit, mobile home, or equipment, without first obtaining the necessary permits from the Town of Gypsum. Failure to first obtain a permit prior to start of construction shall be assessed a fine of three times the value of the permit fee, over and above the original permit fees.

(2) The general contractor/permittee shall provide adequate sanitary and waste management facilities during construction.

(3) No person shall commence or continue any work on or with respect to any private or subsurface sewage disposal system without first obtaining a permit from the Eagle County Environmental Health Division.

(4) Written approval of the Eagle County Environmental Health Division shall be obtained before the back filling of any private or subsurface sewage disposal system.

(5) With respect to any work undertaken in violation of the provisions of Paragraphs (3) or (4) of this Section, the building official or environmental health officer or their duly authorized representatives, may at any time require that such work, in whole or in part, be exposed for inspection.

(6) No person shall occupy any new building, factory-built housing unit or mobile home until sewage disposal facilities, meeting the minimum standards of the regulations, of the state board of health or any of the Eagle County Individual Sewage Disposal Regulations, have been installed and have been approved, in writing, by the Eagle County Environmental Health Division.

(7) No person shall occupy any new building, factory-built housing unit or mobile home until a final electrical, plumbing, mechanical and building inspection has taken place and a certificate of occupancy has been issued.

(8) In commercial buildings that require tenant finishes both water and sanitary sewer service connection EQRs will be charged by fixture count at time of plumbing rough-in.

(9) All streets, sidewalks and roads shall be swept daily and kept clean of mud and debris. No inspections will be performed if streets, sidewalks, and roads are not clean. A minimum fine of \$100.00 per day, per occurrence will be assessed to the general contractor. Work will stop immediately until cleaned and approved by Town of Gypsum staff.

(10) A Town of Gypsum business license shall be required by all contractors and subcontractors, having a place of business in, or working within the Town of Gypsum. Failure to obtain and maintain such license is a violation of the Town Code and may result in fines, summons to municipal court, and/or removal from jobsite until such license has been recorded with the Town of Gypsum.

(11) All single family and multi-family dwellings being constructed, interior alterations, repairs, fuel fired appliance replacements or additions, any of which require a building permit, require the installation of carbon monoxide alarms within 15 feet of the entrance to all lawfully occupied sleeping rooms and on the ceiling of the level of the building that the fuel burning appliance is located if it is on a level that does not have sleeping rooms (appliances in crawlspaces are exempt).

(12) The seller of any single family or multi-family dwelling shall ensure that an operational carbon monoxide detector is installed within 15 feet of the entrance to all lawfully occupied sleeping rooms.

(13) Any single-family or multi-family dwelling that is used for rental property that has a change in tenant occupancy shall have an operational carbon monoxide detector installed within 15 feet of all lawfully occupied sleeping rooms provided by the owner of the property.

15.01.070 - Residential Inspections.

The following inspections may be required for one- and two-family dwellings. [Code references are to the 2021 International Residential Code (IRC)]. It is the responsibility of the holder of the building permit to coordinate all inspection activity and to ensure that approved plans (including plot plan or site plan) are on the job site for inspection purposes. Failure to have approved plans on the job site or not being ready for the requested inspections may result in disapproval of all inspections that were scheduled and the assessment of a reinspection fee.

(1) 3.1 Footing Inspection: The footing inspection shall be made prior to the placement of concrete and after all column or wall footings are excavated, forms erected, and any required reinforcing steel is in place. See Chapter 4 of the IRC.

(2) The following requirements must be met:

- (a) Concrete to be a minimum of 2,500 psi.
- (b) Foundations shall bear on solid undisturbed soil.
- (c) Soils report is required.
- (d) Footings shall be a minimum of 42 inches below finish grade.

(3) 3.2 Foundation Wall Inspection: The foundation wall inspection shall be made prior to the placement of concrete and after all forms are set and overlapping reinforcing steel is tied together per approved plans. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(4) 3.3 Groundwork Inspection: The groundwork inspection shall be made prior to the complete installation of base course and after all under slab mechanical or

electrical components and plumbing piping have been installed. All material shall be adequately supported and installed according to the Code and/or listing.

(5) The water service line (from the curb stop to the first valve in the house) shall be inspected by the Public Works Department. The exterior sanitary sewer line may be inspected by the Public Works Department at the time of the sewer tap inspection.

(6) 3.4 Backfill Inspection: The backfill inspection shall be made prior to backfilling of foundations and after foundation drain and waterproofing of foundation have been accomplished. Foundations shall be adequately supported before backfilling begins. See Code Sections R-405 and R-406.

(7) The following requirements must be met:

(a) Drains shall be provided around all concrete or masonry foundations enclosing habitable or usable spaces located below grade.

(b) Drains shall discharge by gravity or mechanical means. If the drain connects to a sump pit, a pump piped to discharge to daylight will be required.

(c) Gravel or crushed stone shall extend one foot beyond the outside edge of the footing and six inches above the top of the footings. Perforated drainage pipe drains shall be covered with a minimum of six inches of material and shall have a minimum of 2" of material beneath the drain unless it rests directly on the footing.

(d) Foundation walls below grade shall be waterproofed with membranes extending from the edge of the footing to the finished grade. See Code Section R-406.2. The membrane shall consist of two-ply hot mopped felts, six mil polyvinyl chloride, 55-pound roll roofing or equivalent material approved by the Building Official.

(e) All poured concrete foundation walls enclosing basements shall be damp-proofed in accordance with Code Section R-406.1.

(8) 3.5 Throat Inspection: Throat inspections shall be made only for masonry fireplaces. They shall be conducted after the firebox is built and the first flute liner is in place. Construction of a chimney may not continue until this inspection is approved.

(9) 3.6 Rough-in/Framing Inspection: Rough-in/framing inspections shall be made prior to the installation of insulating material, gypsum wallboard, and/or exterior wall covering that conceals fasteners for exterior wall covering or sheathing. This inspection is required after all framing, fire stopping, and bracing are in place and after all electrical wiring, piping, mechanical duct work, vents and chimneys are completed and ready for rough-in inspection. If desired and requested in advance, a

single, courtesy preliminary framing inspection will be performed. As all trades are not installed at this time, no approval shall be given after a preliminary framing inspection. However, any deficiencies will be noted in a written report, which will be referenced when the complete framing inspection is performed. Gas line and electrical service inspection(s) may be additionally requested with the framing inspections or at any other time before Final Inspection, as long as there is no concealment of piping or service and grounding conductors.

(10) Electric and gas service inspections: Gas service inspections shall be made when the gas line installation is complete, and the required pressure test is in place and holding pressure. Electric service inspections shall be made when the service equipment, including system grounding, is in place.

(11) 3.8 Lath inspection: All exterior exposed to weathering shall be flashed.

(12) 3.9 Insulation: Insulation to be installed to the Town of Gypsum minimum requirements.

(13) 3.10 Drywall: Installed per 2021 International Residential Code.

(14) 3.11 Temporary Certificate of Occupancy: In accordance with Section 15.01.080.

(15) 3.12 Final Inspection. The Final Inspection must occur in accordance with Section 15.01.090 and when all buildings and structures which are subject to the provisions of this Chapter are deemed complete. A Temporary Certificate of Occupancy or a Certificate of Occupancy shall not be issued until the buildings or structures which are subject to this Chapter pass Final Inspection. Final Inspection approval shall not be granted for one- and two-family dwelling units until the permit holder/owner/developer meets all of the requirements of Section 15.01.030 herein.

15.01.080 - Temporary Certificate of Occupancy.

A TCO shall not be issued unless the following components, if they are a part of the approved plan for the project, are complete and approved by the Town of Gypsum Building Official:

(1) 3.13 Kitchen operative.

(2) 3.14 One bathroom operative as per approved plans.

(3) 3.15 All smoke detectors installed per the Code and operative.

(4) 3.16 The following life safety items are fully installed:

- (a) Address numbers.
- (b) Handrails.
- (c) Guardrails.
- (d) Decks.
- (e) Stairs.

(f) Separation between the garage and house complete with a self-closing minimum 20-minute rated and labeled door or 1³/₈ inch solid wood or 1³/₈ inch solid or honeycomb core steel door. Any opening into the garage ceiling for attic access shall have a minimum 20-minute rating or the drywall on the garage side shall extend all the way to the roof sheathing.

- (5) 3.17 Furnace/boiler is operable.
- (6) 3.18 Final electrical approval.
- (7) 3.19 Final plumbing and mechanical approval.

(8) 3.20 Culvert under driveway installed per Town of Gypsum specifications (as located on the approved drawings), and the on-site drainage improvements are cleaned to allow water to flow freely.

(9) 3.21 Positive drainage away from the structure at all locations that does not adversely affect neighboring property.

(10) 3.22 All-weather surfaced driveway and sidewalk to front door installed.

(11) 3.23 There shall be sufficient roadway access for emergency vehicles.

(12) 3.24 The TCO shall have a time period of up to, but not more than 90 days from the date of issuance. If weather does not permit completion within the previously described 90-day time period it may be extended, however, the extension of the TCO shall not extend longer than the July 1st of the following year.

(13) 3.25 The TCO shall be posted in a conspicuous place on the premises until final approval for occupancy is completed.

(14) 3.26 A deposit of \$1,500.00 shall be paid to the Town of Gypsum prior to a TCO for a residential inspection being issued. If landscaping or other items have not been completed by the expiration of the TCO, then the deposit shall be forfeited to the Town of Gypsum and the permit holder will be held in violation of this Chapter and may be summoned to court.

(15) 3.27 A deposit of \$3,000.00 shall be paid to the Town of Gypsum prior to a TCO being issued for a commercial structure. If landscaping or other items have not been completed by the expiration of the TCO, then the deposit is forfeited to the Town of Gypsum and the permit holder will be held in violation of this Chapter and may be summoned to court.

(16) 3.28 A completed and approved inspection by the Town of Gypsum Public Works Department.

15.01.090 - Final Inspection.

By way of explanation and not limitation, final inspection approval for one- and two-family dwelling units will be granted only where the following components of a project are deemed complete and are in full compliance with all provisions of this Chapter including the Code and approved by the Town of Gypsum Building Official.

- (1) 3.29 Kitchen operative.
- (2) 3.30 All bathrooms complete and operative as per the approved plans.
- (3) 3.31 All smoke detectors installed per the Code and operative.
- (4) 3.32 The following life safety items are fully installed:
 - (a) Address numbers.
 - (b) Handrails.
 - (c) Guardrails.
 - (d) Decks.
 - (e) Stairs.

(f) Separation between the garage and house complete with a self-closing minimum 20-minute rated and labeled door or 1³/₈ inch solid wood or 1³/₈ inch solid or honeycomb core steel door. Any opening into the garage ceiling for attic access shall have a minimum 20-minute rating or the drywall on the garage side shall extend all the way to the roof sheathing.

- (5) 3.33 Furnace/boiler is operable.
- (6) 3.34 Final electrical approval.

(7) 3.35 Final plumbing and mechanical approval. Town building code official and Town fire code official review and approval of commercial or multi-family projects. District and Town fire code official joint approval of acceptance testing.

(8) 3.36 Culvert under driveway installed per Town of Gypsum specifications (as located on the approved drawings), and the on-site drainage improvements are cleaned to allow water to flow freely.

(9) 3.37 Positive drainage away from the structure at all locations that does not adversely affect neighboring property.

(10) 3.38 All-weather surfaced driveway and sidewalk to front door installed.

(11) 3.39 There shall be sufficient roadway access for emergency vehicles.

(12) 3.40 A completed and approved inspection by the Town of Gypsum Public Works Department.

(13) 3.41 A completed and approved inspection by the Planning and Engineering divisions.

(14) 3.42 All required permits are issued.

(15) 3.43 An all-weather surface and sidewalk to front door driveway installed.

(16) 3.44 Landscaping or revegetation for erosion control complete. Grass seed must show significant growth to be deemed complete.

(17) 3.45 The exterior of the building is completed, including roof assembly and parking areas, as per approved plans.

(18) 3.46 Properties subject to the Town's Master Plan Design Requirements or Airport Gateway Design requirements shall obtain design and review approval prior to C.O. being issued.

15.01.100 - Permits and Fees.

(1) The building division shall issue a permit when all of the following have occurred:

(a) An application for a permit has been made in accordance with the provisions of this Chapter;

(b) The proposed work set out in the application conforms to this Chapter and all other laws, regulations, resolutions, or orders having application in the Town of Gypsum; and

(c) All construction drawings, applications, and permit fees have been submitted and approved.

(d) A reduced fee for a repetitive plan check will be allowed when more than one building is to be constructed from a set of plans approved by Town of Gypsum Building Division. One master set of plans will be kept on file at the Town of Gypsum Building Division and a set stamped "field copy" will be returned to the permittee to be placed at the job site.

(e) Unless otherwise amended or changed the reduced repetitive plan check fee shall be 20 percent of the original plan check fee.

(f) The schedule of fees to be charged for the issuance of a permit under this Chapter shall be as set forth in Tables 3, 4, 5, and 6, as attached hereto and incorporated into this Chapter by this reference. Minimum permit and inspection fees shall comply with the minimum stated in Table 3 of this Chapter.

(g) The building division shall not issue a permit any time when:

(i) The proposed work, as set forth in the application, or the proposed use of the building or structure if completed, would not comply with the provisions of the Town of Gypsum Zoning Ordinance; or

(ii) The owner or applicant, in relation to the proposed lot or site, has not complied with the provisions of the Town of Gypsum's Subdivision regulations controlling the subdivision, platting, partitioning, or other division of land; or

(iii) The proposed work, as set forth in the application, or the proposed building or structure if completed, would be in violation of the Town of Gypsum Zoning Map; or

(iv) If a private or subsurface sewage disposal system is necessary and the proposed site does not meet the requirements, conditions, or imposed provisions of state law or regulation of the state board of health, or any of Eagle County's sewage disposal regulations. Where a private or subsurface sewage disposal system is necessary, and the proposed site meets the requirements or conditions therefore imposed by a provision of the aforesaid laws, regulations, or resolutions, the building official shall not issue a permit until a sewage disposal permit has first been issued in writing by the environmental health office; or

(v) The proposed site is located, in whole or in part, within any area determined by the building official to necessitate special building requirements as a result of geological hazards or is in any floodplain hazard area as described in any Town ordinance, and the special permit required by such ordinance has not been obtained by the applicant. All special building requirements included in any such special permit shall be incorporated into the permit issued to the applicant under this Chapter; or

(vi) In the opinion of the building official, the results of the tests referred to in Section 15.01.090 of this Chapter are not satisfactory; or

(vii) The proposed building or structure violates the design requirements described in Section 15.03.040 or the subdivision specific design guidelines adopted by the planning commission pursuant to Section 15.03.060.

(19) An application for a permit shall:

- (a) Be made on the form prescribed by the building division;
- (b) Be signed by the applicant;
- (c) Be accompanied by the fee prescribed for work to be undertaken;
- (d) State the intended use of the building structure; and

(e) Include copies of a site plan and scale drawings and specifications of the work to be carried out as required by Section 105.3 and R-105.3 of the International Building and International Residential Codes, 2021 Editions, however, when fire department review is required, plans and specifications must be submitted in the format required by the Town. Notwithstanding the provisions of Section 105.3 of the 2021 International Building Code, 2021 Edition, the site plan shall show and include all of the following:

(i) Outline of proposed and existing building with setback drawings.

(ii) Outline of proposed and existing building with setbacks from property lines indicated on all sides.

(iii) All easements, utility, water and sewer lines.

(iv) Driveway and driveway intersections with public road, including grades, widths, and necessary culverts and ditches.

(v) Parking spaces dimensioned and numbered, with snow removal area(s) indicated.

(vi) Proposed method of drainage of water away from foundation and into drainage way.

(vii) Proposed soil stabilization, revegetation or landscape plan with erosion and sediment control.

(viii) Location of live streams, ponds, or lakes, all other dry washes and irrigation ditches, and 100-year floodplain limits.

(ix) Proposed and existing wells on subject property and adjacent property.

(x) Location of individual sewage disposal system, when proposed, with distances from proposed system to dwellings indicated, wells, and other fixed reference objects.

(xi) Location and construction design of trash enclosure, if applicable.

(xii) Any additional information deemed reasonable and necessary by the building official and/or zoning officer.

(20) All plans and drawing shall be submitted in electronic pdf file format, or as otherwise approved by the Town building code official.

15.01.110 - Documents on the Site.

(1) The person to whom the permit is issued shall, during construction, keep on site:

(a) A job address signboard as specified in Table 8.

(b) The building permit job weather card posted in a conspicuous place, and;

(c) The approved filed drawings and specifications referred to in Section 15.01.070.

(2) It shall be the responsibility of the permittee to display the building card on the job site throughout the construction process. If this card becomes lost, there will be a \$20.00 fee to update or replace the card.

15.01.120 - Powers of the Building Official.

(1) The building official is charged with the administration and enforcement of this Chapter under authority of the Town of Gypsum.

(2) The building official may, pursuant to the 2021 International Building Code, and the International Residential Code, 2021 Editions, Sections 104.1—104.11.2 and R-104.1—R-104.11.1, respectively, do or require any one or all of the following:

(a) Enter any premises at any reasonable time for the purpose of administering this Chapter.

(b) Direct that tests be made of materials, devices, construction methods, structural assemblies, or foundation conditions; or sufficient evidence or proof as necessary to determine whether the material, devices, construction or foundation meet the requirements of this Chapter. The records of such tests shall be kept available for inspection during the construction of the building or structure and for such a period thereafter as required by the building official.

(c) Direct by written notice, or by attaching a placard to premises, the correction of any condition where, in the opinion of the building official, such condition violated the provisions of this Chapter.

(d) Revoke a permit where there is a violation of the provisions of this Chapter.

15.01.130 - Appeals.

(1) Creation. A board of appeals shall be created as provided in Section 112 of the International Building Code and R-112 of the International Residential Code, but as amended as follows:

(a) Qualifications of board members:

(i) If any such persons are available in the Town, each member shall be a licensed professional engineer or architect or a building contractor or superintendent of building construction, or other person qualified by experience and training to pass on matters pertaining to building construction, and

(ii) If possible, at no time shall there be more than two members from the same profession or business on the board of appeals; and, if possible, there shall be at least one licensed architect and one licensed structural or civil engineer on the board of appeals.

(2) Appeal to the Gypsum Town Council.

(a) Grievances: Any person aggrieved by a decision of the board of appeals shall have the right of appeal therefrom to the Gypsum Town Council. Such appeal shall be made within 30 days from the date of the decision of the board of appeals, and in the case of an appeal by the building official; the original appellant shall be notified within five days from the date of the decision that the building official intends to appeal the decision.

(b) Procedure: Appeals hereunder shall be commenced by filing a written notice of appeal with the Town Clerk, who shall schedule the appeal for hearing no later than the second regular meeting following receipt of said notice. The Town Clerk shall notify the secretary of the board of appeals, the building official and the appellant and appellee in writing of the date, time, and place of the hearing.

(c) Transmission of files: Upon receipt of the notice from the Town Clerk, the secretary of the board of appeals shall transmit the file containing all exhibits, testimony, and evidence of whatsoever kind to the Town Clerk not later than ten days prior to the scheduled hearing.

(d) Hearing: At the hearing the Gypsum Town Council shall examine the file and consider any additional evidence that it deems appropriate. Strict rules of evidence shall not apply, but all additional oral evidence shall be reduced to writing in summary form.

(e) Ruling: Within ten days from the date of the hearing the board shall issue its written ruling affirming, modifying, or reversing the ruling of the board of appeals. Copies of the ruling shall be mailed to the secretary of the board of appeals, the building official, and the appellant. The building official shall then take whatever action is indicated by the board's ruling.

15.01.140 - Penalty.

(1) No person shall commence or continue any work in respect to any building, structure or mobile home, or any sewage disposal system in violation of the provisions of this Chapter.

(2) Any person who violates the provisions of this Chapter is liable upon conviction for a fine of not more than \$100.00. Each day of violation shall be deemed a separate offense. The fire code official shall have authority to cite violations of the fire code to Gypsum Municipal Court.

(3) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used or maintained in violation of the provisions of this Chapter, the board, building official, the Town attorney, or any

owner of real estate within the area, in addition to other remedies provided by law, may institute an appropriate action for 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.

(4) Reinspection fees may be imposed for any required reinspection, in addition to any fines.

15.01.150 - Waiver.

The building official may waive any permit requirements within this Chapter only after a determination that the effect of such a waiver is minor and will not affect the health, safety and welfare of the persons occupying building in the Town of Gypsum.

15.01.160 - Repeal.

Upon the approval and adoption of this Chapter by the Gypsum Town Council, all existing or previously adopted building code provisions not reflected in this Chapter are hereby repealed and superseded by this Chapter.

15.01.170 - Severability.

The Gypsum Town Council hereby declares that if any section, subsection, clause, or phrase of this Chapter or of the Code as adopted by the Town, is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter or of the Code.

15.01.180 - Effective Date.

This Chapter shall be in force and effect from and after the date of the adoption hereof by council.

15.01.190 - Closing.

The council determines and finds that this Chapter is necessary for the health, safety, and welfare of the citizens of the Town of Gypsum.

15.01.200 - Investigation, Abatement, and Enforcement Procedures.

The building official shall have the power to investigate alleged violations of this Chapter 15.01, issue notices of such violations and orders of abatement, take action to abate violations, and institute in courts of proper jurisdiction proceedings to enforce the provisions of this Chapter 15.01, as those investigation, notice, abatement and

enforcement procedures are outlined in Section 8.02.070 of the Town Code. The building official shall also have the power to issue stop work orders, as set forth in Section 18.16.040(d)(3). of the Code. Such enforcement, investigation and stop work procedures shall replace any enforcement procedures separately listed in the International Codes adopted by Section 15.01.010 herein.

Chapter 15.02 - TABLES

15.02.010 - Table 1 – Town of Gypsum Permit Requirements.

(1) A project may require one or more of the following permits:

- (a) Building;
- (b) Plumbing;
- (c) Electrical;
- (d) Mechanical;
- (e) Grading;
- (f) Sign;
- (g) Manufactured Housing Hookup;
- (h) Fire Alarm System;
- (i) Fire Sprinkler System;

(2) Routing abbreviations:

Building Division = BD
Planning Division = PD
District Fire Code Official = DFCO
Eagle County Public and Environmental Health = EH
Electrical = E
Engineering = EG
Public Works = PW

(This Table is a Permit Requirements ONLY and does not take precedence over the International Codes as adopted by the Town of Gypsum.)

Classification of Projects	Specific Projects	No Permit Required	Permit(s) Required	Review Required	Site Plan Req.
New Structures and Factory Built Structures	Building of New Residential Structures		1, 2, 3, 4, 8	BD, PD, PW, EG	X
	Building of New Nonresidential Commercial Structure		1, 2, 3, 4, 8, 9	BD, PD, PW, EG	X
	Moving of Existing Structure to New Location		1, 2, 3	BD, PW, PD, EG	X
	Moving of Manufactured Housing into a Mobile Home Park		1, 2, 3, 7	BD, PD, EG	X
	Moving and Setting of Factory Built Structure on Bldg. Site		1, 2, 3, 4	BD, PW, PD, EG	X
Amended Attached Buildings	One story detached buildings used as tool and storage sheds, playhouses and similar uses provided the projected floor area does not exceed 120 s.f. and the height of said buildings does not exceed 10 ft. at peak of roof from finished grade.	X			
Condemned Buildings	Demolition of the Whole or Part of Building, Factory Built Structures, or Manufactured Housing		1	BD, PD	X
Additions and Alterations to	Additions and alterations involving		1, 2, 3, 4, 8, 9	BD, PD	X

Exterior Construction and On-Site Accessory Construction	bedroom, bathroom, kitchen, living room, or other accessory rooms				
	Additions and alterations involving an attached or detached garage or shop		1, 2, 3, 4	BD, PD	X
	Nonstructural sidewalks/slabs	X			
	Decks and Patios not over 30 inches above grade, 18" if built into setbacks, with no permanent construction above the floor line other than guardrails.	X			
	Decks, Entry Porches, Etc.		1, 3	BD, PD	X
Additions, Decks, Exterior Construction and On-Site Accessory Construction	Retaining Walls, over 4 feet in height (Engineering Required)		1	BD, EG	X
	Fences over 8 feet in height		1	BD, PD	X
	Fences under 8 feet in height	X			
	Erection of Exterior Signs (Except as Exempt in Zoning Resolution)		3, 6	BD, PD	X
	All Nonstructural Landscaping	X			
	Replacement of Roof		1	BD	
	Repair or Replacement of Exterior Siding		1	BD	
Exterior Repair and	Addition of Exterior Window	X	1	BD	

Replacement and/or Additions	Repair or Replacement of Existing Exterior Window (of the same size) Note: If window is to be egress or tempered a permit is required.	X	1	BD	
	Addition of Exterior Door		1	BD	
	Repair or Replacement of Existing Exterior Door	X			
Interior Repair and Replacement and/or Addition	Repair or Replacement of Floor Covering	X			
	Painting, Papering or Similar Finish Work- Exterior or Interior	X			
	Installation of Wood burning Stove or Fireplace		4	BD	
	Replacement of Furnace or Hot Water Heater (Except Electrical Appliance)		2, 4	BD	
	Kitchen Remodel, i.e. Cabinet Replacement or Counter Replacement (adding a dishwasher requires a Plumbing Permit)	X	1	BD (EH for commercial dishwashers)	
	Repair, alteration, replacement or addition of plumbing system		2	BD	
	Repair, alteration, replacement or addition of electrical system		3	BD	

	Repair, alteration, replacement or addition of mechanical system		4	BD	
	Demolition of Interior Wall		1	BD	
	Addition of Interior Wall		1	BD	
	Repair of up to 144 square feet of drywall except fire resistive assemblies or commercial construction	X			
	Addition or replacement of built-in cabinets or shelves	X			
Water and/or Sewer Systems	Installation of Private Sewer System			EH	X
	Expansion of Private Sewer System			EH	X
	Repair of Private Sewer System involving replacement of septic tank or repair/moving of leach field			EH	X
	Disconnection of septic System and connecting to Public Sewer System (Contact Town of Gypsum)			BD, EG, PW	X
	Installation of water and/or sewer distribution/collection lines and tap within Public Right-of-Way or Easements for Public Utilities			BD, EG, PW	X

	Installation of public water system (contact Town of Gypsum)			BD, EG, PW	X
Plumbing	All Plumbing installations as described in the International Plumbing Code, 2015 Edition		2	BD	
Mechanical	All Mechanical installations as described in the International Plumbing Code, 2015 Edition		4	BD	
Electrical	All Electrical installations as described in the International Electrical Code, 2015 Edition		3	BD	
Fire Alarm or Fire Sprinkler	Fire Alarm System installation, modification, or addition		8	BD, DFCO	
	Fire Sprinkler System installation, modification, or addition		9	BD and for acceptance testing only, DFCO	
Culverts	Installation of New, Repair or Replacement of Culvert (May require road cut permit thru Public Works Department)		5	EG, PW	
Dirt Moving Activities	Excavation and Grading; only activities such as stand-alone parking lots, arenas, sports fields, outside		5	BD, EG, PD	X

	storage, and other activities that will not also require a building permit. No grading permit will be issued for lot preparation or foundation work for future building.				
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*Note: Decks over 30 inches above grade are not allowed in utility easements.

**Note: Decks of any height may be allowed to be built into the setback but no closer than 10 feet of the property line. If over 18" above grade, a building permit would be required.

(3) Plan Check Fee is 65% of the Building Permit Fee.

(4) Other inspections and fees:

(a) Inspections outside of normal business hours (minimum charge 2 hours for weekends) at \$120.00 per hour.

(b) Reinspection fees will be assessed \$60.00 per inspection. Repeat offenders (4 or more) will be assessed at a rate of \$100.00 per inspection.

(c) Inspections for which no fee is specifically indicated \$60.00 per hour. (minimum charge of one hour)

(d) For moving or demolishing any building or structure \$60.00 (per inspection).

(e) Additional plan review required by changes, additions or revisions to approved plans (minimum charge 3 hours) at \$60.00 per hour.

(f) Additional inspections for which collected fees are not adequate. \$60.00 per hour.

(5) For Factory Built, Manufactured Housing/Mobile Home Base Fee Cost not on a foundation. (This is for Mobile Home type sets.)

(a) Single Wide Unit - 2 field inspections and 1-hour plan checking/office time \$210.00.00.

(b) Double Wide Unit - 3 field inspection and 2 hour plan checking/office time \$300.00.

Note: The above included Plumbing and Mechanical inspections without separate permitting; a separate Electrical Permit is required. All additional inspections will be \$60.00 each.

(6) HUD and UBC homes on foundation 5 field inspections and 3 hour plan review fee. \$550.00 (basement and garage will be figured per Table 3)

Note: Additional inspections will be \$60.00 each; an additional \$70.00 fee will be added for the State required certification tag.

(7) Requests for specialized reports will be charged \$60.00 hourly with a 1-hour minimum.

(8) Grading permit fees and plan review fees:

Plan Review (2-hour minimum)	Fee
100 cubic yards or less	\$75.00
101 to 1,000 cubic yards	\$75.00 for the first 100 cubic yards plus \$10.50 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$141.00 for the first 1,000 cubic yards, plus \$9.00 for each additional 1,000 cubic yards or fraction thereof.
10,001 cubic yards or more	\$611.00 for the first 10,000 cubic yards, plus \$22.50 for each additional 10,000 cubic yards or fraction thereof.

(9) Building permit fees for the replacement of the roof for one- and two-family structures is \$60.00 and the permit fee for the replacement of siding for one and two family structures is \$120.00. Both permits are also subject to Use Tax Fees.

(10) Building Permit Site Plan Review and inspection fee for a single family dwelling unit shall be \$150.00 to be paid with building permit application.

(11) Building Permit Engineering Site Plan review and inspections for multi-family or commercial structures shall be \$350.00 to be paid with building permit application.

(12) Refund of fees: Pertains to all types of permits. No refund for plan check or permit fees, if plan check or construction has been started and discontinued for any reason. Not more than 80% refund of the permit fee when no work has commenced under a permit issued in accordance with the code. 100% refund of tap and use tax fees, providing taps have not been made and no construction has been started. All other refunds of collected fees will be on a case by case basis and approved by the Building Official.

15.02.020 - Table 2 – Mechanical Permit and Related Inspection Fees.

(1) Residential Replacements. The following fees apply for the issuance of mechanical permits for the replacements of water heaters, furnaces and fireplaces in residential units, which permits must be obtained prior to such replacement. Fees include three inspections - underground, rough-in and final inspections - and additional fees for re-inspections are as set forth in Section C, below.

Device Type	Fee
Water Heater	\$60
Furnace	\$60
Fireplace	\$60

(2) Commercial and Residential Mechanical Installation. The following fees apply for the issuance of mechanical permits for the installation of any mechanical systems within a commercial or residential unit, and are based on the total dollar valuation of the work, including parts and labor, regardless of whether materials and services are provided by the property owner or a contractor. Fees include three inspections - underground, rough-in and final inspections - and additional fees for re-inspections are as set forth in Paragraph 3, below. Commercial structures are required to be designed and stamped by a Colorado licensed mechanical engineer.

Valuation of Installation	Fee
Less than \$2,000.00	\$60
More than \$2,000.00	\$60 base fee plus additional \$16 per \$1,000 valuation (rounded up to the next \$1000)
Additional work added to the project	Additional fee calculated based on the additional valuation per the formula above

*Example: The mechanical permit fee for an installation with a total value of \$8,400 would be \$204. [\$60 base fee + (9 x \$16 additional fee)]

(3) Additional Fees. The following fees apply to both commercial and residential projects, when applicable:

15.02.030 - Table 3 – Plumbing Permit and Related Inspection Fees.

(1) *Residential Plumbing Installations.* The following fees apply for the issuance of residential plumbing permits for installations and replacements of the following fixtures. Fees include three inspections – underground, rough-in and final inspections – and additional fees for re-inspections are as set forth in Paragraph 3 below. Residential plumbing permit applications must be submitted by a licensed plumber, except for occupancies described in the IRC may be submitted by a homeowner.

Residential Plumbing Work	Fee
Installation of Plumbing Fixtures (i.e. tub, tub/shower, toilet, lavatory, sink, bidet, clothes washer, floor drain, hose bib etc.)	\$60 base fee, plus \$18.50 per fixture
Additional fee when fixtures not noted on the original permit application are discovered	\$18.50 per fixture
Water Heater Replacement (Tank type or on-demand)	\$29.00
Water Conditioning Appliance Installation (Water Softener)	\$29.00
Backflow Preventer (replacement or new installation for yard or fire sprinkler system)	\$29.00
Manufactured Home-water, sewer, gas	\$60
Trim-Only Permit (only when rough inspection has been successfully completed)	\$60

(2) *Commercial Plumbing Installation.* The following fees apply for the issuance of commercial plumbing permits and are based on the total dollar valuation of the work, including parts and labor, regardless of whether materials and services are provided by the property owner or a contractor. Fees include three inspections - underground, rough-in and final inspections - and additional fees for re-inspections are as set forth in Paragraph 3 below. Commercial plumbing permit applications must be submitted by a licensed plumber.

Valuation of Installation	Fee
Less than \$2,000.00	\$60
More than \$2,000.00	\$60 base fee plus additional \$16 per \$1,000 valuation (rounded to the next \$1,000) *

* Example: The plumbing permit fee for an installation with a total value of \$8,400 would be \$204, calculated as a \$60 base fee + (9 x \$16 additional fee).

(3) Additional Fees. The following fees apply to both commercial and residential projects, when applicable:

Activity	Fee
Inspections outside of normal business hours	\$75 per hour, with a 2-hour minimum
Permit transfers	\$20
Re-inspection fees	\$50 for the 1 st -3 rd re-inspections \$100 for each subsequent re-inspection
Additional work added to the project	Additional fee calculated based on the additional valuation, per the formula above
Plumbing plan checks	25% of the plumbing permit fee
Fee when a permit is not filed in advance of the commencement of an installation	Applicable inspection fee is doubled, per C.R.S. §12-23-117(3)

15.02.040 - Table 3A.

Table 3A Citation Fine Schedule				
Violation		1st	2nd	3rd
Failure of a journeyman to be licensed while engaging in plumbing work		\$150	\$300	\$450 per day
Failure of a master plumber to be licensed while engaging in plumbing work		\$200	\$400	\$600 per day

Failure of a residential plumber to be licensed while engaging in plumbing work	\$100	\$300	\$450 per day
Failure of a plumbing contractor to register apprentice	\$150	\$400	\$600 per day
Failure of an apprentice to work under the supervision of a licensed plumber	\$25	\$100	\$150 per day
Employment by a plumbing contractor of unlicensed persons doing plumbing work	\$200	\$400	\$600 per day
Failure to supervise an apprentice	\$250	\$400	\$600 per day
Failure to pull a permit and/or failure to have an inspection	\$250	\$600	\$900 per day
Failure to correct plumbing code violations within a reasonable time (30 days)	\$300	\$600	\$900 per day
Providing false or misleading advertising	\$250	\$500	\$750 per day
Deception, misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	\$1,000	\$2,000	\$3,000 per day
Failure to comply with other state law (safety, health, insurance, tax)	\$250	\$500	\$750 per day
Other violations of the state plumbing statute	Up to \$1,000	Up to \$2,000	Up to \$3,000 per day

15.02.050 - Table 4 – Electrical Permit and Related Inspection Fees.

(1) Electrical permit applications must be submitted by a licensed electrician, with the exception of R4 residential occupancies, as described in the IRC, which may be submitted by the homeowner.

(2) Residential Electrical Permit Fees. The following fees apply for the issuance of each residential electrical permit and related inspections based on the enclosed living area square footage for the construction of or the remodeling or addition to a single-family home, duplex, condominium, town house and remodel on a basement. Fees include three inspections - underground, rough-in and final inspections - and additional fees for re-inspections are as set forth in Paragraph 4 below.

Size of Enclosed Living Area	Fee
Up to 1,000 square feet	\$77.05
1,001 square feet to 1,500 square feet	\$116.00
1,501 square feet to 2,000 square feet	\$155.00
Greater than 2001 square feet	\$155 + (\$7.00 x each additional 100 sq. ft.) *

(3) Commercial Electrical Permit Fees. The following fees apply for the issuance of each commercial electrical permit. Fees include three inspections underground, rough-in and final inspections - and additional fees for re-inspections are as set forth in Paragraph 4 below. Fees in this section are calculated based on the total dollar valuation of the work, including electrical materials, items and labor, regardless of whether materials and services are provided by the property owner or a contractor.

Valuation of Installation	Fee
Up to \$2000	\$77.05
Greater than \$2000	\$77.05 (base fee) plus \$7.00 per \$1,000 of job valuation, rounded up to the next \$1,000

* Example: The fee on an installation with a value of \$5,150 (round up to \$6000) would be calculated as: \$77.05 base fee + (6 x \$7.00 fee for additional value) = \$119.05 total fee

(4) Additional Fees. The following fees apply to both commercial and residential projects, when applicable:

Activity	Fee
Mobile/Modular/Manufactured Home set (per unit)	\$77.05
Temporary heat release	\$37.95
Inspections outside of normal business hours	\$75 per hour, with a 2-hour minimum
Permit transfers	\$20
Re-inspection fees	\$50 for the 1 st -3 rd re-inspections \$100 for each subsequent re-inspection
Temporary construction meters	Separate permit and fee required
Commercial electrical plan check	25% of the electrical permit fee

Fee when a permit is not filed in advance of the commencement of an installation	Applicable inspection fee is doubled, per C.R.S. §12-23-117(3).
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15.02.060 - Table 4A.

Table 4A Citation Fine Schedule			
Violation	1st	2nd	3rd
Failure of a journeyman to be licensed while engaging in electrical work	\$150	\$300	\$450 per day
Failure of a master electrician to be licensed while engaging in electrical work	\$200	\$400	\$600 per day
Failure of a residential wireman to be licensed while engaging in electrical work	\$100	\$250	\$375 per day
Failure of an electrical contractor to register apprentice	\$150	\$400	\$600 per day
Failure of an apprentice to work under the supervision of a licensed electrician	\$25	\$100	\$150 per day
Employment by an electrical contractor of unlicensed persons doing electrical work	\$200	\$400	\$600 per day
Failure of an electrical contractor to register	\$500	\$1,000	\$1,500 per day
Failure to supervise an apprentice	\$250	\$400	\$600 per day
Failure of an electrical contractor to maintain a supervisory ratio of one licensed electrician to three apprentices	\$250	\$400	\$600 per day
Performing electrical work beyond the authorization of the electrical license or registration	\$250	\$500	\$750 per day
Failure to pull a permit and/or failure to have an inspection	\$250	\$600	\$900 per day
Failure to correct electrical code violations within a reasonable time (30 days)	\$300	\$600	\$900 per day

Providing false or misleading advertising		\$250	\$500	\$750 per day
Deception, misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)		\$1,000	\$2,000	\$3,000 per day
Failure to comply with other state law (safety, health, insurance, tax)		\$250	\$5,000	\$7,500 per day
Other violations of the state electrical statute		Up to \$1,000	Up to \$2,000	\$3,000 per day

Chapter 15.03 - BUILDING AND ARCHITECTURAL DESIGN REQUIREMENTS

15.03.010 - Purpose. The purpose of these requirements is to implement the goals stated in the Town of Gypsum Master Plan, as adopted by Resolution No. 03 (Series 2017), which provides that Gypsum will strive to: Manage the type, scale and density, location, and timing of growth so that community infrastructure, facility, and service expansions can accommodate new developments without compromising quality of service goals. These requirements are intended to define the desired scale and character of development within the community, in areas not regulated by specific design guideline requirements. In applying these requirements, staff, planning commission and the Town council shall focus on building mass, building coverage relationships, placement of new additions, visual compatibility with surroundings, and infill within existing neighborhoods.

15.03.020 - Applicability. These requirements shall apply to all building construction and exterior remodeling, excluding interior remodels and changes in use. These guidelines shall not apply to any nonconforming building existing at the time of the enactment of this Chapter, unless such structure is visually altered, enlarged, or expanded and such modification increases, enlarges, expands or results in the aggravation of the nonconforming feature or features.

15.03.030 - Definitions.

(1) *Context:* The relationship of the building to its surroundings in terms of size, form, color, character and site development.

(2) *Mass/scale:* The appearance of the building in terms of size, height, bulk, and building mass, its proportion to surrounding landforms, vegetation, and buildings.

(3) *Orientation:* The relationship of the structure to the streetscape, parking lots, sidewalks, surrounding structures, and landforms.

(4) *Architectural treatment/function*: Use of materials, colors, roof design, window treatment, trim, and details.

(5) *Modulation/articulation*: Variation of the building facade, i.e., stepping out or extending back the footprint/facade; variation in the roofline; addition of building elements such as balconies, decks, porches, window patterns/types; and variation in building materials/colors.

15.03.040 - Design Requirements.

The following requirements shall apply to all existing and proposed subdivisions:

(1) The construction of high-quality buildings and designs that will maintain their quality over time and that are functional and respective of local climatic conditions shall be promoted by addressing these design elements, architectural materials and function. The following shall be considered:

(a) Encourage the use of durable construction materials or treatment.

(b) Roofs should be designed to minimize hazards such as snow or ice falling onto pedestrian walkways, entrances, decks, driveways, parking areas or other areas of public access.

(c) Roof overhangs, projections, reveals, and awnings should contribute to the character of the building and create shadow patterns while aiding in protection of the structure and pedestrians.

(d) Roof style should balance compatibility with the character of the area and snow shed considerations. Where pitched roofs are used, steeper roof pitches are preferred; however, whether the roof will hold, or release snow should be considered. This requirement does not intend to preclude the use of flatter pitches.

(e) Building design and materials should address energy conservation through consideration of solar exposure, appropriate insulation, and other measures; and

(f) Building design should provide for ease of pedestrian access.

(2) New construction, alterations, or remodels shall be compatible with the visual characteristics of the area and the streetscape and shall not overwhelm or contradict its surroundings to address the design elements of context and orientation. In addressing these design elements, the following shall be considered:

(a) Buildings should be visually harmonious with their surroundings, by considering the scale, proportions, colors, and character of adjacent structures, where appropriate, and should be considerate of the natural landform and landscape.

(b) Buildings should respect the character of "landmark" buildings in the area, while not restricting the construction of new "landmark" structures; and

(c) Buildings and their related parking should maintain a similar setback and orientation along roads where it is a strong visual characteristic of the streetscape; and where appropriate, should be oriented so that the primary presence along the street frontage is the building, not the parking lot.

(3) Designs which break up or reduce the mass of large buildings and which create an attractive facade shall be promoted to address the design elements of mass and scale and articulation and modulation. The following shall be considered:

(a) Building design should avoid blank walls and large unbroken expanses of walls where exposed to public view. It is understood that buildings housing certain uses may not be able to meet this criteria. In that instance, intense landscaping and proper siting may be utilized to mitigate the visual impacts of the large building.

(b) Building design should mitigate the visual impacts of a large building mass through modulation in the facade to create offsets, projections, and recesses. It is understood that buildings housing certain uses may not be able to meet this criteria. In that instance, intense landscaping and proper siting may be utilized to mitigate the visual impacts of the large building.

(c) The appearance of massive roofs should be avoided by variation in rooflines and height. The addition of dormers, balconies, deep eaves and overhangs may also create visual interest.

(d) Decorative roof elements should not appear to be "tacked on," but should be combined with other roof or wall elements to work together to create an attractive facade from all sides of the building exposed to public areas; and

(e) Building elevations should be articulated to provide visual interest without being overdone. This may include variation in shape or pattern of windows, variation in building materials, textures, and colors, additional building elements such as decks, balconies, rails, or incorporation of vertical elements, and detail elements.

(4) Roof top equipment and vents, trash disposal, service areas, through the wall mechanical equipment, utility facilities, and other such equipment should be located away from public view or should be concealed with a treatment that is complementary to the building architecture or landscape.

(5) Design of accessory structures and additions should be harmonious with the existing structures on the site through the use of complementary building materials and styles.

(6) Building design should be unique and appropriate to this community and should not be recognizable by its architecture as a standard trademark design. Generic "franchise" architecture shall not be acceptable.

(7) Buildings should be located to minimize negative visual impacts to the community such as skyline or ridgeline development, and respecting views of significant community features from public viewpoints or streets. This does not ensure the protection of private views.

(8) Conversions of residential structures to commercial uses should maintain character compatible with the area by considering roof style, building scale, building orientation, and lot coverage.

15.03.050 - Landscaping.

All sites disturbed by construction and remodeling shall be revegetated and landscaped prior to issuance of a certificate of occupancy. Xeriscape or other low water consumption designs shall be encouraged.

15.03.060 - Subdivision Specific Design Guidelines.

In lieu of the design requirements provided in Section 15.03.040, the planning commission may adopt specific building and architectural design requirements for a particular subdivision, geographical area, or zone district. Such requirements shall be adopted by resolution following publication of notice and a public hearing. Such regulations shall meet the purposes set forth in Section 15.03.010, and be generally consistent with the requirements of Section 15.03.040.

15.03.070 - Appointment of Design Review Boards.

One or more design review boards may be appointed by resolution of the Town Council for review and approval of building plans with subdivision specific design requirements.

15.03.080 - Design Review.

Prior to issuance of a building permit, applications shall be reviewed for compliance with the design requirements contained in Section 15.03.040, or if adopted, the subdivision specific requirements adopted pursuant to Section 15.03.060. Alterations that do not require a building permit application or review shall also be required to conform with the design requirements of Section 15.03.040. The Town Planning

Division and Building Division staff shall review applications for compliance with the design requirements of Section 15.03.040. If a design review board or boards have been appointed pursuant to Section 15.03.070, such board or boards shall review applications for compliance with the subdivision specific design guidelines as provided in the resolution adopting such design regulations. All other applications shall be reviewed by the Town Planning Division and Building Division staff. Denial of a building permit based on the building and architectural guidelines may be appealed in accordance with the procedures described in Section 15.01.130.

Chapter 15.04 - FLOOD DAMAGE PREVENTION

15.04.010 - Statutory Authorization.

The Legislature of the State of Colorado has in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

15.04.020 - Findings of Fact.

(1) The flood hazard areas of the Town of Gypsum are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These potential flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

15.04.030 - Purpose.

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains, electric, and communications stations; and streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is located in a flood hazard area.

15.04.040 - Interpretation.

In order to accomplish its purposes, this Chapter uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

15.04.050 - Applicability.

This Chapter shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the Town of Gypsum.

15.04.060 - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.

15.04.070 - Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another provision of the Gypsum Municipal Code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.04.080 - Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations as depicted in the flood insurance rate maps (FIRMs) referenced in Section 15.04.090 of this Chapter. Larger floods can and will occur on occasion. Flood heights and damage may be increased by man-made or natural causes. This Chapter does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create any duty, obligation or liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter, any administrative decision or action lawfully made hereunder, or the failure to take any action contemplated or authorized herein.

15.04.090 - Flood Insurance Study and Rate Map Adopted by Reference.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Eagle County Colorado and Incorporated Areas", including the Town of Gypsum, effective December 4, 2007, with accompanying FIRMs and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

15.04.100 - Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

(1) *Area of shallow flooding* means a designated AO zone on the FIRM with a one percent or greater chance of flooding in any given year to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where flow velocity may be evident. Such flooding is characterized by ponding or sheet flow.

(2) *Base flood or 100-year flood* means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

(3) *Base flood elevation or BFE* means the elevation shown on a FEMA flood insurance rate map for zones AE and AO that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

(4) *Basement* means any area of the building having its floor sub-grade (below ground level) on all sides.

(5) *Conditional letter of map revision or CLOMR* means a conditional FIRM revision for a proposed project approved by the Federal Emergency Management Agency.

(6) *Critical facility* means a structure or related infrastructure that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community.

(7) *Development* means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(8) *Elevated building* means for insurance purposes, a non-basement building which has its lowest floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

(9) *Existing construction* means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the initial FIRM, or September 16, 1981, for the Town of Gypsum. "Existing construction" may also be referred to as "existing structures."

(10) *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the original adoption of the floodplain management regulations.

(11) *Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)

(12) *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

(13) *Flood insurance rate map or FIRM* means the official map of the Town, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(14) *Flood insurance study or FIS* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the FIRMs.

(15) *Floodplain or flood prone area* means any land area susceptible to being inundated by water from any source (see definition of flood or flooding).

(16) *Floodplain administrator* means the Town engineer.

(17) *Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(18) *Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(19) *Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the areas of special flood hazard and the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(20) *Floodproofing* means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(21) *Floodway or regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(22) *Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(23) *Historic structure* means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(24) *Letter of map revision (LOMR)* means FEMA's official revision of an effective flood insurance rate map (FIRM). LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

(25) *Letter of map revision based on fill (LOMR-F)* means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

(26) *Levee* means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(27) *Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(28) *Lowest floor* means the lowest floor of the lowest enclosed area (including basement) used for living purposes which includes working, storage, sleeping, cooking, eating, recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

(29) *Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(30) *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(31) *Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a FIRM are referenced.

(32) *New construction means*, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or September 16, 1981, for the Town of Gypsum, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

(33) *New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations.

(34) *Recreational vehicle* means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred square feet or less when measured at the largest horizontal projections;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

(35) *Special flood hazard area or SFHA* is the land in the floodplain of the Town subject to the base or 100-year flood. The area is designated as Zone A on the FIRM; in the Town of Gypsum, zone A includes zones A, AE, and AO

(36) *Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(37) *Structure* means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(38) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(39) *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(40) *Variance* is a grant of relief to a person from the requirements of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(41) *Violation* means the failure of a structure or other development to be fully compliant with the floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations, is presumed to be in violation until such time as that documentation is provided.

(42) *Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

15.04.110 - Flood Hazards – General Standards.

In all special flood hazard areas and the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame

ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters;

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15.04.120 - Flood Hazards – Specific Standards.

In all special flood hazards areas where base flood elevation data has been provided the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer, architect, shall submit a certification to the floodplain administrator that the standard of this Section as proposed in Section 15.04.190(2), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the level of one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Colorado registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Paragraph. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(4) Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(5) Below-grade residential crawlspace construction. In addition to the conditions set forth in Subsections (a), (b), and (c) of this Paragraph, new construction and substantial improvement of any below-grade crawlspace shall:

(a) Not be constructed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional such as a registered architect or professional engineer;

(b) Have the interior grade below the base flood elevation be no more than two feet below the lowest adjacent exterior grade;

(c) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four feet at any point;

(d) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;

(e) Be constructed with materials and utility equipment resistant to flood damage;

(f) Be constructed using methods and practices that minimize flood damage;

(g) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) Manufactured homes. All manufactured homes that are placed or substantially improved within zones A, AE and AO on the FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A, AE and AO on the FIRM that are not subject to the provisions of previous Paragraph (5) of this Section shall be elevated so that either:

(a) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are at one foot above the base flood elevation, or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(7) Recreational vehicles. Recreational vehicles placed on sites within zones A, AE and AO on the FIRM shall either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the permit requirements of Section 15.04.150, and the elevation and anchoring requirements for "manufactured homes" in Paragraph (6) of this Section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

15.04.130 - Floodways.

Floodways are administrative tools used to regulate existing and future floodplain development. Located within the special flood hazard, the floodway can be a hazardous area due to the high velocity of flood waters which carry debris, potential projectiles, and cause substantial amounts of erosion. The following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses, performed by a licensed Colorado professional engineer, in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town during the occurrence of the base flood discharge. A no-rise certification is required.

(2) If Section 15.04.130(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.04.130.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the Town first applies for a CLOMR through FEMA.

15.04.140 - Subdivision Standards.

(1) All subdivision proposals including the placement of manufactured home parks shall be consistent with Sections 15.04.020, 15.04.030, and 15.04.040, G.M.C.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks shall meet development requirements of Sections 15.04.110, 15.04.120, 15.04.130, 15.04.140, 15.04.150, and 15.04.190, G.M.C.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks which are greater than the lesser of 50 lots or five acres, if not otherwise provided pursuant to Sections 15.04.090 or 15.04.210(8), G.M.C.

(4) All subdivision proposals including the placement of manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

15.04.150 - Standards for Areas of Shallow Flooding (AO Zones).

Located within the special flood hazard area are areas designated as zone AO, shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) Residential construction. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the FIRM.

(2) Nonresidential construction. With the exception of critical facilities defined in Section 15.08.170, all new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor (including basement, electrical, heating, ventilation, plumbing, and air conditioning equipment, including ductwork, and other service facilities) elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the FIRM (at least three feet if no depth number is specified); or

(b) Together with attendant utility and sanitary facilities be designed so that below the level of one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) A registered Colorado professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this Section, as proposed in Section 15.04.170, are satisfied.

(4) Within zone AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

15.04.160 - Alteration of a Watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town of Gypsum floodplain requirements and regulations.

(6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 15.04.130 of this Chapter.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

15.04.170 - Properties Removed from the Floodplain by Fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

(1) Residential construction. The lowest floor (including basement, electrical, heating, ventilation, plumbing, and air conditioning equipment, including ductwork, and other service facilities, must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.

(2) Nonresidential construction. The lowest floor (including basement, electrical, heating, ventilation, plumbing, and air conditioning equipment, including ductwork, and other service facilities, must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

15.04.180 - Standards for Critical Facilities.

(1) A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(2) Classification of critical facilities. It is the responsibility of the Town to identify and confirm that specific structures in the community meet the following criteria:

(a) *Essential services.* Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:

(i) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

(ii) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

(iii) Designated emergency shelters;

(iv) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

(v) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but

not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(vi) Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

(vii) Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

(viii) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.

(b) Hazardous materials. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations. These facilities may include:

(i) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

(ii) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

(iii) Refineries;

(iv) Hazardous waste storage and disposal sites; and

(v) Above ground gasoline or propane storage or sales centers.

(vi) Specific exemptions to this category include:

(a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the Town engineer by hazard assessment and certification by a qualified professional (as determined by the Town engineer) that a release of the subject hazardous material does not pose a major threat to the public.

(c) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(d) These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this article.

(c) At-risk populations. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

(i) Elder care (nursing homes);

(ii) Congregate care serving 12 or more individuals (daycare and assisted living);

(iii) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

(iv) Vital facilities. Facilities vital to restoring normal services including government operations. These facilities consist of:

(a) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

(b) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

(c) These facilities may be exempted if it is demonstrated to the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.

(3) Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this ordinance, protection shall include one of the following:

(a) Location outside the special flood hazard area; or

(b) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the base flood elevation.

(4) Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the Town, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

15.04.190 - Development Permit.

(1) A development permit shall be obtained before construction or development begins within any special flood hazard area.

(2) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and shall include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) The elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) The elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 15.04.210(2);

(d) A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(e) Maintain a record of all such information in accordance with Section 15.04.210.

(3) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(j) The relationship of the proposed use to the Gypsum Foundation Plan.

15.04.200 - Town Engineer – Appointed Administrator.

The Town Engineer is appointed the floodplain administrator, to administer, implement and enforce this Chapter and other appropriate Sections of 44 CFR (National Flood Insurance Regulations) by granting or denying floodplain development permit applications in accordance with these provisions.

15.04.210 - Town Engineer – Duties.

Duties and responsibilities of the floodplain administrator shall include, but are not limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 15.08.140.

(2) Review, approve or deny all applications for floodplain development permits required by this Chapter.

(3) Review floodplain development permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(4) Review development permit applications to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

(6) Where interpretation is needed as to the exact location of the boundaries of the special flood hazards area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

(7) Notify, in riverine situations, adjacent communities and the Colorado Water Conservation Board, as the state coordinating agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(8) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(9) When base flood elevation data has not been provided in accordance with Section 15.08.090, G.M.C., the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Sections 15.04.110, 15.04.120, 15.04.130, 15.04.140, 15.04.150, 15.04.160, and 15.04.170, G.M.C.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may approve certain development in zones A or AE on the Town's FIRM that would result in an increase in base flood elevations, provided that the Town first applies for a CLOMR through FEMA.

15.04.220 - Variances – Procedure by Board of Adjustment.

(1) The board of adjustment shall hear and render judgment on requests for variances from the requirements of this Chapter.

(2) The board of adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this Chapter.

(3) Any person or persons aggrieved by the decision of the board of adjustment may appeal such decision in the courts of competent jurisdiction.

(4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Upon consideration of the factors noted above and the intent of this Chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.

(6) Variances may be issued by the Town for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(a) The procedures and criteria outlined in this Section and Section 15.04.230, G.M.C., are met; and

(b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.04.230 - Variances – Conditions.

(1) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(2) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 15.04.190(3) of this article has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base floor elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

15.04.240 - Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter, including violations of conditions and safeguards established in connection with permits issued pursuant to this Chapter, shall be enforced in the Gypsum Municipal Court, and punishable as set forth in Section 2.01.090, G.M.C. Nothing herein contained shall prevent the Town of Gypsum from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 15.05 - PUBLIC WORKS MANUAL

15.05.010 - Purpose.

The purpose of these requirements is to maintain uniformity in construction standards and promote safety in the construction of all public improvements and infrastructure within the Town.

15.05.020 - Adoption of Public Works Manual.

The Town of Gypsum Public Works Manual dated September 2015 is hereby adopted by reference and incorporated herein as if set forth in full, and shall apply as further provided in this Chapter.

15.05.030 - Definitions.

For purposes of this Chapter, the following terms, phrases, words, and their definitions shall have the meaning given herein.

(1) *Director* shall mean the Director of the Gypsum Public Works Department, as appointed by Town Manager or Town Council.

(2) *Excavation* shall have the meaning provided in Section 12.03.020.

(3) *Public works manual* shall mean the Town of Gypsum Public Works Manual adopted by reference by this chapter.

(4) *Public works projects* shall mean all land development construction activities, improvements, utilities, public works projects, and infrastructure, including construction of water, sewer, road, lighting and other public improvements required, accepted or maintained by the town or used by the public, including street excavation, and subdivision and land use projects.

(5) *Town engineer* is the Town Engineer of the Town of Gypsum.

15.05.040 - Applicability.

(1) These requirements shall apply to the construction of all public works projects within, required by, or constructed by or for the Town of Gypsum.

(2) In the event the provisions of the public works manual conflict with the street excavation ordinance, the provisions of the street excavation ordinance shall prevail.

15.05.050 - Director to Enforce

The provisions of the public works manual shall be carried out and enforced by the Director. Any power, duty, or action, provided in this chapter to be carried out by the Director may be delegated to the Town Engineer, when, as determined by the Director it would be beneficial to the Town.

15.05.060 - Violations

Violations of this Chapter or the public works manual shall be punishable as set forth in Titles 1 and 2 of the Gypsum Municipal Code.